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SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL  
PUBLIC MEETING  
February 23, 1995  
White Mountain Lodge  
White Mountain, Alaska

**VOLUME I**

COUNCIL MEMBERS PRESENT:

Sheldon I. Katchatag, Chair  
Z. William Barr, Vice Chair  
Theodore Katcheak, Member  
Elmer K. Seetot, Jr., Member  
Barbara Armstrong, Coordinator

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P R O C E E D I N G S

1

2

3 CHAIRMAN KATCHATAG: Call the meeting to order at 1:15  
 4 in the afternoon on February 23rd here in the White Mountain  
 5 Lodge. Before us on the yellow sheet we have our tentative  
 6 agenda. Prior to getting into that, I would like to move item  
 7 number five to item number three, and move three and four down  
 8 to become four and five.

9

10 At the present time, I would like our regional  
 11 coordinator to call the roll, please?

12

13 MS. B. ARMSTRONG: Sheldon?

14

15 CHAIRMAN KATCHATAG: Here.

16

17 MS. B. ARMSTRONG: Loretta is excused, George is  
 18 excused. Bill Barr?

19

20 MR. BARR: Here.

21

22 MS. B. ARMSTRONG: Ted Katcheak?

23

24 MR. KATCHEAK: Here.

25

26 MS. B. ARMSTRONG: Elmer Seetot?

27

28 MR. SEETOT: Here.

29

30 CHAIRMAN KATCHATAG: Thank you, Madam Coordinator. Let  
 31 the record show we have one seat vacant due to an untimely  
 32 death, one seat excused due to recovery from serious illness,  
 33 and one legitimate excused absence.

34

35 At this time I would like to hold a moment of silence  
 36 for Mr. Roy Pechi (ph) Otton, and if everybody will read along,  
 37 I'll read -- before I go into our moment of silence, I would  
 38 like to read this into the record.

39

40 "In memory of Roy P. Otton. Roy Otton was appointed by  
 41 the Secretary of the Interior to serve a two-year term on the  
 42eward Peninsula Subsistence Regional Advisory Council and was  
 43erving on the Council up until his untimely death in a plane  
 44ash in December 1994. He served a one-year term as Vice-  
 45hair of the Council during the first year of its operation.

46

47 "Roy was a traditional subsistence user and commercial  
 48fisherman residing in Koyuk, Alaska; he knew the resources and  
 49their uses very well. He was an acknowledged expert on caribou

50

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and wolf in the region. He had outstanding communications skills, especially of a cross-cultural nature. He was highly respected by local people and represented them on the local fish and game advisory committee and the board of directors of the regional nonprofit corporation. He was an active participant in meetings."

7  
8 We offer this moment of silence in his memory. A  
9 minute of silence.

10  
11 (Pause.)

12  
13 CHAIRMAN KATCHATAG: Thank you. On behalf of the  
14 Council, I would like to welcome everyone here for the fourth  
15 meeting of the Seward Peninsula Subsistence Regional Advisory  
16 Council, and to let everyone know that it is the policy of the  
17 Chair and the Council to hold these meetings in as many of the  
18 villages within our region as possible, to give as much of a  
19 chance to everybody that's affected by these regulations to  
20 have some input into the process by which their subsistence  
21 activities are regulated.

22  
23 And I would introduce Mr. Zaccheus William Barr to my  
24 right. He is our current vice chair. Mr. Ted Katcheak from  
25 Sebbins. He is one of our members. And our newest addition  
26 to our Council, Mr. Elmer Seetot from Brevig Mission?

27  
28 MR. SEETOT: Yes.

29  
30 CHAIRMAN KATCHATAG: As we've noted earlier, we have  
31 two excused absences and one vacancy on our Council.

32  
33 MR. BARR: And this is Sheldon Katchatag.

34  
35 CHAIRMAN KATCHATAG: Thank you, Vice Chair.

36  
37 Our coordinator is Ms. Barbara Armstrong. She is the  
38 regional coordinator for this Council, the Northwest Arctic  
39 Regional Council, and Arctic Slope Regional Council. I would  
40 also like to introduce, representing the Village of White  
41 Mountain, to welcome us here, I hope, Mr. Peter Buck.  
42 Mr. Buck, you have the chair.

43  
44 MR. BUCK: I'd like all of you -- welcome to White  
45 Mountain. I'm the President of White Mountain IRA. I just  
46 came to this meeting to see how Sheldon was doing. And I'd  
47 just invite you to beautiful White Mountain. Thank you.

48  
49 CHAIRMAN KATCHATAG: Thank you, Mr. White. And for the  
50

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record, I'll clarify that he and I are classmates going back to  
 Mount Edgecumbe days, some 30 years ago, so .....

3  
 4 MR. BUCK: With Barbara Hills (ph) in there, too.

5  
 6 CHAIRMAN KATCHATAG: Right. And .....

7  
 8 MR. BUCK: Barbara, too.

9  
 10 CHAIRMAN KATCHATAG: ..... now you know whereof he  
 speaks.

11  
 12  
 13 And, Barb, would you introduced the staff, please?

14  
 15 MS. B. ARMSTRONG: Okay. I have our biologist, Steve  
 Kovach here, and our anthropologist, Helen Armstrong. And my  
 boss, Bill Knauer. And our court reporter is Meredith Downing.  
 And I guess everyone else can -- and there's also Sandy  
 Rabinowitch, who is the -- sits on the Staff Committee in  
 Anchorage. And if everybody else would introduce themselves,  
 please?

21  
 22  
 23 CHAIRMAN KATCHATAG: Thank you, Madam Coordinator. Any  
 other introductions? Starting from my left?

24  
 25  
 26 MR. OLANNA: Jake Olanna, subsistence resource person  
 with Kawerak.

27  
 28  
 29 MR. MACHIDA: Steve Machida, area game biologist for  
 Fish & Game.

30  
 31  
 32 MR. BROWNELL: Herb Brownell, Bureau of Land  
 Management, Fairbanks.

33  
 34  
 35 MS. MORKILL: Anne Morkill, wildlife biologist and  
 subsistence coordinator, BLM.

36  
 37  
 38 MR. ADKISSON: Ken Adkisson with the National Park  
 Service, Bering Land Bridge National Preserve in Nome,  
 Subsistence Program coordinator.

39  
 40  
 41  
 42 MR. TOCKTOO: Fred Tocktoo, Bering Land Bridge, Nome.

43  
 44 MR. MAGDANZ: And I'm Jim Magdanz, Fish & Game, Nome.

45  
 46 MR. BOHN: My name is Tom Bohn. I'm with the Nome  
 Nugget.

47  
 48  
 49 CHAIRMAN KATCHATAG: How do you spell your name, B-o-n-  
 50

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1, or B-o-w-e-n?

2

3 MR. BOHN: B-o-h-n.

4

5 CHAIRMAN KATCHATAG: B-o-h-n. Okay. Neither of the  
6 above.

7

8 On behalf of the Council, I would like to welcome the  
9 coverage by the Nome Nugget, seeing as how we've had very  
10 little or next to none in the past. And I hope that all our  
11 actions will be colored in a positive light.

12

13 Any other introductions?

14

15 Okay. Moving on to item five, we'd entertain a motion  
16 by the Council for any changes or additions or deletions to the  
17 agenda.

18

19 MR. KOVACH: Mr. Chair?

20

21 CHAIRMAN KATCHATAG: Mr. Kovach?

22

23 MR. KOVACH: Yes. You'll find tucked in the back of  
24 your notebooks there four additional proposals that were not  
25 included in your proposal packet that need to be reviewed.  
26 They're just stuck in the very back of your book there. There  
27 are one from the Northwest Arctic Region, Two from the North  
28 Slope Region, and one from the Yukon Delta, for the reason that  
29 the Federal Subsistence Board has asked that this Council  
30 deliberate on them and provide its recommendation. So they  
31 need to be brought to your attention and included into your  
32 proposals.

33

34 CHAIRMAN KATCHATAG: Thank you, Mr. Kovach.

35

36 MR. KATCHEAK: Mr. Chairman?

37

38 CHAIRMAN KATCHATAG: Mr. Katcheak?

39

40 MR. KATCHEAK: Can I request the support for my  
41 reindeer grazing permit from the Council? Or what would .....

42

43 CHAIRMAN KATCHATAG: I would recommend that you might  
44 want to put in a request, .....

45

46 MR. KATCHEAK: Uh-huh.

47

48 CHAIRMAN KATCHATAG: ..... or are you doing that now?

49

50

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1 MR. KATCHEAK: No.  
2  
3 CHAIRMAN KATCHATAG: So we have on our -- we'll put it  
4 under new business, item number -- we'll make it item D,  
5 reindeer grazing permits.  
6  
7 Mr. Knauer?  
8  
9 MR. KNAUER: Yes, Mr. Chairman. I would like to insert  
10 between B and C the subject of the Northwest Arctic Council  
11 petition.  
12  
13 CHAIRMAN KATCHATAG: Is that new business, B and C?  
14  
15 MR. KNAUER: Yes, sir.  
16  
17 CHAIRMAN KATCHATAG: Would you want it B-1 or would you  
18 like it a new C?  
19  
20 MR. KNAUER: However it makes you happy.  
21  
22 CHAIRMAN KATCHATAG: Is it regarding Council nomination  
23 process or is it something else?  
24  
25 MR. KNAUER: It is a new topic.  
26  
27 CHAIRMAN KATCHATAG: Okay. So that will be item C.  
28 Item C will be remarked D. And what was the subject of your  
29 item?  
30  
31 MR. KNAUER: The .....

32  
33 MS. B. ARMSTRONG: NARC.  
34  
35 CHAIRMAN KATCHATAG: Northwest?  
36  
37 MR. KNAUER: Northwest Arctic Regional Council  
38 petition.  
39  
40 CHAIRMAN KATCHATAG: Any other additions, deletions or  
41 corrections from the Council members?  
42  
43 MS. B. ARMSTRONG: So your reindeer grazing permits  
44 will be E?  
45  
46 CHAIRMAN KATCHATAG: That will be E, right.  
47  
48 MR. KATCHEAK: Uh-huh.  
49  
50

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1 CHAIRMAN KATCHATAG: I listed that generically as  
 2 reindeer grazing permits, and for the benefit of the Staff, we  
 3 will probably need some clarification on what permits are  
 4 required and by whom, and what is the process for obtaining  
 5 those, and what is their term and cost, if any.

6  
 7 Any other additions, corrections or deletions from the  
 8 proposed agenda?

9  
 10 MR. SEETOT: Mr. Chairman?

11  
 12 CHAIRMAN KATCHATAG: Mr. Seetot?

13  
 14 MR. SEETOT: At the last meeting I mentioned something  
 15 about customary use of caribou within the Kulzatrein (ph) area,  
 16 and I would like to report -- make a report.

17  
 18 CHAIRMAN KATCHATAG: Okay. We'll mark that as item E  
 19 under old business, and that's the Kulzatrein (ph) Caribou c&t  
 20 uses, historically. Report by Mr. Seetot.

21  
 22 Any other additions, corrections, deletions?

23  
 24 MR. BARR: Mr. Chairman, I move to adopt the agenda  
 25 with the new additions.

26  
 27 CHAIRMAN KATCHATAG: Before I entertain your motion,  
 28 Mr. Vice Chair, I would like to add, since I don't see it on  
 29 here, the report on the c&t use determinations work session.  
 30 That would be probably under c&t update, I guess. We'll make  
 31 it item 6-B-1. 6-B-1, work session on c&t use determinations.

32  
 33 Any other changes?

34  
 35 Before we move on, I'm trying to decide where would be  
 36 the best place to put it. We'll make it item F, 6-F, draft  
 37 tribal management.

38  
 39 Any other additions, corrections or deletions to the  
 40 tentative agenda? Hearing none, I will entertain your motion  
 41 to adopt, Mr. Barr.

42  
 43 MR. BARR: So move.

44  
 45 CHAIRMAN KATCHATAG: We have a motion to adopt. Any  
 46 seconds?

47  
 48 MR. SEETOT: Second.

49  
 50

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1 CHAIRMAN KATCHATAG: Seconded. Discussion?  
2

3 MR. BARR: Question.  
4

5 CHAIRMAN KATCHATAG: The question's been called. All  
6 those in favor of adopting our tentative agenda, signify by  
7 saying aye?

8  
9 IN UNISON: Aye.

10 CHAIRMAN KATCHATAG: All those opposed, nay?  
11

12  
13 (No opposing responses)  
14

15 CHAIRMAN KATCHATAG: For the record, the motion passes  
16 unanimously. We have before us our working agenda.

17  
18 Moving on to item six, old business. Item A, reports.  
19 Number one on the list, National Park Service. Mr. Ken  
20 Adkisson and Mr. Fred Tocktoo.

21  
22 MR. ADKISSON: Yes, Mr. Chairman. Basically what we  
23 wanted to report on was the status of the research project, the  
24 subsistence research project that the Park Service is funding,  
25 and all the Council members should have copies of the various  
26 documents I believe now related to that project. We'll keep  
27 the report short.

28  
29 The project is designed to focus on four northwestern  
30 Alaskan villages: Noatak, Deering, Shishmaref and Wales. It's  
31 conceived of as a two-phased project. Phase one would consist  
32 largely of a questionnaire, a survey questionnaire designed to  
33 develop information related to the variety of species used and  
34 the quantities harvested and used. A fairly standard harvest  
35 survey questionnaire with the addition of some questions  
36 designed to provide a certain amount of economic and social  
37 information to help make the harvest information a little more  
38 understandable, as well as to gather some information on a  
39 couple features of subsistence that we feel are important in  
40 terms of characteristics: the sharing within and between  
41 communities, and also the transmission of traditional  
42 knowledge.

43  
44 Phase two was designed as a more comprehensive, more  
45 additional standard ethnographic type work to concentrate on  
46 mapping of use areas, to look at interviews with specific  
47 knowledgeable individuals, to develop biographies of certain  
48 individuals, and to develop a larger qualitative picture of  
49 additional subsistence values and the way the subsistence  
50

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System works.

2

3 Phase one is currently funded and is on-going. Phase  
4 two is not funded at the present time.

5

6 The questionnaire was developed in conjunction with  
7 Kawerak and Maniilig. The City of Wales, both its IRA Council  
8 and its City Council, approved the project last fall, and the  
9 questionnaire was given to residents of Wales just before  
10 Christmas, and we're still in the process of looking at the  
11 information from that. The Villages of Noatak and Deering  
12 recently approved the project, and we hope to complete the  
13 surveys in those two villages by the end of March and early  
14 April. We don't have permission yet from Shishmaref to do the  
15 survey, but we'll be going back to them for that should they  
16 choose to participate in the project.

17

18 The information that you've got handed out provides a  
19 lot more background on the project. The Wales questionnaire  
20 that we used as a sample, as well as a document on the scope of  
21 the project, especially related to phase two.

22

23 One of the things we hope to do would be to involve  
24 village and regional personnel in the project, and eventually  
25 maybe use this as some sort of springboard to develop with --  
26 in conjunction with the corporations some sort of cooperative  
27 harvest monitoring regime.

28

29 What we would like is any comments that the Council may  
30 have at any appropriate time that they feel, you know, is  
31 suitable. It doesn't have to be now, but if, you know, at that  
32 next meeting or individually or formally from the Council.

33

34 CHAIRMAN KATCHATAG: Thank you, Mr. Adkisson. One of  
35 the questions I have first of all, you mentioned that the phase  
36 one is funded, and what is the tune of that funding?

37

38 MR. ADKISSON: It's I think right now about 130,000 I  
39 think.

40

41 CHAIRMAN KATCHATAG: And is phase two -- what was the  
42 over-all characterization of this phase?

43

44 MR. ADKISSON: It would be more of an in-depth  
45 qualitative study, looking at a number of aspects of  
46 subsistence. It would include some mapping of use areas. It  
47 would include the collection of oral biographies from certain  
48 knowledgeable individuals. It would include a lot more of, as  
49 say, cultural information: beliefs, the values, of how the

50

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System works and the cultural framework rather than the quantitative information, harvest type information that was collected in phase one.

4

5 One of the goals of the project, too, is to be able to put that in some sort of useful form that could be returned to the regional corporations in the villages.

8

9 CHAIRMAN KATCHATAG: And you mentioned that phase two was not funded. Is there a request for funding somewhere?

11

12 MR. ADKISSON: It's hard to say how that's going to turn out. We had a proposal in. The Park Service chose not to fund it this year. I don't know what the status is going to be. We're not -- we're going to go back and look for other ways to do the project, and maybe some additional other alternative sources of funding, but right now it's not funded.

18

19 CHAIRMAN KATCHATAG: Was -- what was the criteria for picking these four villages? Was that because they're bordering the Bridge, or the National Park Service Land Bridge?

22

23 MR. ADKISSON: Largely because -- especially Deering, Wales and Shishmaref are the key villages that use the preserve. There has been a subsistence study done for Shishmaref. It was done a number of years ago by ADF&G Subsistence Division, and also within the last few years they did a harvest study for that village, too, so we had some baseline information there. We don't have similar information from Deering and Wales, so that was our main concern there. Natak was chosen because of some prior work that had been done, and this would be a chance to go back and do sort of a re-study and get two points in time to look at the harvest dynamics up there.

35

36 CHAIRMAN KATCHATAG: One of the problems that we're having with this Council is the fact that even though we're required to provide an annual report to the Secretary regarding not only the resources on which subsistence is based within this region, but also on the uses of those resources by the local people. Were you planning on as part of this survey to get a better idea on the over-all populations of the resources subsisted upon?

44

45 MR. ADKISSON: Not directly in terms of the biological, say such as a monitoring to count the number of animals that are actually out there. What we're do -- asking is what species do people use, how much of the species have they harvested, what do they do with it, how do they use the

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products, and how they share the products largely. So it's more on the human utilization end of the picture than the biological nature.

4

5 There are questions included in there, and this came largely, too, from our discussions with Kawerak, to try to determine from folks how they viewed their harvest efforts for this year in terms of whether they felt that their needs, subsistence needs were being met, and if not, you know, what some of the possible reasons for that were. So in one sense, that's sort of an indirect way maybe of looking at the abundance of species, but, no, it's not a biological count in the sense that we normally think of it as that.

14

15 CHAIRMAN KATCHATAG: Any other questions for Mr. Adkisson regarding the survey?

17

18 MR. BARR: How much more survey work have you done to Shishmaref, even though the State had done surveys years -- a few years back with harvest?

21

22 MR. ADKISSON: Well, one of the things is to get a picture of things like harvest amounts over time. So what we would basically do is come back to Shishmaref, go through, discuss the project again, and try to seek permission to conduct the survey. The phase one would be given to a sample of the households, and that would be the harvest survey questionnaire itself. How much of phase two we would be able to conduct would depend on funding and the degree to which the village wished to participate. And we had anticipated being able to -- for phase two, to work a lot more closely with the regional corporations, and the village entities in actually formulating how phase two takes shape, what kind of things goes into it, and what's done. So that was much more open-ended, and it's going to depend a lot on the individual village. Phase one is kind of a fixed thing now, and is essentially the questionnaire. And that will be given to a sample in the case of Shishmaref. We tried for close to like 100% in Wales. We tried that for Deering. Shishmaref would be a much smaller sample of the total number of households.

41

42 MR. BARR: The reason, Mr. Chairman, why I asked this, you know, these young guys now they've got these seal nets, you know. I mean, everybody wants a seal net now, and they're setting them in the lagoon and getting seals, you know, in the fall. And then we've got a tannery back home, and it seems like everybody wants to sew now, so -- I mean, you know, the demand for seal is so demanding, you know, that they've got to have skins, you know, so -- I don't know what they're going to

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do there. They told me they've sold all their skins out locally, you know, so -- so I don't know what's going -- what's going to happen. I mean, you know, there's a lot of seals all right, but, you know, that's just -- you know, I thought I'd bring this out, you know.

6

7 CHAIRMAN KATCHATAG: Any other questions or comments  
8 for Mr. Adkisson?

9

10 MR. SEETOT: Mr. Chairman?

11

12 CHAIRMAN KATCHATAG: Mr. Seetot?

13

14 MR. SEETOT: The Department of Fish & Game did conduct  
15 a survey back in 1986 with Mr. Magdanz along with a local  
16 person that was hired by Fish & Game to do subsistence surveys  
17 of the harvest within the community of Brevig Mission. Is this  
18 similar to, you know, the surveys that were done in the past?  
19 Would you look at, you know, other communities that do not  
20 really border Bering Land Bridge Preserve, for instance, like  
21 Brevig where you would look at past data and then, you know,  
22 compare it with the new survey, you know, if you did receive  
23 funding -- other funding sources, you know, than what you are  
24 doing, you know, at the present time?

25

26 MR. ADKISSON: Yeah, in a lot of ways it would be very  
27 similar to what ADF&G did in Brevig. In fact, it was based on  
28 some of the work that Jim Magdanz did at Brevig that helped us  
29 kind of formulate some of the questions on the questionnaire  
30 we're using now related to the sharing and distribution of  
31 resources to try to bring out some of the importance of it, and  
32 some of the patterning that takes place in the villages. So,  
33 yes, it would resemble some of that, and we could use that  
34 information and build on it. Whether we would do any  
35 additional funding for other villages I think is really an open  
36 question, and one of the things that we had hoped to do would  
37 be just -- we're just really beginning to start to talk about  
38 it, was a way that maybe what we could do is say work with  
39 Barerak, for example, or village entities to try to build up  
40 some sort of on-going harvest monitoring system. What that  
41 would look like, how it would be funded, who would contribute  
42 what resources to it, we don't know, but we thought that this  
43 might be kind of a start in that -- a small start in that  
44 direction, depending upon how it goes.

45

46 The other thing with it we're doing, for example, Jake  
47 O'Vanna's been involved with it from the very beginning in terms  
48 of working and helping, reviewing, suggesting changes to the  
49 questionnaire, also worked in distributing the questionnaire in

50

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Wales, and will be helping us code the information shortly.

2

3           It's basically just a combination of ADF&G employees,  
 Park Service employees and local hire employees in the village  
 50 to actually administer the questionnaire, and we'll continue to  
 60 that. In Wales, we had an employee each from the IRA and  
 the city. Likely for the Deering and the Noatak studies, it  
 may be three individuals from there. What Shishmaref will  
 quite look like, we don't know yet, depending upon funding, and  
 assuming that we get permission from the village to go ahead  
 with phase one.

12

13           MR. BARR: What's the -- Mr. Chairman?

14

15           CHAIRMAN KATCHATAG: Yes, Mr. Barr.

16

17           MR. BARR: What's the purpose of this study? Is it to  
 control the subsistence that we do, or, you know, -- I mean, it  
 seems like the Government's always do some studies, you know,  
 in particular areas and try to cut down on this and that. You  
 know, I'm just wondering what they're planning on doing to the  
 subsistence resource that we have back home.

23

24           MR. ADKISSON: I can't tell you that some of the  
 information couldn't be used somewhere down the road by someone  
 to try to do that, but I can tell you that's not our intent  
 with it, and that what we want to do with it basically is to  
 better understand the whole subsistence economy and the  
 subsistence system, and use some of that information to help  
 formulate, for example, and justify c&t or customary and  
 traditional determinations as well as to get a better picture  
 32 one of the examples that I -- that I've used is it's for --  
 for example, to get an idea over time, and you can't do that  
 with just one year's survey, and we're very aware of the  
 limitations of that.

36

37           One of the comments at Wales was, "Boy, this is really  
 comprehensive. We wish you had done that before. This is  
 really a cruddy year. Can you come back and do it again?"  
 Yes, if we get funding, we'd like to go back and do it again  
 and again and again, making it a smaller form.

42

43           But one of the things is to try to get a better picture  
 of the quantitative needs of the village, not so much to set  
 limits on it, to be, for example, to be able to say, if, for  
 example, you have a problem with some of the marine resources,  
 because most of Shishmaref, for example, comes from just a very  
 small number of marine mammal species, the bulk of the harvest.  
 Well, if you have a problem with that, you know, how are you

50

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going to make up for that loss, even if it's temporary? And if there's a shift to land-based resources, what kind of an impact is that going to have, say, on moose, musk oxen or whatever? And how can we sit down with the village and talk about, you know, managing those resources to be able to meet the needs of the village, and have some information other than just guess work to do that on, as well as, like I say, questions that come up about using the information to formulate customary and traditional determinations by the Federal Board.

10

11 A lot of this information would wind up going to the Federal Board in one form or another.

13

14 CHAIRMAN KATCHATAG: Mr. Adkisson, I notice in the heading of your resource survey that Alaska Department of Fish & Game is also participating. I was wondering what the ADF&G has to say regarding this survey?

18

19 MR. ADKISSON: Well, Jim Magdanz is here, and Jim's working with us on it, and would be glad I think to address that.

22

23 CHAIRMAN KATCHATAG: Mr. Magdanz?

24

25 MR. MAGDANZ: Thank you. I'll come here where .....

26

27 CHAIRMAN KATCHATAG: Right here would be fine.

28

29 MR. MAGDANZ: The Department has a cooperative agreement with the Park Service. The Park Service transferred some of their budget to us to pay for our staff time, and also to transfer some money to local entities to assist in the work. They asked us to help in this primarily because this is the kind of research that we've done all over the State over the last ten years, and have developed a survey that seems to work for us, and provides useful information. And we adapted our standard harvest survey that we've used in more than 100 communities in Alaska to Wales, and that's the survey that we handed out here today. We transferred about \$4,000.00 to Kawerak, and Kawerak then contracted with two people in Wales, which happened to me, and also brought Jake out to Wales with that money. And Fish & Game trained the local contractors and oriented Jake and Fred Tocktoo with the Park Service, and then all of us worked together for a week in Wales and went door to door and did the survey. So we were called into this mostly as a sort of technical experts who had done a lot of surveys and had the tools, had the data analysis capabilities. And when we're done, we'll turn the data over to the Park Service, and to Kawerak, and to the local governments in Wales for their use.

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1  
2 CHAIRMAN KATCHATAG: I know one thing that most  
3 resource users would probably ask right off the bat before they  
4 even allow you in the door is, "Is there any way that this is  
5 going to affect me legally?" In other words, "Am I going to be  
6 accused of a crime because of my participation in this survey?"

7  
8 MR. MAGDANZ: Information is power I guess, and it can  
9 be used by local people in favor of their goals. It can be  
10 used by agencies to manage resources. And it is occasionally  
11 used by other people who may have other goals.

12  
13 We have never provided information for enforcement  
14 action. We've never been asked to, and there are some  
15 protections in the law under confidentiality provisions so that  
16 we aren't required to release the identities of people in  
17 connection with harvest information.

18  
19 So I appreciate and frankly understand why people would  
20 feel that way, but so far we haven't -- we haven't seen any  
21 enforcement action as the result of our work.

22  
23 CHAIRMAN KATCHATAG: And your survey period is done  
24 when, right, for Wales?

25  
26 MR. MAGDANZ: Wales is done. Wales is done. Noatak is  
27 scheduled for March 20, and Deering is tentatively scheduled to  
28 begin March 27th.

29  
30 CHAIRMAN KATCHATAG: One other thing I noticed that you  
31 also had .....

32  
33 MR. KATCHEAK: So what you essentially did was you go  
34 ahead with the survey even without the consent of the Federal  
35 Subsistence Advisory Council? Or .....

36  
37 MR. MAGDANZ: Well, I understood .....

38  
39 MR. KATCHEAK: ..... Concurrence?

40  
41 MR. MAGDANZ: What was the second?

42  
43 MR. KATCHEAK: Concurrence of the Federal Subsistence  
44 Advisory Council?

45  
46 MR. MAGDANZ: Well, I understood .....

47  
48 MR. KATCHEAK: And you just went ahead and do it -- did  
49 it?

50

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1  
2 MR. MAGDANZ: It's my understanding that the Park  
Service came to this Council and explained this project in the  
past.

5  
6 MR. ADKISSON: It never really got explained. We  
basically ran out of time last year, but the idea I think was  
to build up a relationship with the Council to get review and  
comment. Clearly without the approval of the individual  
villages, nothing would happen, and the idea was to get  
approval from the regional entities and ideally the Council  
here, and feeling that the Council is not going to go away, and  
that the Federal Government is not going to go away, hopefully  
this will be the beginning of a longer relationship and  
process. It's -- the first stages are starting off kind of  
humbly though.

17  
18 MR. MAGDANZ: Well, I want to emphasize that we won't  
do one of these in a community where the local governments,  
both the IRA and the city councils don't consent.

21  
22 MR. KATCHEAK: Okay. Thank you.

23  
24 CHAIRMAN KATCHATAG: I notice that the University of  
Washington, Cooperative Park Studies Unit, is involved in this,  
and yet I don't see basically what they're coming up with?

27  
28 MR. ADKISSON: I can maybe address .....

29  
30 MR. MAGDANZ: Well, .....

31  
32 MR. ADKISSON: ..... that one maybe, Mr. Chairman.

33  
34 MR. MAGDANZ: Okay.

35  
36 MR. ADKISSON: That has to do with the lateness of time  
which we originally got our budget, and the way that it was  
required to make the money go where we needed to get the job  
done. The money essentially went to the Cooperative Park  
Studies Unit there, and then from there to ADF&G. That was the  
only way we could make the thing really work within the time  
frame that we had to us. It's doubtful if phase two would work  
that way. Phase two may turn out to be some sort of more  
formal cooperative agreements between the Park Service and  
maybe say ADF&G and the regional corporations or the village  
entities, but that's going to be open to negotiation. So, yes,  
the University down there in Seattle didn't actually send  
anybody up here to do anything. That was just a paperwork  
exercise to move the money from the Park Service to ADF&G.

50

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1  
2 CHAIRMAN KATCHATAG: Even though, excuse me, Mr. Barr,  
3 even though I notice that the date on the front of your  
4 cooperative agreement says 5 December, I still don't see any  
5 approving signatures, and yet you told me that the survey is  
6 done. I assume that the signatures were already .....

7  
8 MR. MAGDANZ: They were on the .....

9  
10 CHAIRMAN KATCHATAG: ..... put on there. Mr. Barr?

11  
12 MR. BARR: Yes. The reason I want to ask this was, you  
13 know, our Village of Shishmaref was always opposed to tourism,  
14 because of -- because when the tourists come, you know, they're  
15 just a family of, you know, bird watchers or something like  
16 this, yet they're looking for other things, you know. They  
17 might be the, what you call, Friends of the Earth or sportsmen,  
18 Alaska sportsmen or something like this, you know. And then  
19 they -- you know, they look at us, what we hunt up here, and  
20 we're not supposed to hunt this and that, you know. I mean,  
21 you know, by word of mouth we listen to those people, you know.  
22 "You can't snare wolves," and what not, you know. And this is  
23 what we're afraid of.

24  
25 And then five years ago I was the president of the city  
26 government there, and then they -- the questionnaire came in,  
27 and we had a public meeting on it, and they said, "Well, we're  
28 going to start tourism up here," you know. And everybody, you  
29 know, that are younger than I am said, "No, we're not going to  
30 allow this." And so that got shot down real fast, you know, by  
31 local people.

32  
33 And then last week we had a meeting again, and this  
34 very same thing was asked. They said, "We need to have  
35 tourists up here," and so I says, "We've got to have a brochure  
36 of our village, you know, what you can see up here." All this,  
37 because only Shishmaref isn't -- doesn't have one like that,  
38 you know, and the one that I saw down at Kenai, you know. And  
39 all the villages in Alaska are all named and they've got a  
40 little brochure as to what you can see, and Shishmaref wasn't  
41 there, and I brought that out, and they said, "Well, maybe we  
42 can, you know, have one, but that's about it, you know. We're  
43 not going to have tourists up here though, because, you know,  
44 they might be Friends of the Earth, or, you know, sports -- you  
45 know, something like that," and, you know, just looking for --  
46 looking at us as to what we're trying to survive on up here.

47  
48 I thought I would just bring this out, you know, so --  
49 but we're going to get a brochure, you know, as to what we can  
50

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1- what they can see in the village, like the tannery, a few birds I guess, if they want to see that, too, you know, but we're not going to promote tourism.

4

5 Thank you, Mr. Chairman.

6

7 CHAIRMAN KATCHATAG: Thank you, Mr. Barr. Mr. Magdanz, I notice your cooperative agreement, Co-op 95047, is specifically targeting this research project for Wales. Do you have similar agreements with the other villages?

11

12 MR. MAGDANZ: Yes.

13

14 CHAIRMAN KATCHATAG: And .....

15

16 MR. MAGDANZ: We let the communities decide how they wanted to do it. Noatak wanted to do it directly with us rather than through Maniilag. And Deering has yet to decide exactly how they want to do it. So .....

20

21 CHAIRMAN KATCHATAG: Uh-huh.

22

23 MR. MAGDANZ: ..... we'll tailor that to whichever community council wants.

25

26 CHAIRMAN KATCHATAG: And Shishmaref has not decided yet?

28

29 MR. MAGDANZ: Yeah, we're not as far along with Shishmaref.

31

32 CHAIRMAN KATCHATAG: Okay.

33

34 MR. ADKISSON: I might add that what we did was we've had probably at least one or two meetings in each of the villages prior to anything, in which the project was gone over, explained. Much of the questionnaire changed radically after meetings with Maniilag and Kawerak and at least the first village or two. And so it's been an evolving process. And then finally to go back, ask them formally, ask for, you know, a decision on approval for the project or not, and that's kind of where we're at now with the remaining villages.

43

44 CHAIRMAN KATCHATAG: Thank you, Mr. Adkisson.

45

46 For the record, I'd also like to point out under three, a statement of general understanding and agreement, at the end of the first -- second paragraph, "information gathered under this agreement cannot be used for enforcement purposes, nor may the

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information be used to attack or undermine the subsistence  
 lifestyle of Alaska's rural and native people." Now, I like  
 this wording, and that's the way I think that subsistence  
 should have been defined under ANILCA, "subsistence of Alaska's  
 rural and native people." Just for the record. Thank you.

6

7 Any other questions or comments regarding the survey,  
 the agreement or anything else from the Park Service?

9

10 MR. KATCHEAK: I have a question.

11

12 CHAIRMAN KATCHATAG: Mr. Katcheak?

13

14 MR. KATCHEAK: On the survey, do you have to have a  
 name -- the name of the person? These are individual surveys?  
 Are these -- these are individual surveys I assume?

17

18 MR. ADKISSON: Right.

19

20 MR. KATCHEAK: And do you have to have a name?

21

22 MR. ADKISSON: Jim can maybe answer that in a little  
 more detail, but the information that I've given you kind of  
 shows how the information is collected, and what kind of steps  
 we go through to protect it.

26

27 Coming back to an earlier question I think about the  
 legal implications of it, it's a pretty elaborate process to  
 basically hide the identity of the individuals who answer it.  
 And the idea is to do that in every possible way open to us.  
 At one point, yeah, you need a name and you need an individual,  
 but the idea is to as soon as you can to separate the name of  
 the individual from all of the individual's answers so that it  
 can't be traced back to that. And eventually the names just  
 disappear, and there aren't any individual names any more. And  
 individual's answers to various kinds of questions are in some  
 ways lumped so that you no longer have a 30-year old  
 individual, you have an individual that's somewhere let's say  
 between 30 and 40. So everything is done through the process  
 to wind up with a finished data set that basically hides and  
 protects the identity of the individual who originally gave you  
 the answers.

43

44 CHAIRMAN KATCHATAG: You'd have to have the key to  
 figure them out, right?

46

47 MR. ADKISSON: And those basically disappear at one  
 point, too, so that, you know, what .....

49

50

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1 CHAIRMAN KATCHATAG: Thank you. Look -- if you look at  
 2 the first page of the survey, it says "demography," and then it  
 3 doesn't have anybody's name except way at the right it says  
 4 "I.D. number of person responding to survey." It could be  
 5 anyone, any person one through ten over here, regarding that  
 6 particular household. It could be the head -- either one of  
 7 the heads of the household, or any one of the people living  
 8 there. The very first page.

9  
 10 MR. KATCHEAK: Where is that?

11  
 12 CHAIRMAN KATCHATAG: Right here.

13  
 14 MR. ADKISSON: The other thing about it is, too, it's  
 15 made clear to people who choose to participate that they can  
 16 stop participating at any time, too, or they can choose to  
 17 answer some questions and not others of the questions. So if  
 18 there's a specific question that they're concerned with, and  
 19 they don't want to answer that one, they don't have to.

20  
 21 CHAIRMAN KATCHATAG: Thank you, Mr. Adkisson. Any  
 22 other questions, comments for either Mr. Adkisson or  
 23 Mr. Magdanz regarding the subsistence survey?

24  
 25 Hearing none, I would also at this time in anticipation  
 26 of our October meeting request that for the '95 annual report  
 27 we need to know, number one, the actual or estimated  
 28 populations of subsistence resources under the jurisdiction of  
 29 the National Park Service; all -- or an estimated use in the  
 30 number of people that are subsisting on those resources; an  
 31 estimate or actual count of the number of the resources  
 32 harvested by these user groups; and the relative health of the  
 33 resources on which your documented or undocumented subsistence  
 34 users are subsisting.

35  
 36 And for the record, we will be expecting these also  
 37 from the other five agencies -- four agencies, so that we will  
 38 be able to compile our report as required by Title VIII of  
 39 ANILCA. I'm sure you guys can all get together and agree on  
 40 one -- a format so that everything looks uniform and similar.  
 41 And I'll leave it up to your discretion and abilities to  
 42 produce same. Any questions?

43  
 44 MR. ADKISSON: No.

45  
 46 CHAIRMAN KATCHATAG: Mr. Magdanz, any questions?

47  
 48 MR. MAGDANZ: No, sir.

49  
 50

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1 CHAIRMAN KATCHATAG: Thank you. Moving on -- before we  
 2 move on, I suggest we take about a ten-minute coffee break.  
 3 We're going to be going long and hard today.

4

5 (Off record)

6

7 (On record)

8

9 CHAIRMAN KATCHATAG: Call the meeting back to order.  
 10 And we are now moving on to item two, ADF&G. Jim or Steve?

11

12 MR. MACHIDA: Mr. Chairman, our report will be in two  
 13 parts. I'll talk some about what the biological research and  
 14 survey activities that Fish & Game is doing or planning on  
 15 doing in the near future.

16

17 Something that we're -- that's in the works and we're  
 18 planning on starting hopefully next week is a complete census  
 19 of moose in Unit 22(C). Unit 22(C) is just a subunit around  
 20 Nome itself. Currently we're on a five-year cycle where we do  
 21 a census in each subunit each year. Last year we did it in the  
 22 Malakleet Drainage in 22(A). This year, 22(C) is on schedule.  
 23 Next year it will be 22(E). So that's something that's being  
 24 planned.

25

26 Another thing that's in the works, but it's not  
 27 finalized and we're not 100% sure on the funding is a moose  
 28 research study north of here, north of Council. The purpose of  
 29 this study is to determine why so few calves in that moose  
 30 population are surviving to adulthood. In the rest of Unit 22,  
 31 the percentage of calves that come into the adult population  
 32 normally -- is normally 12% or more. In some cases it's over  
 33 20%. But in western 22(B), particularly in that area north of  
 34 Council, the percentage of calves coming into the population is  
 35 really low. It's normally like 7 or 8%. So the purpose of the  
 36 study is first to determine, you know, whether calves are being  
 37 born, and if they're being born, when the losses occur. And to  
 38 accomplish this, we anticipate having to radio collar  
 39 approximately 30 cow moose and follow them throughout the year  
 40 and see if calves are being born and when the losses occur.

41

42 Another project that's scheduled for April is we're  
 43 going to do a musk ox census in Unit 22(D), 22(E) and that  
 44 portion of 23 that's on the northern Seward Peninsula.  
 45 Something that you'll talk about later is the musk ox hunt, and  
 46 the purpose of the census is just to develop a good count, you  
 47 know, of musk oxen in the hunt areas. And the -- even though  
 48 we have information from 1994, if we're going to start hunting  
 49 musk oxen, then we're going to have to start doing censuses and

50

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surveys in the hunt areas, especially north (indiscernible).

2

3 We also have planned this coming summer to do a  
4 composition survey of musk oxen in unit 22(D) and 22(E). The  
5 purpose of this is to see how many calves are being born into  
6 the population, and to see how many -- what portion of the  
7 population are bulls. And since the hunt is going to be --  
8 that's starting up is going to be targeting bulls, you know,  
9 we're going to have to be -- do these composition surveys more  
10 often just to keep track, you know, of the number of bulls in  
11 the population.

12

13 For Western Arctic herd, something that we're in the  
14 process of doing right now is we're doing a complete radio  
15 tracking survey of the Western Arctic herd. This survey will  
16 the area down in this part of the world has already been  
17 searched. We went -- we've gone as far south as the Anvik  
18 River, and just -- right now we've gone as far north as Cape  
19 Lisburne, and as far east as Walker Lake in Unit 23. We still  
20 have -- the area that we still have to cover is that area east  
21 of there in the Galena area, the area by the Pipeline Haul Road  
22 and the portion of the North Slope that's west of -- or east of  
23 Cape Lisburne. So, you know, we do that every year.

24

25 And the purpose of that is to keep track of what the  
26 winter distribution of the Western Arctic herd is. Last year,  
27 you know, over half of the Western Arctic herd wintered down in  
28 this part of the world, the eastern Norton Sound, and there  
29 were thousands and thousands of caribou that went south of  
30 Unalakleet. Well, that hasn't happened this year, but there's  
31 still -- even this year there's still sizeable numbers of  
32 caribou that have wintered in the Nulato Hills, and we estimate  
33 perhaps as many as a third of the Western Arctic herd is in the  
34 wintered in the Nulato Hills in the eastern Seward Peninsula  
35 this year.

36

37 So that's all I have on the biological report. Are  
38 there any questions?

39

40 CHAIRMAN KATCHATAG: Yeah. Do you have any latest  
41 numbers on moose populations over-all for the game management  
42 unit? Also musk ox and caribou?

43

44 MR. MACHIDA: Okay. We did a musk ox census last year  
45 for the whole Seward Peninsula. We came up with a total count  
46 of 925. As you mentioned -- I don't know, I might have  
47 mentioned this in the last report that I gave you at the last  
48 meeting, but the census of the Unalakleet Drainage yielded a  
49 total of 350 moose, approximately 350 moose, which is identical

50

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to what was counted there in 1989 when we did the census there.

2

3 The censuses that we've done in 22(D) and 22(B) show  
4 that the population in 22(B) has declined by 54% from 1987 to  
5 1992. And that's one of the reasons we have a concern with  
6 moose in the western part of 22(B) is because the population  
7 seems to be declining, and the number of calves coming into the  
8 population is real low. So that's one of the reasons why we  
9 were -- you know, we wanted to start this research study to  
10 figure out what the problem is.

11

12 CHAIRMAN KATCHATAG: You mentioned that the population  
13 is down 54% from '87 did you say?

14

15 MR. MACHIDA: In '92.

16

17 CHAIRMAN KATCHATAG: And what .....

18

19 MR. MACHIDA: The population in 22(D) from 1988 to 1993  
20 declined by 35%, but that -- the 22(D) population appears to be  
21 stabilizing, maybe even increasing a little bit. But it didn't  
22 the decline didn't appear to be as significant, the  
23 population number of calves coming into the population is  
24 relatively good at 15% or thereabouts, so, you know, that  
25 population seems to be recovering.

26

27 Something that you -- all of you probably know, you  
28 know, from having lived here is that the main reason why moose  
29 populations decline is, you know, during a -- during the late  
30 80s and early 90s we had several winters that were, you know,  
31 really hard on moose, and there were a lot of -- a lot of moose  
32 died from over-winter kill.

33

34 CHAIRMAN KATCHATAG: You mentioned 22(A) as having 350  
35 moose. Do you have .....

36

37 MR. MACHIDA: That's just the Unalakleet Drainage.

38

39 CHAIRMAN KATCHATAG: The Unalakleet Drainage?

40

41 MR. MACHIDA: Yeah, that's -- there's actually more  
42 than that there if you include the others, yeah. In 22(A),  
43 we've concentrated the census on the area that's the most  
44 heavily hunted, which is the Unalakleet Drainage.

45

46 CHAIRMAN KATCHATAG: Do you have estimates for the  
47 entire 22(A), 22(B), (C), (D) and (E)?

48

49 MR. MACHIDA: The only drainage that we -- drainage

50

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that we have estimates for the whole subunit is 22(C), and that information is fairly old, because it was last done in 1990, and we're going to re-do it next week. But the estimate for 1990 was 450. And for 22(D), I don't have the precise number, but in 1987 22(D) was -- the estimate was 2900 moose. And the population had declined 35% from that, so it's -- it would have -- it had declined to somewhere around 1900 or a little over 2,000, thereabouts.

9

10 CHAIRMAN KATCHATAG: Okay. You have -- you said 22(C) was 900?

12

13 MR. MACHIDA: No, 22(C) was 450. That's an old estimate from 1990, and we're going to do a census in 22(C) hopefully next week if the weather's good, to develop a new estimate.

17

18 CHAIRMAN KATCHATAG: Do you have (B)?

19

20 MR. MACHIDA: No, we don't have a good estimate for (B) -- I mean, we have it for the -- that portion of (B) west of -- you know, the western part, you know, the Fish River drainage on west, which is the most heavily hunted portion of (B). And here we have an estimate of about 1400.

25

26 CHAIRMAN KATCHATAG: So you -- even though you only have good numbers from Fish River west, you still say that over-all 22(B) has suffered a 54% loss?

29

30 MR. MACHIDA: No, just that area. Just that area I was talking about.

32

33 CHAIRMAN KATCHATAG: Oh.

34

35 MR. MACHIDA: Just the western area, not the whole of 22(B).

37

38 CHAIRMAN KATCHATAG: Okay.

39

40 MR. MACHIDA: That would be the Koyuk -- the main part west of there is the Koyuk drainage, and others. And the reason that we don't -- we haven't done those, because those are -- the harvest there is relatively small, and there's fairly light hunting pressure, so, you know, we're not real -- we haven't been real concerned the moose populations in that area. But the western part of 22(B) gets a lot of pressure from the Nome/Council Road, and so that's why we have a concern here.

49

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1 CHAIRMAN KATCHATAG: Okay, Steve. For the record,  
 2 before we finish with you, before I forget, for the October  
 3 meeting, what we'd like from Fish & Game is their latest  
 4 estimates and the planned estimates were made of the  
 5 populations which are resources for subsistence users, and I  
 6 think you might want to go through this subsistence resource  
 7 survey for a list of the resources. I know we're supposed to  
 8 only concentrate on those that are not covered by fisheries,  
 9 those that are not covered by the Marine Mammal Act, and those  
 10 that are not covered by the Migratory Bird Treaty Act, but  
 11 seeing as how you interact in your job with the majority of  
 12 those resources, can we have an estimate as to the over-all  
 13 populations of these resources and approximate subsistence  
 14 harvests?

15

16 MR. MACHIDA: Well, if you could have the Federal staff  
 17 maybe send some kind of form that I can fill out showing what  
 18 species and what they'd want, I can fill that in.

19

20 CHAIRMAN KATCHATAG: Okay. For the record I will --  
 21 would like to direct staff to send a form of some sort to Fish  
 22 & Game outlining all the resources that they are surveying in  
 23 their Bering Land Bridge National Preserve survey, so that we  
 24 have some idea as to what the Alaska Department of Fish & Game  
 25 estimates the over-all health and population of those resources  
 26 are so that we have some sort of baseline for our report, which  
 27 is required by Title VIII of ANILCA for our annual report to  
 28 the Secretary of the Interior. Did you get that, Barb?

29

30 MS. B. ARMSTRONG: Would you say it again, please?

31

32 CHAIRMAN KATCHATAG: We need some -- a form developed  
 33 outlining all the resources surveyed under the National Park  
 34 Service survey, that this be sent to Fish & Game so that they  
 35 can give us an estimate of the populations and health of the  
 36 resources upon which subsistence users depend for their  
 37 resources.

38

39 Any other questions or comments for Mr. Machida?  
 40 Homer? Ted?

41

42 MR. KATCHEAK: No. Oh, let me see. I wrote something  
 43 here.

44

45 CHAIRMAN KATCHATAG: I hear conflicting -- while he's  
 46 thinking, I hear conflicting reports on the population and  
 47 health of the Western Arctic caribou herd. What's your latest  
 48 numbers?

49

50

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1 MR. MACHIDA: Well, we're going to do another  
2 population census next year, but, you know, just from, you  
3 know, looking at the number of collars -- collared animals that  
4 are dying, and just evaluating the conditions of animals as  
5 they were crossing the Kobuk River this fall, you know, I guess  
6 it's our feeling that the herd is probably peaking out,  
7 probably somewhere around 500,000, and may start declining I  
8 guess. We hope it doesn't decline rapidly, but it's -- that's  
9 kind of our best guess as to what's going on right now. You  
10 know, we're planning on doing a population census next year  
11 when we'll get another complete count of the herd.

12

13 CHAIRMAN KATCHATAG: '95? '96?

14

15 MR. MACHIDA: Well, '96. Next year. You know, we're  
16 going to do what's called a photo census where you go to the  
17 calving grounds on the North Slope and you use a -- it's a  
18 special photo-equipped aircraft to count caribou when they come  
19 together in these big aggregations. And then what we do is  
20 when all the photographs come back, we just physically count  
21 caribou. And the last time we did this was about two years  
22 ago, and we came up with a count then of 450,000, and judging  
23 by the number of calves that are being born into the  
24 population, we estimate that it's probably around 500,000 or  
25 more right now. But we won't know for sure until we do another  
26 photo census.

27

28 CHAIRMAN KATCHATAG: You'd mentioned that this herd is  
29 peaking. Is there anything that might tell you that this might  
30 crash? What's the condition of the habitat?

31

32 MR. MACHIDA: Well, the problem is, you know, is that  
33 the -- you know, the wolf population is increasing, you know,  
34 throughout the range of the Western Arctic herd, and that's one  
35 factor. And another factor is that the animals that are going  
36 -- that are coming off the summer range and going into  
37 winter seem to be in poor condition than in the past. So, I  
38 mean, that's another indicator that, you know, the herd may  
39 have some problems in the next couple of years. But it's  
40 difficult to say for sure until, you know, another census.

41

42 MR. KATCHEAK: Mr. Chairman, I have a question.

43

44 CHAIRMAN KATCHATAG: Mr. Katcheak?

45

46 MR. KATCHEAK: For Steve. There was -- is there a  
47 study currently going on on south of Unalakleet? Are you doing  
48 any study in there?

49

50

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1 MR. MACHIDA: You mean for caribou?  
2  
3 MR. KATCHEAK: For caribou.  
4  
5 MR. MACHIDA: Well, the only thing that we do south of  
Unalakleet is, you know, we do these radio tracking flights  
several times a year to -- you know, just to see the  
distribution of caribou, and also, you know, in years past  
we've gotten requests like from the Mountain Village, Emmonak,  
Kovik area to open a season down there, and whenever that  
happens, you know, we'll do pretty intensive surveys there to  
make sure that there's -- that Western Arctic herd animals have  
moved down there. And this next year what we're proposing to  
do to solve that problem is we're going to -- for that lower  
Yukon area, we're just going to have the same season as they do  
in Unalakleet, for solving the problem.  
17  
18 MR. KATCHEAK: Yeah. I hope this year you don't --  
after this year it don't re-occur that -- I was thinking that  
there's not -- there's no caribou down in that Andreafsky area  
right now.  
22  
23 MR. MACHIDA: But they were there last year.  
24  
25 MR. KATCHEAK: Yeah, but this year .....

26  
27 MR. MACHIDA: They didn't come there.  
28  
29 MR. KATCHEAK: Unfortunately the Yukon people took  
reindeer as caribou, and, you know, as the result we have lost  
probably half or more, .....

32  
33 MR. MACHIDA: Uh-huh.  
34  
35 MR. KATCHEAK: ..... about 800 -- about 800 or so.  
36  
37 MR. MACHIDA: Well, do they come up to the flats by  
Sebbins, or do they just stay in the .....

39  
40 MR. KATCHEAK: Well, I guess what happened last fall is  
the herd of 800 went south toward Klemgulnof (ph) and the  
Andreafsky, and by that time they were too far away I guess for  
the herders to retrieve, so -- and one thing, you found any  
radio collared caribou in that area?  
45  
46 MR. MACHIDA: Not this year.  
47  
48 MR. KATCHEAK: Uh-huh. And you mentioned also .....

49  
50

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1 MR. MACHIDA: Now, there were some like in South River,  
and like past the (Indiscernible, simultaneous speech) .....

3

4 MR. KATCHEAK: Where would that be? On -- oh, okay.

5

6 MR. MACHIDA: And there's some there, but they didn't  
look like they had come, you know, towards Andreafsky area I'm  
pretty sure.

9

10 CHAIRMAN KATCHATAG: One of the things that we had  
 gotten from the Board, I think it was in November, was that  
 they had agreed to open Unit 18 to the liberal Western Arctic  
 caribou herd, five a day, if and when that they could document  
 that a sufficient number had crossed the Unalakleet. Do you  
 know approximately how many have crossed the Unalakleet this  
 year?

17

18 MR. MACHIDA: No, like I said, you know, I don't have  
 the precise numbers that I can give you on that. I mean, it's  
 not like last year. Last year there was probably 100,000 or  
 more that had crossed. This year it's a trickle compared to  
 that. I mean, it's something much less than that. And  
 something that's being proposed for the coming Game Board  
 meeting, the State Game Board meeting, is just to make the --  
 that portion of Unit 18 north of the Yukon River have the same  
 season as the Unalakleet area all the time, regardless of  
 whether the Western Arctic herd animals are there or not.

28

29 CHAIRMAN KATCHATAG: That's kind of an unacceptable  
 solution given that there is a small native herd there.

31

32 MR. MACHIDA: Uh-huh.

33

34 CHAIRMAN KATCHATAG: They make mention in the book  
 about an Andreafsky herd, and I also know that there's some  
 around the McDonald area that probably are considered part of  
 the Andreafsky herd.

38

39 MR. MACHIDA: Well, that's something that's being  
 proposed by the people down there at Mountain Village. The  
 people down there. So I mean .....

42

43 MR. KATCHEAK: So you cooperate with information with  
 that area office or regional office down in Bethel?

45

46 MR. MACHIDA: Yeah, that's who administers that herd is  
 Bethel.

48

49 MR. KATCHEAK: So you mentioned earlier about the moose

50

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that you did. 350. Does that only include this area  
where .....

3

4 CHAIRMAN KATCHATAG: That's just the Unalakleet River.

5

6 MR. KATCHEAK: Unalakleet River?

7

8 CHAIRMAN KATCHATAG: Yeah.

9

10 MR. KATCHEAK: Oh, it doesn't -- you didn't do south of  
Unalakleet or .....

12

13 CHAIRMAN KATCHATAG: No, just the Unalakleet drainage.

14

15 MR. KATCHEAK: ..... and also Andreafsky?

16

17 MR. MACHIDA: Well, see, you know, it would be real  
difficult, it would be real expensive for us to do the entire  
census of some of these real big subunits, so for big subunits,  
the policy has been to only do it in places where there's a lot  
of harvest. You know, a lot of these places, you know, where  
there's very little harvest, I mean, you know, there's not much  
you can do to -- if the population is going up or down, I mean,  
it's kind of fluctuating on its own, and like, you know, in a  
lot of these places, the only people that take any moose are  
people that live there locally, and, you know, normally they  
don't have much impact on the population.

28

29 MR. KATCHEAK: We estimate there are probably about 30  
moose taken (indiscernible, dishes in the kitchen) so far.

31

32 MR. MACHIDA: You know, that's the -- you know,  
compared to -- out of a population of hundreds, I mean, that's  
34 you know, that's probably not very many, but in a situation  
like you have -- like in 22(C), the area around Nome, you know,  
you -- everybody -- Nome is a city of 4,000 people, and they're  
all out there hunting moose, so I mean -- so they can have more  
impact. The same thing with the Kugarof Road area, so I mean,  
39 so those -- that's why those are the areas that we  
concentrated the census on, because that's where most of the  
harvest occurs. The same thing for 22(B). You know, the  
western part of 22(B) is where most of the hunting pressure is,  
43 that's why -- that's where -- why we concentrated a census  
effort in that area.

45

46 CHAIRMAN KATCHATAG: Any further questions for Steve?  
You mentioned earlier that your report was going to be in two  
parts?

49

50

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1 MR. MACHIDA: Yeah, Magdanz is going to talk about the  
2 Subsistence Division report.

3

4 CHAIRMAN KATCHATAG: Okay. Mr. Magdanz?

5

6 MR. MAGDANZ: Thank you, Mr. Chairman. You already  
7 heard about one of our major efforts this winter in cooperation  
8 with the Park Service. There are several other things that we  
9 have been involved in.

10

11 We received funding this year from U.S. Fish & Wildlife  
12 Service to do some waterfowl harvest surveys in Northwestern  
13 Alaska. And we have been conducting those surveys in seven  
14 communities, four of them in your area. Those four are  
15 Stebbins, Shaktoolik, Elim and White Mountain. We signed a  
16 cooperative agreement with Kawerak for this project as well,  
17 and we used local contractors in each of the communities to do  
18 the bulk of the survey work. Our role in the project has been  
19 to develop the survey instruments and to provide orientation  
20 for the local contractors, and then to do the data analysis  
21 when those surveys are turned in to us.

22

23 Stebbins' data is in. The Stebbins' data is almost in.  
24 There are still eight to be done there. Shaktoolik is done,  
25 and Elim and White Mountain are in progress right now.

26

27 And that project by and large has gone really well.  
28 We've been really happy with the progress. It took a while to  
29 get started, because we hadn't used this method up here before,  
30 but once we got rolling, it's gone really quite well.

31

32 The information from that study will be among the  
33 information that is used during the upcoming treaty  
34 negotiations with Canada to legalize spring waterfowl hunting.  
35 There was a preliminary session in Washington, D.C. two weeks  
36 ago attended by six Alaskans, three native representatives and  
37 three agency representatives, to sort of lay out some of the  
38 issues .....

39

40 CHAIRMAN KATCHATAG: Can you tell .....

41

42 MR. MAGDANZ: ..... for the negotiations.

43

44 CHAIRMAN KATCHATAG: Excuse me, Jim.

45

46 MR. MAGDANZ: Go ahead.

47

48 CHAIRMAN KATCHATAG: Could you tell us who the three  
49 natives were?

50

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1  
2 MR. MAGDANZ: You know, Mr. Chairman, I don't know, but  
3 someone else here .....

4  
5 MR. OLANNA: Mr. Chairman, I belong to that group.  
6 It's the Native Migratory Working Group. Myron Nanning who is  
7 the chairman went. Johnson Solomon from I believe Togiak.

8  
9 CHAIRMAN KATCHATAG: Fort Yukon.

10  
11 MR. OLANNA: Oh, Fort Yukon? I'm sorry. And one more.

12  
13 CHAIRMAN KATCHATAG: One from Barrow?

14  
15 MR. OLANNA: Oh, yeah. Charlie Brower from Barrow.  
16 Plus there is Skye Sharkey from the Bristol Bay Native people  
17 was there as a staff, he's an attorney.

18  
19 MR. KATCHEAK: For the information of the Council, I'm  
20 I've been kind of volunteered in to do that, complete that  
21 study in Stebbins. You mentioned there were nine more?

22  
23 MR. MAGDANZ: Eight.

24  
25 MR. KATCHEAK: Eight more?

26  
27 MR. MAGDANZ: I believe there are eight left, yeah.

28  
29 MR. KATCHEAK: And that's to do that study. I don't  
30 know if there's any conflict. Would there be a conflict .....

31  
32 CHAIRMAN KATCHATAG: No conflict.

33  
34 MR. KATCHEAK: ..... with the Council?

35  
36 CHAIRMAN KATCHATAG: No.

37  
38 MR. MAGDANZ: So I'm sure you'll be hearing more from  
39 Fish & Wildlife Service in the coming months about the progress  
40 of those negotiations from the negotiators themselves.

41  
42 We were also involved in a salmon survey this year. We  
43 received additional funding from the Legislature this year as a  
44 result of the crisis with the chum salmon in Western Alaska,  
45 and in cooperation with the Bering Sea Fishermen's Association,  
46 conducted surveys in six other communities on the Seward  
47 Peninsula, including Brevig, Teller, Golovin, Koyuk, Unalakleet  
48 and St. Michael. The methods were similar, where we contracted  
49 with local residents on behalf of BSFA, and provided them with  
50

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the survey instrument and some orientation.

2

3 CHAIRMAN KATCHATAG: What were the six villages again?  
4 Brevig, Teller, Golovin, .....

5

6 MR. MAGDANZ: Brevig, Teller, Golovin, .....

7

8 CHAIRMAN KATCHATAG: Koyuk?

9

10 MR. MAGDANZ: Koyuk, Unalakleet, and St. Michael. And  
11 we also did the same salmon surveys in the waterfowl  
12 communities, so the -- Stebbins, Shaktoolik, Elim, and White  
13 Mountain were surveyed for salmon harvests as well by the same  
14 researchers. Local researchers.

15

16 Those -- the salmon surveys were completed in early  
17 January, St. Michael being the last one done, and the data  
18 analysis on that is just now beginning. All the data has been  
19 entered in the computer. I saw a trial run for Elim this  
20 morning. So that project is coming along pretty well. It will  
21 probably be about a month from now, that data will be  
22 available, and we'll be mailing that back to the communities  
23 that were involved.

24

25 We expect next year to do a similar effort with salmon,  
26 and we've worked with Kawerak who has made application to  
27 undertake a bigger -- have a bigger role in the salmon harvest  
28 survey next year, taking the place of Bering Sea Fishermen's  
29 Association. And we support that and helped them draft their  
30 proposal.

31

32 There is potential for additional waterfowl research  
33 next year, but it's too early to know what form that might  
34 take.

35

36 CHAIRMAN KATCHATAG: Next year, are you meaning the  
37 remainder of '95 or on into '96?

38

39 MR. MAGDANZ: Into '96.

40

41 CHAIRMAN KATCHATAG: Okay.

42

43 MR. MAGDANZ: Our fiscal year runs July 1/June 30, so  
44 94/96. And we may have some additional work in this Bering  
45 and Bridge project, specifically Shishmaref, and perhaps some  
46 data analysis involving Wales and Deering, but it's too early  
47 to know now the funding on that's going to work out.

48

49 So, Mr. Chairman, those are our activities.

50

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1  
2 CHAIRMAN KATCHATAG: Okay. Any questions or comments?  
3 One last question, and I know this will probably come up  
4 later, but since you are with Subsistence Division, is or will  
5 there be a subsistence musk ox hunt?

6  
7 MR. MAGDANZ: The State Board of Game found that there  
8 was no customary and traditional use of musk ox for  
9 subsistence, and so under current State regulation, there is no  
10 provision for a subsistence musk ox hunt. And when we -- I  
11 brought some background material on the Board's decision, and I  
12 have copies of the material we presented to the Board in  
13 January, and that -- whenever the Chair would like to take up  
14 musk ox, we can talk in as much detail as, you know, the  
15 Council would like about how that decision was created.

16  
17 CHAIRMAN KATCHATAG: I'll let that one cook for a  
18 little while seeing as how we have musk ox update as number  
19 four after BLM.

20  
21 MR. MAGDANZ: Okay.

22  
23 CHAIRMAN KATCHATAG: So we'll let that one cook a  
24 little bit. Hopefully it doesn't come under slow burn.

25  
26 Any other questions or comments for Mr. Magdanz?

27  
28 MR. SEETOT: Mr. Chairman?

29  
30 CHAIRMAN KATCHATAG: Mr. Seetot?

31  
32 MR. SEETOT: When you did the wildlife survey in these  
33 villages, did you include all species of waterfowl, including  
34 the illegals, you know, meaning -- "illegals" meaning that --  
35 the brandts, emperor geese?

36  
37 MR. MAGDANZ: We did.

38  
39 MR. SEETOT: And then what was, you know, the response,  
40 that they didn't want to respond, you know, under those  
41 headings to the Department of Fish & Game, knowing that they  
42 were illegal, or did they answer them, you know, as, you know,  
43 being able to, you know, harvest them? My question is, did  
44 they tell you the numbers of, you know, -- did they give you  
45 the numbers of birds that they harvest that weren't supposed to  
46 be harvested under the .....

47  
48 MR. MAGDANZ: In some communities that I know about,  
49 definitely they did. We have reports of substantial harvest of  
50

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black brandt, for example.

2

3 MR. SEETOT: Uh-huh.

4

5 MR. MAGDANZ: And I haven't looked at, because it isn't  
6 available yet, the actual counts of birds from each of these  
7 communities. But I do believe that people were truthful about  
8 their harvest, and we hold that information about individual  
9 harvests in confidence, but we also believe that it is  
10 important to document what people use, and to make the point  
11 that these things are important to the local hunters.

12

13 MR. SEETOT: Thank you.

14

15 CHAIRMAN KATCHATAG: Thank you, Mr. Seetot. You know,  
16 I have some questions regarding your survey that are about kind  
17 of ambiguous categories you have here. What's the difference  
18 between an unknown scoff and a known scoff?

19

20 MR. MAGDANZ: Well, let me pull out the form we used to  
21 do this. We've prepared a series of charts.

22

23 CHAIRMAN KATCHATAG: Okay.

24

25 MR. MAGDANZ: And we'll sit down with a hunter and go  
26 through these pictures and ask him or her if they had harvested  
27 any of these. Let's see if I can find -- so there -- we have  
28 two scoff species that potentially could be harvested, and if  
29 the hunter knows which one it is, we'll write in greater or  
30 lesser.

31

32 CHAIRMAN KATCHATAG: Okay.

33

34 MR. MAGDANZ: But if the hunter does not know, then  
35 we'll code it as an unknown.

36

37 CHAIRMAN KATCHATAG: So that's the definition of an  
38 unknown scoff.

39

40 MR. MAGDANZ: It's some kind of scoff, we just don't  
41 know which species.

42

43 CHAIRMAN KATCHATAG: Any other questions for  
44 Mr. Magdanz?

45

46 MR. KATCHEAK: I have one, Mr. Chairman.

47

48 CHAIRMAN KATCHATAG: Mr. Katcheak?

49

50

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1 MR. KATCHEAK: Yes. So you -- do -- you concluded that  
 2 there was no traditional use for musk ox, and you then -- or --  
 3 and there won't be any -- that's how you concluded, that  
 4 there's not going to be any traditional use even though the  
 5 musk ox are increasing and it's there to stay, so eventually  
 6 there's going to have to be a determined c&t determination on  
 7 that musk ox, because the population's going to grow, and I'm  
 8 sure the people living in the village will become -- come with  
 9 more ways to make use of that musk ox. So in a sense we kill  
 10 the bird before it became alive.

11

12 CHAIRMAN KATCHATAG: Before it got stoned.

13

14 MR. MAGDANZ: There is a hunt open on musk ox.

15

16 MR. KATCHEAK: I'm aware. I attended that meeting  
 17 yesterday .....

18

19 MR. MAGDANZ: Right.

20

21 MR. KATCHEAK: ..... in Nome. The Bering Straits  
 22 Native Corporation conference there. I'm aware of that.

23

24 Now, to help these people in the villages, isn't it  
 25 common sense to go ahead and give out some type of a plan that  
 26 eventually it will become a subsistence use, or is the State  
 27 saying that, well, the musk ox, we brought it there, so we're  
 28 not -- what they -- regardless of what they say, we're not  
 29 going to make it, but they want it to become .....

30

31 MR. MAGDANZ: The State could make another decision on  
 32 musk ox, and with more information along with a different  
 33 membership of the Board, a different decision could be reached.  
 34 The membership of the Board has already changed significantly  
 35 with a different administration, and it's possible that they  
 36 would be receptive to a petition to reconsider.

37

38 This was a very controversial issue in the Board  
 39 meeting. I want to make it clear that the staff -- the  
 40 decision on c&t was made by the Board, and the staff's role was  
 41 to provide the Board with as much information as we could. We  
 42 didn't -- we didn't recommend against c&t.

43

44 CHAIRMAN KATCHATAG: Now that you bring it up,  
 45 apparently it's cooked long enough, Mr. Magdanz. What was the  
 46 position of Subsistence Division regarding the establishment of  
 47 the musk ox hunt? Were you pro or con subsistence? Or were  
 48 you directed to have a neutral stand?

49

50

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1 MR. MAGDANZ: We were -- we were directed to provide  
 2 the Board with information, but not to make a positive or a  
 3 negative recommendation to the Board. And that's how we handle  
 4 all customary and traditional determinations is we put all the  
 5 available information on the table and tell the Board what we  
 6 know.

7  
 8 CHAIRMAN KATCHATAG: Was the Board of Game ever  
 9 informed of the animal husbandry practiced by the local  
 10 villages regarding the musk ox?

11  
 12 MR. MAGDANZ: In recent times such as Unalakleet  
 13 and .....

14  
 15 CHAIRMAN KATCHATAG: No, ever since -- ever since  
 16 they've been introduced.

17  
 18 MR. MAGDANZ: Yes, definitely.

19  
 20 CHAIRMAN KATCHATAG: What was their attitude?

21  
 22 MR. MAGDANZ: Several members of the Board went to some  
 23 length to point out that the only reason a musk ox hunt was  
 24 possible was that the animals had been husbanded by the people  
 25 of the Seward Peninsula. And there was great recognition.

26  
 27 CHAIRMAN KATCHATAG: Did they even bother to say  
 28 thanks?

29  
 30 MR. MAGDANZ: As a Board, I don't believe they did.  
 31 Individually they have.

32  
 33 CHAIRMAN KATCHATAG: So even though they were informed  
 34 that the local residents out of deference to the -- those that  
 35 transplanted the animal, or the animals themselves, allowed  
 36 them to grow from the original 35 or 36 or 38 to 945 was it?

37  
 38 MR. MAGDANZ: 925.

39  
 40 CHAIRMAN KATCHATAG: 925. That they wouldn't allow  
 41 them their normal 3%? That's a normal subsistence harvest of  
 42 resources, is it not, about 3% of the over-all?

43  
 44 MR. MAGDANZ: Well, more or less.

45  
 46 CHAIRMAN KATCHATAG: More or less.

47  
 48 MR. MAGDANZ: It can be more, it can be less.

49  
 50

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1           The Board, unlike the Federal Board, the State Board  
 2 deals with all user groups, and the Board in this case found  
 3 itself being pressured by several user groups, including  
 4 subsistence users, general hunters from the rest of the State,  
 5 and some guide/ outfitter interests. There were requests from  
 6 urban advisory committees for a drawing only hunt, with no c&t  
 7 and \$500.00 permits for everybody. There were also requests  
 8 from Kawerak for a positive c&t determination, and there were  
 9 some middle of the road proposals for a combination drawing/  
 10 registration hunt. And the Board struck what it viewed as a  
 11 balance between the demands of the different groups and came up  
 12 with the combination registration/drawing.

13

14           CHAIRMAN KATCHATAG: Registration for how many and  
 15 drawing from how many?

16

17           MR. MAGDANZ: Twelve and 12.

18

19           CHAIRMAN KATCHATAG: So they're going to allow a hunt  
 20 of 24 animals?

21

22           MR. MAGDANZ: That's correct.

23

24           CHAIRMAN KATCHATAG: And I assume these are all bulls?

25

26           MR. MAGDANZ: That's correct.

27

28           MR. KATCHEAK: And you said 900 what?

29

30           MR. MAGDANZ: 925 is the total population.

31

32           CHAIRMAN KATCHATAG: Registration meaning?

33

34           MR. MAGDANZ: ; Registration means that first come,  
 35 first served. The Department will announce the location where  
 36 permits will be distributed, at a certain time, a certain date,  
 37 and those people who are first in line will get a registration  
 38 permit, however many are available. And for each registration  
 39 permit, there is by law a \$25.00 fee set by the Legislature.

40

41           CHAIRMAN KATCHATAG: And what -- did the Board of Game  
 42 also place any requirements on where the registration is to  
 43 take place?

44

45           MR. MAGDANZ: The registration permits are required to  
 46 be distributed within the hunt area.

47

48           CHAIRMAN KATCHATAG: And where are they planning on  
 49 distributing them?

50

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1  
2 MR. MAGDANZ: We had a meeting yesterday in Nome, and  
3 proposed several methods of distributing them, but five  
4 communities would be involved, and those are Brevig, and Wales,  
5 Shishmaref, Deering and Buckland.

6  
7 CHAIRMAN KATCHATAG: Buckland? Buckland's getting a  
8 little far afield, is it not? I thought you said within the  
9 hunt area?

10  
11 MR. MAGDANZ: The -- Buckland and Deering both sent  
12 representatives to the Board meeting, and testified that there  
13 were a number of musk ox in the vicinity of those communities  
14 in their traditional hunting areas, and requested that the  
15 Board provide hunting opportunities for them. So the Board  
16 expanded the hunt area into the southern portion of GM Unit 23.  
17 We hadn't -- the staff had not anticipated that development.

18  
19 CHAIRMAN KATCHATAG: 22 (D) and (E) and the southern  
20 part of 23?

21  
22 MR. MAGDANZ: That's basically the Buckland River  
23 drainage west.

24  
25 CHAIRMAN KATCHATAG: Do you have any information on how  
26 many caribou (sic) are in 22 (B)? I mean, musk oxen.

27  
28 MR. MAGDANZ: Yes, I do. The Department estimated, and  
29 this was '94, Steve?

30  
31 MR. MACHIDA: Right.

32  
33 MR. MAGDANZ: 246 musk oxen were in -- and maybe this,  
34 Chairman, would have it all in one spot.

35  
36 CHAIRMAN KATCHATAG: Do you know how many were in  
37 22 (B)?

38  
39 MR. MAGDANZ: 22 (B)? Not very many. Steve? In (B) or  
40 (D)?

41  
42 CHAIRMAN KATCHATAG: (B) as in Bravo.

43  
44 MR. MAGDANZ: Bravo.

45  
46 MR. KATCHEAK: Mr. Chairman?

47  
48 CHAIRMAN KATCHATAG: Mr. Katcheak?

49  
50

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1 MR. KATCHEAK: I talked to Peter Buck earlier and he  
 2 said there were three not very far from here. And there were  
 3 some sizeable population last year, but they moved from that  
 4 area toward the Nome area. But they're probably somewhere not  
 5 far away.

6

7 MR. MAGDANZ: Mr. Chairman?

8

9 CHAIRMAN KATCHATAG: Mr. Magdanz.

10

11 MR. MAGDANZ: In 1994 11 animals were observed in  
 12 subunit 22(B). Bravo.

13

14 CHAIRMAN KATCHATAG: Okay.

15

16 MR. MAGDANZ: And there also were 79 animals observed  
 17 in 22(C), Charlie, which is the road system around Nome.

18

19 MR. KATCHEAK: What did he say 22(C) had?

20

21 CHAIRMAN KATCHATAG: 79.

22

23 MR. KATCHEAK: 79.

24

25 CHAIRMAN KATCHATAG: Any other questions? Comment?

26

27 MR. KATCHEAK: I'd like to know what, Steve, do you --  
 28 are there any in the 22(A) area, musk oxen?

29

30 MR. MACHIDA: Well, we didn't do the census that far  
 31 east.

32

33 MR. KATCHEAK: Oh. I'm sure it's going to come up  
 34 again.

35

36 MR. MACHIDA: Oh, yeah. I believe it. The book's  
 37 going to be .....

38

39 CHAIRMAN KATCHATAG: No, just tell those people to eat  
 40 those. They don't exist. Any other comments or questions for  
 41 Mr. Magdanz or Mr. Machida? Any other information,  
 42 Mr. Magdanz?

43

44 MR. MAGDANZ: Not at this time.

45

46 CHAIRMAN KATCHATAG: Thank you, Mr. Magdanz,  
 47 Mr. Machida.

48

49 We'll move on now to item four, the musk ox update from

50

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Mr. Steve Kovach.

2

3 MR. KOVACH: We've covered the vast majority of what  
was going to be discussed in the update, Mr. Chair. I would  
4 recommend that we would just defer any further discussion on  
5 musk ox until we take up the musk ox proposals that are  
6 currently before this Council.

8

9 CHAIRMAN KATCHATAG: We have a recommendation from the  
10 reporter that we take up any additional information in the  
11 proposals for changes. Any comments or questions? Hearing  
12 none, we'll move on to item 6-B, c&t update, Helen Armstrong.

13

14 MS. H. ARMSTRONG: Thank you, Mr. Chairman. I think  
15 that I might just defer some of the discussion -- am I correct  
16 in assuming that you were going to talk about what happened  
17 last week in Anchorage with -- you're not -- I mean, I don't  
18 want to cover things that you were going to cover. If you want  
19 to cover what they talked about in Anchorage, we can do that.

20

21 I thought I would just say that the Southcentral  
22 Regional Advisory Committee -- Council was supposed to have  
23 made -- well, was -- we were supposed to have gotten to some  
24 decisions on c&t on the Kenai Peninsula. In the process of  
25 reviewing of that report, we decided to start looking at it a  
26 little bit more -- I mean, once again looking at how we're  
27 doing it, and the Staff Committee started reviewing how we were  
28 doing our c&t determinations. And at that point a decision was  
29 made when we had a Staff Committee meeting to go over that to  
30 have -- to bring in the Regional Council chairs, and start  
31 working with the Regional Council chairs, or their  
32 representatives, on c&t and how we were doing it. So we --  
33 things have been put on hold since the last meeting, and I  
34 think continue to be put on hold for a while. The Kenai c&t is  
35 supposed to go before that Council when they have their  
36 meeting, which is soon.

37

38 MR. KOVACH: The first of the month.

39

40 MS. H. ARMSTRONG: The first of the month. We have  
41 made a recommendation, although it wasn't a formal one, so that  
42 there will be a formal recommendation made at that meeting,  
43 they need to do it in a public forum.

44

45 The other c&t determinations that are being done are  
46 the ones in the upper Tanana, and those also are going before  
47 the Councils. The reports been completed and they're making  
48 recommendations to the Board on those decisions.

49

50

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1           Otherwise, there's been some preliminary work done in  
 2 the Y-K Delta, some done on the North Slope, but it's -- some  
 3 of that's been slowed down a little bit, just because we're not  
 4- we -- our direction was changing somewhat. And basically  
 5 what's happening is rather than -- there's a move towards  
 6 getting away from doing it on a regional basis, and do it more  
 7 as we're going to do with the musk ox here, where the Council  
 8 makes the proposal, and to the -- to change the existing c&t  
 9 determination, and then the staff does -- responds to that  
 10 proposal and does the staff work on it. And so we'll do it on  
 11 a case-by-case basis rather than on a region-by-region basis,  
 12 doing it all at once.

13

14           We did have a meeting last week with the Council chairs  
 15 and the Staff Committee, and I think what was really good about  
 16 the meeting was getting everybody together, and I think it's  
 17 the first of many meetings where we'll start doing more of  
 18 that, and I think most people found that it was fairly  
 19 beneficial.

20

21           I think, Sheldon, since you were a very dominant player  
 22 in that, I'll let you talk about what happened at the meeting,  
 23 and you can take it from there.

24

25           CHAIRMAN KATCHATAG: Who, me?

26

27           MS. H. ARMSTRONG: Yeah. If you want. Or I can, it  
 28 doesn't matter. Either way.

29

30           CHAIRMAN KATCHATAG: Well, one of the surprises at that  
 31 particular meeting, and you have copies of the transcripts,  
 32 there's one dated February 13th for the first day, and one  
 33 dated February 14th for the second day. And one of the things  
 34 that I expressed dismay at first of all was the fact that  
 35 somewhere along the way the terminology had changed from c&t  
 36 use determination to c&t use eligibility determination, which I  
 37 told them that they're getting rather far afield from Title  
 38 VIII. And I was pretty concerned about that, is that they were  
 39 going -- they were planning -- the Staff -- I can't speak for  
 40 the Staff Committee, but it appeared that Staff was either  
 41 being directed or they were taking it on their own to develop  
 42 regulations making customary and traditional use an eligibility  
 43 a use -- a right to use resources out of customary and  
 44 additional use. And I objected to that very strongly saying  
 45 that under Title VIII of ANILCA subsistence uses are defined as  
 46 being customary and traditional uses. So we discussed it at  
 47 length, and it appears that Mr. Pospahala recognized the error  
 48 of his ways and I don't know whether he threw up his hands or  
 49 whether he just decided it would be easier to throw out their

50

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notice regarding the eight factors, which used to be called eight criteria, defining subsistence. So .....

3

4 One of the things that also came out was that I -- it was my impression, or to my understanding of the issue, that customary and traditional uses are not determined by regulation, but by those that practiced them. And that we pointed the error to the way that the lead management agency was doing it, in that they're looking at customary and traditional uses and saying, "Now we'll use this as a screen to determine who the -- who's eligible to partake, or who would be among the last people cut if the resources were threatened."

13

14 One of the changes that hopefully will come out of that meeting is we had suggested that the way to do this would be to have areas with similar customs and traditions regarding resources get together and agree on what their customs and traditions are with regard to those resources. And then you hold similar meetings so that your entire region is covered. In other words, you'd probably have a meeting of the villages, say, Golovin, White Mountain, Nome, Solomon and those areas that have similar c&t, and Elim, Koyuk, Shaktoolik, maybe even as far as Unalakleet, having similar c&t's. And then from then on we would be doing c&t determinations not according to the way the regulation's laid out. In other words, if -- Bill, correct me if I'm wrong, under the present regulatory scheme, c&t determinations are made every two years, is that not correct?

28

29 MR. KNAUER: No, sir, there's no requirement in that regard.

31

32 CHAIRMAN KATCHATAG: I must have it wrong somewhere then, but anyway I was under the impression that c -- I had asked ever since we started when are we going to be exercising our authority to make recommendations on c&t determination, and we were told that these were done every two years.

37

38 MR. KNAUER: No, what the -- what was happening is they were looking to set forth a standardized procedure which would then be used statewide, going around the State in the various areas. It's my understanding that coming of the discussion as part of what you proposed, and some of the other folks, is that the -- the c&t process, or the c&t determinations be melded with the subpart D process and originate from the Councils and the public as to areas where they see problems, and be done as they occur, or as the situation arises, because many of them may in fact be acceptable the way they are right now, so there's a concern that maybe we were doing work that we didn't have to do, and thereby delaying the process.

50

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1  
 2 CHAIRMAN KATCHATAG: Yeah. That was one of the things  
 3 that I was concerned about is that under the schedule published  
 4 in the register, was that our area, our regional c&t's, and  
 5 they were listed under Norton Sound and Seward Peninsula, would  
 6 not occur until 1996 at the earliest. And I was concerned that  
 7- time and again that at just about all of our meetings, that  
 8 those that have participated and those of us that sit on the  
 9 Council, have said that the existing c&t determinations on the  
 10 book do not reflect the c&t uses as practiced by the people  
 11 that we know, and those that we interact with. So hopefully  
 12 things will change to where we'll be able to the customary and  
 13 additional use determinations or recommendations on an annual  
 14 basis as Mr. Knauer just pointed out.

15  
 16 And the eight factors are not to be used as qualifiers  
 17 or criteria by which customs and traditions are measured, about  
 18 that it was pointed out at the meeting that the eight factors  
 19 are more examples of what might qualify as c&t, rather than as  
 20 being the criteria by which customs and traditions are  
 21 measured.

22  
 23 One of the other offshoots is that hopefully we'll be  
 24 able to have -- make these a part of our annual round of  
 25 meetings, and that they will occur at the same time as our  
 26 seasons and bag limit determinations, proposals in the fall,  
 27 with review in our February or March meeting.

28  
 29 Any questions regarding c&t?

30  
 31 MR. RABINOWITCH: Mr. Chairman?

32  
 33 CHAIRMAN KATCHATAG: Mr. Sandy. Mr. Rabinowitch.

34  
 35 MR. RABINOWITCH: Two gold stars for both names. Thank  
 36 you.

37  
 38 If I might just add one item to clarify, and Bill  
 39 Knauer could help me or anyone else in the room, in regards to  
 40 the eight factors that you referred to, it's my understanding  
 41 that they are in the current regulations, and to change those,  
 42 which is certainly possible, as you said, would require some  
 43 affirmative action, you know, specific effort by the agency to  
 44 amend those, to throw them out, to replace them, whatever might  
 45 occur. And that absent some action, that they do stay in  
 46 place, because they are bona fide regulations currently. So  
 47 just to point that out. They don't sort of magically go away,  
 48 but I believe you're very correct that every -- you know,  
 49 everybody heard that they can be modified, even just completely  
 50

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taken away if that were the wishes of all the Councils, for example. Does that -- I'm just trying to help.

3

4 CHAIRMAN KATCHATAG: Thank you, Sandy, I appreciate that clarification. You know, that brings up one other point. 6 I think under the term affirmative action, I would entertain a motion on the part of the Council that we remove the eight factors with regard to c&t uses, and that the customs and traditions be determined at the consensus of those that practice them.

11

12 MR. KATCHEAK: Mr. Chairman, I would move.

13

14 CHAIRMAN KATCHATAG: We have a motion on the floor. Do 15 hear a second?

16

17 MR. BARR: Second.

18

19 CHAIRMAN KATCHATAG: Seconded. Discussion?

20

21 MR. KATCHEAK: Question.

22

23 CHAIRMAN KATCHATAG: The question's been -- Mr. Knauer?

24

25 MR. KNAUER: Yes, Mr. Chairman. It might behoove the Council to take a detailed look at those eight criteria, or factors, or however you wish to describe them, and see whether or not they do describe or may describe what you're trying to delineate for the non-subsistence user. In other words, in the case of litigation, there may need to be some description of the things that you're trying to portray which is very obvious in your mind, but may not be so in the mind of an individual unfamiliar with your culture. And those things, those particular items may or may not be somewhat descriptive, and help an outsider understand that. So you may wish to look at each one and see whether or not they are descriptive of your -- the -- I recognize it's a poor term, but the subsistence lifestyle. And if not, if something else might be a better descriptor.

40

41 CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. Any comments or questions? We're in discussion on the motion before us. You were in the process of calling the question? The of you was.

45

46 MS. H. ARMSTRONG: Mr. Chairman, would you like -- I'm just asking if -- would you like anybody to go over what those eight factors are? I don't know if it's -- you know, if that's necessary, but I have it right before me if you'd like to know.

50

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1  
2 MR. BOHN: Mr. Chairman?  
3  
4 CHAIRMAN KATCHATAG: Yes?  
5  
6 MR. BOHN: Could I request that those eight factors be  
7 enumerated just for -- if not for everybody's benefit, at least  
8 for my benefit?  
9  
10 MR. KOVACH: It's right in there.  
11  
12 CHAIRMAN KATCHATAG: Here, I'll give you a bright new  
13 CR. These are listed in the Federal Register, and .....

14  
15 MR. RABINOWITCH: They're numbered one through .....

16  
17 CHAIRMAN KATCHATAG: ..... there's the eight factors  
18 starting right there. And our discussion in Anchorage was that  
19 these factors are not to be used as a screen to determine  
20 whether or not a use qualifies as c&t, but rather more as a  
21 measure, as -- more as a measure of how many of these factors  
22 that that particular c&t use might exemplify rather than using  
23 as a qualifying criteria.  
24

25 MR. KATCHEAK: So before the motion is passed, I have a  
26 question. What other -- are we going to determine that c&t  
27 ourselves, or formulate another -- make our own? What .....

28  
29 CHAIRMAN KATCHATAG: Okay. The motion before us is to  
30 remove the eight factors as criteria for c&t use determination,  
31 and that c&t use be determined by a consensus of those that  
32 practice customs and traditions.  
33

34 MR. KATCHEAK: So Title VIII will become .....

35  
36 CHAIRMAN KATCHATAG: Title VIII will stay the same.  
37

38 MR. KATCHEAK: Uh-huh.  
39

40 CHAIRMAN KATCHATAG: We're basically changing  
41 regulation and not statute.  
42

43 MR. KATCHEAK: Oh, okay.  
44

45 MR. BARR: Could I see those?  
46

47 MR. KATCHEAK: It's been kind of vague. I took a Land  
48 Claims Settlement Act course, and ANILCA, I have kind of a  
49 vague idea what Title VIII, the eight criteria it has, so -- a  
50

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requirement -- for me that's become -- be subsistence user.

2

3 CHAIRMAN KATCHATAG: Well, that's basically the motion,  
4 the thrust of this motion is that we want to remove the eight  
5 factors as criteria. In other words, we don't want our customs  
6 and traditions to have to satisfy some or most of those eight  
7 factors to qualify as c&t, customary and traditional use.

8

9 What we envision or what we agreed to at that work  
10 session was that this should become a part of our annual round  
11 of meetings. In other words, we should have change proposals  
12 that also seek to modify or change the customary and  
13 traditional uses as listed in the book. At the present time we  
14 have no means of changing the c&t determinations that are  
15 listed on the regulation book. Is that not correct,  
16 Mr. Knauer?

17

18 MR. KNAUER: Yes, Mr. Chairman. Leaving these in here  
19 does not preclude this Council initiating or recommending  
20 changes in c&t determinations. They are two separate things.  
21 What this -- what these would do would essentially describe  
22 things that you folks would look at, and then they may describe  
23 the uses that are currently portrayed, and if so, would provide  
24 adequate documentation, should there be any disagreement.

25

26 For example, if a community in, we'll say, Southeast  
27 claimed c&t use of musk ox, I'm being very facetious now, but  
28 claimed c&t use of musk ox on the Seward Peninsula, rather than  
29 just say no where there is no justification, you could -- you  
30 would have something to say, "okay, in our lifestyle, one of  
31 the factors that demonstrates this is a long-time consistent  
32 pattern. We here on the Seward Peninsula have shown a long-  
33 term consistent pattern of use of this resource. Has this  
34 community in Southeast shown that same long-term consistent  
35 pattern?" And you would be able to say yes or no. And there  
36 would -- and you would be able to go through the eight and  
37 probably justify all of your decisions in a very logical  
38 manner, whether it's for musk ox, moose, caribou or whatever.

39

40 CHAIRMAN KATCHATAG: Thank you, Mr. Knauer.

41

42 MR. KNAUER: Uh-huh.

43

44 CHAIRMAN KATCHATAG: Any further discussion?

45

46 MR. BARR: So, Mr. Chairman, so you're arguing that we  
47 should leave them there then?

48

49 CHAIRMAN KATCHATAG: No, I -- my motion is that remove

50

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1- that we remove the eight factors as criteria.

2

3 MR. BARR: I mean this guy's arguing to keep them?

4

5 CHAIRMAN KATCHATAG: He's not "Mr. Chairman," I am  
6 Mr. Chairman".

7

8 MR. BARR: I mean, he's arguing as individual.

9

10 CHAIRMAN KATCHATAG: Mr. Knauer?

11

12 MR. KNAUER: Yes, Mr. Chairman. I'm not arguing  
13 necessarily to keep them. I am -- what I am stating is that  
14 the presence of them, and the ability for the Regional Council  
15 to make a recommendation for a c&t determination are two  
16 separate things. The way I understood the motion was to  
17 request the removal of these eight factors and to allow the  
18 Regional Council to make the determination. They are not  
19 directly tied. They are two separate things. The factors  
20 provide a basis for a determination, no matter who makes it.  
21 The recommendation or the establishment of a determination is  
22 something different, no matter what it's based on: those eight  
23 criteria, standard customs, whatever. So they are two separate  
24 things. That was what I was trying to point out.

25

26 MS. H. ARMSTRONG: Mr. Chairman?

27

28 CHAIRMAN KATCHATAG: Yes, Ms. Armstrong.

29

30 MS. H. ARMSTRONG: I have to say it, because you can't  
31 see me back here.

32

33 I -- as a staff person who's worked on some of these, I  
34 just wanted to say that one of the problems that I see with the  
35 eight factors is that there are a number of them that we don't  
36 have much data to support, and a number of them which even if  
37 we do have the information, that it's not always possible to  
38 discern between a subsistence user and a non-subsistence user.  
39 For example, a means of handling, preparing, preserving and  
40 storing fish and wildlife. I mean, that has been passed down  
41 by generations. I mean, that's possible for sport hunters to  
42 have. The sharing of the resources, sport hunters can do. And  
43 we don't -- we don't always have all the information.

44

45 The other problem we have with some of these, that I  
46 have, is that these are written fairly broadly. We don't  
47 define what long-term means. We also don't define what  
48 percentage of a community has to be practicing harvesting of  
49 that resource before it makes it a community practice. I mean,

50

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1s it 40%, is it 20%, is it 80%? We don't know that. In some communities like Tok, Ninilchik, we have practices that not everybody does, and so then does that make it a c&t or not?

4

5 And those are some of the issues that we grapple with, and I think -- I think there is some room for deleting some of those eight factors, because they don't really -- they don't really tell you whether this is a community that has -- is a subsistence -- harvesting these resources for subsistence uses.

10

11 But anyway, those were just some of my opinions about it.

13

14 CHAIRMAN KATCHATAG: Thank you, Ms. Armstrong. Any further discussion on the motion before us?

16

17 MR. ADKISSON: Mr. Chairman?

18

19 CHAIRMAN KATCHATAG: Yes, Mr. Adkisson?

20

21 MR. ADKISSON: Along that line that Helen's talking about, I think, you know, there have been problems I think in perhaps too narrowly defining or attempting to define some of the criteria, and the way they've been applied to individual cases.

26

27 The one thing that I would toss out for thought and concern is I think we've already heard this morning and on other occasions, for example, Nome is the largest community on the Peninsula, the kind of impacts it has on the wildlife resources in the surrounding area, and how that affects other areas in smaller communities when it comes to allotments and comes to harvest limits, bag limits and things. That sort of situation, you know, we're still very lucky on the Seward Peninsula, but other places in the State are really hard pressed with those kinds of issues, and as the populations grow on the Seward Peninsula, as more roads are put in to new areas, you know, we're going to face ourselves, you know, with those same kinds of problems of how we distinguish one user or protect the people that we think we know are the subsistence users. And it may be that some form of those criteria, of the right, are -- in looking at them perhaps somewhat more loosely whatever, and focusing on them may be some of the best opportunities we have.

45

46 How, for example, when Nome continues to grow, can you separate out subcommunities within Nome that we all know and feel are traditional subsistence users from those people in Nome who aren't? And those are problems that are going to

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become more and more real as time goes on, and if we totally  
 toss out the eight criteria, what are we going to replace it  
 with to be able to make those kinds of decisions? Or what  
 mechanism will we be able to put in place to do that, whether  
 it's through the IRA traditional councils or whatever. So let  
 me toss that out for consideration and thought.

7

8 CHAIRMAN KATCHATAG: Thank you, Mr. Adkisson.

9

10 Any further discussion on the motion before us?  
 Hearing none, what is the wish of the body?

12

13 MR. KATCHEAK: It seems to me, Mr. Chairman, that I'm  
 kind of -- we're kind of jumping into something that we need to  
 look at more. It would be good to know what other regions  
 think that, well, we're going to go ahead and drop these eight  
 criteria, what do you think, or what would be another way to  
 handle this.

19

20 CHAIRMAN KATCHATAG: The way that I recommended that it  
 be handled would be on a subregional basis. In other words,  
 we'd go into the Stebbins/St. Michael area and say, "Now, what  
 are your customs and traditions regarding all of the list of  
 resources that are in the regulation, moose, caribou, bear, you  
 name it, wolf, fox, birds? In other words, what are your --  
 what are the customs and traditions that you and the people  
 that you know in this area that practice with regard to these  
 resources?" And then you ask for the oldest traditions first,  
 you know. You want everybody to list the oldest traditions  
 with each resource, and then you keep adding on until  
 eventually you should get to the person that just got there the  
 day before yesterday, and say, "Okay. His customs and  
 traditions are none," because he has none. Or he does not --  
 he does not have any customs and traditions with regard to  
 these resources, because he just moved here. And that -- the  
 customs and traditions, they do not have to qualify by  
 measuring up to those eight factors, and they are there,  
 because they are the customs and traditions as being practiced  
 by those local people.

40

41 MR. KATCHEAK: So, in essence it's customary and  
 traditional use would be still there, the eight factors would  
 become no longer eight factors.

44

45 CHAIRMAN KATCHATAG: They would still be eight factors,  
 but they would not be a measure which any c&t use has to  
 qualify. In other words, you don't have to measure up to any  
 one or all of those eight factors. See, each area, subregion  
 would determine among themselves what customs and traditions

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they have and practice with relation to the resource.

2

3 And then the next motion that I will entertain will  
 4 clarify that, and basically what we're doing here is we're  
 5 moving to remove the eight factors and recommending that c&t  
 6 use be determined by consensus of those that practice customs  
 7 and traditions. Okay. That's the motion before us. That's  
 8 what we're discussing. The next motion that I will be either  
 9 making or entertaining will deal with what do we put in its  
 10 place. Does that make sense?

11

12 MR. KATCHEAK: Yes.

13

14 CHAIRMAN KATCHATAG: Okay. Any other questions or  
 15 comments?

16

17 MR. BARR: Question.

18

19 CHAIRMAN KATCHATAG: The question's been called. All  
 20 those in favor of the motion signify by saying aye?

21

22 IN UNISON: Aye.

23

24 CHAIRMAN KATCHATAG: All those opposed, nay?

25

26 (No opposing responses)

27

28 CHAIRMAN KATCHATAG: For the record, the motion passes  
 29 unanimously.

30

31 I would now entertain a motion that the Seward  
 32 Peninsula Subsistence Regional Advisory Council make the  
 33 recommendation that customary and traditional uses be reviewed  
 34 and recommended at the same time that subpart D proposals for  
 35 change are also submitted, so that at the time that we review  
 36 the subpart D seasons and bag limits and methods and means of  
 37 harvesting resources, that at the same time we would also get  
 38 into the customary and traditional uses and make  
 39 recommendations as to what customs and traditions with regard  
 40 to each particular resource is practiced within a particular  
 41 area, as a documentation of customs and traditions that are in  
 42 existence now, and in practice now as a continuation of customs  
 43 and traditions handed down by word of mouth. Does that make  
 44 sense?

45

46 MR. BARR: So move.

47

48 CHAIRMAN KATCHATAG: We have a motion before us. Do I  
 49 hear a second?

50

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1  
2 MR. KATCHEAK: Second.

3  
4 CHAIRMAN KATCHATAG: Seconded. Discussion? The idea behind all of this is that we're -- we were pointing out to the lead agency and the Staff Committee and staff that basically the way things are going now is even through the Regional Advisory Council things are proceeding on a top down basis. We're in Reagan's trickle down still. In other words, they want to legislate and regulate customs and traditions from the top down, with the end result where we go to our villages and says "these are the factors or these are the criteria under -- by which your customs and traditions are measured." I said that's not going to work, because people are going to say, "How does my customs and traditions fit within all of this? They don't, because you did not tailor the customs and traditions on the book to the way people are doing things. You're saying, okay. Let us define customs and traditions starting way up here, and then we'll work our way down and figure out if there's anything left at the bottom that qualifies."

21  
22 I said that that is not the proper way to do it. If in fact you want to protect customs and traditions as they are practiced, what you should do is for each resource when you hold hearings, you go to each subregion and say, "Okay. This is the resource. You tell me what your customs and traditions are with regard to that resource." And you list them from the oldest to the newest. So that .....

29  
30 One other thing that came out is that -- at the work session is that this should -- the way you put them down or the way they're finally catalogued as customs and traditions regarding a particular resource, specie of resource, is that you would have a listing of the oldest to the newest uses of that resource, so that if push comes to shove and that resource is -- doesn't have enough for everybody to do all these uses, then you would start taking them off. Last on, first off. In other words, the latest customs and traditions would start falling by the way so that only those with the longest customs and traditions would have access to that resource, and if in fact, and this should never happen, right, Bill? If in fact that resource is to the point where it has to be cut off, then everybody would not have access to that resource, to allow it to rebuild. Right? Because Title VIII of ANILCA requires the Secretary to exercise proper management of the resource, does it not?

47  
48 MR. KNAUER: (Nods affirmative)

49  
50

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1 MR. BARR: Question.

2

3 CHAIRMAN KATCHATAG: The question's been called. All  
~~th~~ose in favor of before us (sic), signify by saying aye?

5

6 IN UNISON: Aye.

7

8 CHAIRMAN KATCHATAG: All those oppose, nay?

9

10 (No opposing responses)

11

12 CHAIRMAN KATCHATAG: The motion passes unanimously.

13

14 MR. BARR: Does this conclude our working session?

15

16 CHAIRMAN KATCHATAG: Yeah, that's the work session  
~~a~~lso. Let me find my agenda here.

18

19 Any further action on c&t?

20

21 MR. BROWNELL: Mr. Chairman?

22

23 CHAIRMAN KATCHATAG: Yes?

24

25 MR. BROWNELL: Herb Brownell, Bureau of Land  
~~M~~anagement. Somehow you inadvertently left off BLM staff  
~~r~~eport.

28

29 CHAIRMAN KATCHATAG: By golly, we sure did. I'm very  
~~s~~orry, sir. At this time, we'll hear the BLM staff report.  
~~B~~ardon me, please, sir.

32

33 MS. MORKILL: Mr. Chairman, Anne Morkill with Kobuk  
~~B~~istrict. We don't have too much to report. We hope to  
~~c~~ooperate with Fish & Game on the moose collaring 22(B).

36

37 You mentioned an interest or concern over Western  
~~A~~ctic caribou herd, impacts on habitat. This summer we will  
~~B~~e in the field in the Nulato Hills area taking a look at the  
~~A~~chen range just to see what's happening out there, try to  
~~c~~ompare it to some work that was done about ten, 12 years ago.

42

43 And at the last meeting in Unalakleet, you had a number  
~~o~~f information questions regarding some cabin building and  
~~o~~ther issues in the Unalakleet area, and I just want to confirm  
~~w~~ith you, I believe you received a response from BLM on that?

47

48 CHAIRMAN KATCHATAG: Yes, I did.

49

50

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1 MS. MORKILL: Okay. And other than that, we'll  
 probably be able to provide some answers to Mr. Katcheak's  
 questions on reindeer permitting, and -- when that comes up on  
 the agenda. And other than that, if you have any questions, I  
 will try to answer them.

6

7 CHAIRMAN KATCHATAG: Ms. Morkill, since you brought it  
 up, you say you're going to be in the Nulato Hills?

9

10 MS. MORKILL: That's right.

11

12 CHAIRMAN KATCHATAG: And for how long?

13

14 MS. MORKILL: Probably for a couple of weeks. It  
 hasn't been determined yet. It's going to be probably late  
 July, sometime in August. We'll be using a helicopter for  
 access, and this will be probably coordinated with some of the  
 work we do with some of the eastern reindeer allotments out of  
 Koyuk, Shaktoolik, and Buckland. Some on-going work looking at  
 reindeer use of summer and winter range.

21

22 CHAIRMAN KATCHATAG: That brings up a good question:  
 How do you access lichen?

24

25 MS. MORKILL: How do you assess lichen? It's a rather  
 qualitative way of doing it. There's different categories of  
 determining very subjectively whether or not lichen's been  
 heavily used versus not used at all by caribou. Just looking  
 at the condition of the lichen itself, whether or not it looks  
 like it's been trampled or grazed.

31

32 CHAIRMAN KATCHATAG: In other words, it's to determine  
 traffic rather than bite marks?

34

35 MS. MORKILL: Yeah. You probably couldn't do too well  
 on bite marks. It's mostly looking at use, and it's hard to  
 determine if that is stepping on it or eating it. It's really  
 a qualitative way of saying whether or not there's been heavy  
 use versus moderate use versus no use at all.

40

41 CHAIRMAN KATCHATAG: In other words, you would not be  
 able to differentiate between a herd of caribou and a herd of  
 turtles?

44

45 MS. MORKILL: Probably not, but I think we can safely  
 eat out the turtles in this case.

47

48 CHAIRMAN KATCHATAG: Okay. Just want to make sure this  
 is not a two-week vacation in the Nulato Hills.

50

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1  
2 MS. MORKILL: No.  
3  
4 CHAIRMAN KATCHATAG: Any questions or comments for  
5 Ms. Morkill? And you're out of the Anchorage office?  
6  
7 MS. MORKILL: No, Fairbanks. Kobuk District.  
8  
9 CHAIRMAN KATCHATAG: Fairbanks.  
10  
11 MS. MORKILL: Yes.  
12  
13 CHAIRMAN KATCHATAG: Do we have somebody from the  
14 Anchorage office?  
15  
16 MS. MORKILL: No, we do not.  
17  
18 CHAIRMAN KATCHATAG: No, we do not. Any other comments  
19 or questions from -- for Ms. Morkill? Mr. Seetot?  
20  
21 MR. SEETOT: Mr. Chairman. Ms. Morkill, have you done  
22 any other studies, you know, other than the Nulato Hills, or,  
23 you know, within the Seward Peninsula on lichen?  
24  
25 MS. MORKILL: Regarding lichen and caribou?  
26  
27 MR. SEETOT: Yes.  
28  
29 MS. MORKILL: BLM has been involved for a number of  
30 years with the Soils Conservation Service in looking at or  
31 describing the vegetation on the whole Seward Peninsula and  
32 trying to coming up with a measure of how much lichen habitat  
33 there is, and that's been primarily driven for reindeer  
34 management.  
35  
36 MR. SEETOT: Okay.  
37  
38 CHAIRMAN KATCHATAG: Just for the record, the hot topic  
39 of the day is musk ox. Is there any competition between  
40 caribou and musk ox for habitat?  
41  
42 MS. MORKILL: That's a debatable question. There's  
43 been some work done on island situations looking at musk oxen  
44 and reindeer, which are very -- in some cases are similar to  
45 caribou in habitat and use, and there's been shown to be some  
46 competition, but that's in a very -- where there's limited  
47 habitat and a lot of overlap. In some cases reindeer, caribou  
48 and musk oxen do use different parts of the habitat, forage on  
49 different plant species during different parts of the year.  
50

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There's going to be a study that the University of Alaska, Fairbanks, has proposed in cooperation with the Park Service and BLM, looking at musk oxen and reindeer interactions in Herbie Carlan's allotment, and that will look at not only behavioral interactions between a musk oxen herd and a reindeer herd, but also look at potential competition on what they are actually eating.

8

9 CHAIRMAN KATCHATAG: You mean you don't know what they're actually eating yet?

11

12 MS. MORKILL: Well, we do, but we're going to take -- the proposal by the University of Alaska is to take an even closer look and actually measure using -- taking their pellets and determining what it is that they've eaten, and also doing some work in the summer to quantify vegetation after they've been seeing them on that particular site in the wintertime. Pretty much more direct comparisons.

19

20 CHAIRMAN KATCHATAG: Do you know what the latest habitat report is in the area you're going to be studying this summer? In other words, do you have a baseline to compare it with?

24

25 MS. MORKILL: In the Nulato Hills? There was some work done in the early 1980s by BLM that took a look at in general caribou use of lichen range in the Nulato Hills, and so we'll have that as a basis.

29

30 CHAIRMAN KATCHATAG: And did they also do this in the same area then?

32

33 MS. MORKILL: Yeah, it was pretty much -- most of it was actually in the Buckland Valley area, and we'll be looking at some areas further south.

36

37 CHAIRMAN KATCHATAG: Did -- in the 80s did they do an assessment of the lichen south of the Unalakleet as compared to that north of the Unalakleet?

40

41 MS. MORKILL: No. There have been some proposals I believe to do some work further south in the Nulato Hills areas, but I don't believe that was ever accomplished.

44

45 CHAIRMAN KATCHATAG: I would recommend that, because Unalakleet, Andy Gobuk used to have a reindeer herd up until the mid 60s, and then that was allowed to go wild in the mid 60s, and as far as I know, and this is all subjective, that the lichen range south of the Unalakleet is in very, very good

50

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shape.

2

3 MS. MORKILL: Uh-huh.

4

5 CHAIRMAN KATCHATAG: And this is based on my own  
 6 personal wanderings in the South River, the Ostrofsky River and  
 7 the Old Woman River.

8

9 MS. MORKILL: Uh-huh.

10

11 CHAIRMAN KATCHATAG: So I'm familiar with some of it.

12

13 MS. MORKILL: It's -- we're interested in looking at  
 14 particularly those areas where because of the increase in the  
 15 population there's been more recent use compared to some areas  
 16 like Tolik Ridge and Travis Peak where there's caribou every  
 17 year for the last, you know, couple of decades, and those will  
 18 provide some real good comparisons. Thank you for your  
 19 comment.

20

21 CHAIRMAN KATCHATAG: And again, before we let go of  
 22 you, Ms. Morkill, for our October meeting, I would like a  
 23 report from the BLM, the majority of the resources listed in  
 24 the Federal Subsistence Management Regulations as to  
 25 population, estimated use and anticipated use of those  
 26 resources, and by whom.

27

28 MS. MORKILL: Thank you.

29

30 CHAIRMAN KATCHATAG: And again for the record, this is  
 31 more or less to lay the groundwork so that we'll be able to  
 32 fully implement everything in Title VIII that's the  
 33 responsibility of the Council. So .....

34

35 Is your cohort also providing a report also,  
 36 Ms. Morkill?

37

38 MS. MORKILL: Herb will probably -- Mr. Brownell will  
 39 probably be able to answer some of Mr. Katcheak's questions on  
 40 the reindeer permitting later on in the agenda.

41

42 CHAIRMAN KATCHATAG: Okay. And what is his title,  
 43 Mr. Brownell, is it?

44

45 MR. BROWNELL: Yeah. I'm supervisor for wildlife and  
 46 subsistence.

47

48 CHAIRMAN KATCHATAG: And where are you situated?

49

50

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1 MR. BROWNELL: Fairbanks.

2

3 CHAIRMAN KATCHATAG: And you're the supervisor for all  
4 subsistence what?

5

6 MR. BROWNELL: Wildlife, fisheries and subsistence.  
7 Kobuk District.

8

9 CHAIRMAN KATCHATAG: Did you mention fish?

10

11 MR. BROWNELL: Yes.

12

13 CHAIRMAN KATCHATAG: Wildlife.

14

15 MR. BROWNELL: Fisheries.

16

17 CHAIRMAN KATCHATAG: Fisheries and subsistence. Could  
18 we also have a report on the fisheries resources for the  
19 October meeting then? Because I'm sure you both know that that  
20 is a hot topic among the local people.

21

22 MR. BROWNELL: You bet.

23

24 CHAIRMAN KATCHATAG: And also in the Board of Fish,  
25 which I believe they're meeting right now.

26

27 MR. BROWNELL: Uh-huh.

28

29 CHAIRMAN KATCHATAG: Any questions or comments for  
30 Ms. Morkill or Mr. Brownell? Is that correct? B-r-o-w-n-e-l-

31

32

33 MR. BROWNELL: Correct.

34

35 CHAIRMAN KATCHATAG: Herb Brownell. Did you have  
36 anything to add, Mr. Brownell?

37

38 MR. BROWNELL: Not at this time.

39

40 CHAIRMAN KATCHATAG: Thank you, Mr. Brownell. What is  
41 the wish of the body with regard to the remainder of our  
42 agenda? Do you wish to continue?

43

44 MR. BARR: Why don't we cover anything that's under old  
45 business and then take a break?

46

47 CHAIRMAN KATCHATAG: Okay. We have a request from our  
48 Vice Chair that we continue on with old business.

49

50

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1 We now move on to the annual report, 1994.  
 Ms. Armstrong, could you bring us up to date as to where we are  
 or are not on that particular document?

4

5 MS. B. ARMSTRONG: Well, on that annual report from the  
 East meeting that you guys had with this is that you guys were  
 more concerned about getting an answer for your annual report,  
 and you just as of today received yours, and so did Pete, and  
 the North Slope is just going to write one of this year. They  
 received theirs last year.

11

12 CHAIRMAN KATCHATAG: Whatever happened, did we not  
 agree to do a combined among the Arctic?

14

15 MS. B. ARMSTRONG: That's one that you raised  
 (indiscernible) and I was asking that they can sort of make it  
 a combined .....

18

19 CHAIRMAN KATCHATAG: I remember we talked about it in  
 December.

21

22 MS. B. ARMSTRONG: Yeah. Yeah. There's some idea of  
 combining. And Pete might be holding the reins now since  
 Walter got on the Board of Game.

25

26 CHAIRMAN KATCHATAG: Any comments or questions  
 regarding the annual report? I had agreed to more or less put  
 that together, did I not?

29

30 MS. B. ARMSTRONG: Yeah.

31

32 CHAIRMAN KATCHATAG: You're going to have to yank my  
 chain, and we've got get that thing done again before April 11.  
 34 see we finally got an answer for our last April 11 annual  
 report. And that was one of the things that we had complained  
 36 the lead agency about is that what -- what status does that  
 particular report have within the lead agency, and/or the  
 Department of Interior, and I do have an answer somewhere in  
 here. I know I've got it. What did I do with it? Found.

40

41 Okay. For the record, annual report, 1993 model. I  
 have here a record from Mr. David Allen, Acting Chair, Federal  
 Subsistence Board, dated February 22, 1995. And it says,  
 Sheldon Katchatag, Chair, Seward Peninsula Regional Advisory  
 Council. Dear Mr. Katchatag: I'm responding on behalf of the  
 Secretary of Interior, Secretary, to the Seward Peninsula  
 Regional Advisory Councils -- Council, first annual report  
 submitted April 11, 1994. The Secretary has delegated  
 responsibility for responding to the Federal Regional Advisory

50

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Councils' annual reports to the Federal Subsistence Board.  
Board.

3

4 "I apologize that the response to your annual report  
has been delayed this long."

6

7 And then it brings up the items which we had -- I had  
included as chair in the first annual report.

9

10 "The annual report addresses tribal management of  
subsistence resources, and draws into discussion topics both  
within the purview of Title VIII of the Alaska National  
Interest Conservation Act, as well as those covered by Marine  
Mammal Protection Act and the Migratory Bird Treaty Act. The  
ideas presented in the annual report reflect a great deal of  
thought and a sincere commitment of working towards change to  
benefit tribal members in your area.

18

19 "The issues underlying much of the commentary in the  
annual report involves the changing relationship between the  
Federal Government and Native American tribes. Specifically,  
the report sets forth data --" excuse me. "Specifically, the  
report sets forth draft proposed guidelines implicitly  
establishing the Council's advisory relationship to the tribes,  
and enumerates guidelines for tribal management of subsistence  
economies. Additionally, the annual report discusses tribal  
participation in the development of amendments to the Marine  
Mammal Protection Act as well as tribal participation in the  
management of polar bears. Your report also refers to the  
impacts of various user groups on migratory birds.

31

32 "With respect to the latter issue, I understand that  
the information on migratory bird population and the harvest  
statistics requested in your report was made available to your  
October 1994 Council meeting.

36

37 "With respect to broader underlying issue of tribal  
involvement in management of subsistence resources, it is clear  
that there will be increasing emphasis on the Government-to-  
Government relationship between the Federal Government and  
Native American tribes. How that relationship will be  
complemented in the context of the existing statutes governing  
management of migratory birds, marine mammals and other  
wildlife and fisheries resources has yet to be determined.

45

46 "As was indicated in a January 6th, 1995, letter to you  
from Richard S. Pospahala, the role tribes will play in  
wildlife and fisheries management will hinge to a large degree  
on the outcome of the Venetie and Klute Kah court cases.

50

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Pending the outcome of these two cases, the U. S. Fish & Wildlife Service, Service, has taken steps to enhance native involvement with fish and wildlife management. One of the steps is establishment of a full-time native liaison position to serve all aspects of the Service's program in Alaska. Additionally, the Service intends to fully involve native organizations as well as the Federal Regional Advisory Councils in development of the implementation plan for the Service's Native American policy.

10

11 "The annual report also expressed concerns about management and harvest of musk ox on the Seward Peninsula. I understand the Council last October submitted proposals to the Board to make a customary and traditional use determination and to establish a subsistence season for musk ox in portions of Units 22 and 23. I also understand this issue will be addressed by the Council at its February 23/24, 1995, meeting. The Board will act on your proposals at its April 10 to 14, 1995, meeting, and we are anticipating a solution that will be acceptable to all parties concerned.

21

22 "Thank you for taking the time and effort to bring forth your Council's concerns. I look forward to continued dialog with you and the other members of the Seward Peninsula Regional Advisory Council. Sincerely, David Allen, Acting Chair."

27

28 That is in the record as an answer to our annual report.

30

31 MR. BARR: Do you need a motion to accept this report?

32

33 CHAIRMAN KATCHATAG: The answer?

34

35 MR. BARR: So move, Mr. Chairman.

36

37 CHAIRMAN KATCHATAG: We have a motion to accept Mr. Allen's answer to our 1993 annual report. Do I hear a second?

40

41 MR. SEETOT: Second.

42

43 CHAIRMAN KATCHATAG: Seconded. Discussion?

44

45 MR. KATCHEAK: Question.

46

47 CHAIRMAN KATCHATAG: The question's been called. All those in favor of the motion before us signify by saying aye?

49

50

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1 IN UNISON: Aye.

2

3 CHAIRMAN KATCHATAG: All those opposed, nay?

4

5 (No opposing responses)

6

7 CHAIRMAN KATCHATAG: The motion passes unanimously. We  
 8 have accepted the answer to our 1993 report. Are there any --  
 9 Are there any items other than the base population, the  
 10 estimated subsistence use, -- are there any other items which  
 11 we should include in our 1994 annual report?

12

13 While you guys are thinking, I'm going to recommend  
 14 that we add the Board of Game musk ox hunting plan, along with  
 15 our interim c&t request, and our draft subsistence management  
 16 plan for musk ox on the Seward Peninsula.

17

18 I would also like to recommend, and I would entertain a  
 19 motion to do same, that we also include the estimates from the  
 20 migratory bird section of Fish & Wildlife Service regarding the  
 21 relative health and populations of migratory birds as reported  
 22 at our last meeting, with emphasis on the minuscule amount  
 23 harvested by all of Alaska, both sport and subsistence, with  
 24 emphasis on the very small portion taken by subsistence users,  
 25 both spring and summer and in the fall.

26

27 Any other things that we should include in our annual  
 28 report?

29

30 Oh, one thing. I would also add, Barb, and you can  
 31 make note of it, is the untimely passing of our first Vice  
 32 Chair, Mr. Roy P. Pechi Otton.

33

34 Anything else that we should include in our annual  
 35 report? And the Chair would entertain a motion that the Chair  
 36 work with Regional Coordinator in completing said annual  
 37 report.

38

39 MR. KATCHEAK: So move.

40

41 CHAIRMAN KATCHATAG: We have a motion, do I hear a  
 42 second?

43

44 MR. BARR: Second.

45

46 CHAIRMAN KATCHATAG: Seconded. Discussion?

47

48 MR. SEETOT: Question.

49

50

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1 CHAIRMAN KATCHATAG: The question's been called. All  
 those in favor of the motion signify by saying aye?

3

4 IN UNISON: Aye.

5

6 CHAIRMAN KATCHATAG: All those opposed, nay?

7

8 (No opposing responses)

9

10 CHAIRMAN KATCHATAG: The motion passes unanimously.

11

12 We now move on to Regional Council Charter renewal.

MS. Armstrong?

14

15 MS. B. ARMSTRONG: Bill, could you fill them on that  
 charter, please? That's the new one that I gave out here  
 earlier. Or its in your folders, too.

18

19 MR. KNAUER: The Federal Advisory Committee Act  
 requires that any advisory body to the Federal Government be  
 both chartered and if it is to continue, have a charter renewed  
 every two years. The two-year date is based upon either the  
 date of the initial charter, if it's an administrative  
 committee, or on the two-year anniversary date of the enabling  
 legislation, if it's a legislatively mandated committee.

26

27 The Regional Councils are described, essentially  
 enabled, in ANILCA; therefore it's considered to be a  
 legislatively mandated committee. The anniversary date would  
 be December 2nd of even-numbered years. This Council's, as did  
 all the other Regional Council charters, expired December 2nd,  
 1994. And the charter you have in front of you is the renewed  
 charter for the next two years. It will expire December 2nd of  
 1996.

35

36 So you are a legally-chartered advisory committee. As  
 such, your meetings are open to the public. The proceedings of  
 your meetings are available to the public. It's the duty of  
 the Council to have both accessible and advertised meetings.  
 We do take that seriously and publish in the Federal Register  
 as we're required. We also publish notices in the Statewide  
 media, and publish locally. And both this Council and the  
 other Councils have made it part of their priority to make  
 their meetings accessible to their constituents throughout the  
 regions by trying to move their meetings throughout their  
 region so that they are available to other individuals and  
 users, and to provide a forum for them.

48

49 CHAIRMAN KATCHATAG: Is that it?

50

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1  
2 MR. KNAUER: Uh-huh.

3  
4 CHAIRMAN KATCHATAG: Thank you, Mr. Knauer.  
5

6 For the record, each one of you should have a copy of  
the charter, and if you'll look on the back page, you will  
notice that Mr. Bruce Babbitt, Honorable Secretary of the  
Interior, has signed our charter as of the 31st of January.  
Any questions or comments regarding our charter?

11  
12 As you can see, under item six, "Duties of the  
Council," item number four, it says, "Prepare an annual report  
to the Secretary containing the following: (a) an  
identification of current and anticipated subsistence uses of  
fish and wildlife populations within the region; an evaluation  
of current and anticipated subsistence needs for fish and  
wildlife populations within the region; a recommended strategy  
for the management of fish and wildlife populations within the  
region; and recommendations concerning policies, standards,  
guidelines, and regulations to implement strategy."

22  
23 And it also lists number five, "make recommendations on  
determinations of customary and traditional use of subsistence  
resources." That's what we just did. We've made a  
recommendation that we want to have hearings within our  
subregions to determine what customs and traditions are used  
and practiced in that subregion, and that we will be making  
recommendations on customary and traditional use determinations  
with regards to species, as of -- with motion number two.

31  
32 And I have asked each staff member that has reported  
that we will be needing to know the status of the resources  
within their jurisdiction at our next meeting.

35  
36 Any questions or comments from the Council? From the  
staff? From the general public?

38  
39 MR. BARR: The first time I see Babbitt sign his name.

40  
41 CHAIRMAN KATCHATAG: You didn't see it on your  
appointment?

43  
44 MR. BARR: Oh, I did I guess. Second time.

45  
46 CHAIRMAN KATCHATAG: Okay. Our charter is in the  
record. It has been renewed. We have a signature date. We  
now move on to item E, Kusetrein caribou, customary and  
additional uses. Report by Mr. Elmer Seetot of Brevig

50

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Mission. Mr. Seetot?

2

3 MR. SEETOT: Mr. Chairman, I just wanted to report that  
 4 at the last meeting I said I would get some pictures of areas  
 5 that were -- are used traditionally by our ancestors; however,  
 6 I was unable to get some pictures of the areas that were used.  
 7 I'm still in the process of checking out areas that were used  
 8 by asking the elders, the local people that know of these  
 9 areas, and I hope sometime this summer to take a walk and, you  
 10 know, document such areas that were being used by our people  
 11 many years ago, and that was just the extent of my report.  
 12 That I was trying to document these areas. I'm also asking  
 13 other people what they knew was the customary use, you know, of  
 14 these areas. Not only within Brevig Mission, but also in the  
 15 nearby Klink (ph) Hills (ph), Teller. And that's all I can  
 16 offer at this time.

17

18 CHAIRMAN KATCHATAG: Thank you, Mr. Seetot. One thing  
 19 I would recommend for the benefit of those people that live  
 20 within your area, but also for future generations, I would also  
 21 recommend that you document any other customary and traditional  
 22 uses of other resources that are or might not be listed in the  
 23 regulations under resources. And one thing that I would place  
 24 emphasis on for the near future would be to document any oral  
 25 history with regard to musk oxen.

26

27 Any other comments or questions for Mr. Seetot  
 28 regarding Kusentrien (ph) caribou c&t use or areas? Hearing  
 29 none, thank you, Mr. Seetot.

30

31 Moving on to item F, draft tribal management. Barb, I  
 32 think what you and I should do is to draft a letter to the  
 33 affected tribal city and village governments within this region  
 34 regarding tribal draft -- the draft tribal management of  
 35 subsistence resources and economies.

36

37 MS. B. ARMSTRONG: In Seward Peninsula?

38

39 CHAIRMAN KATCHATAG: Yes. Seward Peninsula/Norton  
 40 sound area. And I'll get together with you and we can draft a  
 41 letter on that. And that falls within our charter. In other  
 42 words, as you can see, we're required to make recommendations  
 43 on strategies, policies and regulations for management of  
 44 subsistence within our region, so I'll leave it at that.

45

46 Any comments or questions regarding draft tribal  
 47 management? Hearing none, we are hereby recessed for supper.  
 48 We shall reconvene at 7:00 p.m.

49

50

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1 (Off record)

2

3 (On record)

4

5 CHAIRMAN KATCHATAG: Good evening. Call the Council  
back to session, and we're on item seven, New Business, A.  
Definition for Resident. Mr. Bill Knauer?

8

9 MR. KNAUER: Thank you, Mr. Chairman. As you know,  
Section Six of the -- Section Six of the regulations indicate  
that subsistence users are required to possess, and I quote,  
"The pertinent valid State hunting, fishing and trapping  
license required, unless Federal licenses are required." The  
term "pertinent" has caused some concern both within the State  
Department of Fish & Game, and within some various Federal  
agencies. And there have been some problems associated with  
it.

18

19 There are two letters attached to that briefing paper  
you have, one from the Joint Boards of Fisheries and Game in  
which they request that for the -- for Federal subsistence  
users, they should be required to have either a resident  
hunting license, a resident trapping license, or a resident  
fishing license to participate in the respective activity.  
That's somewhat interesting, because currently under State law  
you need to have either a resident hunting license, a resident  
trapping license, but the State does not require a fishing  
license to participate in subsistence fishing.

29

30 There is also a letter from the Bureau of Land  
Management, and there have been some concerns and some problems  
associated with individuals claiming residency either in a  
part-year situation, or individuals just newly arriving in a  
community. And this has occurred primarily in your road-  
connected areas. They'll find an individual living in a K-way  
camp ground or something similar, having just come there either  
for the construction season, and claiming a residency  
situation, and this, of course, creates competition for the  
individual who has been there for possibly generations, their  
family, subsisting in that area.

41

42 And the Board is saying, "We know we've got a little  
bit of a problem in some places. Is this sufficient to cause  
us to take action, and if so, what action?" And so what  
they're doing is circulating this briefing statement to all of  
the Regional Councils, and asking the Councils for their  
impression, their concerns, what should they do? The three  
options that are presented there below are just that, options.  
There may be other options. You may have a better idea, or

50

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You in fact may feel that there is not really a problem and there's nothing that needs to be changed. The Board is not asking for an immediate answer, but what they are asking is for you to digest this, ask around, look about your region and see if there might be a problem, and if so, what you might suggest.

6

7 Do you have any questions?

8

9 CHAIRMAN KATCHATAG: Well, leave it to me, Mr. Knauer. First of all, subsistence in Title -- subsistence uses in Title VIII of ANILCA is defined as customary and traditional uses, is it not?

13

14 MR. KNAUER: Consistent with conservation of healthy populations.

16

17 CHAIRMAN KATCHATAG: Yeah, all of that. But .....

18

19 MR. KNAUER: And .....

20

21 CHAIRMAN KATCHATAG: But it starts off "Subsistence uses is defined as .....

23

24 MR. KNAUER: And consistent with sound management principles.

26

27 CHAIRMAN KATCHATAG: Right. Right. All of that. But first of all, before you get into all of those qualifiers, it says, "Subsistence uses are defined as customary and traditional uses." Right? Now, to my understanding of customs and traditions, these are things -- are practices, patterns that are taught from the time you're old enough to walk around until you reach adulthood, as methods and means of harvesting resources for the provision for your family, whether it be nuclear or -- and/or extended.

36

37 Basically what this -- what it looks like to me, and this is a continuation, is that basically what -- the way this is going to end up, unless we do something is that we are going to have to be -- have to buy a license to practice our customs and traditions. Now, that's -- Yeah, I've said it all along, ever since I've gotten into this program is that that's unacceptable to me. It's -- you don't teach customs and traditions so that they become ingrained habits just so that -- that somebody else can come along later and say, "In order to manage your activities, we need to charge you a fee for those things that you've learned -- that you've learned to do that -- at your elder's knee," so that's my objection right off the bat.

50

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1  
2           Regardless of what the requirements of the State and  
Federal Government are, there's no way that they are going to  
make me buy a license to practice my customs and traditions.  
And I'll say that for the record.

6  
7           So the next question comes up, is what's your option  
with regard to my resistance to being licensed?

9  
10          MR. KNAUER: You'll notice one of the options is to  
eliminate the need for a license. We're not saying that having  
a license is or is not the right thing. What we're saying is  
there have been some concerns expressed over individuals coming  
up and claiming the same right that you might have in what  
might be an unfair situation, and creating competition for you.  
How would you see handling that?

17  
18          CHAIRMAN KATCHATAG: The only way that I could see  
handling it, and this would require probably meetings ad  
infinitum or ad nauseam, depending on your perspective, among  
us see, this is the problem. We've been sitting here  
practicing our customs and traditions ever since before  
Statehood, and then along comes the State in 1959, and says,  
"Okay. Now you're required to get a license." And then the  
Federal Government comes along as says, "Well, maybe you're not  
required to get a license, but only on Federal public lands,"  
so my solution to this is to have the tribes license their  
members, and not for a fee, but to give them a life-time  
license, which is nontransferable and you cannot use it in  
proximity. In other words, you can't gain monetarily from having  
this license. It's there just to recognize your right to  
harvest these resources, but to also minimize the conflicts  
that you might have with -- in the State -- between you and  
State and Federal agents.

35  
36          We don't -- when we go out and about and practice our  
subsistence, we don't say, "Okay. I've got to do it between  
that mark and that mark over there in a straight line that goes  
east and west from those marks." We don't go by straight  
lines. We go into drainages, and we don't -- we don't rely on  
marks on a piece of paper to say where we can or can't hunt.  
to fish or trap.

43  
44          Peter? Mr. Buck?

45  
46          MR. BUCK: Yes.

47  
48          CHAIRMAN KATCHATAG: For the record, could you state  
your name for the record?

50

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1  
2 MR. BUCK: Yes, my name is Peter Buck. I'm the  
3 president of White Mountain IRA.

4  
5 And this definition of residents, that's -- I think  
6 that you need to look into the enrolled IRA members for this.  
7 And I think most of the villages up here -- I know White  
8 Mountain is -- their enrollment is up to date. And this  
9 enrollment is recognized by the Federal Government as being  
10 residents of White Mountain. And so you might take into  
11 consideration of the enrollment process that has taken place in  
12 the different villages. And you might -- it might have some  
13 effect on who's going to be harvesting.

14  
15 CHAIRMAN KATCHATAG: That's basically my proposal in a  
16 nutshell, is that the tribal governments are responsible to  
17 their membership for regulating their subsistence activities,  
18 and I would -- I would -- see, if there's a requirement for a  
19 license, that that in fact becomes the purview of the tribal  
20 government, affected tribal government with regard to whether  
21 or not they want to issue licenses or not, or to prevent, or to  
22 mitigate any requirement by the Federal or State Government to  
23 license it. That's been my position all along, is that what we  
24 have to do as tribal members is to push our tribal governments  
25 to protect us from all of these regulations. And that's what  
26 each and every one of us as tribal members have to do.

27  
28 And for the nontribal people, like I keep saying, you  
29 guys are the experts on how you want to define resident for  
30 nontribal people.

31  
32 Mr. Knauer?

33  
34 MR. KNAUER: Yes, it might be something that you may --  
35 whatever your recommendation is might be something you might  
36 wish to include your annual report. I would also remind you  
37 that this Council represents all rural residents here in the  
38 region, and so you may wish to make a recommendation on how you  
39 would handle all rural Alaska residents in your region, because  
40 you are representing all of them, not just the tribal, or just  
41 the nontribal members, but all of your rural residents in  
42 this region.

43  
44 CHAIRMAN KATCHATAG: Thank you, Mr. Knauer. I  
45 appreciate that. And one of the -- if you -- I don't know if  
46 you were in our first October meeting in Nome, but we deferred  
47 the expertise of the Office of Subsistence Management with  
48 regard to the regulation of subsistence by nontribal people,  
49 and we -- as far as I know, that's still in -- still the  
50

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direction of this Council. In other words, we have adopted the Federal Subsistence Management Program and its regulations for all nontribal people within the region. Right? That's a given. Whatever else we might say about tribal people, we have officially adopted the Federal Subsistence Management Program and regulations for all nontribal people within the region. And if they have any quarrel with how the Federal Subsistence Management is regulated, then they can come to us.

9

10 But for tribal people, that's a different story. To my perspective. Because we're talking about our customs and traditions which are taught by our parents and our elders for no fee. They don't get anything out of it except a little help doing that hard work generally, and the satisfaction of knowing that they are passing on customs and traditions.

16

17 As far as how you define residents, if you want, we could start with the nontribal people and work our way back to the core of the matter, or we could start with the tribal and work our way out to the superfluous, depending on your perspective. And as the Chair, I will take the initiative and state that for the definition of resident, I think it behooves the U.S. Fish & Wildlife Service to begin to implement the Native American Fish & Wildlife -- Native American policy of the Fish & Wildlife Service with regard to recognition and cooperation and working with tribal governments, especially with regard to subsistence and its resources.

28

29 And in that respect I would recommend that for the tribal people within our region that we would adopt the tribal rules for the definition of who is a tribal resident within the region, because I don't know if White Mountain does this or not, but I know Elim maintains not only a list of all tribal members enrolled to the tribe, but they also maintain a list of resident tribal people. In other words, those that live within the community. So that would -- to my way of thinking would be a very good starting place for the definition of resident tribal people, because the tribal governments themselves make that distinction. And I -- the tribal governments supposedly enjoy a government-to-government relationship with the Federal Government, and therefore I don't think they'd have any problem sharing their -- or keeping their tribal roles not only current, but updated for you.

44

45 And I think what needs to be done is to have some meetings with the tribal governments and let them know what's required, and how they wish to pursue in this matter. Because I know, and everybody has their own turf, and they don't like me in my unofficial capacity, even though I always claim my

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tribal membership, I have no official capacity with any tribe at this time other than being a member of the Native Village of Unalakleet, residing in the Native Village of Elim. So that's where I'm at. So I can't officially speak on behalf of the tribal governments, but I have made it a policy of myself as the chair of this Council that in as many of these areas where I feel it is their jurisdiction, that we should defer to them, and this is one of them. And I think they should define not only who their resident tribal people are, but also their urban tribal people, because I don't hold my tribal membership as something that's comparable to say a membership in the health club or the racquet club. It's not the same thing. And I don't hold my membership that lightly. And I don't think anybody else should.

15

16 And I really think that what needs to be done is to have the tribes come to some understanding among themselves as to how they wish to be treated under the regulation, and also the definition of their memberships as resident.

20

21 Mr. Barr?

22

23 MR. BARR: Yes, thank you, Mr. Chairman. You know, our village back home is -- has BIA tribes, you know. I mean, we had to enroll all our tribes into this BIA card, and we get a card, you know, that we carry with us all the time. But the people that -- like white people that intermarry into our village, you know, we leave them out, because they're not natives, you know. Regardless of who they're married to, or regardless of who they are, you know. And -- but that's the difference between Elim and Shishmaref I think. Elim is a reservation and I guess they've got to keep track of all the people that they have in their village. But us, we're not a reservation, you know, so -- I mean, I thought I'd just bring this out, you know, for the fact. But we do have a card that, you know, we carry with us all the time that we're part native or full native. Four/four natives, you know. Four/fourths, that's what mine says, you know. And then as soon as a child is born into the village, we also enroll them into the BIA so that they can get a card and -- because, you know, the hospital won't even recognize you if you don't have that card. Thank you.

43

44 CHAIRMAN KATCHATAG: Thank you, Mr. Barr. Any other questions or comments?

46

47 The Board is looking for some direction from the Councils, is it not, Mr. Knauer?

49

50

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1 MR. KNAUER: Yes, after the Councils have had an  
 opportunity to study it and discuss it with their  
 constituencies.

4

5 CHAIRMAN KATCHATAG: I think we should go with option C  
 for the tribal people anyway. That's been my aim and goal ever  
 since I got involved with this particular organization is that  
 we've said time and again we have too many regulations, hoops  
 and everything that we have to follow and read and try to  
 comply with. And the basic problem is that over all native  
 people when they're sober, they're real law-abiding people. So  
 you're creating an unnecessary hardship, because not only do  
 you have to comply with State regulations, but also have to  
 comply with Federal regulations. And the trouble is you --  
 nine times out of ten you'll end up with a book of regulations  
 that looks like this, and you need a microscope to be able to  
 read the darn thing.

18

19 And I've said time and again that there shouldn't be  
 any paperwork needed to follow customs and traditions, you  
 know. It's not like you bring along a tablet and a piece of  
 paper and say, "Now I've got to do this and do that and follow  
 this and follow that." We don't do things with paper and  
 pencil when we're doing our customary and traditional uses.

25

26 So I would recommend that we go with option C to revise  
 the regulations to recognize the customs and traditions as  
 practiced by tribal people, to eliminate the need for any  
 license for harvesting subsistence resources on Federal land.  
 That would be my recommendation, but whatever the Council wants  
 to do is the wish of our small majority.

32

33 By the way, since we have a bare quorum, I think in  
 order for us to be legal, all of us have to vote yes on any  
 motions that we take, for it to be legal. Four out of seven.  
 So there's a little drawback.

37

38 MR. KNAUER: Mr. Chairman?

39

40 CHAIRMAN KATCHATAG: Mr. Knauer?

41

42 MR. KNAUER: A point of order. Just -- you have to --  
 any vote has to have a majority for whatever, either .....

44

45 CHAIRMAN KATCHATAG: A majority of the seven?

46

47 MR. KNAUER: ..... to vote up or vote down .....

48

49 CHAIRMAN KATCHATAG: A majority of the seven, or the

50

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majority of the quorum?

2

3 MR. KNAUER: Majority of the quorum. We did some  
4 research on that. The question came up at another time.  
5 And .....

6

7 CHAIRMAN KATCHATAG: So three out of seven is good when  
8 you have a quorum of four?

9

10 MR. KNAUER: Three out of the four.

11

12 CHAIRMAN KATCHATAG: The Inupiat, they'd say, no. No,  
13 it won't work. Thank you for the point of order, Mr. Knauer.

14

15 What is the wish of the body with regard to the term  
16 "resident"? You've heard my recommendation. It's up to you.

17

18 MR. SEETOT: Mr. Chairman?

19

20 CHAIRMAN KATCHATAG: Mr. Seetot?

21

22 MR. SEETOT: I think that it would be appropriate that  
23 we go with your recommendation that each community that uses  
24 these resources maintain tribal membership with what's in their  
25 community.

26

27 When Fish & Game -- Department of Fish & Game did their  
28 research with Brevig Mission five, ten years ago, they did --  
29 incorporated -- they mentioned something about traditional uses  
30 within our boundaries. And most of these boundaries would  
31 overlap with other communities that use the same areas. I  
32 think for residency requirement that we do maintain the tribal  
33 roles.

34

35 However, some of these lands do fall outside of Federal  
36 lands. One -- the majority being around Teller and Brevig  
37 Mission. I think that they should still comply with State  
38 regulations to, you know, get certain species such as moose and  
39 other games that require these permits. Like you said, most of  
40 the residents do try to keep within the law, but when they  
41 break the law, you know, they either tell someone or they just  
42 keep quiet about it. Now, one being the illegal harvest of the  
43 endangered birds. Why tell a person outside your jurisdiction  
44 that you're going to get waterfowl that is listed under the  
45 Federal Register as being endangered and that you're not  
46 opposed to.

47

48 Most of the people that I've talked to are -- said that  
49 the only license that they need, you know, is when they go

50

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hungry, is that these are creatures given by the Creator that if you do manage them right, that they will multiply and that we'd be the managers of these resources. So I would maintain or try to find some way that it would pertain to residents within the community and that other sources of revenue (ph) be taken to adopt or to try to define nonresidents within the community use area.

8

9 CHAIRMAN KATCHATAG: Thank you, Mr. Seetot.

10

11 MR. BARR: I move to go with option C.

12

13 CHAIRMAN KATCHATAG: With my modification?

14

15 MR. BARR: Yes.

16

17 CHAIRMAN KATCHATAG: We have a motion on the floor to go with option C, to revise the regulations, and this is where I've inserted my language, revise the regulations to: (1) recognize tribal governments and memberships, and (2) utilize the tribes -- the affected tribal role as the basis for residence of all tribal members, with the proviso that all nonresident -- or all tribal members not living within the Native village be carried as nonresident tribal members. In other words, if they're living in Anchorage, then they'd be listed -- if we're talking about White Mountain, then they'd be listed as a member of the tribe for the purposes of the tribal role, but that they are listed as nonresident tribal members. In other words, they're not living in the Native Village of White Mountain proper.

31

32 Mr. Knauer?

33

34 MR. KNAUER: Just a point, Mr. Chairman. I recognize your concerns as expressed both at the Anchorage meeting and other days, as well as others, for native members living in nonrural areas; but currently the law does not allow us to recognize them for purposes of Title VIII, and we would be legally prohibited from doing so.

40

41 CHAIRMAN KATCHATAG: They would -- they are automatically prohibited by themselves, because they are not carried as a resident of the tribe.

44

45 MR. KNAUER: Oh, I see what you're meaning then. Okay. I misunderstood you.

47

48 CHAIRMAN KATCHATAG: Right. See, what I'm saying is that each tribe should make sure that they differentiate

50

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between those resident -- I mean, those tribal members that are residents of their native village and those that are not.

3

4 MR. KNAUER: Okay. Thank you.

5

6 CHAIRMAN KATCHATAG: And for the purposes of subsistence regulations within the area, then their tribal resident population would be the only ones qualified. And that seems like a good way to go.

10

11 Mr. Tocktoo?

12

13 MR. TOCKTOO: I've got a question, Mr. Chairman. What if I had a part-time job in a nonrural, and I go -- I mean, go to Anchorage as a part-time job and I want to go say three or four months in Anchorage, and I'm from Shishmaref? Then I've got to go do some subsistence hunting there. Would that eliminate me from going to -- Would I be qualified for a resident to go out and subsist?

20

21 CHAIRMAN KATCHATAG: During the time when you're not working, you would be.

23

24 MR. TOCKTOO: Okay.

25

26 CHAIRMAN KATCHATAG: Does that make sense?

Because .....

28

29 MR. TOCKTOO: Because I know .....

30

31 CHAIRMAN KATCHATAG: Because you would be carried .....

32

33 MR. TOCKTOO: ..... I guess that would answer my question, if I was .....

35

36 CHAIRMAN KATCHATAG: Right. You would be carried as a resident during the time that you are in the village, but during the time you are out working if it's over -- I think the State residence requirement is 30 days, so if you're gone over 30 days, legally you're a resident of another community.

41

42 MR. BARR: But your village carries you, right?

43

44 CHAIRMAN KATCHATAG: But your village will carry you as a tribal member. Nonresident, but still as a tribal member.

46

47 Mr. Buck?

48

49 MR. BUCK: Yes. We went through this -- we have some

50

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ordinances on the residence in our Village of White Mountain. And being, like you said, if you was in Anchorage for a long time, and you came back to the village and do some subsistence hunting, fishing, whatever, you'd be allowed to, because he's an old member. He doesn't lose that status. It has to be worked out with each individual village. That's the way it is in White Mountain.

8

9 MR. BARR: Is there a second to my motion?

10

11 CHAIRMAN KATCHATAG: We have a motion on the floor  
begging .....

13

14 COURT REPORTER: Mr. Chairman?

15

16 CHAIRMAN KATCHATAG: ..... a second. Pardon?

17

18 COURT REPORTER: Who did the seconding?

19

20 CHAIRMAN KATCHATAG: We didn't have a second. I'm  
articulating that .....

22

23 COURT REPORTER: I thought you said .....

24

25 CHAIRMAN KATCHATAG: ..... I'm begging the second.

26

27 COURT REPORTER: I beg your pardon. I thought you said  
somebody had seconded it.

29

30 MR. KATCHEAK: Second.

31

32 CHAIRMAN KATCHATAG: Seconded by Mr. Katcheak to  
recommend option C to the Federal Subsistence Board. And again  
let me iterate what the motion is. It's to adopt option C,  
modified to read "revise the regulations to (1) recognize  
tribal governments and their memberships; and (2) to utilize  
the tribal role as the basis for tribal residence; and number  
three, to eliminate the need for any license for harvesting  
subsistence resources on Federal lands.

40

41 Discussion? Mr. Seetot?

42

43 MR. SEETOT: Mr. Chairman, it says this could result in  
widespread abuse by nonqualified individuals competing with  
tribal residents for limited resources. Is there any  
restrictions, you know, that they would place if we did vote  
for option C?

48

49 CHAIRMAN KATCHATAG: This -- okay. This option C is

50

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for the tribal people within our region.

2

3 MR. SEETOT: Okay.

4

5 CHAIRMAN KATCHATAG: So far.

6

7 MS. H. ARMSTRONG: Mr. Chairman?

8

9 CHAIRMAN KATCHATAG: Yes?

10

11 MS. H. ARMSTRONG: I think what that -- I mean, I think  
 12 that applies probably most in areas where you've got road-  
 13 connected regions, and where there are a shortage of resources.  
 14 I think the thing that you'd have to consider if there were a  
 15 limited amount of moose, say, one day, and they closed it to  
 16 sport hunters. Then you would have no way of knowing if law  
 17 enforcement came in whether somebody was a resident of the  
 18 region or if they were a sport hunter, if you didn't require  
 19 them to carry some kind of identification. I think that's one  
 20 of the problems with it. I mean, you could say you had to  
 21 carry identification showing your residency, I suppose, but you  
 22 need to be able to show that those people who aren't from the  
 23 region shouldn't be there if there were no sport hunting.

24

25 CHAIRMAN KATCHATAG: Any further discussion on the  
 26 motion before us?

27

28 MR. KATCHEAK: Question.

29

30 CHAIRMAN KATCHATAG: The question's been called. All  
 31 those in favor of the motion signify by saying aye?

32

33 IN UNISON: Aye.

34

35 CHAIRMAN KATCHATAG: Those opposed, nay?

36

37 (No opposing responses)

38

39 CHAIRMAN KATCHATAG: Motion carries unanimously. We  
 40 now need to deal with the nontribal people within the region.  
 41 What is the wish of the Board as to how we define resident  
 42 nontribal people within the region?

43

44 Where did I see -- I saw some requirement for -- oh.  
 45 If you look on page two of the last letter from BLM in this  
 46 group of papers, if you look at page two of that last letter,  
 47 in the middle paragraph it has some underlined words. This is  
 48 a recommendation from BLM with regard to resident, and they are  
 49 recommending that this section be added to the definition of

50

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resident. "The persons must have continually maintained their permanent home in Alaska for the preceding 12 months. Also, the person must physically reside within the rural community or area for which they claim as their primary, permanent home for a minimum of nine months during the year preceding the season for which they desire to be eligible as a resident for purposes of these regulations."

8

9 MR. BROWNELL: Mr. Chairman?

10

11 CHAIRMAN KATCHATAG: Yes, sir? Mr. Brownell?

12

13 MR. BROWNELL: You mentioned that BLM was recommending this. We're not recommending this. We just thought that that was one possible option. Our official stance is we have no -- we aren't taking a position on this proposal. It was just an option.

18

19 CHAIRMAN KATCHATAG: But it looks like a pretty good arbitrary .....

21

22 MR. BARR: Yeah. It's .....

23

24 CHAIRMAN KATCHATAG: ..... A pretty good arbitrary requirement if you ask me.

26

27 MR. BROWNELL: That may be, but it's not an official position.

29

30 CHAIRMAN KATCHATAG: Okay. We'll take the unofficial position and make it official. For the record, we're looking at the letter from the Bureau of Land Management, Mr. Tom Allen, State Director. It's dated November 23, 1994, to Mr. William L. Hensley, Chair, Federal Subsistence Board, on page two, middle paragraph.

36

37 MR. BARR: Move to adopt.

38

39 CHAIRMAN KATCHATAG: We have a motion to adopt the changes to the definition of resident by recommending to the Federal Subsistence Board that the underlined section be recommended as a definition for a nontribal rural resident.

43

44 MR. SEETOT: Second.

45

46 CHAIRMAN KATCHATAG: We have a second. Discussion?

47

48 MR. KATCHEAK: Question.

49

50

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1 CHAIRMAN KATCHATAG: The question's been called. All  
 those in favor signify by saying aye?

3

4 IN UNISON: Aye.

5

6 CHAIRMAN KATCHATAG: All those opposed, nay?

7

8 (No opposing responses)

9

10 CHAIRMAN KATCHATAG: Motion passes unanimously. We now  
 have some nine and 12-month residents. Any further questions  
 or comments with regard to the term "resident" in the  
 regulation?

14

15 MR. BARR: No comments.

16

17 CHAIRMAN KATCHATAG: No comments. We move on to item  
 18B, Council nomination process. Bill and Barb. Ladies first.

19

20 MS. B. ARMSTRONG: You all are pretty familiar with the  
 Council nominations and applications that go through. You have  
 seats four and five at the moment vacant. One seat -- one seat  
 was occupied by Roy -- the late Roy Otton, and the other one is  
 by George Lockwood from Unalakleet. I don't know how -- I  
 haven't seen to date yet any applications from any -- from the  
 Seward Peninsula area for these two positions, although they  
 have been advertised. And we have until the 28th of February  
 to get some applications in. And I don't know how -- where you  
 expect to fill these two seats from or if to get applications  
 from.

31

32 Currently you have members from Stebbins, Unalakleet,  
 Elm, Nome, Brevig Mission and Shishmaref. That's all the way  
 around, and then I don't know to date yet how George will feel  
 about reapplying, because of his health. And I will be talking  
 to him next week when I get back. So I think that's all I have  
 to say.

38

39 MR. BARR: Whose terms are up?

40

41 MS. B. ARMSTRONG: Roy Otton, the late Roy Otton, and  
 George Lockwood from Unalakleet. I don't know if you want me  
 to concentrate on certain areas in the villages, or what your  
 feelings are on the St. Lawrence Island being represented on  
 this Board, and then that's where Loretta came in. But that's  
 up to you to discuss.

47

48 Go ahead, Bill, if you have anything to add?

49

50

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1 MR. KNAUER: The only thing I would suggest is that the  
 2 Council members do spread the word throughout the region.  
 3 Friends, family, acquaintances, tribal councils, city councils,  
 4 wherever. The application period does close the 28th of  
 5 February. And the more applicants you have, the better the  
 6 choice of individuals can be, and the stronger your Council can  
 7 be.

8  
 9 CHAIRMAN KATCHATAG: So you have not received any  
 10 applications?

11  
 12 MS. B. ARMSTRONG: I haven't seen any. And I failed to  
 13 call and ask Gloria, the person that -- who receives the  
 14 applications in Anchorage, and I haven't checked with her to  
 15 see if she's received any from the Seward Peninsula.

16  
 17 CHAIRMAN KATCHATAG: So if they didn't get any new  
 18 applications during the application period, they'd go over the  
 19 original applications more than likely?

20  
 21 MS. B. ARMSTRONG: I don't know how that would happen.  
 22 They would have to have the .....

23  
 24 CHAIRMAN KATCHATAG: Or would they re-open it?

25  
 26 MS. B. ARMSTRONG: ..... They'd have to deal with the  
 27 new applications, and probably would have to continue  
 28 submitting some applications.

29  
 30 CHAIRMAN KATCHATAG: Is that your understanding,  
 31 Mr. Knauer?

32  
 33 MR. KNAUER: Yes.

34  
 35 CHAIRMAN KATCHATAG: So if they don't get any by the  
 36 28th, then they'll re-open it?

37  
 38 MR. KNAUER: We'd have to make a more concerted effort  
 39 within the region, and I would think that there would be some  
 40 individuals within the region that would be good candidates,  
 41 good individuals to serve on this Council.

42  
 43 CHAIRMAN KATCHATAG: So where would -- where would a  
 44 re-opened application period put us? Would it be to the end of  
 45 April, right? Middle of April probably by the time they got it  
 46 published and everything?

47  
 48 MS. B. ARMSTRONG: Or first of April.

49  
 50

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1 MR. KNAUER: It would make it extremely difficult.

2

3 MS. B. ARMSTRONG: Yeah.

4

5 MR. KNAUER: It would be better to try and get  
6 applications .....

7

8 MS. B. ARMSTRONG: Applications by the 28th.

9

10 CHAIRMAN KATCHATAG: While we're thinking about that,  
11 since we're on the topic of Council membership, the Chair  
12 utilizes its initiative to direct staff to draft letters of  
13 thank you for service on the Regional Advisory Council first of  
14 all to the widow of Mr. Roy P. Otton, to thank her on -- thank  
15 her husband on -- I'll get it right. To thank her on behalf of  
16 the participation of her late husband. And Barbara, I'm sure  
17 you can draft that.

18

19 Also, we would also like to send -- did we send a  
20 letter to Mr. Adams, Leonard Adams, thanking him for his  
21 participation?

22

23 MS. B. ARMSTRONG: There was one sent .....

24

25 CHAIRMAN KATCHATAG: Okay. Thank you.

26

27 MS. B. ARMSTRONG: ..... from the office.

28

29 CHAIRMAN KATCHATAG: Okay. We also need to draft one  
30 for Mr. George Lockwood also, but not for his lateness.

31

32 MS. B. ARMSTRONG: Yeah. He had planned to re-apply,  
33 but I don't know what his feelings are at this very time,  
34 because of his health. I had talked to him in Anchorage while  
35 he was down there, and then he was still interested to  
36 re-apply, but I don't know how he feels about it now. But I'll  
37 let you know next week.

38

39 CHAIRMAN KATCHATAG: Okay. Meanwhile we'll go ahead  
40 and seeing as how this would have been his last meeting under  
41 his term, we'll go ahead and draft him a letter of thank you  
42 for participation and contribution.

43

44 What is the wish of the body with regard to the  
45 application process for new Council members? Do we have any  
46 commendations for -- or nominations for someone who might --  
47 some two people that might want to sit on our Council? Or is  
48 the wish of the body to wait until the end of the comment  
49 period? I mean application period. You've got five days.

50

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1  
2 Barb, first thing in the morning, could you check with  
3 Gloria and find out if she's gotten any applications over  
4 there?

5  
6 MS. B. ARMSTRONG: Okay. I'll do that.

7  
8 CHAIRMAN KATCHATAG: And if not, I guess the four of us  
9 can lobby our friends to see who we want on the Council.

10  
11 MR. KATCHEAK: I'm trying to think of a couple of  
12 names.

13  
14 MR. SEETOT: Mr. Chairman?

15  
16 CHAIRMAN KATCHATAG: Mr. Seetot?

17  
18 MR. SEETOT: I notice on the Federal subsistence region  
19 resource region map that the majority of BLM land is  
20 situated in the eastern Norton Sound, and that representatives  
21 from these areas, you know, be solicited, you know, to get  
22 their maximum input. One mainly being from Unalakleet since  
23 that would be one of the larger communities within eastern  
24 Norton Sound. And I know that they have some pretty outspoken  
25 people, you know, from that area, and that it be at the  
26 discretion of the whole Seward Peninsula on who that they would  
27 select.

28  
29 CHAIRMAN KATCHATAG: I appreciate your comments,  
30 Mr. Seetot, and I concur. You know, when you look at our  
31 boundaries, the majority of us are not affected by these  
32 regulations. The majority of the area. And as you point out,  
33 that eastern Norton Sound area is heavily impacted by BLM.

34  
35 MR. KATCHEAK: Mr. Chairman, can I make a .....

36  
37 CHAIRMAN KATCHATAG: Mr. Katcheak?

38  
39 MR. KATCHEAK: ..... suggestion? Is it too much to say  
40 or too much to ask to have the staff contact each IRA  
41 Council from either Shaktoolik or Koyuk and Unalakleet who they  
42 would recommend?

43  
44 CHAIRMAN KATCHATAG: It's not too much, honest.

45  
46 (Laughter)

47  
48 MS. B. ARMSTRONG: Yeah, I can do that.

49  
50

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1 CHAIRMAN KATCHATAG: Barb, could you get ahold of Frank  
~~Z~~averluk in Koyuk, probably Edgar Jackson in Unalakleet, and  
 Stanton Katchatag in Unalakleet for some recommendations before  
 the end of the month, please?

5

6 MS. B. ARMSTRONG: Uh-huh.

7

8 CHAIRMAN KATCHATAG: And you can cite BLM in their back  
 yard as being the prime mover for that.

10

11 MS. B. ARMSTRONG: And they're -- these are all IRA  
 officers in the .....

13

14 CHAIRMAN KATCHATAG: Yeah.

15

16 MS. B. ARMSTRONG: Okay. Yeah, I'll do that.

17

18 CHAIRMAN KATCHATAG: And if we don't have any bites by  
 then, then we'll have to go with what's left.

20

21 Any other comments, questions or other remarks  
~~regarding~~ regarding resident? Hearing none, we'll move on to item 7-C.  
 The Northwest Arctic Regional Council regulation petition, is  
 that?

25

26 MS. B. ARMSTRONG: Uh-huh.

27

28 MR. KNAUER: Uh-huh.

29

30 CHAIRMAN KATCHATAG: And who is the prime mover on that  
 one?

32

33 MS. B. ARMSTRONG: Bill.

34

35 CHAIRMAN KATCHATAG: Mr. Bill Knauer?

36

37 MR. KNAUER: Yes, Mr. Chairman. The Northwest Regional  
 Northwest Arctic Regional Council, along with the Stevens  
 Village Council, Kawerak, Incorporated, Copper River Native  
 Association, the Alaska Federation of Natives, the Alaska  
 Inter-Tribal Council, Rural CAP and Dinyee Corporation  
 submitted a petition to the Secretaries of the Interior and  
 Agriculture requesting that they issue an administrative rule  
 that would, number one, establish that the Secretaries  
 themselves have the authority to regulate hunting and fishing  
 on non-public lands; and, number two, to determine that the  
 lands that are selected, but not yet conveyed, also be treated  
 as public lands under Title VIII.

49

50

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1 CHAIRMAN KATCHATAG: Excuse me, Mr. Knauer, before you  
 2 get too far along, I just found your delinquent residency  
 3 paper. It's in the NARC petition. Mine is. So that's where  
 4 your lost document was. I've got the -- I've got the other  
 5 one. It just has the extra -- now I've got two of these.  
 6 Okay, Mr. Knauer.

7  
 8 MR. KNAUER: And this petition was sent to the  
 9 Secretaries asking them to administratively pursue a rule-  
 10 making in these lines. These two requests are also part of --  
 11 the subject of some of the litigation that's currently on-  
 12 going. The Secretaries requested that the Board prepare a  
 13 Federal Register notice asking the public as a whole to provide  
 14 input on this petition to help the Secretaries determine what  
 15 the major issues of concern were, and how to reach a decision  
 16 on this petition, what type of regulations or how inclusive the  
 17 regulations should be, and so forth. And as such, all of the  
 18 Regional Councils are being provided copies of this petition,  
 19 and a news release has been sent out throughout the State of  
 20 Alaska telling folks about this petition and asking their  
 21 comments on it. So this is the subject of an agenda item of  
 22 the Councils, for your information. The comment period is open  
 23 until April 3rd. Any comments can be sent to the Board in care  
 24 of Dick Pospahala, U.S. Fish & Wildlife, 1011 East Tudor,  
 25 Anchorage, Alaska, 99503.

26  
 27 CHAIRMAN KATCHATAG: Mr. Knauer, do you have any idea  
 28 of the acreage in consideration?

29  
 30 MR. KNAUER: It's my understanding that the Federal  
 31 acreage currently is about 220,000. The selected land --  
 32 excuse me, 220 million acres are currently under Federal  
 33 ownership. It's my understanding that the selected lands that  
 34 we're talking about is somewhere in the neighborhood of 40  
 35 million acres. BLM folks may be able to give you a more  
 36 accurate number. That's just my general impression.

37  
 38 CHAIRMAN KATCHATAG: Anne?

39  
 40 MS. MORKILL: Well, Mr. Chairman, for this region I've  
 41 got a land status map, if you want to review this. This  
 42 highlighted green, the light brown, the grey and the light blue  
 43 all selected lands, and you can see that that -- for this  
 44 region it adds a significant -- it's a significant part of this  
 45 region.

46  
 47 CHAIRMAN KATCHATAG: Claiming all of Death Valley, the  
 48 east of the Tabukaluka (ph) River.

49  
 50

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1 MS. MORKILL: Where I've highlighted are the recent --  
2 most recent State selections, January 1993 I believe.

3  
4 MR. BROWNELL: Green and brown would be .....

5  
6 MS. MORKILL: Excuse me?

7  
8 MR. BROWNELL: Green, and which three colors?

9  
10 MS. MORKILL: The light brown, light .....

11  
12 CHAIRMAN KATCHATAG: Who is the grey?

13  
14 MS. MORKILL: Grey is both native and State selected.

15  
16 CHAIRMAN KATCHATAG: Okay.

17  
18 MS. MORKILL: Or over-selection. Yeah. Over-  
19 selections. And then light blue is State selections before  
20 '93, green is State selections after '93. And the light brown  
21 are the native selections that haven't been conveyed yet.

22  
23 MR. BROWNELL: They are selections, regardless of  
24 (undiscernible)

25  
26 MS. MORKILL: Right. That's right. They are  
27 tentatively approved.

28  
29 UNIDENTIFIED: Pardon?

30  
31 MS. MORKILL: Tentatively approved selections.

32  
33 UNIDENTIFIED: For?

34  
35 MS. MORKILL: All of them. All the selections.

36  
37 UNIDENTIFIED: And tentatively approved means it's

38 State land?

39  
40 MR. BROWNELL: Right.

41  
42 CHAIRMAN KATCHATAG: So these are the land -- State

43 land holdings that will supposedly turn over?

44  
45 MR. BROWNELL: Who knows at this point.

46  
47 MS. MORKILL: The State's approximately what, 25% over-

48 selected. So a number of lands will be relinquished back, but  
49 not .....

50

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1  
2 CHAIRMAN KATCHATAG: When they relinquish them back,  
3 sell them I'll take them on behalf of the tribal government.  
4 Do you -- Oh, okay. We've already answered that question. Any  
5 questions or comments? And the main gist of this regulation is  
6 that -- or proposed rule-making is that they want to have these  
7 un conveyed lands be considered as Federal public lands for  
8 purpose of subsistence, right?

9  
10 MR. KNAUER: They want to have the selected, but not  
11 yet conveyed lands be considered Federal public lands for the  
12 purposes of subsistence. That's one thing. They also want to  
13 have the Federal Government, the Secretaries, declare that they  
14 can regulate on non-Federal lands to protect the subsistence  
15 resources or priorities.

16  
17 CHAIRMAN KATCHATAG: That's for resources that roam  
18 across more than just Federal lands, right?

19  
20 MR. KNAUER: Primarily.

21  
22 CHAIRMAN KATCHATAG: Okay. What's the wish of the  
23 body?

24  
25 MR. BARR: What are we supposed to do?

26  
27 CHAIRMAN KATCHATAG: They want to know if you want to  
28 go along with that or not. Do we want to go along with them or  
29 not? When is this proposed rule-making -- oh, after the 3rd?

30  
31 MR. KNAUER: The comments are due April 3rd.

32  
33 CHAIRMAN KATCHATAG: Okay.

34  
35 MR. KNAUER: That is not the date of any proposed rule-  
36 making.

37  
38 CHAIRMAN KATCHATAG: Okay.

39  
40 MR. KNAUER: That's just the date of comments related  
41 to the petition.

42  
43 CHAIRMAN KATCHATAG: If you look on page six and seven  
44 of the proposed rule-making, it gives you some of the impacts  
45 of the restrictions and why they're asking for these -- this  
46 rule-making. And I'll go ahead and read it.

47  
48 "The impact of the restrictions. As noted above, the  
49 previous Administration severely constrained the reach of the  
50

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subsistence priority in two respects. First, it disclaimed any ability to protect subsistence uses on public lands from adverse effects of non-subsistence hunting and fishing on adjacent nonpublic lands. Second, it excluded selected but not conveyed lands from the application of the subsistence priority set forth in Title VIII of ANILCA. Each of these decisions has created substantial difficulties for Alaska Native and other rural subsistence users in Alaska.

9

10 "The serious impacts on subsistence users caused by the decision disclaiming any authority over nonpublic lands are exemplified by the situation in Game Management Unit 25(D) West, which is located in the Yukon Flats National Wildlife Refuge. There are three Athabascan villages which rely on Game Management Unit 25(D) West for their supply of moose meat: Stevens Village, Beaver, and Birch Creek. Moose play a very important role in these communities from both a nutritional and a cultural perspective. See generally Sumida, "Lands and Resource Use Patterns in Stevens Village, Alaska," ADF&G Technical Paper Number 129 (1988); Sumida and Alexander, "Moose Hunting by Residents of Beaver, Birch Creek, Fort Yukon, and Stevens Village in the Western Game Management Unit 25(D) Permit Moose Hunt Area, 1984-85," ADF&G Technical Paper Number 241 (July, 1985).

25

26 "For example, in Stevens Village: 'Moose hunting was often predominant among the many fall activities undertaken by Stevens Village households. Moose were the most actively pursued large animal species in the area and the hunting of moose was deliberate and sustained. A substantial amount of labor, time, and monetary resources were expended in the pursuit of moose. Moose hunting activities and the subsequent distribution and use of moose have considerable social and cultural significance in the community.' Sumida at 127-28. The village as a whole needs approximately 22 moose each year. Affidavit of Horace Smoke, Jr. The meat is widely shared within the village, as village hunters generally provide for many people beyond their own immediate family, such as elders and others in need of food.

40

41 "In recent years, competition for the relatively scarce moose within this area has increased, primarily from urban hunters from Fairbanks and the surrounding communities. 'At present, non-local use of the Dall River, a principal hunting and fishing area for Stevens Village, for recreational sport fishing and hunting has been a growing issue for Stevens Village residents. Degradation of the area, vandalism, destruction of private property, the negative effects on local fish and wildlife populations, and the increased competition

50

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for resources have been cited as concerns of the community.' Sumida at 184. The problem has only grown worse since 1988. Urban sport hunters often come to the area by plane or by boat looking for moose, reducing the availability of the moose themselves and crating an uncomfortable situation for Native hunters who often will choose not to hunt where others are hunting.

8

9 "The moose population in GMU 25(D) West has declined to the point that the Federal subsistence Board limited the harvest in that unit to 35 bulls in 1992-93, and to 30 bulls for the 1993-94 moose season. Significantly, this limit applies to both public and non-public lands within the unit. Once the harvest on lands managed by the State or Federal governments reaches 30 bulls, all lands in the unit will be closed to further moose hunting. As a result, each moose taken by an urban hunter on non-public lands means one less moose available to residents of the three villages.

19

20 The chiefs of the three villages have estimated that the villages need more than 35 moose each year to meet their customary and traditional needs for moose meat. Villagers also traditionally have taken cows for subsistence during the winter. The 30 bull limit thus operates as a restriction on the subsistence uses of the three villages. And necessarily, any bulls not available to subsistence users in GMU 25(D) West restrict subsistence uses even further."

28

29 Here's where the problem came in. "Petitioner Stevens Village brought this situation to the attention of the Federal Subsistence Board, and asked the Board to close non-public lands in the Yukon Flats National Wildlife Refuge to urban residents. The obvious purpose of the request was to assure that the entire moose quota was available to meet the subsistence needs of the village. The Board rejected the village's request on the grounds that it lacked the authority to close non-public lands in the Refuge to urban hunters. In so doing, the Board directly authorized urban residents to interfere with the subsistence uses of rural residents in the Yukon Flats."

41

42 Any questions?

43

44 MR. BARR: What did -- Mr. Chairman, what Yukon Flats Regional Council say about this?

46

47 CHAIRMAN KATCHATAG: It doesn't say.

48

49 MR. BARR: I mean, have you -- does the staff know

50

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that? Have they done anything about this or has this been brought to their attention also, their subsistence board?

3

4 CHAIRMAN KATCHATAG: That's a good question, Mr. Barr.  
5 Mr. Knauer, do you know why the Eastern or Western Yukon  
6 Subsistence Regional Advisory Council was not party to this?

7

8 MR. KNAUER: Why they were not party to this petition?

9

10 CHAIRMAN KATCHATAG: Yes.

11

12 MR. KNAUER: That I do not know. I do that this  
13 petition is an agenda item of all of the Regional Councils'  
14 meetings occurring this February, during this round. So it is  
15 being brought to everybody's attention. Why they were not a  
16 part of this, I do not know.

17

18 MR. BARR: Do you know what -- I don't know how --  
19 what .....

20

21 MS. MORKILL: Mr. Chairman, this particular area is in  
22 the Eastern Interior Region, which is meeting next week, so  
23 they have likely not addressed it as of yet.

24

25 MR. KNAUER: Yes, I know they have not addressed it.  
26 My understanding was to ask why they were not a signatory.

27

28 MS. MORKILL: Okay.

29

30 MR. KNAUER: Which is somewhat different than  
31 addressing it. It's a very good question.

32

33 MR. BARR: Does this only include that particular area?

34

35 CHAIRMAN KATCHATAG: No. See, this affects us. If  
36 they ruled in favor of this petition, until such time as these  
37 lands as Ms. Morkill pointed out are conveyed, then the Federal  
38 Subsistence Regulations would apply on these lands, would they  
39 not, if .....

40

41 MS. MORKILL: I'm sorry, I didn't hear.

42

43 CHAIRMAN KATCHATAG: I was telling him, he was asking  
44 if this petition only applies to the Eastern Interior Region,  
45 and I was telling him, no, we have selected but not conveyed  
46 lands in our region also.

47

48 MS. MORKILL: No, the petition applies to all selected  
49 lands in the State of Alaska.

50

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1  
2 CHAIRMAN KATCHATAG: So as you can see, we have a  
3 sizeable chunk here in our back yards. Excuse me.  
4  
5 MR. ADKISSON: Mr. Chairman, maybe Herb Brownell could  
6 correct me if I'm wrong or something, but in a case close to  
7 home to Shishmaref would be that whole block of land up in the  
8 northeastern corner of the Bering Land Bridge National Preserve  
9 out at Cape Espenberg, which is currently not under Federal  
10 subsistence laws and regulations because of that very  
11 situation.  
12  
13 MS. MORKILL: That's correct. That's still considered  
14 selected.  
15  
16 MR. ADKISSON: I don't think that's been actually  
17 conveyed to Kikiktibruk and NANA.  
18  
19 MR. BROWNELL: That's correct.  
20  
21 CHAIRMAN KATCHATAG: They're selected, but not  
22 conveyed?  
23  
24 MR. BROWNELL: Correct.  
25  
26 MS. MORKILL: That's right. It's the light brown.  
27  
28 CHAIRMAN KATCHATAG: And who .....  
29  
30 MS. MORKILL: The dark brown is conveyed.  
31  
32 CHAIRMAN KATCHATAG: Who's the light brown?  
33  
34 MS. MORKILL: Light brown is native selected.  
35  
36 CHAIRMAN KATCHATAG: Is that .....  
37  
38 MS. MORKILL: Dark brown is native conveyed lands.  
39  
40 CHAIRMAN KATCHATAG: Dark brown is what?  
41  
42 MS. MORKILL: The native -- the conveyed lands, native  
43 lands.  
44  
45 CHAIRMAN KATCHATAG: Okay. So the browner you are, the  
46 more native you are.  
47  
48 (Laughter)  
49  
50

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1 MS. MORKILL: And the State is blue.

2

3 CHAIRMAN KATCHATAG: I hope they remain blue. So all  
4- everything that is light green, light brown, dark brown and  
5 blue would be considered subsistence priority land until such  
6 time as they are conveyed?

7

8 MS. MORKILL: No, none of those lands are  
9 considered .....

10

11 CHAIRMAN KATCHATAG: I mean they would be under this  
12 rule-making, this proposed rule-making.

13

14 MS. MORKILL: That's right. The light brown, light  
15 blue and grey and green.

16

17 CHAIRMAN KATCHATAG: Okay. That's a sizeable chunk of  
18 land in our area. I recommend that we move to back the  
19 petition. Even though I'm smiling, this is not done  
20 facetiously.

21

22 MR. BARR: So move.

23

24 CHAIRMAN KATCHATAG: We have a motion before to back  
25 the petitioners for this proposed rule-making. Do I hear a  
26 second?

27

28 MR. KATCHEAK: Second.

29

30 CHAIRMAN KATCHATAG: Second. Discussion?

31

32 MR. BARR: Question.

33

34 CHAIRMAN KATCHATAG: The question's been called. All  
35 those in favor of the motion before us signify by saying aye?

36

37 IN UNISON: Aye.

38

39 CHAIRMAN KATCHATAG: All those opposed, nay?

40

41 (No opposing responses)

42

43 CHAIRMAN KATCHATAG: The motion passes unanimously. We  
44 now move on to item D, proposals. Yeah. Our proposals in our  
45 book. Where are we. Where are our proposals?

46

47 MR. BARR: There.

48

49 CHAIRMAN KATCHATAG: Oh, subpart D. Okay.

50

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1  
2 MR. SEETOT: Right in back are .....

3  
4 CHAIRMAN KATCHATAG: They're in front.

5  
6 MR. BARR: These were handed out by themself.

7  
8 CHAIRMAN KATCHATAG: Yeah, those are the extras.  
9 They're on page -- okay. We're on page one of this part.

10  
11 MR. BARR: 41?

12  
13 CHAIRMAN KATCHATAG: Page one. Right here after this  
14 stuff. After we bring in our net, we're on page 41 -- I mean  
15 page one. How do you want to do this, Mr. Kovach? Do you want  
16 to go a proposal at a whack, or do you want to do them all at  
17 once?

18  
19 MR. KOVACH: It's a lot easier if we just do one at a  
20 time.

21  
22 CHAIRMAN KATCHATAG: You have the table on Proposal  
23 #41.

24  
25 MR. KOVACH: Okay. Proposal #41 is -- before we get  
26 started, one thing we wanted to clarify is that -- if you'll  
27 notice at the top of page two, it says "draft staff analyses".  
28 We wanted to emphasize that these analyses that are in your  
29 book, and the staff reports we're going to be giving you this  
30 evening and tomorrow are exactly that. They're drafts. There  
31 are -- we are constantly looking for additional input and  
32 information, particularly by members of the Council or anyone  
33 else who can provide us some information to help us provide a  
34 more accurate picture of the status of the animal population or  
35 its use or things like that. So I do want to go and emphasize  
36 that point. The conclusions attached to each analysis are very  
37 preliminary, as it states there, and are subject to change  
38 based upon information we receive from the Councils. And so I  
39 just want to emphasize that. These things are not cast in  
40 stone by any means. They're working drafts at this point, and  
41 we look to the Councils to help us flesh these things out with  
42 additional information.

43  
44 Proposal #41 requests an increase in the harvest limit  
45 for brown bears for all of Unit 22 from the current limit of  
46 one bear every four years, increase that to one bear per year.  
47 Over-all, Federal public lands contained within Unit 22  
48 include portions of Bering Land Bridge National Preserve, Yukon  
49 Delta National Wildlife Refuge and portions of the Kobuk and  
50

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Anchorage Districts of the Bureau of Land Management.

2

3 The Federal Subsistence Board deliberated -- has  
4 deliberated on three very similar proposals in the past,  
5 specifically in 1992. Those proposals were very similar to the  
6 current one before the Board. They all state the bear  
7 populations have become too large. Bears are a nuisance in  
8 fish camps and to safety of people. Their numbers need to be  
9 reduced. The Board noted that such proposals do have a long  
10 standing in the Seward Peninsula region, and that similar  
11 proposals have been up before a number of the fish and game  
12 advisory committees for a number of years.

13

14 In 1992, the Federal Subsistence Board cited a lack of  
15 information on the biology and the status of the bear  
16 population, as well as a lack of information on the customary  
17 and traditional uses of bears by local peoples, and that the  
18 heavy emphasis on the need to reduce the number of bears was  
19 more of a defense of life and property type of a situation  
20 rather than a subsistence type of situation, and they -- and  
21 they subsequently rejected all those proposals. In 1990, the  
22 Board made a policy decision that defense of life and property  
23 concerns were in fact the purview of the Alaska Department of  
24 Fish & Game, a not a part of the Federal Subsistence Management  
25 Program.

26

27 Just as a quick review, defense of life and property  
28 regulations contained within the Alaska Fish & Game book, as  
29 well as the Federal book, basically permit the taking of any  
30 animal whether it's in or out of the season in defense of life  
31 and property. And specifically property is defined as  
32 dwelling, means of travel, pets or live stock or other valuable  
33 property necessary for you livelihood or survival. It says the  
34 meat of a game animal that you have legally taken becomes your  
35 property. And so this is pretty important point to keep in  
36 mind. The .....

37

38 CHAIRMAN KATCHATAG: Could you repeat that, please?

39

40 MR. KOVACH: I'm sorry?

41

42 CHAIRMAN KATCHATAG: Could you repeat what you just  
43 said?

44

45 MR. KOVACH: Sure. I'm -- to be specific, I'm reading  
46 page 17 of the current Alaska State Hunting Regulations. It  
47 says, "A game animal may be legally killed in defense of life  
48 property if that animal was not provoked to attack or a  
49 problem was not created." It says, "property means your

50

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dwelling, means of travel, pets or livestock, or other valuable property necessary for your livelihood or survival." That's just only a small piece of it but that's the pertinent part.

4  
5 MR. KATCHEAK: Yeah. Could .....

6  
7 CHAIRMAN KATCHATAG: And what was that you said about something becoming your property?

9  
10 MR. KOVACH: The meat of a game animal that you have legally taken becomes your property.

12  
13  
14 CHAIRMAN KATCHATAG: Is that in relation to the bears?

15  
16 MR. KOVACH: What that -- the Fish & Gamers here can correct me if I'm wrong, but I believe what that is referring to is a situation of you have just knocked down a caribou or moose or something like that, and a bear comes along. And .....

21  
22 CHAIRMAN KATCHATAG: I see.

23  
24 MR. KOVACH: ..... you're in the process of .....

25  
26 CHAIRMAN KATCHATAG: Okay.

27  
28 MR. KOVACH: ..... field butchering the animal, a bear comes along .....

30  
31 CHAIRMAN KATCHATAG: Which had become your property by means of your bullet, right?

33  
34 MR. KOVACH: Correct. And you're in the process of processing that animal.

36  
37 CHAIRMAN KATCHATAG: So you are .....

38  
39 MR. KOVACH: You're processing fish, you're putting them up on fish racks, things like that.

41  
42 CHAIRMAN KATCHATAG: Good. I appreciate that because one of the things that brought this particular proposal forward is the fact that people, those that are customary and additional, view the work they put into subsistence salmon as a lot of hard work. And they do not like to see their property which they've invested so much time and effort taken without compensation, as is the case when a bear takes it. So I appreciate that property clause there, Mr. Kovach.

50

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1  
2 MR. KOVACH: I just want to remind you that I only read  
3 a small piece of it.

4  
5 CHAIRMAN KATCHATAG: Okay.

6  
7 MR. KOVACH: And there are some more factors there and  
8 requirements, but I just wanted to remind the Council Members  
9 of -- that these regulations are in place. Let me see if I can  
10 find my notes again here.

11  
12 Currently, the customary and traditional use  
13 determination for brown bears in Unit 22 applies to all  
14 residents of Unit 22. The Alaska Department of Fish & Game  
15 recently completed a bear study in the region north of Nome.  
16 And of course, I put it on upside down. And from that study,  
17 they were able to extrapolate estimates of the bear population  
18 for Unit 22. This is the range of the estimated bear  
19 population by subunit for Unit 22. You can see Unit --  
20 Subunit (C) and (E) had the smallest estimated bear  
21 populations, and unit -- Subunit (B) has the largest estimated  
22 bear population. The specific numbers for this are contained  
23 in Table 1 of the analyses that are in your book there.

24  
25 The -- we know that the sealing records are incomplete  
26 and that the compliance with sealing requirements by local  
27 residents outside of Nome is not real high but it does provide  
28 us with the only information that we do have for the most part.  
29 Information that I have received from BLM people in Anchorage  
30 indicates that the harvest in Subunit (A) in particular may be  
31 much higher than what is indicated by the sealing records.  
32 However, the records do indicate that Unit 22 residents have  
33 harvested 44 percent of the bears reported from Unit 22 from  
34 the time period of 1961 to 1993. Reported harvest by residents  
35 in Unit 22 average only about three bears per year from the  
36 period of 1961 through '78. But from 1979 to 1993, that annual  
37 average jumped to just short of 20 bears per year.

38  
39 Alaska Department of Fish & Game Subsistence Division  
40 has conducted subsistence use studies in Brevig Mission,  
41 Golovin, Shishmaref and Stebbins. These studies which only  
42 sample -- which only deal with a sample of the households did  
43 indicate that bears were harvested; and specifically in Golovin  
44 in 1989, there was three bears taken. And these studies do  
45 indicate that bears are used for food in (A) and (B) but not so  
46 much in (C), (D) and (E).

47  
48 From the sealing records, when we take in the  
49 information from the study conducted by Fish & Game, we're able  
50

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to estimate the maximum sustained harvest rate that each subunit of bears can handle. And I over- -- that's the red horizontal bars is the estimated maximum rate of harvest that the population can sustain. The blue line shows the annual reported harvest through the sealing records. As you can see in Subunits (A) and (B) it's been pretty consistent, above -- you know, either between or above those red bars. In (C) it's been significantly higher. In (D) it's only been exceeded once, and in (E) it never has been exceeded. I only show the bars - those red bars for the last 10 years because we really don't know what the bear population has done, whether there's been -- in previous years, so I just arbitrarily selected the last 10 years as a point of illustration. And we do know of this number of harvests. And in many cases, it is either at the maximum -- estimated maximum sustained already or it's beyond.

17

18 Unit 22 residents -- when you look at it on a subunit by subunit basis and when I examine the records, Unit 22 residents have reported harvesting anywhere between 47 and 100 percent of the maximum estimated sustained take for each of these units. Testimony by local Elders before the Board in years past has indicated that brown bears near the coast and scavaging on marine mammal carcasses are undesirable to eat. And testimony before this Council at its fall meeting last fall indicated that, at least ways for the southern portions of Unit 22, brown bears are currently not used as a subsistence resource and were primarily considered as a nuisance.

29

30 Our preliminary conclusion basically is based upon the testimony given to the Regional Council, this Council at its October, 1994 meeting, and in previous testimony before the Board there is a concern that bears either are or would be taken and not used as defined under the current Federal Subsistence regulations. Based upon biological considerations in looking at the relative distribution of Federal public lands in relation to the habitat used by bears, it is estimated that an increase in the harvest limit could be accommodated in 22(A), (B), and (D) and (E). However, the non-subsistence harvests in at least 22(E), if not some of the other units, would need to be restricted in order to assure that the harvest remains within accessible bounds.

43

44 Generally, if any har- -- we are lacking in harvest information as I explained before, and it's critical that accurate reporting of all takes, both DLP type takes as well regular harvest, be reported. We do need an increase in reporting compliance to main- -- ensure a maintenance of healthy populations of bears as mandated by ANILCA.

50

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1  
2           Unfortunately, the purpose of the proposal does not  
3 really address providing opportunities for subsistence uses but  
4 to decrease the number of bears due to the problems that  
5 they're creating. In the past, and as I explained last fall to  
6 this Council, the Board has chosen not to adopt similar  
7 proposals noting that the problem or nuisance of bears should  
8 be dealt with under State defense of life and property  
9 regulations.

10

11           One option that was presented to me is that if other  
12 users -- if users could present adequate information that brown  
13 bear meat is still consumed and that their communities are, in  
14 fact, constrained by existing regulations, that strong  
15 consideration should be given to expanding the Northwest Alaska  
16 Brown Bear Management Area into selected portions of Unit 22.

17

18           For public comments that were received on this  
19 proposal, we have received two. The first was from the Alaska  
20 Department of Fish & Game, they opposed the proposal citing  
21 that it was inappropriate to create subsistence regulations for  
22 controlling problem animals. The second comment was received  
23 from the Alaska Wildlife Alliance, they opposed the proposal  
24 stating that according to ADF&G biologists, harvest of brown  
25 bears in Units 22(A), (B) and (C) had been well above sustained  
26 yield levels since 1980. And if seasons or bag limits are  
27 extended every time somebody claims that bears are a nuisance,  
28 there can be an opportunity for abuse.

29

30           And that's all the public comments we received on this  
31 proposal. Questions.

32

33           CHAIRMAN KATCHATAG: Do any of the members of Alaska  
34 Wildlife what?

35

36           MR. KOVACH: Alaska Wildlife Alliance.

37

38           CHAIRMAN KATCHATAG: Alaska Wildlife Alliance, do they  
39 have any residents in Game Management Unit 22?

40

41           MR. KOVACH: I do not know that. I do not know the  
42 answer to that, I'm sorry.

43

44           CHAIRMAN KATCHATAG: Okay. Any questions or comments  
45 for Mr. Kovach?

46

47           MR. KATCHEAK: One question.

48

49           CHAIRMAN KATCHATAG: Mr. Katcheak.

50

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1  
2 MR. KATCHEAK: It's on your definition of defense of  
3 life and property. You mentioned that those -- the one thing  
4 you didn't -- I didn't see you mention was a smokehouse -- a  
5 bit smokehouse be as a property, Mr. ....

6  
7 MR. KOVACH: The Fish & Game folks here can help me out  
8 if I get something wrong here. But as I understand it, that's  
9 a structure that you have built, so that .....

10  
11 MR. KATCHEAK: So that would be property.

12  
13 MR. KOVACH: .... by definition is your property.  
14 Smoking fish is a means of processing your meat, and pro- --  
15 you know, if you're in the -- as I understand the regulations,  
16 if you're in the process or have completed processing your  
17 foods, that is considered property necessary for maintenance of  
18 life and livelihood, and that falls within the limits of  
19 defense of life and property.

20  
21 MR. KATCHEAK: So if a bear comes next spring or next  
22 summer to my dad's smokehouse and make a big hole in the side,  
23 could kill it?

24  
25 CHAIRMAN KATCHATAG: You have to defend .....

26  
27 MR. KOVACH: As I understand the regulation. You know,  
28 kind of expand on -- .....

29  
30 MR. KATCHEAK: But there's no .....

31  
32 MR. KOVACH: .... on the regulations a little bit.  
33 You have to file a report with the Department of Fish & Game,  
34 you know, explaining what happened and so on.

35  
36 CHAIRMAN KATCHATAG: And you lose the bear, right?

37  
38 MR. KOVACH: You only lose the hide and the skull. You  
39 if you're one of those people that consumes brown bear meat,  
40 I understand the regulations, Steve, correct me if I'm  
41 wrong, there's nothing preventing you from retaining the meat.

42  
43 CHAIRMAN KATCHATAG: What if I want the bear as  
44 customary and traditional use and don't report it?

45  
46 MR. BARR: That's yours.

47  
48 CHAIRMAN KATCHATAG: Not under the regulation. You  
49 guys can correct me if I'm wrong, but the attitude of the

50

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average Native user is that that's too much, too much paperwork for a lot of nothing, even though to a dog musher that meat is superb training food, most of them are not mushers. So you're 4- what basically you have is a lot of work for nothing because it's not among our customs and traditions to kill a bear and just leave it there and say well, that belongs to the State, let them take care of it. And if you have to take care of it, which is the requirement of the regulation is it not, that you can't just kill the animal in defense of life and property and leave it there?

11

12 MR. MACHIDA: Yeah, that's right.

13

14 CHAIRMAN KATCHATAG: You still have to fill out this paperwork, and then you have to turn it over -- turn the hide and the skull over to Fish & Game at -- generally it's at their request, if you will; in other words, they say well, I'm free on such and such a day, you can bring it over then.

19

20 MR. MACHIDA: What's that? I guess I didn't understand.

22

23 CHAIRMAN KATCHATAG: The skin and the hide. In other words, you can't just drop them off at the Fish & Game's office on your way by and say well, I'm done?

26

27 MR. MACHIDA: No. Most people just send it freight collect.

29

30 MR. KATCHEAK: Freight no less.

31

32 CHAIRMAN KATCHATAG: What does Fish & Game do with all these bears? How many a year do you get?

34

35 MR. MACHIDA: Three, four, something like that.

36

37 CHAIRMAN KATCHATAG: Three or four bears?

38

39 MR. MACHIDA: Normally, yeah. Usually about that.

40

41 CHAIRMAN KATCHATAG: And that's all that are killed .....

43

44 MR. MACHIDA: Are you talking about Unit 22?

45

46 CHAIRMAN KATCHATAG: ..... in defense of life and property?

48

49 MR. MACHIDA: Well, that's all that's reported. I mean

50

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I'm sure there's others that aren't reported. But that's -- those are the ones that are reported and sent in.

3

4 CHAIRMAN KATCHATAG: And who, generally, sends these in  
5 freight collect and reports it?

6

7 MR. MACHIDA: Well, a lot of them come from like the  
8 reindeer herders, you know, they're -- they seem to do -- send  
9 on about half of them or more. And the others are just summer,  
10 you know, people that -- a bear tears down a fish camp or a  
11 smokehouse or something like that (indiscernible - away from  
12 microphone).

13

14 CHAIRMAN KATCHATAG: Well, speaking on behalf of the  
15 dog mushers in the region, however few they might be at the  
16 present time, under reason for changing the regulation is that  
17 as a training requirement that dog mushers need an annual  
18 supply of bear meat to properly train their dogs to compete in  
19 the Iditarod and other races. And they must do that in order  
20 to supplement their subsistence. Is that adequate  
21 justification?

22

23 MR. KOVACH: I'm not sure.

24

25 CHAIRMAN KATCHATAG: It sounds better than there are  
26 too many bears, they are a hazard to subsistence users, a  
27 nuisance in camps and endangering life, even though all of  
28 that's true. And not only that, but those of us with big  
29 enduring families would like to have a bear rug for each and  
30 every child.

31

32 Any other comments or changes or other justification  
33 for Proposal 41? Any comments -- I forgot, Helen. Helen, are  
34 you going to do a sociocultural .....

35

36 MS. H. ARMSTRONG: No. Actually, we researched --  
37 Steve didn't explain this, but these are .....

38

39 MR. KOVACH: I'm sorry, I forgot.

40

41 MS. H. ARMSTRONG: ..... combined analyses. And we  
42 have a team of Barb and Steve and myself, each region has a  
43 team of an anthropologist, a biologist and a coordinator, and  
44 we work on these together. And some of these Barb's helped  
45 write, and she's reviewed all of them, and then Steve and I  
46 have put them in. But they're combined. So one or the other  
47 of us will give these reports; I'm doing some, Steve's doing  
48 some, but .....

49

50

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1 CHAIRMAN KATCHATAG: Okay.  
2  
3 MS. H. ARMSTRONG: ..... that's it.  
4  
5 MR. KOVACH: Sorry, I forgot to explain that.  
6  
7 MS. H. ARMSTRONG: That's okay.  
8  
9 CHAIRMAN KATCHATAG: Any comments of the public?  
10 Mr. Buck?  
11  
12 MR. BUCK: I'd oppose taking the rug and the skulls.  
13 That's -- I think the rug is the main thing that they use with  
14 subsistence, but the meat is also used in White Mountain. And  
15 but I oppose the taking of the rug and the skull back to  
16 Fish & Game management. It doesn't seem right to me.  
17  
18 CHAIRMAN KATCHATAG: That's too much work in the  
19 defense of life and property, right? Thank you, Mr. Buck. Any  
20 other comments? Mr. Kovach has pointed out that this  
21 particular proposal based on the track record of the Federal  
22 Subsistence Board would probably not fly, much less walk. So I  
23 believe we're going to have to give this thing wings and legs.  
24 Any other comments which might give it legs? Mr. Knauer.  
25  
26 MR. KNAUER: Mr. Chairman, your statement in that  
27 regard is absolutely correct. Title VIII of ANILCA says the  
28 Secretary, in this case the Board acting for the Secretary, may  
29 choose not to follow any recommendation which he determines is  
30 not supported by substantial evidence, violates recognized  
31 principles of fish and wildlife conservation or would be  
32 detrimental to the satisfaction of subsistence needs. If you  
33 turn that around, that means any proposal that the Board is  
34 going to adopt must be supported by substantial evidence. It  
35 must conform to recognized principles of fish and wildlife  
36 conservation, and it must not be detrimental to subsistence  
37 needs. So it behooves this Council and many of the Councils to  
38 be sure all of their proposals, whether they're adopted or  
39 rejected, whatever the choice is, is supported by those three  
40 or supports those three concepts.  
41  
42 CHAIRMAN KATCHATAG: Okay. What was the first one  
43 again?  
44  
45 MR. KNAUER: Stating it in a positive .....

46  
47 CHAIRMAN KATCHATAG: Okay.  
48  
49 MR. KNAUER: ..... sense, the -- it should be supported  
50

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by substantial evidence. It should follow recognized principles of fish and wildlife conservation. And it should not be detrimental to the satisfaction of subsistence needs.

4  
5 CHAIRMAN KATCHATAG: Recognized principles of wildlife management.

7  
8 UNIDENTIFIED VOICE: That's right.

9  
10 CHAIRMAN KATCHATAG: And it should not be detrimental to subsistence needs. Okay. Thank you, Mr. Knauer. I think we have a little bit of work to do with regard to Proposal 41.

13  
14 MR. BARR: Are we ready for the motion?

15  
16 CHAIRMAN KATCHATAG: Before we're into a motion, I would like to, Number 1 -- substantial evidence of what?

18  
19 MR. KNAUER: It says the Board can -- need not follow a commendation unless it is supported by substantial evidence.

21  
22 CHAIRMAN KATCHATAG: Okay. Okay. With regard to Proposal 41, the Chair would entertain a motion to, Number 1, support this particular proposal with substantial evidence. Number 1 being that it is in the customs and traditions of customary and traditional users of brown bears to use the hides for rugs, to use the skull and bones for handicrafts and to use the meat for training dog food on an annual basis, as well as for personal consumption in times of shortages of other land mammals such as caribou and moose. And I will cite my stomach as evidence of that.

32  
33 And as far as recognized principles of wildlife management, as far as that goes, I think it should be recognized as a principle of wildlife management that you have to keep the wild animals wild. This is one point that was brought up at our October meeting is that by not maintaining adequate fear of man that these animals no longer qualify as wildlife and, therefore, are not subject to wildlife management. And in order for them to be subject to wildlife management, they must be kept wild. And they must be kept wild by maintaining their fear of man so that any time that a subsistence user runs across a moose, he can harvest for me for dogs or any other dog owner in the neighborhood.

45  
46 And as far as Number 3, not being detrimental to subsistence needs, we will be providing an opportunity for those who have customarily and traditionally depended upon an annual supply of brown bear meat for training purposes for  
50

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dogs. We will be allowing them an annual opportunity to provide for peak training of their animals by providing them with the proper diet; that being brown bear meat.

4

5 At the present time, under the current regulatory scheme, one brown bear in four regulatory years, you are not providing the customary and traditional dog musher to have the proper training diet, and that's why you don't see any Natives on the Iditarod any more.

10

11 Any questions? Any other justification for Proposal 41?

13

14 MR. BARR: Motion to adopt.

15

16 CHAIRMAN KATCHATAG: We have a motion to adopt the justification for Proposal 41 as stated. Do we have a second?

18

19 MR. SEETOT: Second. Second.

20

21 CHAIRMAN KATCHATAG: Discussion?

22

23 MR. BARR: Question. Can we just .....

24

25 CHAIRMAN KATCHATAG: The question's been called. All those in favor of the motion before us signify by saying aye.

27

28 IN UNISON: Aye.

29

30 CHAIRMAN KATCHATAG: All those opposed, nay?

31

32 (No opposing responses)

33

34 CHAIRMAN KATCHATAG: Motion passes unanimously.

35

36 Moving onto Proposal 42. Mr. Kovach.

37

38 MR. KOVACH: Proposal Number 42 requests an extension of the fall moose hunting season for Unit 22(A) of 10 days. The current season is August 1st through September 30th, the extension would be at the end creating a season of August 1 through October 10th.

43

44 Moose habitat is pretty well limited both in extent and quality in Unit 22(A). The current moose population within the unit is considered to be stable but at a low density. And as Steve Machida reported this morning, the number of moose found within the Unalakleet River Drainage, they had counted 350 moose and estimated approximately 400 moose in that drainage

50

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making it an area considered where the density is very low.

2

3 Moose in Unit 22(A) are subjected to heavy snowfall at  
 4 times which impacts their over-winter survival. Within the  
 5 Unalakleet River Drainage in particular, the combination of  
 6 habitat which is of poor quality, harvest pressure which is  
 7 considered heavy and recurring disturbances in the winter due  
 8 to things like the Iron Dog Race all add to create impacts to  
 9 the moose population there.

10

11 All residents of Unit 22 currently have a positive  
 12 customary and traditional use determination for the use of  
 13 moose within the unit. Again, like I explained with bears, we  
 14 know that reporting of moose hunting activity and harvest is  
 15 low. Unalakleet residents appear to have a slightly higher  
 16 reporting rate for some reason. In 1980, the Subsistence  
 17 Division of ADF&G did a subsistence use study in Stebbins, with  
 18 only 20 percent of the households being surveyed, there was a  
 19 reported take of 60 moose. It's highly unlikely that the 20  
 20 percent of the households included in the survey were the only  
 21 ones that harvested moose as we're pretty confident in thinking  
 22 that the harvest was higher than that. Al- -- this study just  
 23 confirms what we already know from harvest tickets in that the  
 24 harvest is probably significantly higher than what has been  
 25 reported over the years.

26

27 This is the reported moose harvest by -- in Unit 22(A)  
 28 residents, the top blue line; by other unit residents, the  
 29 middle orange; and the bottom is by hunters outside -- who  
 30 reside outside of Unit 22. As you can see, there is only one  
 31 reported harvest back in 1983, and two reported harvests in  
 32 1993. And the average for residents -- for Unit 22 residents  
 33 who reside out of 22(A) is between one and five moose a year.

34

35 CHAIRMAN KATCHATAG: That's within Unit 22(A), right?

36

37 MR. KOVACH: This is the har- -- the reported take  
 38 within 22(A) only, 'cause that's what the proposal is dealing  
 39 with is with 22(A). Unfortunately, we did not have time to  
 40 sort through the harvest tickets to -- the harvest information  
 41 to determine where -- exactly where all the hunting activity  
 42 was taking place, whether it was on Federal public lands or  
 43 off, and how much of that activity is occurring outside of the  
 44 Unalakleet Drainage itself.

45

46 CHAIRMAN KATCHATAG: Is this all hunters or is this  
 47 subsistence hunters or is this sport hunters?

48

49 MR. KOVACH: Okay. The blue is by residents of 22(A)

50

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and that is predominantly people from the Village of Unalakleet. The middle line is from residents of Unit 22 but not of Unit 22(A); so residents of 22(B), (C), (D) and (E). And those are predominantly folks from -- well, let me get my printouts here and let me find it. Those are -- there was -- they're mostly from Nome, Savoonga .....

7

8 MS. B. ARMSTRONG: Savoonga.

9

10 MR. KOVACH: Savoonga, thank you. My tongue's not working tonight. Koyuk and Golovin are where those hunters are primarily from. And then the three harvests by other residents I don't have that information at my fingertips as to where those people are from. But in 11 years, harvest reporting has only been three takes of -- reported takes of moose by people from outside of the unit. So you can assume these three takes are sport takes.

18

19 CHAIRMAN KATCHATAG: You're telling me that there's been only three sport takes in 11 years?

21

22 MR. KOVACH: That's what's been reported.

23

24 CHAIRMAN KATCHATAG: Somebody's not reporting their guided sport hunts to you. I can guarantee you that there's been at least 10 a year coming out of Unal- -- going to the Unalakleet airport.

28

29 MS. MORKILL: Mr. Chairman.

30

31 CHAIRMAN KATCHATAG: I know of at least five this last year alone.

33

34 UNIDENTIFIED VOICE: Perhaps those are non-resident hunters.

36

37 MS. MORKILL: Mr. Chair- -- .....

38

39 CHAIRMAN KATCHATAG: They would be listed somewhere. Other hunters, other Unit 22 hunters, no, they're not. They're not shown there.

42

43 MR. KOVACH: Wait a minute. Wait a minute. Wait a minute. This is probably the wrong graph.

45

46 MS. MORKILL: The colors are really close. I think if you actually look at that one line, you'll .....

48

49 CHAIRMAN KATCHATAG: Yeah. But that -- .....

50

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1  
2 MS. MORKILL: ..... (indiscernible - away from  
microphone) .....  
4  
5 CHAIRMAN KATCHATAG: ..... that doesn't show the amount  
6 of sport hunting where you see only racks leaving the airport.  
7  
8 MR. KOVACH: Yeah. Just wait a second here. Let  
9 me .....  
10  
11 MS. H. ARMSTRONG: You got the colors mixed up.  
12  
13 MR. KOVACH: I do, yeah. But I'm looking at .....  
14  
15 MS. H. ARMSTRONG: I mean, they're right up here. The  
16 other 22 residents is the bottom one and the middle one is the  
17 other hunters.  
18  
19 MR. KOVACH: Okay. This is -- I'm going to have to  
20 apologize, Mr. Chair, this is the wrong graph. For some  
21 reason, I grabbed the wrong piece of paper when I was in the  
22 office and trying to put my stuff together.  
23  
24 CHAIRMAN KATCHATAG: I was going to say, you know, if  
25 they're saying that the Unalakleet Drainage has a population of  
26 250 moose and you're only taking at the most 30 a year, you're  
27 not even taking 10 percent.  
28  
29 MR. KOVACH: The .....  
30  
31 CHAIRMAN KATCHATAG: That's what this graph shows.  
32  
33 MR. KOVACH: Right. Yeah. In the 11 year period, 230  
34 moose have been reported by Unit 22(A) residents, an average of  
35 Unit 22(A) residents harvesting -- okay.  
36  
37 CHAIRMAN KATCHATAG: While you're looking at that .....  
38  
39 MR. KOVACH: Other Alaska residents have harvested 22  
40 moose total, non-residents have harvested 13 moose. This is  
41 what's been reported. And this is information that we received  
42 from Alaska Department of Fish & Game, this is what's  
43 computerized from the harvest tags.  
44  
45 CHAIRMAN KATCHATAG: Do you agree, Steve?  
46  
47 MR. MACHIDA: Well, I mean because of unreporting --  
48 under-reporting, you know, the way that you have to interpret  
49 harvest figures is to look at a trend. And you can't really  
50

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look at the numbers itself because there's some people that harvest moose that don't report it. This is just for what's reported on those green harvest tickets.

4

5 CHAIRMAN KATCHATAG: That doesn't say that. It just says moose harvests, period.

7

8 MR. MACHIDA: Yeah. Well .....

9

10 CHAIRMAN KATCHATAG: It doesn't say it's by ticket, it doesn't say it's anything, it just says moose harvest.

12

13 MR. MACHIDA: Well, that's what it should say. It should say just what's reported on harvest tickets .....

15

16 UNIDENTIFIED VOICE: It does.

17

18 MR. MACHIDA: ..... because that's what it reflects.

19

20 MR. KOVACH: Right. Like I say, I -- like I said, Mr. Chair, I think I grabbed the wrong graph. I had made a set of graphs, discovered an error and made a new set of graphs, and I think I grabbed the wrong set when I was packing up my office to come here. Anyway, where is my notes? Let's move on here.

26

27 The harvest tickets, in looking at the reported take by residents from Unit 22(A), 47 percent of the harvest occurred in the month of September, while only 20 percent occurred in August, the balance was reported from the winter hunt in December which pretty much supports the position of the proponent at last fall's meeting that much of the hunting takes place necessarily after the fishing season ends. Also, the rut in this area begins approximately in mid to late September. As the rut comes on and proceeds, the vulnerability of moose increases making them subject -- making the hunting easier and the taking easier. So September is a easier month to take moose. From information received from the Subsistence Division study in Stebbins, it was reported that the period of late August through middle October and again from mid-December to mid-February were the primary times for the harvesting of moose.

43

44 Our preliminary conclusions basically find that acceptance of this proposal would, in fact, bring the fall hunting season more in line with the documented customary and traditional practices of residents in 22(A). However, extending the hunting season into the first 10 days of October and well into the rut could result in an increased harvest due

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to the increased vulnerability of the moose during the rut. Overall, we don't know if the population throughout all of 22(A) can in fact support an increased take of moose and maintain a healthy status. More specifically to the Unalakleet River Drainage, it is questionable to unlikely if the moose there can continue to -- can -- if the moose population there can in fact sustain a har- -- a higher level of take.

8

9 The State standard for the harvest of moose is approximately five percent of the total. If the Unalakleet River Drainage contains 400 moose, that means it can sustain an annual take of 20.

13

14 Now, what did I do with public comments? Public comments that we received from -- for Proposal Number 42, we received only one comment and that was from the Alaska Department of Fish & Game, and they were opposed to the proposal. Basically, the increase of 10 days in -- at the time period suggested would -- they feel would, in fact, raise the harvest of moose. The low number of moose being -- is subject to the quality of the habitat and the weather conditions experienced in that area, especially since 1989 when they'd been severe.

24

25 And that's all we've got.

26

27 CHAIRMAN KATCHATAG: Thank you, Mr. Kovach. First of all, as a long time resident of the Unalakleet area, first of all, I would like to take exception with your description of moose habitat as being limited both in extent and quality. What is the definition of quality and extent of moose habitat?

32

33 MR. KOVACH: Well, it's -- there's a number of things. But there's a diversity of habitat's required during the different kinds of seasons utilized by the animals or variety of food sources, a lack of snow accumulation in the wintertime is fairly critical. Areas of -- in some areas, dense stands of spruce are required for thermal cover when temperatures drop extremely low. You know, the lower snow depths allow for easier travel from feeding areas to resting areas and access to forage resources during the wintertime. The disturbance factors created by the Iditarod Race, the Iron Dog Race, other things within the Unalakleet River Drainage is felt by the BLM biologists to be a significant impact on moose in that area.

45

46 Also, the -- those -- the general categorization of quality is a subjective term at best and is -- it is lar- -- and is relative to moose habitat in other parts of the state also.

50

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1  
2 CHAIRMAN KATCHATAG: You know, when George Atla went  
3 through there on his one Iditarod, he said -- after coming  
4 through Unalakleet there where he said, you know, I just went  
5 through God's country. And I agree with him. And I don't see  
6 how that particular habitat can be considered either limited or  
7 poor in quality because the diversity of habitat is there. You  
8 have everything from tundra all the way to high almost mountain  
9 like hills. You have a variety of food sources. You've got  
10 all kinds of trees and willows and shrubs. And snow is  
11 generally not that much of a problem in the Unalakleet River.  
12 Ask them Iron Doggers. Because of the predominant winds in  
13 that area there, the accumulation only occurs in the more dense  
14 spruce stands like you say or in the more protected areas.

15  
16 But Unalakleet has an average over a year's time of a  
17 12.7 mile an hour east wind. Now, that -- I really don't agree  
18 with deep snow being that much of a problem. And as far as the  
19 availability of dense spruce stands for thermal protection in  
20 extreme cold, they have spruce stands along the river. As far  
21 as disturbance by the Iditarod and Iron Dog, they don't hunt  
22 moose. And those trails run right down the middle of the  
23 valley. And the moose generally do not -- especially during  
24 the time when the Iditarod and Iron Dog are going through, they  
25 don't say well, we're going to go watch the Iron Dog or we're  
26 going to watch the Iditarod go by, it's not their thing.

27  
28 So you know, I still stand by my exception to the  
29 characterization as to the habitat in the Unalakleet River  
30 Drainage.

31  
32 Any other comments or questions for Mr. Kovach? I'm  
33 sorry. Mr. Machida.

34  
35 MR. MACHIDA: Yeah. I just wanted to make the comment  
36 about the habitat quality. The Unalakleet Drainage, the main  
37 part of the river valley, is actually where the best habitat  
38 is. You've got a lot of white (ph) (indiscernible - background  
39 noise, away from microphone), willowed areas where moose can  
40 over-winter. And typically, you know, I think what they're  
41 talking about here is how much winter habitat there is. That's  
42 kind of what limits moose numbers is how many patches of  
43 willows and such that there are that they can winter on. And  
44 think when they reference the deep snow part, they're talking  
45 about like in the hills.

46  
47 COURT REPORTER: You're going to have to speak up, the  
48 fishes are coming through.

49  
50

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1 MR. MACHIDA: Okay. I think they're referencing the --  
 2 you know, what's down like in the North River and the north  
 3 fork of the Unalakleet and some of those places, you know,  
 4 where there's lots of snow. 'Cause when we did do the census,  
 5 most of the moose were in the mainstem of the Unalakleet where  
 6 the best habitat was. So I mean, I think you can't say that  
 7 the whole area is poor habitat because it's not 'cause the main  
 8 part of the valley is actually fairly good. And then the whole  
 9 area is excellent summer and fall habitat.

10

11 So -- and I think there's qualifiers that have to be  
 12 said when you talk about whether it's good or poor; it just  
 13 says the overall characterization. I think when they're  
 14 talking about poor, they're referencing the fact that the  
 15 amount of willowed river type habitat isn't as much as it is  
 16 like on the Yukon River for example. And he's comparing one  
 17 place with another place.

18

19 CHAIRMAN KATCHATAG: Thank you, Mr. Machida. First of  
 20 all, Mr. Kovach, do you think this proposal might fly or even  
 21 walk?

22

23 MR. KOVACH: I really don't know. Like I said, we just  
 24 don't know how much the harvest would increase as a result of  
 25 this proposal. We don't know -- this particular area because  
 26 of the weather is a difficult area to survey. The extreme  
 27 winds in the area make it unsafe for flying on many instances.  
 28 When we had our Council meeting last fall, if we could've done  
 29 some flight -- we had snow -- you know, good snow, snow on the  
 30 ground for observations and been able to fly, that would've  
 31 been a good time. It was one of the few times without winds.  
 32 So we don't have as good of information for this area as we  
 33 would really like. So I have a hard time trying to give you  
 34 some good guidance on this, Mr. Chair. This is going to be one  
 35 of those judgment calls.

36

37 CHAIRMAN KATCHATAG: Thank you, Mr. Kovach. On behalf  
 38 of the person who made this proposal, I would entertain a  
 39 motion that we continue with Proposal 42 for two reasons.  
 40 Number 1, we don't know what the impact will be and what's 10  
 41 days? Your season is already two months long. The main reason  
 42 they asked for an additional 10 days is after commercial  
 43 fishing all summer, you're not -- you don't have the  
 44 opportunity or the time to get into moose hunting until after  
 45 the commercial fishing season is over, and that generally, by  
 46 regulation, is the 8th of September.

47

48 MR. MACHIDA: Something like that.

49

50

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1 CHAIRMAN KATCHATAG: It used to be the 31st of August,  
2 and then they extended it to the 8th of September, if I  
3 remember correctly. But then you get -- after that, then you  
4 get into your fall activities. And a lot of it is focused on  
5 getting fall drag fish and also trout for customary and  
6 traditional use in the winter. And one of the reasons why he  
7 proposed this is that he has seen very good looking bulls that  
8 seem to know when October 1st rolls around, and he would like  
9 to be able to tell them, the ones that he runs across, that  
10 they are no longer protected by September 30th or October 1st,  
11 and that they must now adjust their clock to October 10th and  
12 spend their time in his freezer.

13

14 I would entertain a motion that we continue backing  
15 Proposal 42 to provide better access during the customary  
16 hunting time and also as a test to see how much impact these 10  
17 days will make. What is the wish of the body?

18

19 MR. KATCHEAK: I so move.

20

21 CHAIRMAN KATCHATAG: We have a motion before us, do I  
22 hear a second?

23

24 MR. BARR: Second.

25

26 CHAIRMAN KATCHATAG: Second. Discussion.

27

28 MR. SEETOT: Question.

29

30 CHAIRMAN KATCHATAG: The question's been called. All  
31 those in favor of the motion before us signify by saying aye.

32

33 IN UNISON: Aye.

34

35 CHAIRMAN KATCHATAG: All those opposed, nay??

36

37 (No opposing responses)

38

39 CHAIRMAN KATCHATAG: Motion passes unanimously. In the  
40 interest of time, I hereby recess until 9:00 a.m.?

41

42 UNIDENTIFIED VOICE: Um-hum.

43

44 CHAIRMAN KATCHATAG: 9:00 a.m. How many more proposals  
45 we got?

46

47 MS. H. ARMSTRONG: A bunch.

48

49 MR. KOVACH: A bunch.

50

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CHAIRMAN KATCHATAG: A bunch.

(Off record)

**(END OF DAY'S PROCEEDINGS)**

\* \* \* \* \*

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UNITED STATES OF AMERICA )

) ss.

STATE OF ALASKA )

I, Rebecca Nelms, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through 108 contain a full, true and correct Transcript of the Seward Peninsula Federal Subsistence Regional Advisory Council, Volume I, meeting taken electronically by Meredith Downing on the 23rd day of February, 1995, beginning at the hour of 2:15 o'clock p.m. at the White Mountain Lodge, White Mountain, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by Karen E. Squiers to the best of her knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this \_\_\_\_ day of March, 1995.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: 10/10/98

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