

1 SEWARD PENINSULA SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL
3 PUBLIC MEETING
4 BERING STRAITS BOARDROOM, NOME, ALASKA
5 OCTOBER 26, 1995, 9:00 a.m.

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BOARD MEMBERS:

7

SHELDON KATCHATAG, CHAIR

8

LORETTA MUKTOYUK

ELMER SEETOT, JR.

9

FRED KATCHATAG, SR.

PETER BUCK

10

ZACCHEUS BARR

THEODORE KATCHEAK

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BARB ARMSTRONG

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1 P R O C E E D I N G S
2 SHELDON KATCHATAG: For the record,
3 I'd like to call the Seward Peninsula Subsistence
4 Regional Advisory Council to order at 9:20 a.m.,
5 26th, October, 1995. Madam secretary, may we have
6 a roll call.
7 MS. MUKTOYUK: Sheldon Katchatag?
8 SHELDON KATCHATAG: Here.
9 MS. MUKTOYUK: Bill Barr?
10 MR. BARR: Here.
11 MS. MUKTOYUK: Ted Katcheak?
12 MR. KATCHEAK: Here.
13 MS. MUKTOYUK: Fred Katchatag, Sr.?
14 FRED KATCHATAG: Here.
15 MS. MUKTOYUK: Peter Buck?
16 MR. BUCK: Here.
17 MS. MUKTOYUK: Elmer Seetot, Jr.?
18 MR. SEETOT: Here.
19 SHELDON KATCHATAG: Thank you, madam
20 secretary. For the record, we have all seven
21 council members; five incumbents and two newly
22 appointed members, and the appointed members are to
23 my left. Honorable Mr. Fred Katchatag, Senior of
24 Unalakleet. And to his left Mr. Peter Buck of
25 White Mountain. And they replaced respectively Mr.
George Lockwood of Unalakleet and the late great
Roy P. Otten of Koyuk.
I'd like to welcome everybody to the
5th annual meeting of the Seward Peninsula Regional
Advisory Council, and welcome them, our council
members, back to Nome where we started some two
years ago. And I would like, since everybody's
been introduced on the council, maybe we can have a
few words about who you are and where you're from,
starting with madam secretary.
MS. MUKTOYUK: I'm Loretta Muktoyuk
from King Island, live here in Nome.
MR. SEETOT: Elmer Seetot, Jr. from
Brevig Mission.
SHELDON KATCHATAG: Sheldon
Katchatag, originally from Unalakleet, have been
living in Elim for the last ten years, and
subsisting majority of my life.
FRED KATCHATAG: Fred Katchatag from
Unalakleet, Alaska.
MR. BUCK: Peter Buck from White
Mountain.
MR. BARR: Bill Barr from
Shishmaref.
MR. KATCHEAK: Theodore Katcheak.

1 SHELDON KATCHATAG: I'm kind of
2 disconcerted because we normally have mikes
3 stretched out all over the place, and I'm just
4 wondering if your transcripts will be able to catch
5 all this?

6 THE REPORTER: If I don't hear
7 somebody, I'll ask them to speak up.

8 SHELDON KATCHATAG: I'd like to
9 introduce Ms. Barb Armstrong, the regional
10 coordinator. And she would like to say a few words
11 about who she is and where she's from and what she
12 does.

13 BARB ARMSTRONG: Barb Armstrong, I'm
14 originally from Shungnak, living in Kotzebue for
15 the last 23 years, and I work with the Arctic
16 Region Council, Seward Peninsula, Northwest Arctic
17 and North Slope.

18 SHELDON KATCHATAG: Thank you,
19 Barb. Starting with Mr. Pospahala here, I'd like
20 everyone to stand up and introduce themselves so
21 that not only the council members know who you are,
22 but everybody in our public can.

23 MR. POSPAHALA: Thank you, Sheldon.
24 I'm Dick Pospahala with the Fish & Wildlife
25 Service, and I've been involved in the federal
 subsistence management program since we started in
 1990.

 HELEN ARMSTRONG: I'm Helen
 Armstrong, I'm an anthropologist and we have a team
 that works with this region, and I'm the
 anthropologist on the team with Barb and Steve.

 MR. KOVACH: Steve Kovach, I'm the
 staff biologist assigned to support this council.
 I'm also currently the acting resource and division
 chief coordinator for the Fish & Wildlife
 subsistence office.

 MR. KNAUER: I'm Bill Knauer, I'm
 with the subsistence management office of Fish &
 Wildlife Service and I'm a regulations and policy
 specialist for them.

 MR. ADKISSON: My name is Ken
 Adkisson. I work for the National Park Service in
 subsistence management for Bering Land Bridge
 National Preserve here in Nome, and I've been
 living in Nome for the roughly the last ten years.

 MR. MACHIDA: I'm Steve Machida.
 I'm the area management biologist for Fish & Game
 for Unit 22.

 MS. MORKILL: Anne Morkill with the
 Bureau of Land Management, wildlife biologist and

1 subsistence coordinator out of Fairbanks.

2 MS. GEORGETTE: I'm Sue Georgette.
3 I work with subsistence division with Fish & Game
4 in Nome, and I've worked here the last couple
5 winters. And before that out of Kotzebue for
6 several years.

7 MR. DeCICCO: Fred DeCicco with the
8 Alaska Department of Fish & Game sport fish
9 division. And I've worked in this area for about
10 15 years.

11 MR. BENTE: I'm Peter Bente with
12 Department of Fish & Game from Fairbanks. I've
13 been in Nome for less than a year.

14 MR. OLANNA: I'm Jake Olanna with
15 Kawerak subsistence division.

16 MR. CALLOWAY: Don Calloway,
17 subsistence division, National Park Service,
18 Anchorage.

19 MR. MORRISON: John Morrison
20 Anchorage, with the Department of Fish & Game and
21 wildlife conservation division where I'm the
22 department state and federal subsistence
23 coordinator, so I get to most of these meetings and
24 hear what goes on. And I'm very pleased to be here
25 in this meeting today. This is my first trip to
Nome, and I'm looking forward to being with you.

MR. DENTON: I'm Jeff Denton,
wildlife biologist and subsistence specialist for
the Anchorage district of BLM.

MR. BOYD: Tom Boyd. I'm the
subsistence coordinator with the Bureau of Land
Management in Anchorage.

SHELDON KATCHATAG: Mr. Boyd has
also served, I don't know if he still is, but he's
on the staff committee which advises the federal
subsistence board.

MR. ASHENFELTER: Roy Ashenfelter
with Kawerak.

MR. MAGDANZ: I'm Jim Magdanz. I
work with the subsistence division, Alaska
Department of Fish & Game. Been stationed in Nome
and Kotzebue for the last 15 years.

MR. TOCKTOO: My name is Fred
Tocktoo. I work with the National Park Service,
born and raised in Shishmaref and work with the
subsistence department here.

SHELDON KATCHATAG: Okay, and we
shall now move on to item -- before I do that, I
see we have a welcome letter from Mitch and it says
Bill.

1 MR. KOVACH: Hang on, I've got to
2 find it.

3 SHELTON KATCHATAG: For the record,
4 Mitch Demientieff from Tanana is the chairman of
5 the Federal Subsistence Board. They are looking
6 for the letter.

7 MR. KNAUER: Mitch prepared this
8 letter to be read at all of the councils.

9 Starts: I'd like to welcome you to
10 the fall 1995 Federal Subsistence Regional Advisory
11 Council meetings. These fall meetings mark the
12 beginning of a new cycle of decision-making for the
13 next set of annual subsistence regulations.

14 These meetings are symbolic of the
15 role of the regional councils in federal
16 subsistence management. They are the starting
17 point from which the next year's subsistence
18 regulations are produced, and they are intended to
19 ensure that the subsistence users' needs are well
20 accommodated in subsistence regulations. Just as
21 the fall set of regional council meetings is meant
22 to serve as the kick off of the annual regulatory
23 process, the regional councils themselves are meant
24 to serve as the foundation for subsistence users'
25 involvement in subsistence management.

The regional councils are the
crucial link between subsistence users and the
Federal Subsistence Board. The members of the
councils all have direct firsthand experience with
subsistence, and they are leaders in their
communities. Collectively they provide the board
with unparalleled insight into the needs of
subsistence users statewide, and by statute their
recommendations carry a great deal of weight in
subsistence decision-making.

This begins the third full year that
the regional councils have been in operation.
During the evolution of subsistence management
during these three years, we've made great strides
in structuring subsistence management to
accommodate subsistence users' customary and
traditional practices in a manner consistent with
maintaining healthy wildlife and fish populations.
We could not have made such progress without the
involvement of the regional councils. Without a
doubt, such progress has not been without its share
of frustration, both in the federal and regional
council arenas; however, change is sometimes
difficult, particularly when it involves such a

complex issue with so many players. And I believe

MIDNIGHT SUN COURT REPORTERS 907/258-7100

6

1 it is to the credit of all involved that the
2 program that we now have has so many new and often
3 quite substantial innovations to accommodate
4 subsistence uses.

5 For example, largely as a result of
6 regional council initiative and willingness to work
7 cooperatively with federal staff, subsistence users
8 now have available to them designated hunter
9 harvest permitting, community harvest limits and
10 seasons, harvest limits methods and means that
11 better accommodate customary and traditional
12 practices, to name a few.

13 That is not to say that we are
14 content to rest on our laurels. We are still faced
15 with issues to be revolved and more issues will
16 undoubtedly arise in the future; in fact, some of
17 these issues are on your agenda for this meeting.
18 The federal subsistence management program is on
19 the leading edge of resource management that is
20 cooperative and responsive, and with the continued
21 high quality of involvement of the regional
22 councils will continue to be so.

23 I wish you the best of luck at this
24 meeting and I and the other board members look
25 forward to seeing your proposals and
26 recommendations.

27 SHELDON KATCHATAG: Thank you, Mr.
28 Knauer. Any comments or questions regarding the
29 letter from Mr. Demientieff?

30 FRED KATCHATAG: Do we have this
31 letter in our folder here?

32 MR. KNAUER: No.

33 FRED KATCHATAG: Can I have a copy
34 of that letter?

35 MR. KNAUER: We can get you a copy.

36 SHELDON KATCHATAG: Thank you, Mr.
37 Knauer. Any other questions or comments regarding
38 the letter from Mr. Demientieff? Hearing none, I
39 would like a copy of the letter circulated to all
40 members of the council.

41 We now move on to item 4 of the
42 agenda, review and adoption of the agenda. For the
43 record, I don't know who drafted up this draft
44 agenda, but I would like to find out who, under
45 item 6, is the "chair pro team". I know it's a pro
46 tem, but I just wanted to get that in.

47 From the chair I would like to -- I
48 would entertain a motion to amend the minutes by

25 adding a few items. I'm not sure exactly where we
should put them. I'm glad to see that we have

MIDNIGHT SUN COURT REPORTERS 907/258-7100

7

1 proposals to change subpart C and D on here under
2 new business. I know we had brought up fish in the
3 past, and I know that technically would fall under
4 old business, but I think for the time being, and
5 this agenda will be pretty flexible, to make sure
6 that we cover all items on it. I think under 8 D 3
7 I think we should make it, instead of under 2, we
8 should have under 8 D 3 community harvests.

9 Under other business, item A I would
10 like to hear what's the latest on the Katie John
11 ruling and how it affects our operations. I would
12 like an update on the status on fishery management
13 and how it affects our operation. I would like a
14 legal opinion, and this could -- will probably have
15 to wait until our next meeting because I didn't
16 hear anybody being introduced as being from the
17 solicitor's office, I'd like a legal opinion on
18 whether or not the State is mandated by Title 8 of
19 ANILCA to abide by those provisions.

20 And one of the reasons that I'm
21 bringing that up is the fact that the regional
22 solicitor's office has sent me the legislative
23 history which outlines congressional intent of
24 Title 8 of ANILCA, and judging by that I would say
that it requires not only the State but also all
land managers and owners.

One of the statements in there says
that: Successful subsistence management requires.
It doesn't say needs, it doesn't say should have,
it says "requires", cooperation by all land
managers and owners, state and federal agencies,
corporations and other nations. So I would --
we'll discuss that at the time when it comes up on
the agenda.

And lastly, under item 9 D, I would
like us to begin the process of drafting salmon and
other fish management regulations for the future,
and that's pending the outcome of the ruling that
we might have with regards to which navigable
waters are applicable under fish management Title 8
of ANILCA, and for the record, Title 8 of ANILCA
does say we are obligated to manage fish.

Any other amendments to the agenda
from the council. Ted?

MR. KATCHEAK: No.

MR. BARR: No.

24 SHELDON KATCHATAG: Peter?

25 MR. BUCK: No.
FRED KATCHATAG: No.
MR. SEETOT: No.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

8

1 MS. MUKTOYUK: No.
2 SHELTON KATCHATAG: Anybody from the
3 staff? Hearing none, I would entertain a motion to
4 accept the draft agenda as our agenda for this
5 meeting.
6 FRED KATCHATAG: I will make a
7 motion to accept the agenda as amended.
8 SHELTON KATCHATAG: Thank you. Do I
9 hear a second?
10 MR. SEETOT: Second.
11 SHELTON KATCHATAG: All those in
12 favor of the adoption of the agenda signify by
13 saying aye. All those opposed, nay. The agenda
14 has been adopted.
15 (Unanimous)
16 SHELTON KATCHATAG: Moving on to
17 item 5, review and adoption of minutes,
18 February/July, 1995 meetings. Madam regional
19 coordinator has told me we do not have copies of
20 the minutes for that particular meeting, and we
21 will make those available to the council at a later
22 date. Any objection?
23 For the record, the February/July --
February meeting was held in White Mountain and we
finalized our musk ox regulations and the hunt for
Units 22(D) and (E), I believe. That was one of
the major points. We will get transcripts and the
minutes.
At our July meeting we had a joint
meeting with the Northwest Arctic Regional Advisory
Council in Kotzebue because we were discussing musk
ox and whether or not we were all in the same boat
on musk ox. And after a day of deliberation there,
we all came to the conclusion that we're all in the
same boat on musk ox and subsistence. So we
adopted the original plan for the Seward Peninsula
musk ox herd hunt, which originally called for 12
animals for 22(D), six animals for 22(E), and seven
animals for the southern portion of 23 for a total
of 25 musk ox bulls to be harvested between
September 1st and January 31st of this winter. We
shall hear later as to whether or not they have had
any success with that musk ox hunt.
Any questions with regard to the
minutes of the February and/or July meetings?
Hearing none, I hereby open the floor to public

24 comment on the Federal Subsistence Board. We shall
entertain any comments or questions.

25 While we're waiting for comments or
questions about the Federal Subsistence Board, the

MIDNIGHT SUN COURT REPORTERS 907/258-7100

9

1 Federal Subsistence Board was created under the
Bush administration under temporary regulations
2 because of the impetus provided by the McDowell
versus Department of the Interior suit with regard
3 to subsistence in Alaska. The suit resulted in the
state constitution -- with the State Supreme Court
4 ruling the rural subsistence preference as being
unconstitutional, being based on the equality
5 clause of the state constitution.

The federal government was then
6 mandated, under Title 8 of ANILCA, since the State
was out of compliance with Title 8, to set up
7 regional advisory councils as mandated by Title 8.

8 One of the things that happened
though was that since the Secretary did not have
9 the time or energy or the people available in his
office to properly manage subsistence in Alaska, he
decided, this was Mannuel Lujan under Bush, that he
10 would create a Federal Subsistence Board. He
created a temporary one and asked that that
11 temporary Federal Subsistence Board make
recommendations to what sort of system would be the
12 final management system in Alaska.

The Federal Subsistence Board
13 created under the temporary regulations recommended
that it be the Federal Subsistence Board under
14 permanent regulations, and they recommended the
formation of ten regional advisory councils to
15 represent the different areas of the state. In
August of 1993 the -- well, if -- let me back up a
16 little bit.

In '82, I believe it was -- '92, the
17 final regulation, or the final record of decision
came down on the Federal Subsistence Board making
18 the Federal Subsistence Board a final or permanent
subsistence management agency for the state. The
19 Federal Subsistence Board is made up of the
regional directors of the five federal agencies in
20 Alaska. They being the Bureau of Indian Affairs,
the National Park Service, the Bureau of Land
21 Management, the Fish & Wildlife Service.

MR. KNAUER: Forest Service.

22 SHELDON KATCHATAG: And the Forest
Service under the Department of Agriculture. I
23 knew I was going to run into a blank somewhere.

24 But that's who the Federal Subsistence Board is
made up, plus an appointed chair. So there are six
25 members to the Federal Subsistence Board. They are
advised under Title 8 of ANILCA by the ten regional
advisory council chairs and also the ADF&G

MIDNIGHT SUN COURT REPORTERS 907/258-7100

10

1 representative. They are also advised by a federal
staff committee made up of people like Mr. Tom Boyd
2 and other representatives of the five federal
agencies having subsistence management in the
3 state.

4 FRED KATCHATAG: Can I ask a
question?

5 SHELDON KATCHATAG: Yes, Mr.
Katchatag.

6 FRED KATCHATAG: Does these people
that you've named as a subsistence board, through
the Native people, are they aware of Native way of
7 living? I said that because the difference between
the Natives and Aleuts and Indians are way
8 different. We cannot have one subsistence law.
All the villages are different in subsistence way
9 of life. The subsistence means to the Native is --
that's the way we survive, that's a survival point
10 of the Native people in different areas. We have
Point Barrow, even beyond that, and way down
11 southeastern, they are all different. You cannot
make the laws in one respect, you have to match
12 every village as to when they go out and when they
come out.

13 The board should be made up of
Native people, not federal or state. Your way of
14 life is way different than our way of life. And
we're not up here in Alaska by chance. God put us
15 up here, and our way of subsistence way of life is
so much different that we should all agree and have
16 that in the subsistence way of life.

17 You see, if you select only the well
educated people, subsistence way of life does not
18 consist of education, it consists of experience.
You have to live there and learn.

19 A lot of your people come to our
villages and they learn right away. They say it's
20 way different from your way of life. That's why
I'd like to see it a little different. The idea
should come from each community or how far these
21 communities live together, how many villages. I
know way up there in Barrow, their way of
22 subsistence life is way different from us. That's
all I have, thank you.

23 SHELDON KATCHATAG: Thank you, Mr.
24 Katchatag. Let me backtrack a little bit and this
25 will probably answer your question.

 Title 8 of ANILCA requires that the
25 regional advisory councils be made up of people
that are knowledgeable and experienced in local

MIDNIGHT SUN COURT REPORTERS 907/258-7100

11

1 subsistence customs and practices, and that's to
2 reflect the differences within each region, and
3 that's why there are ten regions within the state,
4 so that each council is made up of people from that
5 region, and hopefully the idea being, that if you
6 have your council made up of local people that know
7 the customs and traditions and the resources and
8 the seasons of the resources, then you will have
9 regulations being put forth that will make it
10 easier for the subsistence user to be able to do so
11 under the federal regulations.

 That's why each and every one of us
12 are on this council, because we have been hopefully
13 researched enough to know that we do know something
14 about our subsistence way of life. And I agree
15 with you, the Federal Subsistence Board should be
16 made up of people like us, but as I said earlier,
17 the Federal Subsistence Board was created by the
18 Secretary of the Interior to fulfill his obligation
19 under Title 8 of ANILCA.

11 While we're on Title 8 of ANILCA, I
12 would ask that each and every one of the council
13 members at every chance to -- if they don't have a
14 copy available, Barb, can we make sure that they do
15 in the future, review Title 8 of ANILCA, because
16 every time I read it I find something else that I
17 grab as being something that I could use, either in
18 our council meetings or in the Federal Subsistence
19 Board meeting.

 The chair is Mitch Demientieff, he's
16 from Tanana, so we have at least one Native voice
17 on the board. That's one consolation.

17 FRED KATCHATAG: Thank you.

 SHELDON KATCHATAG: That's the whole
18 idea. The Title 8 of ANILCA mandates at least six
19 regions, and the original board decided that ten
20 would be more appropriate to reflect the different
21 life-styles in each region. There is a map within
22 your packet, I believe, that shows the ten regional
councils.

21 BARB ARMSTRONG: There should be one
22 there.

 HELEN ARMSTRONG: This one here,

it's pink.

23 SHELDON KATCHATAG: It's the pink
copy, and if you look on it it shows the ten
24 regions, and that more or less shows you that all
the areas of the state are covered. Some of them
25 are a little bit bigger than others, but that's
neither here nor there.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

12

1 Any questions on the Federal
Subsistence Board?

2 MS. MUKTOYUK: I'd like to know why
the Federal Subsistence Board have their meetings
3 in Anchorage or in Juneau when they decide on the
customary and traditional use of any kind of
4 animals. I'd like to know why they have it in
Anchorage or Fairbanks, in the big cities, and not
5 a small town like Nome, because when you make those
kind of decisions, it's affecting us, and for us
6 people that live here in this Nome region, we can't
always afford to fly to Anchorage or Fairbanks or
7 wherever the board has their meetings. And it's
also a concern up here from this Bering Straits
8 area that we cannot always attend the meetings
because of finances. Why can't they have meetings
9 here in Nome?

 SHELDON KATCHATAG: Thank you,
10 Loretta. That's a very good question, and under
Mitch, he's only been on there since last April, I
11 believe. So one of the things that he's done,
there has been quite a controversy in the
12 Southcentral region regarding the Kenai moose,
customary and traditional use in the moose hunt
13 down there, and he was forced because of the -- all
the public outcry, to have not only meetings in
14 Anchorage, but I believe he had seven or eight
meetings down in the Kenai area also.

15 So hopefully we will be able, if we
do have some more rulings for them on our areas,
16 that hopefully they might come up this way. And
the man to talk to is Mr. Pospahala over there.

17 MR. POSPAHALA: Your comment is duly
noted.

18 SHELDON KATCHATAG: So that's a
possibility in the future, and maybe we can
19 generate enough change proposals so that we can
bring them over in this direction.

20 Any other questions or comments
regarding the Federal Subsistence Board? By the
21 way, Mr. Boyd, are they all still the same? I
understand some of them were planning on retiring.

22 MR. BOYD: Board members?
SHELDON KATCHATAG: Yeah.
23 MR. BOYD: As far as I know it's the
same board members as we had in our April meeting.
24 SHELDON KATCHATAG: For the record,
do you have a list of who is on the board besides
25 Mitch?
MR. BOYD: I think I can provide my

MIDNIGHT SUN COURT REPORTERS 907/258-7100

13

1 knowledge of who is on the board.
SHELDON KATCHATAG: I know Niles
2 Cesar is on there from BIA.
MR. BOYD: Correct.
3 SHELDON KATCHATAG: That's the only
one I know now.
4 MR. BOYD: Tom Allen is the state
director for the Bureau of Land Management, he's on
5 the board. Mr. Dave Allen, who is the regional
director of Fish & Wildlife. I believe Mr. Jack
6 Capp, C-a-p-p, who is the chief of their wildlife
division is on the board for the Forest Service.
7 SHELDON KATCHATAG: That's a new one
for me.
8 MR. BOYD: We mentioned Mitch and
Niles. Park Service is Paul Anderson who is -- I
9 don't know his title.
UNIDENTIFIED SPEAKER: He's the
10 deputy director.
MR. BOYD: He's a deputy regional
11 director for the Park Service.
SHELDON KATCHATAG: Thank you, Mr.
12 Boyd. Any other questions regarding the Federal
Subsistence Board? Hearing none, move on to item
13 6, and who wants to be pro tem? We are now on item
6 of the agenda, nominations and elections of
14 officers for the next cycle, that would be this
meeting and the February meeting. I guess I shall
15 serve pro tem. Item 6 A, the floor is now open for
nominations of chair person.
16 MS. MUKTOYUK: Make a motion to
nominate Sheldon Katchatag.
17 FRED KATCHATAG: Second.
MR. BUCK: Make a motion to close
18 the nominations.
SHELDON KATCHATAG: We have a motion
19 on the floor to close nominations.
MR. SEETOT: Second.
20 FRED KATCHATAG: Question.
SHELDON KATCHATAG: We have a motion
21 to ask unanimous consent. All in favor signify by

22 saying aye. Those opposed, nay. Unanimous
consent.

(Unanimous)

23 SHELDON KATCHATAG: Vice-chair.
Chair is open for vice-chair.

24 MS. MUKTOYUK: Make a motion to
nominate Elmer Seetot, Junior.

25 SHELDON KATCHATAG: Elmer Seetot has
been nominated.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

14

1 FRED KATCHATAG: Second the motion.
MR. SEETOT: Chair?

2 SHELDON KATCHATAG: Mr. Seetot.

MR. SEETOT: Nominate Mr. Bill Barr.

3 SHELDON KATCHATAG: Mr. Bill Barr
has been nominated.

4 MS. MUKTOYUK: Make a motion that we
close.

5 SHELDON KATCHATAG: We have a motion
to close nominations. We have two people for
6 vice-chair, Mr. Elmer Seetot, Junior, and Mr. Bill
Barr. We shall have a secret ballot. All council
7 members please cast your votes. Madam coordinator,
could you collect the votes, please. For the
8 record, madam coordinator, what is the results of
the election for vice-chair.

9 BARB ARMSTRONG: Mr. Barr has four
votes and Elmer has three.

10 SHELDON KATCHATAG: For the record,
Mr. Bill Barr has been re-elected as vice-chair.
11 Congratulations, Mr. Barr. Floor is now open for
nominations for secretary.

12 MR. BUCK: Nominate Loretta.

13 SHELDON KATCHATAG: We have a motion
to re-elect Ms. Muktoyuk.

14 MR. SEETOT: Move to close
nominations.

15 SHELDON KATCHATAG: We have a motion
to close nominations.

FRED KATCHATAG: Second.

16 SHELDON KATCHATAG: Seconded. Move
and ask unanimous consent. All those in favor
17 signify by saying aye.

(Unanimous)

18 SHELDON KATCHATAG: We have
unanimous consent. Now have new council member
19 orientation. Barb.

20 BARB ARMSTRONG: Since the new
councils are here, previously I mailed you some new
packets, and I think you have received them, and

21 just in case you guys didn't I brought the
22 manuals. I don't have a packet with me, so in your
23 packet, there is a lot of information that goes --
24 that gives you information on what -- how the
25 council proceeds and work with me and I work with
you. And I send you all the information that I get
from the main office, and mostly through Sheldon's
direction that I work very closely with Sheldon
here. And if you should have any questions, you
should have my 800 number and can call me at any

MIDNIGHT SUN COURT REPORTERS 907/258-7100

15

1 time.

SHELDON KATCHATAG: For the record,
2 could you give us your 800 number, Barb.

3 BARB ARMSTRONG: 1-800-492-8848.

4 SHELDON KATCHATAG: Thank you,
Barb. Any questions from Mr. Katchatag or Mr. Buck
5 with regard to their orientation packets or any of
their duties and responsibilities as regional
6 advisor council members?

7 FRED KATCHATAG: I have not had any
chance to read it. I will read it as soon as I get
8 the chance to, thank you.

9 SHELDON KATCHATAG: Thank you, Mr.
Katchatag. Mr. Buck?

10 MR. BUCK: No.

11 SHELDON KATCHATAG: Mr. Buck, for
the record, Barb has sent each of you this binder,
12 and I recommend that you go through it and if you
13 have any questions give her a call. If you have
14 any further questions, she can refer to it me and
15 I'll give you a call myself, or if you have any
16 questions while we're meeting here in the next
17 couple days, we'll try to answer your questions.
18 Any other information we should give to our new
19 members? That's how our system operates. Let me
20 outline for you how we operate as a council.

As Mitch's letter indicated, our
year starts out at our fall meeting, and this
happens to be our fall meeting for the coming
'95/'96 season. What we do is accept change
proposals, or draft change proposals, depending on
whether or not they have been drafted or not. We
accept and draft change proposals for regulations
for the period beginning July 1st, 1996 to June
30th, 1997. All the regulations that are in place
now for this area we looked at a year ago in
Unalakleet and finalized them in February -- no, I
take that back, that was in March.

MR. KOVACH: No, that was February.

21 SHELTON KATCHATAG: March.
MR. KOVACH: February.
SHELTON KATCHATAG: February in
22 White Mountain. That's how we operate. We accept
and draft change proposals at our October meeting
23 and review and adopt proposals to be recommended to
the Federal Subsistence Board at their April
24 meeting, and all our actions are recommendations to
the board. And if you will look under Title 8 of
25 ANILCA, there are only three instances or three
conditions under which the Federal Subsistence

MIDNIGHT SUN COURT REPORTERS 907/258-7100

16

1 Board may not follow our recommendations. They
being if our recommendation does not follow sound
2 scientific principles for fish and wildlife
management. Second one is, drew a blank. Steve.
3 MR. KOVACH: I'm trying to remember
myself.
4 MR. POSPAHALA: Substantial
evidence.
5 SHELTON KATCHATAG: Yeah, not
supported by substantial evidence. And number
6 three is it would be detrimental to subsistence
users and needs. Because those are the only three
7 instances in which the Federal Subsistence Board
may not follow our recommendations, and they have
8 to set out in writing not only the fact that they
are not following our recommendations, but they
9 must provide adequate written explanation as to why
they are not following our recommendations.
10 Any questions on the process of
developing regulations for subsistence management?
11 That's how we operate.
Under the Federal Subsistence Board
12 system, the ten regional advisory council chairs
serve as advisors to the Federal Subsistence Board
13 on proposals, not only affecting each region, but
sometimes on issues that affect other regions, and
14 we do that with respect to each region's council
and their chairs.
15 The chair of each council is
expected to attend the Federal Subsistence Board
16 meetings, and if not the chair, then his designated
alternate. Hopefully Mitch will be around awhile.
17 He's made a commitment, barring any changes, he
will be serving chair until he is replaced.
18 That in itself has been something of
a change, because we were going through FSB chairs
19 about once every six months for a while there. So
nice to have one that's planning on sticking around

20 for a while.

FRED KATCHATAG: Is this Mitch the
21 first or last name?

SHELDON KATCHATAG: That's his first
22 name. His name is Mr. Demientieff from Tanana.
Any questions on how we operate with respect to the
23 Federal Subsistence Board? Hearing none, let's
take about a ten minute coffee break here and then
24 we'll think about business.

(Off the record.)

SHELDON KATCHATAG: We'll call the
25 meeting back to order, item 7, old business.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

17

1 Reports. First report will be the Federal
Subsistence Board meetings, Steve and Helen.

2 MR. KOVACH: Thank you, Mr. Chair.
Last April the board met and reviewed a total of 71
3 proposals. There was nine proposals that directly
affected this region that this council goes and
4 represents. All of those proposals were originated
by this council. They also deliberated on another
5 four proposals that indirectly affected users in
this group region. And all four of those proposals
6 actually dealt with the Western Arctic caribou
herd. The nine proposals that directly affected
7 this council in this region, eight of those were
supported by the board and passed, in line with
8 recommendations by the council. The one proposal
that was not supported was the one for brown
9 bears.

What the board actually did was send
10 the issue back to staff to look at two separate
components of that proposal; one, the defense of
11 life and property issues raised by that proposal,
and the board separated that from the request to
12 increase the harvest limit from one bear every four
years to one bear per year. Both the defense of
13 life and property issue is being worked on by staff
as well as the change to increase the harvest
14 limit.

And I believe the harvest limit
15 question is going to be addressed by the board at
their November meeting, and I don't know what the
16 status of that is.

MR. POSPAHALA: The staff committee
17 hasn't finished their review of that issue yet, but
they will be doing that over the next several
18 months or so, and the results of that effort will
be made available to the council prior to your
19 pre-April meeting in January or February.

20 MR. KOVACH: Since the board's
meeting in April they have dealt with a total of
21 seven special actions and 14 requests for
reconsiderations. Three of those requests for
22 reconsiderations directly affected this area. Two
of them dealt with the musk ox season, and one
23 dealt with the extension of the moose hunt in Unit
22(A). The board rejected the request to eliminate
the musk ox season that the board had passed in
24 April, and the board reversed itself on the season
extension on the moose hunt in Unit 22(A). The
25 original season was August 1st through September
30th. Last spring, due to a proposal from this

MIDNIGHT SUN COURT REPORTERS 907/258-7100

18

1 council, they extended that season by ten days, so
it ended on the 10th of October.

2 Due to questions about the current
status of the moose population in Unit 22(A) and
3 its ability to withstand additional harvest, the
board decided to cut back the season back to its
4 original ending date.

5 MR. KNAUER: They also, in that
action, closed public lands to non-subsistence use.

6 SHELDON KATCHATAG: In 22(A)?

MR. KNAUER: In 22(A).

7 MR. KOVACH: That's for both
seasons.

8 SHELDON KATCHATAG: That's for the
duration of this year, is it not?

9 MR. KNAUER: That's for the duration
of this year.

10 MR. KOVACH: And that's all that's
happened from the board.

11 SHELDON KATCHATAG: Any questions on
the board and their report on the board meeting?

12 MS. MUKTOYUK: Can you repeat the
one on the brown bears.

13 MR. KOVACH: There was a proposal,
number 41, before the board last spring. The
request was to increase the harvest limit of brown
14 bears from one bear every four years to one bear
every year for all of Unit 22. The majority of the
15 justification revolved around defense of life and
property issues. What the board decided to do is
16 they recognized that defense of life and property
issues was not only a recurring issue in this
17 region, but in several other parts of the state.
So what the board did is they basically denied the
18 proposal but sent back to the staff two separate
questions; one, review defense of life and property

19 regulations as they are, and is there something we
20 can do about it. And the second was a separate
21 analysis of the harvest limit increase on bears
alone. They sent it back as two separate questions
back to staff is what they have done.

22 So we're having separate analyses of
23 defense of life and property provisions for the
24 federal subsistence program as a whole, not just
for this area, but overall. And then a closer look
at the request for an increase in the harvest limit
of brown bears for this unit.

25 SHELTON KATCHATAG: We will be
discussing this brown bear business a little later
in the agenda.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

19

1 MR. BARR: Mr. Chairman?

SHELDON KATCHATAG: Mr. Barr.

2 MR. BARR: Who determines

3 eligibility of our -- you know, there is some white
4 people that are subsistence hunters up here, too,
5 you know, and who determines who is going to what
6 federal area to hunt, you know? I mean, just leave
only the white people out, or what?

7 SHELTON KATCHATAG: The subsistence
8 regulations? They apply to everybody within the
9 region.

10 MR. BARR: I mean, you know, he
11 stated that they closed the area to Federal
12 Subsistence Board -- I mean not the board, but the
13 people, you know.

14 SHELTON KATCHATAG: Right. What
15 they did was they closed 22(A) to non-resident
16 customary and traditional users, is that correct?

17 MR. BARR: Okay, non-residents.

18 SHELTON KATCHATAG: You have to be a
resident of area to subsist on moose in 22(A) on
federal land, which is most of that land over
there.

MR. KATCHEAK: Mr. Chairman?

13 SHELTON KATCHATAG: Mr. Katcheak.

14 MR. KATCHEAK: If there is an
15 edition to that proposal, I would like to see a
16 copy of that regulation concerning the use of
17 non-subsistence users.

18 SHELTON KATCHATAG: For the record,
can we have a copy of the board's action with
regard to moose in 22(A) for each council member so
that they can review it and make sure they
understand it. I would appreciate that. So they
will make a copy of the board's actions and the

regulation affected.

19 What they did was, last year,
remember in Unalakleet, we had a proposal to
20 increase moose season ten days by moving the
cut-off date from September 30th to October 10th.
21 That's the only thing that we did, we increased the
season ten days. But according to the concerns
22 brought not only by the State, but also reports of
higher than normal catches in the Unalakleet area,
23 prompted them to close on the normal September 30th
instead of going into the ten day extension this
24 year. And the reason being was that their
concern -- the population is relatively stable
25 numbers wise, but it's not showing enough growth,
and everybody is concerned that by increasing the

MIDNIGHT SUN COURT REPORTERS 907/258-7100

20

1 harvest ten days that we might be hurting the
population. So that was the basis of the board
2 closing the ten days that they had originally
extended it.

3 MR. KATCHEAK: The reason I asked
for a copy of that was one of the school district
4 teachers went out moose hunting, harvested a moose
and never reported it. I don't think they reported
5 it. So that was my concern.

6 SHELDON KATCHATAG: Was that after
September 30th?

7 MR. KATCHEAK: This was during
September 30th.

8 SHELDON KATCHATAG: Before September
30th?

9 MR. KATCHEAK: It's about that. I
think it was open in August, between August and
September.

10 SHELDON KATCHATAG: And he did not
report it?

11 MR. KATCHEAK: I don't think so.

12 SHELDON KATCHATAG: Is there any way
that we could check, somebody?

13 MR. POSPAHALA: He has a bit more
time to report yet.

14 SHELDON KATCHATAG: When are the
reports due on moose harvest tickets?

15 MR. MACHIDA: They are required to
report during the year. So what normally happens
is he'll be sent a reminder letter about his
16 reporting probably next March. So he has until
then to report.

17 MS. MUKTOYUK: I thought they were
supposed to report the same day they got the

18 animal.

19 MR. MACHIDA: No, just that little
green card you send in.

20 SHELDON KATCHATAG: Any other
questions?

21 FRED KATCHATAG: It seems to me that
in last ten years or so these teachers that are
sent to educate our children are becoming -- what
22 do you call it now?

23 SHELDON KATCHATAG: Competition.

24 FRED KATCHATAG: Competition to the
Native people. They have money to buy
snowmachines, right, and I've heard that their
annual pay has been increased every year. And
25 there are so many people now that works for Bering
Straits School District since it became one, that

MIDNIGHT SUN COURT REPORTERS 907/258-7100

21

1 they have become our competition to our minority
group, and I don't think that is -- these people
2 were sent up here to be our competition, especially
to the minorities.

3 SHELDON KATCHATAG: Thank you, Mr.
Katchatag.

4 MR. BUCK: Mr. Chairman?

5 SHELDON KATCHATAG: Mr. Buck.

6 MR. BUCK: I'd like to have the
Federal Subsistence Board's report available before
the meeting so that we can review it and look it
over again. If we have comments on the federal
7 subsistence actions, we can discuss it better at
the meeting.

8 SHELDON KATCHATAG: Thank you, Mr.
Buck. Barb is not here. Is there a procedure
9 whereby all the council members are sent a copy of
the board's actions? I know I get a copy because
10 I'm the chair, and I'm generally at the meeting.

11 MR. POSPAHALA: I would think Barb
would distribute those.

12 SHELDON KATCHATAG: At least region
specific ones.

13 MR. POSPAHALA: Right. The
responses from the actions that were taken by the
board last April should be available now. They
14 went out of the office about last week. Well, we
have had trouble finding Mitch and getting him to
15 sign them, he may not have signed them yet, but
they are all completed, and so I guess I'm probably
16 wrong about that.

17 It's a little difficult sometimes
because he lives in Nenana, and sometimes it takes

18 us a little longer to get material signed than if
he were local. But I know the letters were
19 prepared and we'll make those available as quickly
as we can.

20 SHELTON KATCHATAG: Barb, while you
were gone, Peter raised the question of having
21 records of the board's actions made available to
council members, and I would like to request that
22 at least region specific board actions be sent to
all council members.

BARB ARMSTRONG: Okay.

23 SHELTON KATCHATAG: The reason being
24 is he would -- he, as a council member, would like
to be able to review these things before we have
our official meeting, so if, in fact, we have
25 problems with them then we can discuss them and
bring them before the council in a timely manner.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

22

1 Thank you, Barb. Very good comment there, Mr.
Buck.

2 Any other comments or questions on
the Federal Subsistence Board meetings? And by the
3 way, any proposals that we entertain and/or bring
forth at this meeting will be finalized at our next
4 meeting, which will be in February, and these will
be brought to the -- they will be recommended to
5 the board for action at their April meeting and all
those adopted will become effective July 1st to
6 January 30th of the next year.

MR. KOVACH: June 30th.

7 SHELTON KATCHATAG: June 30th, I'm
sorry.

8 For the edification of council, RFR
stands for request for reconsideration, and we have
9 been subject to at least one this year. Unit 22(D)
we had originally agreed to, based on the
10 populations in the subunit, we had originally
agreed to 12 animals for 22(D), musk ox, and when
11 RFR was filed on that and they acted on that last
month.

MR. KOVACH: August, it was August.

12 SHELTON KATCHATAG: Was that long
13 ago?

MR. KOVACH: Yeah.

14 SHELTON KATCHATAG: I thought I just
had a teleconference on that recently. It's been
15 that long. Okay, they considered that in August,
and as a result of that they reduced, based on
16 substantial evidence provided, they reduced 22(D)
from 12 animals, six for Teller, six for Brevig, to

17 two animals, one for Teller, one for Brevig. And
18 also the RFR submitted by ADF&G on Unit 22(A) moose
19 also resulted in the closure of the extension of
20 the season from September 30th to October 10, and
21 also the closure of federal public lands to
22 non-federally qualified subsistence users of Unit
23 23.

24 Any other questions or comments on
25 the Federal Subsistence Board meetings or any of
its special actions or RFRs? Hearing none, move on
to item 7 A 2, Bering Land Bridge National Park --
National Preserve, correct myself.

MR. ADKISSON: Dave is not here, Mr.
Chairman, so I'll go ahead and briefly speak.

SHELDON KATCHATAG: For the record,
Mr. Ken Adkisson will be subbing for Mr. Spirtes.

MR. ADKISSON: Briefly I'd like to
cover three topics. The first is related to some

MIDNIGHT SUN COURT REPORTERS 907/258-7100

23

1 subsistence research that the Park has been
2 undertaking, and which I mentioned at the White
3 Mountain council meeting. The second item covers
4 some preliminary activities that led up to the musk
5 oxen hunt, although we can actually update you on
6 the musk oxen hunt later in the agenda when it's
7 called for. And the third thing is to alert you to
8 a potential regulatory action that the Park Service
9 is considering that may affect some of the local
10 subsistence users.

11 First, on the research project,
12 which we had brought up at White Mountain, that was
13 designed as a two-phase project to gather
14 subsistence information. Phase one was to focus on
15 quantitative information related to the variety and
16 quantity of subsistence resources that were
harvested and utilized by some villages that were
key to the preserve, and a little bit about how
those resources were shared and utilized in the
villages, as well as how some of that activity
related to the overall economy.

Phase two was designed to gather
qualitative information about the attitudes,
beliefs, values and that kind of material on
information of the villages as it related to
subsistence customs and practices.

Phase one was funded and the data
collection has been undertaken for the villages of
Whales, Deering and Noatak which were three of the
four villages. We haven't done Shishmaref yet, but
hope to be able to complete that data collection

17 this winter. And that study is being undertaken
18 with the Park Service in conjunction with ADF&G
19 subsistence division, as well as in cooperative
20 agreements with regional non-profit organizations
21 in the region, Native organizations, and some of
22 the villages.

23 It looks like phase two, however,
24 did not receive funding and we won't be able to
25 proceed with that for now, but we'll continue to
try to seek funding and keep you updated on any of
that if it should occur.

Regarding the activities that led up
to the musk oxen hunt, Mr. Chairman has already
indicated the action that the Federal Board took
regarding the musk oxen hunt. To add to that, when
the board established the hunt in April, it left it
up to the regional advisory councils to advise the
board on how the number of permits that were to be
allocated should be distributed and shared among

MIDNIGHT SUN COURT REPORTERS 907/258-7100

24

1 the six villages that were to participate in the
2 hunt.

3 So the Park Service, in cooperation
4 with the Bureau of Land Management and the regional
5 chairs for the Seward Peninsula Council and the
6 Northwest Arctic Regional Council, undertook a
series of informational meetings in the six
affected villages, not only to share information
back and forth, but to address the question of how
the permits should be allocated and some other
issues related to the federal hunt.

7 Those meetings culminated in the
8 joint meeting between the two regional councils
9 that was held in Kotzebue in early July, which
10 Sheldon mentioned, which both councils supported
11 the federal hunt and decided on an allocation
12 process to distribute the permits in the villages.

13 Following that, and the request for
14 reconsideration, the National Park Service and BLM
15 actually, in late August, undertook to go back to
those villages and conduct some hunter orientation
and training, as well as to actually distribute the
permits. So the permits have been issued, and we
can update you on that hunt later as it's called
for in the agenda.

16 The third item that I wanted to
17 bring to your attention is a proposed regulatory
18 action that the Park Service is considering that
19 may affect some of your local subsistence users.

What that involves is affecting your

16 ability to take a free-ranging fur bearer with a
17 firearm on a trapping license. And this is a
18 relatively limited problem, because it's a
19 regulatory situation that as far as I know is
20 unique to the National Park Service. Fish &
21 Wildlife Service and BLM I don't believe are
affected by it. And the villages that would be
largely affected by it are Shishmaref, Whales,
Deering, possibly Buckland and probably Brevig
Mission, and possibly Teller, who are Bering Land
Bridge National Preserve users.

In essence, what it entails, the way
the Park Service, in its definitions, defines trap,
hunting and trapping, and because the State, in its
regulatory process distinguishes, for example,
taking a wolf with a trapping license from taking a
wolf with a hunting license, and generally has
established separate seasons and bag limits for
that, what it does is prevents the local
subsistence user on a Park area from taking a

MIDNIGHT SUN COURT REPORTERS 907/258-7100

25

1 free-ranging fur bearer, say that wolf, with a
2 rifle on a trapping license, except within the very
restricted bag limit as for hunting.

Now there is a lot of discussion
going on within the Park Service of whether we need
to change and refine our regulations and so forth,
and most of us don't think the regulations are very
culturally appropriate for up here, but they do
have some validity in the Lower 48 national parks
and elsewhere, so there is a lot of pressure not to
change it and things.

My recommendation to you folks would
be, if it's causing you a problem or causing those
villagers like Brevig Mission a problem, one way is
that you can address it, and you've already started
to do this in some cases, is look at your
subsistence regulations, adjust your hunting bag
limits upward to reflect what you feel your needs
are, and adjust your trapping and hunting seasons
to reflect the trapping interests, and when you
need to take the -- harvest the animals for your
purposes, bring those into line, and you've already
started to do that on some species. And I think
the regulatory problem would go away without having
too much complication.

It also might entail you taking a
look at some of your existing C & T, ones that you
have not really acted on but we have all inherited
from prior determinations by the State. For

16 example, wolves. C & T right now on the books for
17 wolves, almost everyone in the state of Alaska has
18 C & T for wolves. I think that wasn't customary
19 and traditional and I don't think it fits. It
hasn't been a problem yet, but it may become one,
and the regional council may want to consider its C
& T recommendations regarding some of those fur
bearers.

20 But the Park Service hasn't taken
21 any formal action yet, but they are considering it,
22 and it is something that may affect you. And I
23 wanted to bring it to your attention, and we'd be
more than willing to work with the council and
villages, you know, on finding a solution to it.
And that's all I've got to report on. If there are
questions I'll be glad to try to answer them.

24 SHELDON KATCHATAG: Do you have this
information on paper?

25 MR. ADKISSON: The whole report, or
the trapping issue?

THE COURT: The trapping issue.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

26

1 MR. ADKISSON: Don Calloway brought
2 a little briefing thing, I'm not sure how adequate
3 it's going to be. What I could do is write up
4 something and get it to the board sometime soon at
5 a later date and keep you advised and work with you
as the issue develops.

6 SHELDON KATCHATAG: Okay, any
7 comments or questions for Mr. Adkisson? Hearing
8 none.

9 MR. SEETOT: Mr. Chairman?

10 SHELDON KATCHATAG: Mr. Seetot.

11 MR. SEETOT: You mentioned something
12 about, you know, having regulations, you know,
13 being imposed on subsistence users. Is there any
14 potential enforcement, you know, by NPS, you know,
on these lands if the proposal does come through?

15 You know, like U.S. Fish & Wildlife
16 made regulations on migratory waterfowl, and it's
17 not really creating a hardship for our area
18 residents, but, you know, it's more regulations
19 being imposed, and then -- that we try to keep
20 track of all the regulations imposed by the federal
21 government. It's pretty hard thing to do. Yet
22 they continue to impose regulations and yet we
23 continue to abide by them, you know, there might be
24 a few law breakers here and there.

25 Has the National Park Service, you
know, looked at potential breakers, you know, of

15 this proposal and what kind of reinforcement will
you bring, you know, onto the Park Service lands?

16 MR. ADKISSON: Let me briefly
address that issue. I think to start with,
17 realistically and practically speaking, there
probably wouldn't be much enforcement activity. I
18 don't think we could afford it, for one thing, to
deal with it. But there is some bigger issues than
19 whether we are able and capable of enforcing it.

One is, it would make somebody a
20 potential law breaker, and there is always the
chance, even if it's somewhat slim or remote, that
21 it could be enforced simply by accident. Somebody
encounters somebody doing it and is forced to make
22 a decision and chooses, say, to issue a citation or
make an arrest. So there is always that potential
23 out there, even if most of the times we don't have
the capability of enforcing it or choose not to.

24 But the problem with that is, it
causes problems for us because we know there is a
25 law in the books that we should be enforcing and
we're choosing not to. That's a problem for us.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

27

1 The problem for the villagers is
most of the elders and people I know and talk to,
2 the hunters, want to be law abiding citizens, they
want to do the right thing. They also know they
3 are going to do what they have to do to take care
of their families.

4 So, you know, they don't want to go
out and break the law knowingly, and it creates a
5 problem for them to know that they have to do that
and that that's what they are doing. Even if they
6 know that the chances are slim that they will get
caught, there is always that chance that they will
7 and somebody may choose to enforce it. So my view
on that is, where possible, let's make the
8 regulatory system fit the customary and traditional
practices and then we can both sleep a lot more
9 comfortably.

SHELDON KATCHATAG: Does that answer
10 your question?

MR. SEETOT: Yes, thank you.

11 SHELDON KATCHATAG: Mr. Buck.

12 MR. BUCK: When you do the
subsistence studies -- who all -- just take the
people of National Park Service, or what groups do
13 you use to make the studies?

14 MR. ADKISSON: To actually do the
study?

MR. BUCK: Yeah.

15 MR. ADKISSON: The ones that we have
16 conducted so far have been a combination of limited
17 number of Park Service employees, several employees
18 who have a lot of experience with the Alaska
19 Department of Fish & Game subsistence division.
20 Jim Magdanz was one of these key people. And then
21 we've employed several people from within the
22 village to make up the team that actually goes out
23 to the houses and goes through the questionnaires.

SHELDON KATCHATAG: Ms. Muktoyuk.

20 MS. MUKTOYUK: Does anybody from
21 National Park Service go to the villages and do the
22 work themselves to see what it's like to live in a
23 rural setting and depending on subsistence hunting.

22 MR. ADKISSON: Yeah, somewhat. I'm
23 still a novice and a neophyte and I'm still
24 learning, but I've been up here for about ten years
25 now. Fred Tocktoo was born and raised in
26 Shishmaref, was the main Park Service employee that
27 participated on it. Jim Magdanz or Fred could
28 probably list off some of the people from ADF&G who
29 participated in the study. But one that I know of

MIDNIGHT SUN COURT REPORTERS 907/258-7100

28

1 was an Athabaskan from Ft. Yukon who participated
2 and has worked for ADF&G. Jim himself has lived in
3 Kotzebue and Nome for many years. Most of the
4 ADF&G employees are long-term state residents, have
5 been engaged in this work for many years, some of
6 which who live in rural communities.

4 And the village employees that we
5 used were recommended to us and we selected from
6 people who were recommended by, say, the IRAs, or
7 the Native corporations or city councils. So
8 that's how we got the teams that actually went into
9 the village and administered the questionnaires.

7 SHELDON KATCHATAG: Does that answer
8 your question?

8 MS. MUKTOYUK: Yeah.

8 SHELDON KATCHATAG: Mr. Magdanz.

9 MR. MAGDANZ: By my quick count we
10 have 14 people involved in collecting data. Eight
11 of those were residents of the communities where
12 the work was being done. One of them was a
13 regional non-profit employee, Jake, who is a
14 life-long resident of the region. Five of them
15 were agency people, and two of those agency people
16 were Alaska Natives of the region.

13 SHELDON KATCHATAG: Does that
14 further answer your question?

14 MS. MUKTOYUK: Yes.
SHELDON KATCHATAG: Thank you, Mr.
15 Magdanz. Before we get too far afield, you
mentioned under item 3 of the things that you were
16 bringing up is a proposed regulatory action. I
would like a copy of that proposed regulatory
17 action sent to all our council members, please.
And what's a time frame for this regulation?
18 MR. ADKISSON: Will that partially
answer that question? Don, does it actually spell
19 it out on that briefing sheet?
MR. CALLOWAY: Yeah, it does.
20 MR. ADKISSON: Can we distribute
that to each of the council members?
21 MR. CALLOWAY: Sure.
SHELDON KATCHATAG: I appreciate
22 that. And while he's doing that, I see one new
face in here, I'd ask the woman that walked in here
23 while we were talking to please stand up and
introduce herself on the record.
24 MS. BRAEM: I'm Nikki Braem, I work
for the Nome Nugget Newspaper. I'm taking over for
25 Tom while he's gone.
SHELDON KATCHATAG: Welcome to our

MIDNIGHT SUN COURT REPORTERS 907/258-7100

29

1 meeting, thank you. Any other comments or
questions for Mr. Adkisson?
2 MR. SEETOT: Chair?
SHELDON KATCHATAG: Mr. Seetot.
3 MR. SEETOT: Some of these proposed
regulations, any more popping up from National Park
4 Service regulations, or are we going to tackle them
one issue per meeting, or do we tackle them when
5 National Park Service thinks that more regulations
need to be imposed on National Park Service land or
6 federal public lands?
MR. ADKISSON: Probably the answer
7 is to deal with them when we have to. Right now
the Park Service is considering some revisions to
8 what it calls it's part 13 regulation, which are
what governs a lot of our management in Alaska, or
9 at least portions of part 13 regs. And I've gone
over most of what I've seen in that to see if it
10 looks like it's going to affect subsistence users,
and if it is I'll bring it to somebody's
11 attention. If that process isn't good enough, then
we'll talk about how we can change the process. I
12 don't know if you want me to mail out huge copies
of some of the potential regulations that really
13 relate to picnicking and things like that that

14 affect outsiders, non-locals' use of a park, but
15 don't affect subsistence users. But this is one of
16 the more glaring ones, the tapping issue that has
17 the potential to affect several of the villages.

MS. MUKTOYUK: Does anybody from
16 Park Service plan on having community meetings
17 about this proposal that will affect the couple
18 villages?

MR. ADKISSON: Probably not. You
18 know, not only is it expensive to do that, but, you
19 know, turnout -- I'm not sure that just a lot of
20 public meetings in villages is really the best
21 communication tool.

20 And probably one of the best tools
21 that we have, as we're sitting here looking at it,
22 is to use the regional councils. Use your ability
23 to talk to your constituents and feed it back in.
24 Like I said, I think the council can deal with this
25 in a way that makes the Park Service regulation
26 problem go away for us all. If it can't, then
27 we'll have to talk about some other way of dealing
28 with it.

25 So to deal with this one issue,
26 we're not thinking about really holding public
27 meetings in the villages. We will probably talk to

MIDNIGHT SUN COURT REPORTERS 907/258-7100

30

1 people, you know, as we have an opportunity to, or
2 if people have concerns, but I think using the
3 regional councils is probably one of the best
4 mechanisms. Working with you folks, I mean I see
5 that as one of the reasons that you're here, to
6 represent local subsistence users and the interest
7 of local subsistence users. Not only that, you
8 have the capability and power to be able to do
9 something about it.

SHELDON KATCHATAG: Has everybody on
6 the council had a chance to look over the proposed
7 regulation? And for the record, if you look in the
8 middle, under history and current status, on the
9 15th of November of last year the proposal was
10 published in the Federal Register on the 15th of
11 December last year, the 30 day comment period ended
12 April 14th of this year. They extended the comment
13 period for 60 days, and on the 13th of June of this
14 year they closed the comment period, so the time
15 for comment on this particular regulation has been
16 closed.

12 And as you can see under the
13 proposal, which is the second portion of the paper,
14 in quotes it says: It shall be unlawful for a

13 person to use a firearm or any other weapon to take
14 or assist in taking wildlife under a trapping
15 license, except that a trapper may use a firearm to
16 dispatch wildlife caught in a trap.

17 And when will this particular
18 regulation become final?

19 MR. ADKISSON: It may never. Right
20 now it's still under discussion.

21 SHELDON KATCHATAG: And who is
22 discussing it?

23 MR. ADKISSON: Good question.

24 SHELDON KATCHATAG: Is there a body
25 within the National Park Service that discusses and
deliberates on these things and comes up with a
recommendation?

MR. ADKISSON: My guess, it will be
kicked around in the regional office until the
regional director decides whether they want to go
forward with it.

SHELDON KATCHATAG: One of the
requirements of Title 8 of ANILCA is to -- or it is
a policy of Title 8 to cause the least possible
adverse impact on subsistence users. Does this or
does this not fit in that definition?

MR. ADKISSON: Well, in my opinion,
it fits into that, but I can also tell you

MIDNIGHT SUN COURT REPORTERS 907/258-7100

31

1 realistically there are reasons why that problem
2 exists, and it has nothing to do with you, the
3 subsistence user.

4 And to get the bureaucracy to change
5 its stance is very difficult, and we've talked
6 about trying, through the regulatory process,
7 trying to remove that. And I wouldn't rule out
8 that option entirely, but what I'm saying, I think,
9 is that using this council and its powers and its
10 authorities, you know, I think there is a way to
11 deal with this where we don't have to deal with it
12 as a regulatory issue, and we can achieve the same
desired result, which is the least adverse impact
on the user.

SHELDON KATCHATAG: Thank you, Mr.
Adkisson. Any other questions or comments for Mr.
Adkisson regarding the proposed regulatory action
that you have been given a copy? While you're
thinking about that I would like the gentleman who
just walked in to introduce himself for the record.

MR. BUNGER: Tom Bunger, KNOM.

SHELDON KATCHATAG: Welcome aboard.

MR. ADKISSON: After the council's

13 had a chance to look at that and think about it,
14 just because of the dates and stuff that are on
15 that paper, you know, if you have some really
16 strong opinions about this or concerns about it,
17 you know, feel free to address them to us and we'll
again make sure that they are carried forward or
whatever. So don't, you know, don't take this as
the end-all of everything, and if you can actually
see where it's going to adversely impact you, don't
hesitate to say so.

18 SHELTON KATCHATAG: For the record,
19 under hunting, if you look on page 123 of your
20 regulations, subsistence management regulations,
21 kind of an orange/pink colored book, it has the
22 regulations for subsistence on federal public lands
23 in Alaska effective July 1, 1995 to June 30th,
24 1996. Middle of page on page 123 it shows wolf,
25 and correct me if I've wrong, that it shows the
customary and traditional use determination for
wolf as being rural residents. Well, I correct
myself, it says residents of 16 to 26 if you look
between the lines. So all residents of Unit 22
have customary and traditional use of wolf. Under
harvest limits there are no limits, and the only
season is November 1 to April 15th.

And the following page on page 124
it shows trapping regulations, and customary and

MIDNIGHT SUN COURT REPORTERS 907/258-7100

32

1 traditional use under wolf, all the residents of
2 Unit 22 and there is no limit and it has the same
3 season. So basically the only time that you would
run afoul is if you were trapping in the National
Park Service and did not have a hunting license.

4 MR. ADKISSON: On wolves, see,
5 you've already taken some board council actions
6 that are starting to address this problem, even
7 though it wasn't before you, but I think, you know,
8 what we also need to look at are wolverines,
9 wolves, and several other species. And I guess
10 what I could do is work with you on this issue and
11 go through the regs and pull up some of these
things and put them on paper that I see are problem
areas and present those to you maybe at the next
meeting or whatever.

9 SHELTON KATCHATAG: Okay.

10 MR. OLANNA: What's the current
11 state regulations on this issue that we're talking
about?

11 MR. ADKISSON: Well, actually if I
recall, and probably Steve Machida would be a

12 better one to ask than me, but for wolves it was
13 pretty much open for wolves, period. And then a
14 couple, three years ago the State started to
15 restrict down its harvest of wolves taken under a
16 hunting license, and I think it finally wound up
17 with two to five wolves, five wolves, and left the
18 trapping unlimited, or no limit.

19 MR. OLANNA: Excuse me, but doesn't
20 the State regulations allow for taking of wolverine
21 with a trapping license currently?

22 MR. ADKISSON: Yeah. The problem
23 isn't with the State regulations, the problem is
24 with the federal -- the Park Service, let me say
25 Park Service regulation, and not all the federal
26 regs.

27 MR. OLANNA: Would be nice if the
28 National Park Service had the State regulations.

29 MR. ADKISSON: Well, there are
30 problems that get into a lot of other things. The
31 Park Service's belief and capabilities and dealing
32 with airborne -- use of aircraft in hunting, and so
33 there are some real serious resource concerns that
34 the Park Service has, and that's why it makes it
35 hesitant to want to get off and simply do away with
36 that or bring its regulation in conformance with
37 other people.

38 It also has its origin that in a
39 number of Lower 48 Parks which are normally closed

MIDNIGHT SUN COURT REPORTERS 907/258-7100

33

1 to consumptive uses such as hunting of wildlife,
2 congress has made some exceptions in some Park
3 areas to, for example, allow only trapping, but not
4 hunting. And so there are reasons why those regs
5 are on the book, and the problems is the regs don't
6 fit reality up here very well. And like Sheldon
7 says, they have the potential to cause an adverse
8 impact on the user. And so we need to deal with
9 it.

10 How we deal with it, whether we deal
11 with it through a regulation change, which can be
12 very difficult, or whether we can deal with it
13 through a simple action that the council can take,
14 you know, those are choices that we all have. And
15 I'd rather see you folks be able to effectively
16 deal with issues affecting you than once more throw
17 a problem onto a government agency to make a
18 regulation, because once the government agency
19 starts making regulations you're never sure where
20 it's going to go or what the long term impacts are
21 going to be, and sometimes the results are worse

than the cure.

12 SHELDON KATCHATAG: Does that answer
your question, Jake?

13 MR. OLANNA: Thank you.

 SHELDON KATCHATAG: Any other
14 comments or questions regarding the NPS proposed
15 regulatory action? Mr. Adkisson, I would ask that
16 if in our further deliberations that you see where
this might be appropriate to bring up again, I
would appreciate if you would bring it up. Thank
you, Mr. Adkisson.

17 MR. ADKISSON: Will do.

 SHELDON KATCHATAG: We are now on to
18 number 3, Bureau of Land Management report. Staff.

 MS. MORKILL: Mr. Chairman, I'll
19 start out. I don't have too much to add. Ken
20 mentioned that the BLM was involved in the musk ox
distribution, and I have a report that summarizes
21 the process that we do to distribute those permits
in the villages, and I thought it appropriate that
each council member have a copy of that. So that
22 makes it one short. That's all I have. We have a
couple other members of BLM that might want to
23 report something.

 SHELDON KATCHATAG: Thank you.

24 MR. DENTON: Jeff Denton with the
Anchorage district. I apologize, I haven't been to
25 this meeting for over a year because usually
conflicting other regional council meetings have

MIDNIGHT SUN COURT REPORTERS 907/258-7100

34

1 taken my priorities elsewhere. So I'm glad to be
here and be able to make this one. I have six of
2 these regions that I have to deal with.

 For the BLM Anchorage district, it
3 basically covers the Unalakleet River drainage on
down south toward St. Michaels and Stebbins in
4 terms of BLM public lands.

 Of interest to subsistence use is,
5 first of all, the State, over the last year, has
relinquished some acreage back to BLM back to
6 federal public land status under the definition of
ANILCA. About a quarter of a million acres of the
7 selected lands that the State of Alaska had
selected have now been relinquished back to BLM to
8 the full status of federal public lands.

 SHELDON KATCHATAG: Mr. Denton,
9 before you go any further, do you have a map
showing which areas were relinquished?

10 MR. DENTON: I don't have those
because it's an active -- we're getting pieces and

11 parts all the time. What is reflected in the
12 regulation booklet, if you'll look at last year's
13 versus this years, you'll see some changes in
14 there. We try to reflect an update for the booklet
15 every year to the best of our ability, those
16 changes. Just to the east side of the Golsovia
17 River drainage, that's primarily the area where
18 some of the lands have been relinquished in this
19 particular area, 22(A) of the Anchorage district.
20 And I don't know about the other BLM lands to the
21 north on the Seward Peninsula, but it's a township
22 here and a township there and piecemeal. And as
23 these things come in, it's very difficult to keep
24 track of it at all times, so I try to make an
25 annual update that goes into the booklet every
year.

19 MS. MUKTOYUK: Who is going to
decide who gets the permits?

20 MR. DENTON: Who gets the permits?

21 MS. MUKTOYUK: For the musk ox hunt.

21 MR. DENTON: That's not in the
22 Anchorage district, we have no musk ox range in the
23 Anchorage district. There is one that wanders down
there once in a while, but doesn't last too long.
24 That would be Anne's realm.

24 MS. MORKILL: The permits were
distributed in August, and that report summarizes
25 the process that we went through, and specifically
indicates by village how many permits were
distributed and to whom. And musk ox is in the

MIDNIGHT SUN COURT REPORTERS 907/258-7100

35

1 agenda a little bit later, and we can maybe discuss
2 that. Once you have had a chance to read through
that, we can answer your questions.

3 SHELDON KATCHATAG: Any other
4 questions? Mr. Denton, thank you. You can
continue with your report.

4 MR. DENTON: The second item is BLM
5 has been working on the Unalakleet River with
6 hydrologic data for application to the State of
7 Alaska for instream flow rights through the wild
8 and scenic river portion. That field work has been
now completed and summarized, it goes to the State
of Alaska to get that reservation. We don't know
how long that will take, it may be several years,
but the data is collected.

9 Basically that is to reserve an
10 instream flow to protect the fisheries resources
and recreation resources in the wild and scenic
river. That includes the spawning beds and the

11 runs of salmon and other fisheries that are in the
12 wild and scenic river corridor.

13 SHELTON KATCHATAG: That brings up a
14 good question. While you're up, Mr. Denton, I
15 would like some clarification from the BLM with
16 regard to water rights of the indigenous people.
17 The Alaska Native Claims Settlement Act was,
18 according to its face, was strictly a land act, not
19 addressing water. I'm sure if you talk to the
20 indigenous people within the Unit 22 and other
21 areas, I'm sure you will find that they hold water
22 rights also, and I was wondering if the Bureau of
23 Land Management has a coherent policy with regard
24 to indigenous people?

25 MR. DENTON: I'm not aware of one.
I'm not a water administration and regulatory
authority specialist within the Bureau relative to
navigable waters, but we do have folks that do
that. I can try to follow up and ask them
specifically that question and have them try and
clarify it. I know several other regions are also
having navigability conflicts and regulatory
authority over certain waters, and a lot of this is
sitting in the courts right now, the navigability
waters and authorities and so on. Katie John has
clarified some of these things, but not all of
these things. We have got a long ways to go with
water rights in Alaska in general. So I can try to
get that clarified for you.

SHELTON KATCHATAG: Right, I would
also like some clarification as to -- you

MIDNIGHT SUN COURT REPORTERS 907/258-7100

36

1 mentioned -- you said flow water rights to protect
2 fishery resources and other resources. I would
3 like a copy of not only the reason that BLM is
4 seeking these rights, but also what resources that
5 they are seeking to protect for.

6 MR. DENTON: It's primarily
7 associated with the wild and scenic river, which is
8 a national designation.

9 SHELTON KATCHATAG: That was an
ANILCA designation?

MR. DENTON: That's correct. I'll
follow up on those for you.

Also in Unalakleet this year we have
an individual that's trying to keep track of
harvest reporting, simply because the overall
harvest reporting, we would like a little better
data on all species in terms -- to help us make
better decisions on conflicts that may be coming up

10 there. This is tied in with -- there is a
11 possibility over the next two years we're going to
12 redo some of the land use planning things to do
13 with Unalakleet River corridor in terms of
14 management of all these, escalating numbers of
15 events that go through that corridor relative to
16 subsistence moose populations, habitat occupancy of
17 subsistence resources. We suspect there may be,
18 but we don't know at this point in time, if this
19 escalating amount of activity through the
20 Unalakleet River bottom there in the wintertime has
21 detrimental effects on distribution of moose, for
22 example. We don't know that at this time, but
23 those kind of activities elsewhere do impact moose
24 distribution and abundance and reproductive
25 capacity. So we need to be looking at all the
26 parts to the puzzle to be able to make the plan.

FRED KATCHATAG: Where do you get
19 your information from?

MR. DENTON: In terms of the harvest
20 information?

FRED KATCHATAG: Right.

MR. DENTON: We have an individual
21 there. Just this year we're trying to, for the
22 first time -- do you know Hoss McPhearson?

FRED KATCHATAG: Who?

MR. DENTON: Hoss. He's a local
23 resident of Unalakleet.

FRED KATCHATAG: Hoss who?

MR. DENTON: McPhearson. He's your
24 wrestling coach. He works at the school system as
25 well as.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

37

1 SHELDON KATCHATAG: Before you
2 get -- Mr. Denton, on this, first I would like to
3 ask how the BLM decided to go about getting this
4 harvest reporter, and then the progression used to
5 select this person so that he is locally respected
6 and responsible. It never ceases to amaze me that
7 agencies will come in with regard to a resource
8 that is a staple of subsistence and hire somebody
9 that is new to the area.

This is the first time I've ever
6 heard of this particular individual, and you tell
7 me he's a wrestling coach down there. I see a lack
8 of policy here with regard to how you interact with
9 the indigenous people as to how you go about
getting these people, you know. Did you consult
with the IRA council or the city council even, or
was this name drawn out of a hat, or does he have a

10 sweetheart deal with BLM, or what's the process
used to select this person?

11 MR. DENTON: Well, there is several
things we have to look at. One, he is a resident,
12 and that's who we wanted. Secondly, he volunteered
to do it. And we've talked to several people in
around town, and he has a good rapport with
13 subsistence hunting individuals there. In fact --

14 FRED KATCHATAG: How come I don't
know this man. I lived down there 75 years.

15 SHELDON KATCHATAG: See, that's
makes my point as clear as you can make it. Here
is a man that lives there, and he's lived there all
16 his life, and he doesn't know this person. And yet
as far as I know my uncle might have caught a moose
17 and maybe he hasn't reported it. That's what I
mean about having somebody that the local people
18 not only accept, but are willing to work with, and
my uncle here doesn't even know the man. So I
19 think something needs to be redone and rethought
how this particular process is.

20 MR. DENTON: I agree. Basically
what we're trying to do is get an idea, and I agree
21 it was a situation -- we don't get to Unalakleet
very often to do this. We had an individual who
22 was there, was willing to do this, and we talked to
several people in and around Unalakleet that are
23 hunters, and they think this individual -- I mean,
has good rapport with this particular individual
24 and he hunts with many of the local residents
there. So, you know, that's -- I mean basically
25 this is an experimental thing this year to see if
it will even work. We can go ahead and sit down

MIDNIGHT SUN COURT REPORTERS 907/258-7100

38

1 with you folks in the village and work out another
individual or this sort of thing, I have no problem
2 with that. I'd prefer to do it that way.

3 SHELDON KATCHATAG: Is this person
being paid?

MR. DENTON: A minimum amount.

4 SHELDON KATCHATAG: What's a minimum
amount? A minimum amount to me is minimum wage. A
5 minimum amount to you might be \$50 per person.

MR. DENTON: He gets \$200 a month.

6 FRED KATCHATAG: I belong to the
corporation, I'm a board member, I'm chairman of
7 the Elders' Association down there, and I'm vice
president of IRA council in Unalakleet, but I don't
8 know the man. You see, last winter I was
approached, some woman in Unalakleet happened to

9 mention to me "my son-in-law is teaching
10 subsistence and he just got there that summer."
11 Teaching subsistence in school and he just got
12 there that summer from Lower 48. There is
13 something very difficult in this area up here. And
14 I don't know this man and I live down there for
15 last 75 years, I've never seen the man, and how can
16 he talk to you people about this thing. Why don't
17 you go to IRA council and let those people talk to
18 you.

19 MR. DENTON: We would like to do
20 that.

21 FRED KATCHATAG: Do it then.

22 MR. DENTON: We would like to do
23 that. What we're looking at this year is a very
24 short-term look because we've got some issues
25 coming. The fall season was upon us. But yes, for
future years and down the road we want to have you
guys actually select someone to do this. We would
prefer that.

FRED KATCHATAG: Thank you.

MR. DENTON: We were just taking
advantage of a situation.

FRED KATCHATAG: Don't take
short-term to do this. We're talking about the
people that live there for years and years. Don't
do it no more.

SHELDON KATCHATAG: Thank you, Mr.
Katchatag. Mr. Denton, please continue with your
report.

MR. DENTON: That's really all I
have. The basic things that's going on in that
neck of the woods, for the Anchorage district,
that's about as far from Anchorage as we get. We

MIDNIGHT SUN COURT REPORTERS 907/258-7100

39

1 have some basic things going on there. Most of our
2 management revolves around the wild and scenic
3 river, and then the commercial and non-commercial
4 events, the Iditarod race, the Iron Dog race, those
5 sorts of things.

SHELDON KATCHATAG: Ms. Muktoyuk.

MS. MUKTOYUK: When you're talking
about a land use plan, are those policies that you
will be using?

MR. DENTON: Yeah, there is an
existing plan for the Unalakleet Wild and Scenic
River in the Iditarod trail corridor. We're
looking at revisions, because it's a very old plan,
it does not accommodate all this major escalation
and types of recreational events and use of that

9 corridor, so we have to revise it to bring it up to
10 date to be able to evaluate all these other events
11 that are taking place.

12 MS. MUKTOYUK: So in other words,
13 the land use plan are the policies that you use?

14 MR. DENTON: They are the management
15 decisions that basically guide our management, how
16 many races, you know, when they occur, these sorts
17 of things. They are the guidelines for the
18 management.

19 SHELDON KATCHATAG: So you require
20 permits for all activities going -- major
21 activities going through here?

22 MR. DENTON: That's correct.

23 SHELDON KATCHATAG: Like the
24 Iditarod race and the Iron Dog race and the Portage
25 200, do they all have permits?

MR. DENTON: Yes, they do.

SHELDON KATCHATAG: One other
question I have for you, since you brought it up,
within the wild and scenic river, there are various
land inholders such as myself. I would like to
reserve on the public record our water rights with
regard to the resources, not just the resources,
but our ability to travel the corridor at will,
because we do have land holdings within the wild
and scenic river. There are a number of Native
allotments within that wild and scenic river
corridor, and for the record, I would like our
water rights withheld.

MR. DENTON: Water rights withheld?

SHELDON KATCHATAG: As part of the
process.

MR. DENTON: Okay. What you're
saying, see, we're applying for a water right for

MIDNIGHT SUN COURT REPORTERS 907/258-7100

40

1 federal purposes. I'm assuming, and I don't know
2 water right law in Alaska, but I'm assuming there
3 is a process for which private individuals also
4 apply for water rights.

5 SHELDON KATCHATAG: I think this has
6 broader implications, because Native allotments
7 come under special consideration because they are
8 not really private holdings. Originally they were
9 held in trust for Native American individuals, and
10 as such I think the federal government has an
11 obligation to protect water rights of such
12 inholders, and I would like for the record -- it is
13 my feeling as an inholder and as a Native allotment
14 holder, that we do reserve our water rights. This

8 is not something that has been discussed or any
official action taken.

9 MR. DENTON: You're basically
referencing the right of passage?

10 SHELDON KATCHATAG: Not just the
right of passage.

11 MR. DENTON: Or actual water.

12 SHELDON KATCHATAG: Well, not just
water, but also the resources that it brings us.
13 These fish don't stay in the river, they go in and
they come out.

14 MR. DENTON: That's right.

15 SHELDON KATCHATAG: So not only are
we reserving water rights just as a matter of
course, but also all the activities that we need
16 that water for and the resources which it provides.

17 MR. DENTON: That's essentially what
the BLM, in their instream flow, is trying to
reserve for the public, which includes you as well,
18 the long-term health of those fish runs. Because
the water situation, you have to have adequate
waters for spawning beds, so on and so forth. It's
19 for the resource values associated with that water.

20 SHELDON KATCHATAG: Hopefully this
will prevent any dams on that corridor.

21 MR. DENTON: That is actually part
of the aim of the wild and scenic river, to
basically long-term guarantee existing resource
22 values there and prevent diversions to that water
that would in any way destroy those resources.

23 SHELDON KATCHATAG: And for the
record, please clarify this in my mind, my
24 understanding of the wild and scenic river, it's
just on the main stem?

25 MR. DENTON: That's correct.

SHELDON KATCHATAG: So there is a

MIDNIGHT SUN COURT REPORTERS 907/258-7100

41

1 possibility that regardless of how protective you
are of the wild and scenic river on the main stem,
2 that there is a possibility that development might
occur in feeder streams?

3 MR. DENTON: That's exactly correct.

4 SHELDON KATCHATAG: Because that was
one of the things we raised a commotion about, I'd
5 say 15 years ago, when the State was going to open
up the area to the immediate south and east
so-called Bonasila.

6 MR. DENTON: Anvik Bonasila.

7 SHELDON KATCHATAG: And we raised --
because, you know, water quality is determined on

8 how far up you disturb it. If you disturb it at
the headwaters, you might as well wipe out that
whole watershed.

9 MR. DENTON: I'm in agreement. And
also in protection of what you're saying there, we
10 also have another designation on all the drainages
there, what we call an area of critical
11 environmental concern, which gives us at least some
special emphasis on all the feeder streams as
12 well. It's not as strong a protection as a wild
and scenic river by any means at all, but it allows
13 for special consideration of those resources.

SHELDON KATCHATAG: How wide is the
14 corridor?

MR. DENTON: The corridor right now
15 is basically a mile on each side of the river is
all.

SHELDON KATCHATAG: And that
16 depends --

MR. DENTON: Yeah, it's got legal
17 descriptions as it meanders up through the valley,
that's correct, and that's just how congress does
18 it.

SHELDON KATCHATAG: Any other
19 questions? Off the record I'd like to talk with
you more about this.

MR. DENTON: Thank you, I'd be glad
20 to.

SHELDON KATCHATAG: But I appreciate
21 the information, and if there are no questions,
thank you, Mr. Denton.

22 Moving on. I think rather than
moving to ADF&G, given the shortness of the hour
23 between now and noon, we shall recess for lunch and
we should be back here at 1:00 p.m. That gives us
24 an hour-and-a-half. And one thing, if you folks
are planning on being here in beautiful downtown
25

MIDNIGHT SUN COURT REPORTERS 907/258-7100

42

1 None over Friday, I strongly recommend, and I have
no financial interest in this, I strongly recommend
2 as a matter for your tummy, if you stick around on
Friday evening, check out the Ft. Davis seafood
3 buffet. Guaranteed the best value in town. Ten
plus items for 20 bucks, all you can eat, and they
4 have some dynamite crab. Real good halibut.

(Lunch recess.)

5 SHELDON KATCHATAG: Ted's back.
It's 1:07, I'll call the meeting back to order.
6 We're now on item 7 A 4, Alaska Fish & Game staff
report.

7 MR. MORRISON: I really don't have
8 much to say, Mr. Chairman. I would report that the
9 State Game Board Tuesday voted on what to do about
10 the Unit 22(D) musk ox hunt. Inasmuch as ten
11 permits were held back by the federal authorities,
12 there was some question whether or not the State
13 would then issue ten permits for the state land in
14 22(D), and the board decided not to do anything.
15 So there will be no state permits available for
16 that area.

17 Other than that, I'll defer to Steve
18 and Jim in reporting other department activities,
19 and I think Fred might have something to say about
20 fisheries if he comes back.

21 SHELDON KATCHATAG: Thank you, Mr.
22 Morrison. Any questions for Mr. Morrison?

23 HELEN ARMSTRONG: I was curious, did
24 they already have the decision on the C & T
25 proposal that was brought forth?

MR. MORRISON: They did nothing.

26 SHELDON KATCHATAG: Did they not
27 vote on it? Did they table it, or what was the
28 disposition?

MR. MORRISON: They voted it down.

29 MR. OLANNA: They voted it down, is
30 my understanding. I think the vote was something
31 like 5 to 2, 5 to 3.

32 SHELDON KATCHATAG: And does anybody
33 know what the rationale was for that?

34 MR. MORRISON: I certainly don't. I
35 wouldn't want to hazard a guess. I was not there
36 for the discussion or anything. Just as a wild
37 guess, it might have been that they preferred to
38 stay with what they decided on last November.

39 SHELDON KATCHATAG: Very
40 interesting. I would like to thank Mr. Morrison.
41 For one of the few times he has brought me good
42 news. I was fully expecting the State to go after

MIDNIGHT SUN COURT REPORTERS 907/258-7100

43

44 those ten permits that technically are still
45 available under the three percent harvest
46 guidelines of the musk ox, and I would like you to
47 relate to ADF&G and the Board of Game my
48 compliments on their reserve, I appreciate it.

49 Anybody else from ADF&G with a
50 report?

51 MR. MACHIDA: Maybe I'll just report
52 on some of the biological data gathering work that
53 we have done. For those of you that don't know me,
54 I'm Steve Machida, I'm the area game biologist for

7 Unit 22 for Fish & Game. First species I'll cover
is moose.

8 This last winter, because of fairly
relatively good weather and good snow conditions,
9 we were able to do more than our normal number of
aerial survey counts. Purpose of doing --

10 SHELTON KATCHATAG: You have to
speak up, Steve. Maybe if you stand up people in
the back can hear you.

11 MR. MACHIDA: Purpose of doing
aerial survey counts in the spring, March and
12 April, is to try to get an estimate of how many
calves survived through the winter. And we did
13 these survey counts in 22(B), western part of 22(B)
and in 22(D).

14 The surveys that were done in the
western part of 22(B) were done in the Fish River
15 and Niukluk drainages. I don't have with me the
exact figures for the number of moose that were
16 sampled, but it was well over 600 moose counted in
our sample. And the number of calves in the
17 population in the sample was six percent, which is
relatively low, but it's similar to what has been
18 seen in that area in previous years.

19 In the Kougarok/Kuzitrin area and
the American River area of 22(D) we did survey
counts there, and those drainages, our sample size
20 was slightly less than 1,000 moose counted, and of
that 16 percent of the sample was calves, which is
21 relatively good, and it's similar to what the area
has produced in years past.

22 During March we did a complete
census of moose in 22(C), which is the small
23 subunit around Nome. We came up with a population
estimate of 489 moose, and that's with an error
24 rate of 11 percent.

MR. KOVACH: How much?

25 MR. MACHIDA: 11 percent.

MR. KOVACH: Value was what?

MIDNIGHT SUN COURT REPORTERS 907/258-7100

44

1 MR. MACHIDA: 489.

2 SHELTON KATCHATAG: Before you go
on, Steve, I'd like to ask why this error
percentage is 11 percent, not 5 percent or 4
3 percent or 10 percent. Why is it 11 percent?

4 MR. MACHIDA: Well, it depends on
how intensively you sample. For example, the way
the technique is done is the subunit is divided
5 into a number of small sample units, and the more
intensively you sample, the more you drive that

6 error rate down. But, you know, normally we're
7 limited by, you know, by money on how we can do
8 these things. Normally it takes about five
9 aircraft, survey aircraft to do these, and it's
10 relatively expensive. So we normally try to do the
11 best we can with the amount of money we have. So
12 that was why the result came out the way it did.

13 SHELTON KATCHATAG: So you have
14 standard types of formulas to determine the error
15 rate?

16 MR. MACHIDA: Yeah, we have a
17 statistician that comes and helps us do these. We
18 do one census every year. Each year we do a
19 subunit. This coming spring we'll do a census of
20 subunit 22(E). The last year it was 22(C). But we
21 have a statistician that comes from the Fairbanks
22 office that oversees the project to make sure that
23 our sampling and statistics are accurate.

24 Just for a little bit of history on
25 22(C), the last time that this subunit was censused
we came up with a figure that was lower than this,
425. So roughly population looks like it's
probably grown about 18 percent. So we have seen
some growth in the Unit 22(C) population.

One of the areas for moose that
we've been concerned about is why so few calves are
surviving in 22(B), particularly in the Fish River
and Niukluk area. And one of the things that we
started this year is we've put radio tracking
collars on 27 cows this last April, and the purpose
of this research project is to follow these cows
and look at what proportion of them are having
calves and how long they keep the calves. This
study is just started so I'll have more to report
later on as the study progresses. It's a three
year study, and we're hopefully -- we're hoping
that during these three years we can see what the
variation is between years given the different
winter conditions. Last year was a relatively hard
winter for moose, and hopefully in other years

MIDNIGHT SUN COURT REPORTERS 907/258-7100

45

1 during the study we'll see how these cows do, you
2 know, under different winter conditions.

3 The next species I'd like to brief
4 the council on --

5 SHELTON KATCHATAG: Steve, before
you leave the moose, you're assuming that any
increase in numbers is due to new recruitment and
not migration, right?

MR. MACHIDA: No, it could be both.

6 SHELDON KATCHATAG: Do you have any
7 kind of statistics on migration?

8 MR. MACHIDA: Just from these radio
9 tracking studies that we've done. And the reason I
10 say that it's both is because the radio tracking
11 studies that were done here in the mid 1980s, early
12 to mid 1980s, and also the one we've started now,
13 indicate that the moose population in Unit 22 is
14 highly migratory. In other words, animals don't
15 stay around in small areas their whole life. Some
16 of them do that, but a lot of them move around a
17 lot.

18 For example, one of our collared
19 cows was collared in Fish River Flats, and then she
20 moved in the spring all the way to Elim, and then
21 back into the Bendeleben Mountains. And there is
22 another moose that was collared in Fish River Flats
23 that's moved all the way to the Kuzitrin River and
24 now is in the American River.

25 SHELDON KATCHATAG: Heading west?

 MR. MACHIDA: Yeah. So these moose,
unlike moose in the other parts of the state, are
highly migratory, they move around a lot, and
that's something that we've known since the '80s.
Any other questions on moose?

 SHELDON KATCHATAG: Do you have any
means of tracking the effects of weather on these
things?

 MR. MACHIDA: Well, the best
indicator that we have for weather on moose is how
well calves survive. In years where weather is
severe and the snow cover is heavy, then those are
years that relatively few calves survive.

 Other years -- if we have a year
where the snow comes late, and the moose only have
to endure three or four months of heavy snow versus
five or six, then you'll have more calves
surviving, so that seems to be the best indicator
of health.

 SHELDON KATCHATAG: The reason I
bring that up is this year is kind of a unique year

MIDNIGHT SUN COURT REPORTERS 907/258-7100

46

1 in that most of the Seward Peninsula, outside of
2 the Nome area, has gotten a real severe rain mixed
3 with a snowstorm on the 12th, 13th, and that
4 resulted in an early freeze-up in -- well, I
shouldn't call it early, but almost an overnight
freeze-up, and that's evidenced by the Safety Sound
over here is almost one sheet of glass, same way
with the inside Golovin Bay is almost one sheet of

5 glass, which is a rare thing as far as I'm aware
of, and correct me if I'm wrong.

6 But this snow mixed with rain, I
7 know I was looking at it on the way over and back
on the last two flights that I took, and it knocked
8 down a lot of willows, I mean there is a lot of
willows that have gone down, and I'm wondering what
9 kind of an effect that would have on moose? I
would assume given the amount of moisture that was
10 in that snowfall, that a lot of that stuff is
frozen under.

MR. MACHIDA: Yeah, I think a lot of
11 it depends on where it occurred. I mean if it
occurred mostly in the flats and not up in the
12 hills, the precipitation came down mostly as snow,
then it's hard to say what the impact could be.
13 Because during the fall, you know, moose tend to be
higher up in the hills, and if they are up in the
14 hills where it didn't come down as rain but came
down as snow, then they may not be affected very
15 much. So I think it depends a lot on the pattern
of how this rain mixed with snow came down.

16 SHELDON KATCHATAG: That's just a
thought, appreciate it. Continue.

17 MR. MACHIDA: Next thing I would
like to talk about is caribou. Currently we have
18 140 collars on Western Arctic herd caribou.

19 SHELDON KATCHATAG: When were they
put on?

MR. MACHIDA: Every year we put on
20 additional collars. This is just a total
accumulative amount that we have on right now.

21 SHELDON KATCHATAG: Over how many
years?

22 MR. MACHIDA: We've been doing this
since 1979.

23 SHELDON KATCHATAG: You're saying
that there are 140. Are these active collars?

24 MR. MACHIDA: Yeah, active. Every
year, as I mentioned, we collar additional animals
25 at Onion Portage on the Kobuk River. This year we
put on 27 collars at Onion Portage.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

47

1 The work that we do out of the Nome
office for the Seward Peninsula area with caribou
2 primarily occurs during the fall and winter when
they are down in this region. We have an agreement
3 with the Reindeer Herders' Association to do
caribou surveys and radio tracking flights for
4 caribou about once every three weeks to monitor

5 caribou distribution and let the reindeer herders
6 know about changes in distribution.

7 We've done two flights so far this
8 fall, and it seemed that initially there was a
9 pulse of caribou that did come into the region.
10 They came in primarily through the Buckland area
11 and over by Clam Mountain, Granite Mountain,
12 Elephant Point, that area. Right now there is
13 substantial numbers of caribou in the northern part
14 of the Koyuk drainage and over in the Granite
15 Mountain, and in the Kiwalik River area. We also
16 saw some caribou move into the Ungalik/Inglutalik
17 area northeast of Shaktoolik. We plan to continue
18 to do these, you know, weather permitting.

19 A project that's going on this week
20 that I would probably be involved with if I wasn't
21 at that meeting, is that we're doing composition
22 surveys on caribou right now, and this work is
23 being done in an area from over by Purcell
24 Mountain, that's just a little bit northwest of
25 Huslia, down through the Buckland and Granite
Mountain area. And the purpose of these surveys is
to determine what proportion of the caribou herd
are bulls and what proportion are calves. And when
this work is done I should be able to report later,
you know, as to how that went. Anything on
caribou?

MR. SEETOT: When you do these
studies, do you take into consideration caribou
that didn't migrate, you know, the ones that become
residents of a particular area?

MR. MACHIDA: Well, there is no real
way of separating them out, because the primary way
that we distribute our sampling effort when we do
these survey counts is with radio collars. We use
radio collars to separate out our sampling effort,
so there is no real way of determining, you know,
what proportion are resident and what proportion
are not. But I know that some of them are, because
when you fly over these areas in the summers, a lot
of times you'll see small groups of caribou here
and there, and they are probably Western Arctic
herd animals that, for one reason or another, have

MIDNIGHT SUN COURT REPORTERS 907/258-7100

48

1 stayed here and didn't move north.

2 SHELDON KATCHATAG: Have you been
3 noticing any trends of a westward movement on the
Seward Peninsula of caribou?

MR. MACHIDA: It seems like once
they get to Imuruk Lake, Boston Creek, Fish River,

4 Wagon Wheel Creek, up there in the Bendelebens, it
5 seems like that's about as far west as the big
6 groups come. Although I have heard hunters tell me
7 they have seen smaller groups go west, but as far
8 as the main herd, it doesn't seem like they go much
9 farther west than that. And it seems like that's
10 been a stable pattern.

11 SHELTON KATCHATAG: Just for a
12 little of your edification, before I get Jake on
13 here, one of the things that I learned when I moved
14 to the Elim area, and Johnny will back me up, they
15 say when the caribou come back to Cape Darby the
16 world will end, so we're trying to keep the caribou
17 away from Cape Darby. They are within about what,
18 25 miles now.

19 MR. MACHIDA: They are really close
20 to Cape Darby right now.

21 SHELTON KATCHATAG: I saw a herd a
22 week or so ago that was on one of the last high
23 grounds right adjacent to the Kwiniuk River. So
24 their transition point is almost there, but this is
25 one of the first years in a long time I guess that
26 they have had people get caribou out of Elim in the
27 summertime, in late August or early September. The
28 reason I'm asking is I was wondering if that trend
29 was anywhere else, because, you know, they have
30 been moving down toward Darby.

31 MR. MACHIDA: Well, I think if the
32 herd continues to grow larger, they will continue
33 to come west. Some of the reindeer herders won't
34 like it, but hunters might. It's hard to say.

35 SHELTON KATCHATAG: What's Fish &
36 Game's best estimate on the Western Arctic caribou
37 herd?

38 MR. MACHIDA: Well, the most recent
39 estimate that we have is several years old, it's
40 450,000. We plan on doing another census this
41 coming June. So after this coming June we'll have
42 a renewed count, you know, what the herd size is.
43 But it's probably going to be slightly larger than
44 that. Our indications are that the herd is
45 probably stabilizing right now, but we probably
46 won't know that for sure until we do another
47 census.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

49

1 SHELTON KATCHATAG: And how old is
2 the 450,000 number?

3 MR. MACHIDA: 1993, summer.

4 SHELTON KATCHATAG: Any other
5 questions for Mr. Machida on caribou?

MR. OLANNA: I had one question.
4 You did ask that question, and the question I had
is out of those 140 radio collars, how far -- do
5 those 140 go all the way down past Nulato when they
migrate south?

6 MR. MACHIDA: That's for the entire
herd. So different years different proportions
7 come down here. I think it was two winters ago, at
least two winters ago, sizeable numbers of collars
8 went as far as down as the Kotlik area, and I
believe that was the year they basically overran
9 Unalakleet. There were huge numbers, probably in
excess of a hundred thousand or more in the South
10 River, that area.

SHELDON KATCHATAG: The estimate
11 from the Unalakleet people was in excess of 500,000
had crossed Unalakleet.

12 MR. MACHIDA: It was a really large
number. But other years, like this year, most of
13 the collars aren't here, they are in Nenana region
or on the North Slope or in the Interior.

14 MR. OLANNA: So they are still
migrating in?

15 MR. MACHIDA: Yeah.

SHELDON KATCHATAG: While we're
16 still on caribou, I have yet to hear an explanation
that's acceptable to me as a subsistence person on
17 why those 1100 animals died over on Cape
Krusenstern.

18 MR. MACHIDA: I guess what they
initially think is that it was starvation, but they
19 are still doing the tissue analysis to see if it
could be something related to the radiation that
20 could come from that area.

SHELDON KATCHATAG: I think while
21 we're on the subject, over the summer I ran into
somebody that originally -- or in the past has
22 worked for the Red Dog Mine, and he informed me
that two times a day that Cominco Mine at Red Dog
23 blasts to loosen up their ore, and he says when
they blast, that there is a cloud of dust, and he
24 says there is a lot of lead in that dust. That
that goes up, and whichever way the wind is blowing
25 is where that lead goes, and it's powdered lead
dust. And I'm wondering if when they are doing the

MIDNIGHT SUN COURT REPORTERS 907/258-7100

50

1 analysis or the necropsy or whatever you call it
that they are doing on the caribou, are they
2 looking for heavy metals?

MR. MACHIDA: They are. They are

3 looking for anything that could have a toxic
4 effect, you know, on caribou, and it would include,
5 you know, heavy metals like lead. So they are just
6 not looking at radiation, but they are looking --
7 if radiation doesn't appear to be the cause, then
8 they will look at other things, like poisons and
9 things like that.

10 SHELTON KATCHATAG: And this brings
11 on another concern, because I'm not sure what the
12 prevailing winds are in the wintertime, but I know
13 in the Unalakleet area, which is somewhat similar,
14 that the majority of our winds in the wintertime
15 are east winds, and if they are blasting and this
16 stuff is going out over the ice, and we know that
17 when that ice melts all this heavy metal is going
18 to go to the bottom. And my understanding of these
19 kind of toxic poisons is that they tend to
20 concentrate as they go up the food chain. So I'm
21 concerned about what this might be doing to the
22 marine mammals, and these marine mammals migrate
23 through that area, and so I'm real concerned about
24 this one. This is something that didn't come up in
25 ICC that I was expecting to come up, and it didn't
come up at AFN, and I was expecting it to come up.
So I'm real concerned about this, not just the
caribou, but also the effect that it might have on
migratory marine mammals.

So I would appreciate, if they do
come out with a final ruling on what they think
might be, or an explanation on what happened to
those 1100 caribou, our council, and probably
Northwest Arctic Council, be kept informed.

MR. MACHIDA: They will be kept
informed. This is a project that's being done
cooperatively with the department and the North
Slope Borough department of wildlife management.
They have several physiologists and toxicologists
on their staff. We should get some believable
results from what they are doing.

SHELTON KATCHATAG: Do you have any
time table on when this report might come out?

MR. MACHIDA: No, I sure don't. I
kind of expected it to be done by now. But I'm not
involved with the project, so I don't know. But I
could probably find out.

SHELTON KATCHATAG: I would

MIDNIGHT SUN COURT REPORTERS 907/258-7100

51

1 appreciate it.

2 MS. MUKTOYUK: Is there any other
agencies involved with the studies on that 1100

3 caribous like, DEC or EPA or anybody from the
health department?

4 MR. MACHIDA: I guess I'm just not
sure of that. I'm wondering if Susan, would you
5 know.

6 MS. GEORGETTE: I don't know of any,
I don't know for sure.

7 UNIDENTIFIED SPEAKER: Wasn't the
North Slope Borough sampling alongside the
department to get some testing as well?

8 MR. MACHIDA: As far as I know the
ones that are doing most of the work is the
9 department and the North Slope Borough. Although
there may be other agencies involved, I just
haven't heard who they would be.

10 SHELDON KATCHATAG: I would
appreciate a report on them though sometime,
11 whenever the final report comes out.

12 MR. KATCHEAK: Question for Mr.
Machida.

13 SHELDON KATCHATAG: Say again.

14 MR. KATCHEAK: I have a question for
Mr. Machida. How did you know there was some
15 caribou that went down to east of Kotlik, was there
radio?

16 MR. MACHIDA: There were radio
collared animals that went down there. Like I
17 mentioned before, radio collars help us to
determine where we do aerial survey counts, so
that's what helped us there.

18 MR. KATCHEAK: The reason why I
asked, there were several, 20 or 30 maybe 50
19 reindeer that year, and one of our hunters from
Kotlik came, and so I was wondering if those were
really caribou or those were reindeer, but I think
20 you answered my question if they had radio collars.

21 MR. MACHIDA: That was kind of an
unusual year, because we have about ten caribou
22 that have what are called satellite tracking
collars. These are collars that send a signal up
23 to a satellite, the same one that they use for the
telephones. So for those we'll get a location
24 every couple of days. And one of those caribou
moved down to that area.

25 MR. KATCHEAK: What year and month
was that?

MR. MACHIDA: Well, it was two

MIDNIGHT SUN COURT REPORTERS 907/258-7100

52

1 winters ago.

SHELDON KATCHATAG: '93/'94.

2 MR. MACHIDA: It would have been
3 December when they came down to that part of the
4 world, November, December.
5 MR. KATCHEAK: '93/'94?
6 MR. MACHIDA: Uh-huh.
7 SHELDON KATCHATAG: Does that answer
8 your question, Ted?
9 MR. KATCHEAK: Yes.
10 MR. DENTON: Just for information
11 purposes. I think the Fish & Wildlife Service on
12 the Y/K Delta also flew those caribou, and I think
13 they came up to close to 40,000 of them down there
14 at that time that he's talking about. So there is
15 a large number.
16 SHELDON KATCHATAG: Any other
17 questions for Mr. Machida on caribou? Hearing
18 none, you may continue.
19 MR. MACHIDA: I guess the only other
20 species that I could talk about is musk ox. And
21 what we have planned for musk ox, we were hoping to
22 do a census last spring, but just with everything
23 else going on and the fact that we're one person
24 short in our office, we weren't able to do it, but
25 we are planning on doing that this coming spring,
and this will be a census of Seward Peninsula, and
we're planning on doing it in cooperation with the
Park Service and BLM, probably be April. That's
it. If you have any questions.
MS. MUKTOYUK: Will the State be
opening up any kind of hunts for musk oxen?
MR. MACHIDA: Well, as John
mentioned earlier, the board chose not to do
anything, so as far as I know, at least for now,
the only hunt that's going to be open is the
federal hunt.
MS. MUKTOYUK: And the other
question I had was if the State does decide to open
the hunt, will there be any guide and commercial
sports hunting?
MR. MACHIDA: See, that's something
I don't know, because we can't really open a hunt
without guidance from the State Game Board.
MS. MUKTOYUK: I'm just asking you
in the future when it does open up.
MR. MACHIDA: Well, I think it
depends a lot on what kind of decision the State
Game Board makes. You know, they could decide to
allow it, they could decide not to. I think -- I

MIDNIGHT SUN COURT REPORTERS 907/258-7100

1 wasn't at the board meeting, so I can't say what

2 discussion went on. But I suspect that they
3 probably just don't know what to do or how to
4 handle this whole situation, that's why they are
5 postponing the decision-making. And I think they
6 are probably waiting to see how this federal hunt
7 works out, I think that's part of it, also, if I
8 had to make a guess.

9 SHELTON KATCHATAG: Don't want to
10 put you in a spot, Steve, but do you think that
11 given the fact of there being hunts in three -- two
12 subdistricts and southern portion of another, do
13 you think that they would be amenable to C & T
14 determinations then for those areas?

15 MR. MACHIDA: You're talking 22?

16 SHELTON KATCHATAG: 22(D) and 22(E)
17 and also that portion of 23 that the hunt was
18 allowed in this year.

19 MR. MACHIDA: This whole thing is,
20 you know, is kind of out of my hands, and basically
21 I've been told not to touch the whole C & T
22 decision-making and situation, so I haven't.

23 SHELTON KATCHATAG: I won't put you
24 on that spot any more. I appreciate your candor,
25 Mr. Olanna.

MR. OLANNA: I'll retract my
question, too.

SHELTON KATCHATAG: There was no
question. Thank you. John.

MR. MORRISON: I'd like to make a
brief statement. Lieutenant Governor Fran Ulmer,
has for several weeks, been conducting a project
they are referring to as wildlife diplomacy which
they have participation from several people from
around the state and are conferring with the
federal side of the subsistence issue trying to
come up with some new ideas on how to handle this
dual management situation, and I think when it
comes to things like customary and traditional
determinations, the State is somewhat waiting to
see what comes out of that effort before proceeding
with any new decisions.

They would like to get more
direction from the governor's office and from the
diplomacy task group and also what might come out
of the congressional delegation out of Washington
D.C.

It's sort of in, I guess, a state of
flux you might say as to where they might want to
go with it. And that's about as much as we know

1 right now as to what is affecting State decisions
such as this.

2 SHELTON KATCHATAG: Okay, Mr.
Morrison, as part of this diplomacy business, I
3 would please ask that you bring up to Ms. Fran
Ulmer, the lieutenant governor of the state of
4 Alaska, not only Title 8 of ANILCA but also the
congressional intent. Because if you look at the
5 intent, it says that: The successful subsistence
management requires a cooperation of all land
6 managers and owners, state and federal agencies.
It "requires", it doesn't say it should have or it
7 needs, it requires.

MR. MORRISON: I'm sure that her
8 group is in pretty close communication with the
attorney general's office as well as the federal
9 solicitor, and also with the office of the
Secretary of the Interior in Anchorage, and looking
10 at all these different aspects of ANILCA trying to
find ways of getting better cooperation between all
11 the parties involved.

SHELTON KATCHATAG: One thing, too,
12 that I would like you to bring to the lieutenant
governor in the diplomacy is the fact, regardless
13 of whether or not the federal government is
subsistence management or not, any subsistence
14 management regime that the State might put in place
must comply with Title 8 of ANILCA also. In other
15 words, it must have provision for regional advisory
councils, it must have statute and regulation
16 requiring that the recommendations of these
regional councils figure into the regulatory
17 authorities' decision-making process, and that the
subsistence management that the State might impose,
18 given any negotiations to that effect, would still
have to comply with ANILCA. And until ANILCA is
19 changed, that won't change. That's my
understanding of not only Title 8 of ANILCA, but
20 also the intent.

MR. MORRISON: I would recommend
21 that you make that statement yourself directly to
the Lieutenant Governor Ulmer so that she's sure to
22 get your full understanding of the situation.

SHELTON KATCHATAG: Well, I'm sure
23 if the FSB decides to send me to see Fran Ulmer
I'll go, but thank you. Any other comments or
24 questions on the State report? Anybody else from
the State reporting? Sue.

MS. GEORGETTE: My name is Susan
25 Georgette, and I work with the subsistence division

1 with the State, and I have a couple things and I
2 think Jim Magdanz has some things. I have a couple
handouts.

3 Just quickly, one project we're
4 working on is subsistence salmon surveys, and we're
5 doing these in all the villages from Stebbins up to
6 Brevig and also in Kotzebue Sound, and we did these
7 last year. And the purpose is to document the
village's subsistence uses of salmon. This yellow
form that Barb is handing out is the form that we
use, it takes literally five or ten minutes to do
it, and we've done Brevig and Golovin so far, we
started last week.

8 The Bering Sea Fishermen's
9 Association provided us with money to hire local
10 people to help us, which makes it go a lot faster.
11 They are house-to-house surveys, we go door-to-door
12 and basically ask people about their catch.

13 The second project we're working on
14 is with Kawerak, and it's subsistence waterfowl
15 harvest study, and we've done these in a lot of
16 western Alaska villages. And last year we did them
17 in about maybe four villages in this area, and this
18 year we're doing seven villages. We're doing
19 Unalakleet, Koyuk, White Mountain, Diomedea, Teller,
20 Brevig and Nome. Not all of Nome, just mainly King
Island community area and Sledge Island users.

21 The purpose of this is to document
22 the subsistence use of waterfowl in preparation for
23 what -- we expect to have a legal spring hunt in
24 the next couple years perhaps. There has been
25 treaty negotiations between Canada and the U.S. on
the Migratory Bird Treaty from the early 1900s.

26 Kawerak is actually doing the work
27 and I don't know, Jake, if you want to say anything
28 about it. The Fish & Game department is providing
29 training and some technical support, but Kawerak is
30 actually doing the survey work and collecting the
data, and it's a neat project I think.

31 We also are doing interviews with
32 hunters that are knowledgeable from the communities
33 about their knowledge of ecology and population
34 changes and their use of the birds. That's all.

35 SHELDON KATCHATAG: Before you sit
36 down, Ms. Georgette, you say the survey is from
37 Stebbins to Brevig. Is there any rationale for
38 excluding Whales and Shishmaref?

39 MS. GEORGETTE: Mostly there is not
40 much of a salmon harvest.

SHELDON KATCHATAG: I beg to differ

1 with that.

MS. GEORGETTE: That they are
2 either -- well, I guess that was what I thought.
3 Either there wasn't a large salmon harvest, or else
4 it's included in the Kotzebue district, which may
5 be why it is. Do you know, Jim?

MR. MAGDANZ: Jim Magdanz. We did
6 Whales and we're doing Shishmaref this year. So
7 the reason they weren't included in our first year
8 last year was that we were doing another study in
9 Whales and Shishmaref, so we got salmon data in
10 that other study. And as it so happened, we didn't
11 do Shishmaref last year for funding reasons, but
12 we're doing it this year, so we will have
13 Shishmaref data. There definitely was a salmon
14 harvest in Whales, but it wasn't part of this
15 project largely just for budget reasons this year.

SHELDON KATCHATAG: Yeah, I caught,
16 I think it was a report on surveys, and I was
17 surprised to see that Whales gets a sizeable number
18 of kings.

MR. MAGDANZ: I don't have the
19 numbers out, but yeah, there is some.

SHELDON KATCHATAG: I think the
20 number that sticks in my head was like 435 or
21 something like that.

MR. MAGDANZ: Actually is it listed
22 on that purple sheet that we handed out?

MS. GEORGETTE: That one at the top
23 might have Whales. It's a summary of last year's.

SHELDON KATCHATAG: That's the one I
24 saw. If you look at Whales, Whales, three
25 asterisks. See, it shows reported harvest 400
kings, 407 kings estimated, 473. That's a large
number of kings. That's just a point of interest
that I wanted pointed out because I had seen --
this is the document I did see.

MS. GEORGETTE: But we could see
26 about including them. I guess maybe we should
27 include them, or maybe it was budget reasons, but
28 they weren't done routinely last year, and it may
29 be because of what Jim said, that they were already
30 part of this more comprehensive harvest survey.

MS. MUKTOYUK: Who does these
31 surveys here in Nome?

MS. GEORGETTE: The subsistence
32 salmon ones? The salmon ones in Nome are done by
33 the permits. We don't actually do house-to-house
34 surveys in Nome, I didn't say that, but that's how
35 we get the salmon harvest data for Nome.

1 MR. OLANNA: Didn't we do some
2 salmon surveys along with Kawerak and migratory
bird survey last fall?

3 MS. GEORGETTE: Uh-huh, that's
4 right. And last year Kawerak did the salmon and
the waterfowl surveys together.

5 MR. OLANNA: It was money from
6 Bering Sea Fishermen's Association.

7 MS. MUKTOYUK: I would also like to
8 make a comment that if Bering Sea Fishermen's
9 Association is going to be making any kind of
proposals regarding fisheries, I don't know who I
would talk to, but if it's going to be affecting
certain communities, they should be notifying those
people.

10 MS. GEORGETTE: The Bering Sea
11 Fishermen's?

MS. MUKTOYUK: Uh-huh.

12 SHELDON KATCHATAG: So for the
13 record, technically since this is the only one that
14 we have available, technically this would be a good
15 baseline starting area for subsistence management
16 of fish documenting some of the catch, right?

MS. GEORGETTE: Uh-huh.

17 SHELDON KATCHATAG: This is ADF&G's
18 best estimate. It does have an estimate there.

19 MS. GEORGETTE: The estimate is
20 because usually you can't get every household,
21 there is always a couple people out of town, so you
22 do the best you can, you get as many as you can.
23 And we do pretty well, and then we extrapolate from
24 that to count for the households we didn't get a
25 survey from.

SHELDON KATCHATAG: So what Steve
had given us, 11 percent variation possibility.

MS. GEORGETTE: Does it say on
there?

MR. MAGDANZ: It doesn't say. We
can make it available, and it varies for every
community and every species, but it does exist.

SHELDON KATCHATAG: It's a standard
type of formula?

MR. MAGDANZ: Yes.

MS. GEORGETTE: There is a more
comprehensive report. That's the one we put
together to mail out to everybody, but there is one
that I have seen the confidence intervals on them
for the accuracy of data.

SHELDON KATCHATAG: For the record,
I would like each council member to hang on to this

1 subsistence salmon survey and we'll be talking
2 about it later.

3 MS. GEORGETTE: And we'd be happy to
4 send out the full report to anybody who wants it.

5 SHELDON KATCHATAG: Well, as long as
6 these numbers are accurate, I don't really see the
7 need for that. And I appreciate your report, and
8 thank you very much. Do you have any more on that,
9 Mr. Magdanz?

10 MR. MAGDANZ: Briefly the Whales and
11 Deering and Noatak surveys, I believe we talked
12 about in White Mountain, were conducted, and you
13 hold a little of that data with you, the Deering
14 data and the Whales data come from that more
15 comprehensive survey. We expect the first raw data
16 runs on that project to be in about a month. So
17 that's what I'm working on right now. And we plan
18 to meet with the community in Shishmaref this
19 winter and hopefully secure their cooperation in
20 conducting a survey in Shishmaref on harvest. So
21 that's -- those are the two things that I'm working
22 on right now.

23 SHELDON KATCHATAG: One question I
24 have for you, looking at the back of this letter,
25 is it has no permits on there, and I see it in
26 about one, two, three, three different places, and
27 I'm wondering what's that particular item?

28 MR. MAGDANZ: This represents people
29 who left Nome and went, for example, to Teller and
30 fished in the Imuruk area, or people that went up
31 the road to Council and fished there, so when we
32 had someone from Nome that got a permit for a river
33 outside the Nome subdistrict we would report those
34 separately.

35 SHELDON KATCHATAG: So you had --
36 let me digest this. That answers that question.
37 Any other questions for --

38 MR. BARR: Just a comment, Mr.
39 Chairman. I don't know why, but last -- this
40 summer, this past summer we were fishing for our
41 salmon, and we setnet out in front of the town
42 there, and we caught a few of them, we caught some,
43 so anyway the last bunch we got were dog salmon,
44 there was a few reds mingled with them, but most of
45 them were dogs. But anyway we caught, I think, 57
46 the last time we set the net out there, and that's
47 when we pulled it out. Anyway, out of the 50 some
48 fish, seven of them had worms about this long
49 (indicating). This is the first time I ever seen
50 worms in them. Right next to the bone.

1 SHELDON KATCHATAG: In the flesh?

2 MR. BARR: Yes, inside the flesh.
3 First time. I've been cutting fish for 40 years, I
4 haven't seen that before. But we saw seven of them
5 had worms like this, and then that was, you know,
6 very unusual. So we didn't even save them for the
7 dogs. We didn't cook them for the dogs. We cut
8 them up and threw them out, because this is the
9 first time we ever seen worms like that right next
10 to the bone.

11 So evidently that one you were
12 talking about earlier, chemical that those guys are
13 exploding over there might have something to do
14 with it or it might be something that had started
15 now. So we noted that when we were cutting the
16 last 50 some fish, seven had worms. I thought I'd
17 say that just for your information.

18 SHELDON KATCHATAG: Thank you, Mr.
19 Barr. Explanation. Before you start, could you
20 state your name.

21 MR. DeCICCO: Fred DeCicco. I work
22 for the sport fish division of Fish & Game. We had
23 some salmon sent in from Teller, I believe, when I
24 was in the office here earlier in the summer, that
25 had cysts on them that contained tapeworms, and we
took some samples and sent them down to the
pathology lab in Anchorage. They were some kind of
a tapeworm, and the first reports, I forget who
sent the fish in, but it was the first time that
they had seen them like that around Teller.

Like I say, I don't know if Charlie
has gotten the results back, but perhaps we could
check with him, or I'll ask him to inform you what
they were. But it was some kind of a tapeworm. I
doubt that it had anything to do with lead at Red
Dog, but it is interesting that it's like they are
just beginning to show up in the numbers that are
detectable, and we are aware of it and we're trying
to sort out just what they are.

MS. MUKTOYUK: Is this something
that we should be concerned about?

MR. DeCICCO: Well, if I found them
in the fish, I wouldn't eat -- I would try not to
eat the worms, or personally if I had plenty of
fish I would use the fish for something else. But
if you cook the fish well, it will kill them. If
you freeze them -- if they stay frozen for more
than a month, it kills the tapeworms, so I would be
aware of that and try not to eat fish with worms in
them, especially if you were eating them partially

1 cooked or part dried.

SHELDON KATCHATAG: Yes, Mr.

2 Katchatag.

FRED KATCHATAG: Ever since the
3 hatcheries, ever since I started hearing about fish
4 hatcheries -- I caught fish all my life for 70
5 years. I started seeing inside the fish, the
6 stomach would be stuck to the back, and then there
7 would be some little worms that are just hatching
8 from that fish. This started right after the
9 hatchery had started. Before this they never --
10 the fish never used to be stuck to the side.

SHELDON KATCHATAG: Any information
11 on that?

MR. DeCICCO: I don't have any
12 information relating to that.

SHELDON KATCHATAG: I appreciate
13 it. If you do hear something at some time in the
14 future, you let us know.

Any other questions or comments for
15 Fish & Game? John, you had your hand up earlier.
16 I'd like to welcome Mr. John Jemewouk from Elim
17 along with Mr. Pete Larson who is the local NCVC
18 rep for the meeting. John, you had a question.

MR. JEMEWOUK: I had a question for
19 Jim Magdanz. Is this survey going to be done
20 annually for purposes of the department's use in
21 managing the fish?

MR. MAGDANZ: Right now it's a year
22 to year proposition depending on funding. We have
23 funding right now to do it this year.

MR. JEMEWOUK: The reason I asked
24 that question, subsistence management for fish,
25 there is a lot of projects, summertime projects
that are in some villages sometimes, and fishermen
will find some work, and the department close down
an area for subsistence. It could, you know,
affect the numbers and the data that's being
presented to the managers, and I just wanted to
state my concern about the reliability of the data
that's being collected and how that data is going
to be used for management purposes. I looked at
the survey and didn't really give any historical --
any questions, how long they have been subsistence
or anything like that. That's the reason I was
concerned. If this is going to be done on an
annual basis, just one time, just some of the
things, some of the managers, the way the Board of
Fish makes their determinations on different types
of management.

1 MR. MAGDANZ: Well, I think that the
2 survey process began as a result of the chum crash
3 in western Alaska, and especially the problems
4 experienced by Elim. We started this in Elim
5 before we expanded to the whole region, so I think
6 as long as there is a need for this information for
7 management, whether it be a group like yours or the
8 department or the board and the public, that
9 hopefully we'll be able to keep providing that
10 information.

11 SHELTON KATCHATAG: Thank you both.
12 Any other comments or questions for the Fish & Game
13 staff on their report?

14 MR. SEETOT: Mr. Chairman?

15 SHELTON KATCHATAG: Mr. Seetot.

16 MR. SEETOT: We have different
17 biologists from the federal and state agencies
18 trying to determine the number or inventory of
19 species within our region. Have they come to a
20 consensus that some of this might be linked, you
21 know, to the polluted waters off Siberia? You read
22 reports that pollution is rampant over there. Have
23 there been studies made, or are there known
24 instances where fish migrate, you know, in the
25 waters? Are we going to get a unified opinion from
the State and federal agencies instead of a opinion
by one State agency versus the federal agency?

The federal government will say,
well, the fish have had this tapeworm because it's
politics. The State will say the fish have had
this tapeworm because it comes from the Siberian
side. Something that the local -- the government
agencies need to work together on.

We, the regional advisory council,
come from different communities, but we know from
past experience that in order for the species to
survive, that, you know, we cannot take all the
game at once. We do not take all the game at once,
because local circumstances come into being that we
don't have no money to buy fuel. That weather
plays a major important factor in our food
gathering activities. One year might be plentiful
or the harvest -- other times it might be lean
because of maybe local customs were not practiced
during the harvest, you know, like they -- or like
the myth about old time that you cannot cook land
and sea animals together because you will get the
spirits mad. Now everything has been handed out
from generation to generation, and we as Natives,
even though we are young, we still try to continue

1 to pass on our knowledge to our children.

Majority of them are English
2 speaking, our language has been dying off, yet we
say to ourselves we know a lot better than our
3 elders because we went to a society of learning.
The elders know what they have seen over the years,
4 that what was passed down from generation to
generation has worked for them, and then we tried
5 to continue to do that, and I hope that the State
and the federal agencies work together to work for
6 the better of our region, not only for this region,
but in other areas and throughout the whole state.
7 And only through cooperation will these issues
become settled once and for all, instead of where
8 we tackle this issue at this region it will come up
at another region, so that they can have their
9 version of tackling it.

And it just seems that we are
10 duplicating the efforts, you know, of what the
State agencies are trying to do. We need to work
11 together and share our information with people
regardless of whether we like them or not, whether
12 they are with one agency or another agency. We are
entitled to our own opinion. Whether you stick
13 with the opinion or not, it's up to you, but it's
something that the decisions that are made by the
14 regional advisory -- by the Federal Subsistence
Board are the ones that our people have to live
15 with. Thank you.

SHELDON KATCHATAG: Thank you, Mr.
16 Seetot. Mr. DeCicco.

MR. DeCICCO: Mr. Seetot, I'd like
17 to address something you mentioned early about
pollution studies. There is currently an ongoing
18 pollution study that's primarily in the whole
Arctic coast of Siberia that's going on in
19 cooperation with the Russian government and the
United States, it's funded through the Department
20 of Naval Research. I'm partially involved in a
small part of it, and I've been collecting some
21 samples of fish to have analyzed for radioactive
contamination and chemical contamination.

We attempted to collect some fish
22 over on the Russian side this fall and had some
23 problems with logistics and getting money and
stuff, and we were unsuccessful this year, but I've
24 sent samples from there in the past and I've
collected some samples from this side, and it's
25 going to be probably a couple of years before there

is any data back on that. But I'll certainly keep

MIDNIGHT SUN COURT REPORTERS 907/258-7100

63

1 you and the council informed.

2 And we do know that fish swim back
3 and forth, we have tag recoveries from dolly varden
4 that were tagged up near Kotzebue in the Wulik
5 River near Kivalina, three of those tags have been
6 caught back over in Russian. One fish from the
7 Nome River was caught over in Russia. So we know
8 that at least dolly varden are moving back and
9 forth, wintering one year on this side and the
10 other year on that side. So the possibility exists
11 that fish could be picking up contaminants on the
12 Russian side and carrying them over here, and that
13 was one of the reasons we got that part of the
14 study funded.

15 MS. MUKTOYUK: Do you also do
16 studies on fish for mercury level? Because there
17 is a lot of mining activities here in Nome.

18 MR. DeCICCO: Well, they are also
19 going to be looking at the samples that we send in
20 for chemical contaminants as well. To my knowledge
21 the only heavy metal samples that have been run are
22 those that were collected near in the drainages
23 associated with the Red Dog Mine, and for the most
24 part they have been well within what they say is
acceptable levels. They, meaning EPA, FDA whoever
comes up with those levels.

There was one pollution incident in
the mine in 1990, and during that event some of the
fish that were collected in Iligluruk Creek had
real high levels of lead and zinc in various
tissues, but it's something -- those fish are
sampled periodically twice a year, there is a
sample taken and they are analyzed, and that's
being tracked quite closely and that data is
available. Thank you.

SHELDON KATCHATAG: Any other
questions for any of the ADF&G staff? Any more
reports from ADF&G staff? Hearing none, we now
move on to old business A item 7. I don't remember
if I amended our original draft in that line. If I
did not, I'm trying to think of what the procedure
is. I had originally written an item there, and I
guess the proper procedure now is to entertain a
motion from the council to amend item 7 A 5 by the
addition of one item. It is old business and I
would entertain a motion to add the C & T bear item
that was not adopted by the board, and I would like
a motion from one of our council members to that

25 effect.

MS. MUKTOYUK: Make a motion to

MIDNIGHT SUN COURT REPORTERS 907/258-7100

64

1 amend the draft agenda 7 A and add to 5 C & T for
2 bear.

3 SHELTON KATCHATAG: We have a motion
4 to modify our agenda by adding C & T bear as item
5 number 7 A 5. Do I hear a second?

FRED KATCHATAG: Second.

6 SHELTON KATCHATAG: Seconded.

MR. BUCK: Question.

7 SHELTON KATCHATAG: Question has
8 been called. All those in favor of the motion to
9 amend the agenda signify by saying aye. All those
10 opposed, nay.

11 (Unanimous)

12 SHELTON KATCHATAG: Motion passes
13 unanimously. We now move on to C & T bear. Mr.
14 Kovach.

15 MR. KOVACH: I'm a little bit
16 confused, Mr. Chair, because the proposal that this
17 council forwarded to the board a year ago was not
18 for C & T, but for an increase in the harvest
19 taking of bears, so that's why I'm a little
20 confused.

21 SHELTON KATCHATAG: Let me see what
22 my regulations say before we move on. If you look
23 at page 121 of this regulation book concerning Unit
24 22, hunting of brown bear, it says customary and
25 traditional use, rural residents of Unit 22. So we
26 do have a determination that we're entitled to
27 customary and traditional use of bear, brown bear.

28 Now the problem we have is that they
29 have arbitrarily set that as one bear every four
30 years. Our proposal number 41 sought to remove
31 that restriction as being arbitrary, and change it
32 to one every year, and I would like a report as to
33 what the status is of that particular item.

34 When we were deliberating this at
35 the Federal Subsistence Board in April we were
36 given -- I was given assurances that this would
37 probably pass in the future, but that it needed a
38 little massaging by staff committee, and we were
39 expecting some action by August, and I have yet to
40 hear anything on it. That's how come I'm asking
41 for a report on where that sits. Do we have to
42 rewrite that proposal?

43 MR. KOVACH: That was part of what I
44 included in the report earlier this morning on the
45 subsistence board actions. Officially what the

25 board did is they rejected the proposal because
they have to take some sort of an action, but what
they did is they remand it back to staff, the basic

MIDNIGHT SUN COURT REPORTERS 907/258-7100

65

1 question. They broke it down into two questions to
2 staff, one was defense of life and property
issues.

3 Currently the federal program does
4 not have defense of life and property provisions,
5 so it was directed back to staff to do some
6 analysis of that and bring it back to the board as
to whether or not it's within the purview of Title
8 responsibilities, and if so some recommended
9 courses of action. That staff analysis is ongoing
as we speak.

7 The other half of the question was
the increase in harvest limits from one bear every
four years to one bear per year. That was remanded
8 back to staff. Due to the workload that was
9 experienced by staff in dealing with the Kenai
10 moose issues and some other things we had, it had
to get pushed back because there was only so many
of us. And if I remember right, it's the issue of
one bear per year for Unit 22 is on the board
11 agenda for the November meeting, I believe, because
I know that agenda is still kind of being
12 formulated. But I know it's coming up soon, but I
can't tell you when exactly.

13 SHELTON KATCHATAG: The reason I
bring this up, is I'm wondering if we should
14 resubmit that this cycle, or is that still in the
loop?

15 MR. KOVACH: It's still in the loop
right now. It's still within the offices of what
16 we refer to as a deferred action. It's sent back
to staff for some additional work and whatnot. So
17 it's still alive, it's still before the board
itself, so there is no need for this council to do
18 another proposal to ask for the same thing at this
point in time.

19 SHELTON KATCHATAG: Well, it's still
in the loop. Can we reconsider it?

20 MR. KOVACH: The council?

SHELTON KATCHATAG: Yes.

21 MR. KOVACH: Absolutely.

SHELTON KATCHATAG: We'll get to it
22 when we get to C & T. But for clarification on the
November 17th meeting, Mr. Pospahala, do you have
23 an agenda for that meeting?

MR. POSPAHALA: Frankly I don't

24 recall that that's on there for that.
MR. KOVACH: I know it was discussed
25 off and on, but I don't know if it ever got put on.
SHELDON KATCHATAG: Mr. Boyd or

MIDNIGHT SUN COURT REPORTERS 907/258-7100

66

1 staff committee, do you remember if that's on the
agenda for the November 17th meeting?
2 MR. BOYD: I reviewed a draft of the
agenda, and I don't have that particular draft with
3 me, but I don't recall it was part of that agenda.
SHELDON KATCHATAG: I have not
4 received any communication on it, so I don't know,
that's how come I'm trying to get some
5 clarification.
MR. POSPAHALA: It's not on the
6 November agenda as drafted presently.
SHELDON KATCHATAG: The reason I ask
7 is, you know, I was told in April that there was a
possibility of it being considered in May, and then
8 if not May then maybe June and then maybe August,
so I'm wondering when is it going to come up?
9 MR. POSPAHALA: Is there some
urgency? Could we put it in the hopper to be dealt
10 with in the meetings for April, if we assured that
there is a proposal, whether it's from the council
11 or from us?
SHELDON KATCHATAG: Well, it depends
12 on how you guys operate. If this thing is like he
says, it's still deferred, does that preclude us
13 from resubmitting or anything like that?
MR. POSPAHALA: If it increases your
14 comfort level, go ahead and draft a proposal as an
outgrowth of this meeting, make sure that it gets
15 on the docket to be brought forward and discussed
in your winter meeting. Go right ahead and do it
16 and lock it in.
SHELDON KATCHATAG: I would hate for
17 this to be stuck in deferral and then another
regulatory year come up on us without anything
18 being done.
MR. POSPAHALA: It will protect you
19 from us, so it will be easy to do that.
SHELDON KATCHATAG: Okay, so as far
20 as that particular item is, it's deferred but we
don't know until when. But we do have the option
21 of revisiting that proposal?
MR. KOVACH: Yes.
22 SHELDON KATCHATAG: And I think when
we come to C & Ts we definitely will, I'll make
23 it. It will be my intent when we do get to C & T

24 proposals for change regarding C & T of resources
within Unit 22, that bear, among others, will be
definitely discussed and we will be putting forth
25 proposals for C & T on all resources presently used
but not necessarily occupied by our residents.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

67

1 Any other comments or questions with
regard to the bear proposal? Hearing none, let's
2 take about a 13 minute break.

(Off the record.)

3 SHELDON KATCHATAG: Call the meeting
back to order. In the interest of expediency, I
4 would entertain a motion to change the order in how
we consider things. Mr. Pospahala will not be with
5 us tomorrow, so there are some things I think he
needs to be in on, or at least hear us discuss. So
6 I would entertain a motion that we move 9 A, B, C
and D and put them between 7 and 8.

7 MR. BARR: So moved.

8 SHELDON KATCHATAG: We have a motion
to move items 9 A, B, C and D, which are Katie
9 John, A, fish management B, legal opinion whether
Title 8 includes the State under C, and also item
D, draft salmon management regulations. Do I hear
10 a second?

MR. BUCK: Second.

11 MR. SEETOT: Question.

12 SHELDON KATCHATAG: Question has
been called. All those in favor signify by saying
aye. All those opposed, nay.

13 (Unanimous)

14 SHELDON KATCHATAG: Motion passes
unanimously. Thank you.

15 Moving on to item 7 B, additional
membership through SPSRAC. Who is updating? I
know we had requested that. I think it was at our
16 White Mountain meeting, Barb.

17 BARB ARMSTRONG: On --

18 SHELDON KATCHATAG: Or was it in
Unalakleet in October of last year?

19 BARB ARMSTRONG: Seward Peninsula
tribal management?

20 SHELDON KATCHATAG: No, on the
additional membership. We were talking about
increasing it from seven to nine.

21 BARB ARMSTRONG: I think it was at
White Mountain.

22 SHELDON KATCHATAG: We have to wait
until the charter is up for consideration next
year, right?

23 MR. KNAUER: Well, there are two
24 things, Mr. Chairman. One, the Federal Subsistence
25 Board asked that each of the councils evaluate
their representational status and report back to
the board either in their annual report or through
the minutes of their meetings, and there were some

MIDNIGHT SUN COURT REPORTERS 907/258-7100

68

1 councils that had been unable to get it -- get a
2 review accomplished during their February meeting,
3 so they did not have an opportunity to address that
4 subject until this fall. So there will be a report
put together and provided to the Federal Board
indicating what each of the councils has
requested.

5 There is some concern about the
6 increased cost involved with additional members.
7 If every council were to request an increase, that
8 would reduce the overall monies available for
council meetings and for council member travel.
9 But the board will look at the entire picture
before they make a recommendation to the Secretary
and any changes that might be necessary therein to
changes and charters.

10 SHELTON KATCHATAG: And correct me
11 if I'm wrong, but at that meeting I think you told
12 us that these charters are renewed on a two-year
13 basis on even years?

14 MR. KNAUER: That's correct.

15 SHELTON KATCHATAG: So ours won't be
16 up for consideration until next year?

17 MR. KNAUER: That's correct. The
18 renewal process will start in the spring, and the
19 charters will be forwarded to the Secretary for
20 approval during the summer of '96.

21 SHELTON KATCHATAG: So any
22 recommendations for change that we might have
should come in before our next meeting?

23 MR. KNAUER: At your next meeting.

24 SHELTON KATCHATAG: At our next
25 meeting. Is that all clear to everybody on the
council? Thank you, Mr. Knauer. Any questions on
our membership or composition?

26 We had originally thought of
27 increasing the size to nine and also to include, I
28 think, representation from the islands, was that
29 not our original thought?

30 MR. SEETOT: Yeah, that's the
31 question I was going to ask, yes.

32 SHELTON KATCHATAG: Even though they
are not technically within the purview of the

23 federal subsistence management program because of
24 their location on islands that do not have federal
25 public lands, they still, I think, should be
represented, because they do still subsist here on
the mainland, and those were some of the concerns
that were raised at that meeting. So we should
consider -- I'll just put it to the council now.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

69

1 Do we as council members think we need to increase
our size, and do we want to pursue this?

2 FRED KATCHATAG: Does every region
have their subsistence board?

3 SHELDON KATCHATAG: There is ten
regions, and each of them has their own council.

4 FRED KATCHATAG: And that's seven
member each?

5 SHELDON KATCHATAG: It differs.
There is a handout that shows you memberships.

6 HELEN ARMSTRONG: It's the pink
paper.

7 SHELDON KATCHATAG: The pink paper.

MR. KNAUER: Or white.

8 HELEN ARMSTRONG: There was a
handout over there that was pink.

9 MR. KNAUER: The size ranges from
seven to 13. Council members do not specifically
10 represent one community or one subarea. The seats
are not designated or tied to a particular area.
11 Members represent the entire region, although they
bring to their council knowledge of their specific
12 community or area.

So a lot depends upon the
13 applications that are received during the
recruiting process, which occurs every year,
14 because one third of the seats of a council do
expire, the term expires every year. And
15 individuals may choose -- their incumbent may
choose to re-apply. Others can apply also on an
16 equal basis.

SHELDON KATCHATAG: If you look at
17 this handout here it shows a composition and seat
expirations of all the ten regions. Region I is
18 the largest with 13. Regions V, VI and X have
nine. The rest have seven. And there was another
19 handout, I think it was a pink one that showed the
regions that are represented by these councils.

20 And Mr. Knauer pointed out we are
all -- the only requirements for each of us to sit
21 on the council is that we are knowledgable
subsistence users residing in our particular

22 region. There is no requirement for geographical
representation.
23 MR. BUCK: Was there a motion on the
last meeting to increase the number?
24 SHELDON KATCHATAG: Pardon?
MR. BUCK: Was there any motion at
25 the last meeting to increase the number from seven
to nine?

MIDNIGHT SUN COURT REPORTERS 907/258-7100

70

1 SHELDON KATCHATAG: I don't have a
copy of that. Did we move to increase our council
2 then from seven to nine?
BARB ARMSTRONG: I think so.
3 SHELDON KATCHATAG: I think we did.
What is the wish?
4 MS. MUKTOYUK: Somebody from your
office was going to look into it and see what was
5 the procedures that we had to follow to change from
seven to nine.
6 BARB ARMSTRONG: And I guess Bill
just answered that, he just explained that.
7 SHELDON KATCHATAG: So it's up to
the council, what is your pleasure?
8 MS. MUKTOYUK: I'd like to see us
increase from seven to nine.
9 SHELDON KATCHATAG: Do you move to
that effect?
10 MS. MUKTOYUK: I make a motion that
we change our membership from seven to nine council
11 members.
SHELDON KATCHATAG: We have a motion
12 before us to increase the composition of Region VII
from seven members to nine members. Do I hear a
13 second?
MR. BARR: Second the motion.
14 SHELDON KATCHATAG: We have a
second. Discussion. As we had said in White
15 Mountain, we were somewhat concerned that a
sizeable number of people there on St. Lawrence and
16 also Diomedes had no representation on this council,
even though they do subsist in some manner or
17 another on resources over which we might have
jurisdiction, and that was the concern expressed at
18 that meeting in White Mountain. Any discussion
from the council? Elmer.
19 MR. SEETOT: Even though St.
Lawrence Island do not have any federal public
20 lands at or near the island, they do harvest
animals that migrate through their areas, through
21 the islands, especially the migratory bird. With

22 that being in mind, do the communities get any
information, or do they put out information to
23 their residents that these birds and animals are
being regulated?

24 One incident this past spring was a
violation of threatened or endangered species bird
25 where there was some violations concerning the
stellar eider duck. I think with the majority of
the federal lands being in the eastern Norton

MIDNIGHT SUN COURT REPORTERS 907/258-7100

71

1 Sound, that more representation, you know, be from
that area also, so the council has a wide range of
2 representation from the different communities that
are being affected in eastern Norton Sound.

3 For St. Lawrence, I think that needs
to be discussed more further in detail, but that
4 they also be included in the regional advisory
council. That's all I have.

5 SHELDON KATCHATAG: Thank you, Mr.
Seetot. A couple of the things that you bring up,
6 migratory marine mammals and migratory birds. I
know the regulatory scheme of things says that
7 those are not under our jurisdiction and that is
the reason why staff and the board feels that those
8 people don't need representation on our council,
but I would beg to differ.

9 The definition in Title 8 of
subsistence is customary and traditional use of
10 renewable resources, and that particular statute
does not differentiate between migratory birds and
11 marine mammals and land animals and all this other
stuff. Mr. Pospahala.

12 MR. POSPAHALA: If I could, Mr.
Chairman. When the initial regional distributions
13 were considered for council membership in 1993, one
of the things that we paid very close attention to
14 in making those recommendations has to do with the
fact that Title 8 directs the attention in section
15 805 to be uses of the public lands as they are
defined, and that would be the overriding concern
16 or consideration that we used at that time to not
have this representation from that geographic
17 area. Now, you know, how that will be considered
as they revisit that issue, I can't tell you, but
18 that was the overriding concern at that time.

19 SHELDON KATCHATAG: Thank you, Mr.
Pospahala.

20 MS. MUKTOYUK: Well, the reason for
me, I'd like to see it go from seven to nine is
because we are having subsistence users in this

21 region, I think more likely throughout the state,
22 aside from North Slope and Barrow area, and what I
23 don't understand is why do they -- why does
24 Southeast Alaska have 13 members when they are the
25 least subsistence users and we're seven, there is a
big difference between the two locations, and we're
the ones that use subsistence fishing and hunting
heavily.

MR. POSPAHALA: Are you asking for a
response?

MIDNIGHT SUN COURT REPORTERS 907/258-7100

72

1 MS. MUKTOYUK: Yes.

MR. POSPAHALA: They, I think, have
2 their own view about their subsistence practices
3 and the extent to which they practice those customs
4 and traditions. As I recollect, and I won't
5 remember the exact number, but I think in the
6 Southeast region, there were something like 27 or
7 26 separate villages and communities who were
8 represented within that region, which is, I think,
9 the largest number represented within any of the
10 ten regions, and that's why that council was
11 considered for the largest membership initially, to
12 try to get adequate geographic representation of
13 those villages or communities within that region.

FRED KATCHATAG: I think because
there was some worms found in fish, I would be in
favor of making our membership from seven to nine,
they might help us in finding more worms.

10 SHELDON KATCHATAG: Thank you, Mr.
11 Katchatag. Any further discussion on the motion
12 before us?

MR. SEETOT: Mr. Chairman?

12 SHELDON KATCHATAG: Mr. Seetot.

MR. SEETOT: How would the selection
13 process take place?

SHELDON KATCHATAG: That's strictly
14 up to selection or appointment by the Secretary.
15 We probably would have some recommendations, we
16 would be allowed a recommendation, I believe.

MR. POSPAHALA: In terms of these
16 individuals --

SHELDON KATCHATAG: Individual
17 members.

MR. POSPAHALA: -- that might be
18 selected? Somehow I thought that was on your
19 agenda for discussion at this meeting.

SHELDON KATCHATAG: Regional council
recruitment.

20 MR. POSPAHALA: Where is that?

SHELDON KATCHATAG: 8 C.

21 MR. POSPAHALA: That has to do with
trying to get some sense from the council about
22 whether or not and how if they decide they want to
participate in the process of reviewing applicants
23 and membership for the council.

SHELDON KATCHATAG: One of the
24 things that's a new wrinkle this year is that Barb
has gotten involved in the recruitment process this
25 year, and she and I have had numerous discussions
on the pros and cons of certain members or

MIDNIGHT SUN COURT REPORTERS 907/258-7100

73

1 candidates for membership. So that was one thing
that I think -- I'm not sure, was it in July, Barb,
2 that we talked about having the councils make
recommendation on members?

3 BARB ARMSTRONG: Uh-huh. And that's
why from early on of the recruitment that I get in
4 touch with all the chairs, and let them know that
this is an opening time and that will be brought up
5 during the recruitment.

SHELDON KATCHATAG: And these
6 concerns are brought, I believe, to staff
committee, which then passes them on to the board,
7 is that not correct?

BARB ARMSTRONG: Uh-huh.

8 SHELDON KATCHATAG: So we are more
or less involved, we're in the loop, anyway, in the
9 selection process. So --

BARB ARMSTRONG: I think your main
10 question was how there came to be seven members for
the region for the Seward Peninsula, and I think
11 Bill can answer that question, how there came to be
only seven members for the Seward Peninsula area, I
12 think is the main question that you are asking.

SHELDON KATCHATAG: Bill.

13 MR. KNAUER: When we were setting up
the councils, I had absolutely no idea how many to
14 recommend for each council, and so I contacted
regional leaders in each region, I contacted both
15 federal and state land managers in each region. I
contacted, at that time, the state regional
16 coordinators in each area, and I asked them what
size of council do you believe would provide
17 adequate representation for the region and yet
still be of manageable size to accomplish the work
18 that needed to be done.

And it was surprising, I ended up
19 generally talking to five to six individuals in
each region, including the heads of the regional

20 corporations and knowledgeable people, and within
21 every region the numbers that they gave me were
normally within one number of the appropriate
size.

22 They took into consideration the
23 geographic size of the region, the cultural
diversity within the region, and the number of
24 communities within the region, and that's how the
numbers came to be. And with the -- in regulation
25 there is the provision that each council will be of
an odd number in size, and so if the recommendation
came up to six or eight, it was modified up to a

MIDNIGHT SUN COURT REPORTERS 907/258-7100

74

1 council of seven or nine. And those are -- that's
2 how the numbers came to be. So it was with input
from knowledgeable individuals in the areas.

3 SHELTON KATCHATAG: Thank you, Mr.
Knauer. Mr. Adkisson.

4 MR. ADKISSON: I seem to recall back
5 from the very earliest days on at the public
6 hearing when the whole environmental impact
7 statement related to the federal subsistence
8 management program was going to be developed, and
9 before the record of final decision and everything
10 that set up the process, that at the public
11 meetings, for example, in Nome, people like the
12 late Matthew Iya, who was the head of the Eskimo
13 Walrus Commission and subsistence section for
14 Kawerak, Eileen Norbert, many of the other elders
15 who attended those meeting and testified, an awful
16 lot of the opinion that was expressed was that
17 seven was too few. No one was willing to say
18 exactly how many and how large the council should
19 be, but that they felt that, you know, for example,
because Kawerak represented roughly 20 villages or
20 tribal governments within the Seward Peninsula
area from the eastern edge of the Norton Sound to
the northern part of the peninsula, that seven was
too small a number. And the response that they
basically got back was it would cost too much to
have additional members on, but no one would come
forth and say exactly how large the group should
be, but that they felt that they were willing to
try seven and give it a go, but I think the general
feeling was that they would have preferred a
somewhat larger group. I think if you go back into
the public testimony and stuff you'll find that.

18 MR. BARR: Call for the question.

19 SHELTON KATCHATAG: Question been
called. All those in favor for the motion to

20 increase the Seward Peninsula Subsistence Regional
Advisory Council from seven to nine signify by
saying aye. All those opposed, nay.

21 (Unanimous)

22 SHELTON KATCHATAG: Motion passes
unanimously.

23 Next on the agenda is item 7 C. SP
standing for special proposal? I have no idea what
SP stands for.

24 BARB ARMSTRONG: Seward Peninsula.

25 SHELTON KATCHATAG: That's a new one
on me. Basically where that thing sits is still on
the table. I've been fortunate enough to --

MIDNIGHT SUN COURT REPORTERS 907/258-7100

75

1 fortunate or unfortunate, fortunate for my family
enough to have gotten some construction work over
2 the summer. I have since been selected as the
airport manager for Elim, so I've been having a
3 little trouble getting to the computer and trying
to catch up on my subsistence correspondence.

4 One of the things that I had
originally intended was that I was planning on
5 contacting all the IRA councils within the region
to, again, bring up the tribal management proposal
6 that we have had sitting on the table since March
of 1994 when we tabled it last, and I have not. I
7 don't make any excuses, that's a shortcoming of
mine and I'll live up to it, but it is a proposal
8 that I would eventually like to see brought forth
from the table, but only at the direction of the
9 tribal council.

10 I make that statement out of
deference to the councils, and if at some point in
the future that they feel that that's the way they
11 want to go, then that's the way we shall go, but I
would like that draft proposal sitting there on the
12 table to be more or less a guideline for possible
tribal management in the future.

13 Ideally, as a tribal person myself,
that's who I would feel most comfortable
14 interacting with in the management of subsistence
resources, it's only natural. Any person wants to
15 deal with their most immediate form of government.
For tribal people like me and everybody here on the
16 council, our tribes are our first role of
government.

17 And as I said, sometime in the
future when they decide they want to see tribal
18 management proactively put forth, and hopefully
this council will be there to do it, but hopefully

19 with my upgrade and everything sitting over there
20 in the box, I might be able to catch up on
21 correspondence between now and our meeting in
22 February. And if I can contact enough of the
23 tribal governments and they are interested in this,
24 then maybe this will come off the table in
25 February. But until then, and hearing no -- I have
not received any correspondence, and Barb, correct
me, have you received any correspondence from any
other village councils with regard to this?

BARB ARMSTRONG: No, I haven't.

SHELDON KATCHATAG: So for the
record, that proposal, it will sit there and it
will be there for future reference. That's all I

MIDNIGHT SUN COURT REPORTERS 907/258-7100

76

1 have to say on that particular matter. Anybody
2 else got to say anything about tribal management of
3 subsistence? Mr. Seetot.

MR. SEETOT: I think, Mr. Chairman,
4 RuralCAP sponsored a meeting of community leaders I
5 guess in May in Anchorage concerning co-management
6 between federal agencies and the tribal
7 governments. Is that what you're -- is that what
8 you're talking about, or is that tribal management
9 by the respective communities?

SHELDON KATCHATAG: Well, it's a
10 co-management agreement between the federal
11 subsistence management system and the affected
12 tribes. And I'll just give this to you and you can
13 look it over, and if you feel it's something that
14 you and your people might be interested in doing,
15 then that, you know -- to change proposals, they
16 are always available if that's, in fact, what your
17 people want, then let them put forth the resolution
18 endorsing it or amending it and endorsing it,
whatever the wish of your people is. We'll take it
off the table. You can have that.

Anybody else wanting a copy? I
might have enough for the council. These are left
over from last summer. This is the one that's been
sitting on the table. It's in the record of our
council. I think I might have one extra copy for
you. It's not stapled together, but it's a copy.

BARB ARMSTRONG: There is a stapler
right in front of you.

SHELDON KATCHATAG: That's right, I
used it earlier.

MR. POSPAHALA: I think I've seen
this.

SHELDON KATCHATAG: I think you

have, too.

19 If the council members would like
20 they can look it over, but as I said earlier, any
action on that is at the direction of the council.

21 Any further discussion on item 7 C?
Hearing none, we now move on to other business
22 which has been interjected between old business and
new business. 9 A, Katie John. Who wants to brief
us on Katie John? Mr. Pospahala.

23 MR. POSPAHALA: I'll give it a shot
with your permission.

24 SHELDON KATCHATAG: Well, I'm sure
you've got a whole stack behind you to fill in the
25 blanks.

MR. POSPAHALA: With your

MIDNIGHT SUN COURT REPORTERS 907/258-7100

77

1 permission, you asked two questions this morning,
2 one of them had to do with an update of the status
of the Katie John litigation, and secondly a
fisheries management update.

3 And what I'd like to do is combine
4 those two topics in more or less a sequential
discussion of what's been happening in the federal
subsistence management program with regard to fish
5 overall and hit on both of those.

6 SHELDON KATCHATAG: Before we get
into fisheries, I was expecting Mr. Jemewouk to be
back for that discussion, he's from Elim. Why
7 don't we get caught up on Katie John first and then
we'll get up in the fish.

8 MR. POSPAHALA: The way Katie John
has played out has an effect on how we will
9 proceed.

10 As you know, when the federal
government first became involved in the subsistence
management program in Alaska as of July 1, 1990, we
11 did not include, to any large degree, the navigable
waters within the state. Generally we defined a
12 fisheries, subsistence fisheries program that
included non-navigable waters, and only in very
13 limited instances did we include navigable waters
that were associated with the public land base of
14 the Interior and Agriculture agencies.

15 The ones that were included at that
time only related to some limited withdrawals of
navigable and marine waters that had been made
16 prior to the time Alaska became a state. So
effectively we were not in the subsistence fishing
17 business.

That began to change, or the

18 potential for that to change actually began to
19 emerge in March of 1994 when the U.S. District
20 Court for Alaska in Anchorage made their initial
21 determination in the Katie John litigation. And
22 Katie John, that case now includes not just the
23 original action that was filed by Katie John's
24 attorneys, but also several other related lawsuits
25 that have been consolidated into that case. But
nonetheless, in March of '94 district judge,
Holland, issued a decision in which he concluded
that there was a reason to believe that the federal
government should exercise jurisdiction over
navigable and territorial waters in the state of
Alaska to protect the subsistence fishing
priority.

His decision was made within the

MIDNIGHT SUN COURT REPORTERS 907/258-7100

78

1 purview of the so-called Doctrine of Navigational
2 Servitude, which would have meant that the federal
3 government would have to assume jurisdiction within
4 all navigable and territorial waters of the state
5 of Alaska. In other words, we wouldn't be
6 restricted to navigable waters within conservation
7 system units of the federal public land base. That
8 decision was appealed to the 9th Circuit Court in
9 San Francisco and they issued -- I want to
10 backtrack a little bit.

11 SHELTON KATCHATAG: Before you
12 backtrack too far, you said something about federal
13 blank servitude.

14 MR. POSPAHALA: Navigational
15 servitude. There are basically two ways that we
16 could assume jurisdiction. One of them would be
17 under the Doctrine of Navigational Servitude. The
18 other one has to do with federal reserved water
19 rights.

20 After the U.S. District Court issued
21 their decision in '94, we, in the federal agencies,
22 were asked to prepare a report for the Secretary of
23 the Interior that would identify what would be
24 required in terms of additional money and staffing
25 needs.

1 SHELTON KATCHATAG: Before you get
2 to March, did you not mean March of '95 instead of
3 '94?

4 MR. POSPAHALA: I think I meant '94
5 for the Federal District Court decision. When I
6 get to the Appeal's Court decision I'll get to '95,
7 but thanks for keeping me honest.

8 SHELTON KATCHATAG: I was thinking

this was March of this year that this happens.

18 MR. POSPAHALA: There was a
significant thing in March of this year as well.

19 Anyway, on the last day of August in
20 1994 we did forward a report to the Secretary
Babbitt that more or less identified our view of
21 what the needs would be in terms of a federal
fisheries program that would allow us to
22 effectively manage a subsistence fishing program in
the state of Alaska. And suffice it to say, that
23 it had a very high price tag and was very
demanding.

24 One of the reasons for this is that
currently I think the State of Alaska is unable to
25 manage the fisheries program looking at the
commercial, the sport and subsistence uses in the
aggregate, that would allow them, in every case, to

MIDNIGHT SUN COURT REPORTERS 907/258-7100

79

1 know enough about each of the various fish stocks
to be able to assure that the subsistence priority
2 was met in every case, and then also accommodate,
to some extent, these other uses.

3 The information required for a
management system of that sort is very voluminous
4 and intensive, especially in view of the fact that,
for the most part, the subsistence users would find
5 themselves first in right in terms of entitlement
to that resource, but very frequently last in time
6 in the sense that the subsistence uses very often
occur in upstream areas after the commercial
7 harvest has already taken place on one of the
stocks.

8 So to manage under that scenario you
have to know quite a bit about each fish
9 population. So we did send that report in in
August of 1994.

10 SHELDON KATCHATAG: Do you have --
is there any reason why this report outlining all
11 this is not available?

12 MR. POSPAHALA: There is not --
initially we were asked not to distribute it, but
it has now been made available upon request, and if
13 you would like to see a copy of it.

14 SHELDON KATCHATAG: I would like to
request a copy.

15 MR. POSPAHALA: I'll see that you
get one forthwith. I guess I'm surprised that you
haven't got one already.

16 SHELDON KATCHATAG: Along that same
line, I would also like copies for each of the

17 council members.

18 MR. POSPAHALA: Yeah, that's not a
19 problem.

20 SHELDON KATCHATAG: Appreciate it.

21 MR. POSPAHALA: Sure. That report
22 has been criticized in some quarters as being
23 perhaps a bit of an overstatement about the
24 resources that would be required, but I think we
25 still stand behind what we put in there.

In March of 1995 the 9th Circuit
Court issued their ruling in the appeal of the
Katie John case, and they concluded that the
federal government did have jurisdiction over
navigable waters, but they reached their conclusion
that those -- that that jurisdiction fell within
the purview of federal reserve water rights, which
meant then that the federal jurisdiction would
apply generally to navigable waters that fall

MIDNIGHT SUN COURT REPORTERS 907/258-7100

80

1 within the public land base, or within the
2 conservation system units that are managed by the
3 federal government within Alaska.

4 At that time the people in the
5 Interior Department, the agencies that are
6 represented on the Federal Subsistence Board were
7 asked to begin to identify the navigable waters
8 within the state of Alaska that would fall within
9 this federal jurisdiction, and they created a task
10 force, a representative from each of the agencies,
11 plus the solicitor's office in Anchorage, and they
12 led this task force.

13 And over the next six or eight weeks
14 then each of the agencies identified the navigable
15 waters that would be included under this doctrine
16 within their scope of jurisdiction. So the Fish &
Wildlife Service identified navigable waters that
would be reasonably included within national
wildlife refuges. National Park Service did the
same for national parks and preserves and
monuments. BLM had a much more difficult problem,
faced a much more difficult problem than the rest
of the agencies, and I'm not sure they concluded
their review at this time. So theirs is still in
progress. And the National Forest Service or U.S.
Forest Service also identified theirs.

17 That report was concluded some time
18 ago and has been submitted to the solicitor in
19 Washington, D.C. And little or nothing has been
20 done with it beyond that point presently.

21 SHELDON KATCHATAG: You say this

report has been submitted?

17 MR. POSPAHALA: It's been submitted
to the solicitor's office in Washington.

18 SHELDON KATCHATAG: Is there
19 anything that precludes me from getting a copy of
that report?

20 MR. POSPAHALA: I think there is at
this point in time. There are legal questions
21 about the legal interpretations of the areas that
have been included, and I think it's probably
22 considered predecisional at this point, and I think
until they finish their review, my guess is that
23 they would not choose to make that document widely
available.

24 SHELDON KATCHATAG: Even if I
promise to keep it under my hat.

25 MR. POSPAHALA: Well, I'm going to
stand by my earlier comment, I guess.

SHELDON KATCHATAG: For the record,

MIDNIGHT SUN COURT REPORTERS 907/258-7100

81

1 Mr. Pospahala, I would like a copy of that as soon
2 as it becomes post-decisional or ready for the
public.

3 MR. POSPAHALA: There are some
nuances of legal interpretation within the document
4 right now that need to be resolved before they make
it generally available.

5 Shortly after the -- after we sent
that document to Washington there was a decision
6 issued in the State Supreme Court in another case,
the so-called Totemoff case. And in that case the
7 Alaska State Supreme Court concluded that the
federal government does not have jurisdiction over
8 navigable and territorial waters within the state
of Alaska.

9 As a result of that decision in the
State Supreme Court, the 9th Circuit Court of
10 Appeals has elected to review their earlier
decision. So at this point in time there is not
11 any ongoing action in the District Court in
Anchorage to implement that earlier Appeal's Court
12 decision. So basically that means that, on a legal
front, everything is on hold until the 9th Circuit
Court finishes their review.

13 Nonetheless, anticipating some
14 decision in the near future, the Interior
Department solicitor in Washington, in August of
15 this year, asked the regional solicitor in
Anchorage to develop a draft or proposed
rule-making document that would identify the

16 federal responsibilities for assuming control over
17 subsistence fishing in Alaska. And that early
18 direction was to only take on the parts of the
19 regulations that exist in what we call subparts A
20 and B that define the overall policies and the
21 scope of our jurisdiction, and then some
22 definitions and things of that sort. They did not
23 deal with the parts of the regulations that would
24 define customary and traditional uses or seasons
25 and bag limits for subsistence fishing.

21 We had hoped to have a bit more time
22 to do that. But the regional solicitor was given a
23 very tight time frame, I think about 30 days, to
24 draft that proposed rule with the idea in mind that
25 they would publish that as a proposed rule around
January of next year. So we did have a very brief
opportunity to comment on the draft that they
prepared in September. It's now been sent to the
solicitor in Washington, and as I understand it, is
being reviewed in that office.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

82

1 They have not, at this point in
2 time, made a decision as to whether or not they
3 will publish that document as a proposed rule.

3 As I indicated to you earlier during
4 the break, Sheldon, one of the concerns that I have
5 had all along about moving ahead with a rule-making
6 document, or regulations before a decision is made
7 in the courts, is that I'm afraid somebody will try
8 to get us to implement this program without
9 providing adequate funding or staffing at the time
10 that we're asked to take it over, and if we do that
11 we would not be able to do a satisfactory job.

7 So through separate channels, at
8 least in the Fish & Wildlife Service, we're trying
9 to work with our director to have her interact with
10 the solicitor and other people in the Department of
11 the Interior to ask that these proposed rules not
12 be published until we get a chance to assure that
adequate funding will be made available to develop
a program. And I haven't quite finished that
correspondence yet, but it will be going to our
director, and we hope on to the solicitor within
the next week or two.

13 SHELTON KATCHATAG: One question
14 that I have for you, and I don't know if it really
15 concerns you or not, is that in 1992 Elim, along
with Kawerak, had filed suit against ADF&G and Carl
Rosier as commissioner requesting that they stop
the Area M interception of our chum salmon coming

16 up this way until such time they can assure us that
those chum stocks would be allowed to pass.

17 Our ruling was sent out on that case
this summer in August, I believe it was, saying
18 that the judge in that case ordered ADF&G and the
commissioner not to provide for the Area M fishery
19 until such time as they can provide historical
and/or scientific data as to how they allocate
those resources as they pass through that area.

20 MR. POSPAHALA: Right now that
doesn't affect us because we're not actively
21 pursuing any jurisdiction in these navigable and
territorial waters, but certainly it would affect
22 us if we elected to do that.

SHELDON KATCHATAG: For the record,
23 I would like the young woman that walked in the
door just now to stand up and identify yourself for
24 us please.

MS. DAVENPORT: My name is Mary
25 Davenport. I'm a news reporter at KNOM.

SHELDON KATCHATAG: Welcome. This

MIDNIGHT SUN COURT REPORTERS 907/258-7100

83

1 has been a real long and tedious process, not only
the Native village of Elim, but also Kawerak and
2 everybody else here in northwest Alaska has been
involved with, and we filed suit in '92, I believe
3 it was, and here it is two-and-a-half, three years
later, and we finally got a ruling. So as you can
4 see the wheels of justice move just as slowly as
some of the federal agencies.

5 One of the things that we're
concerned with is the continued depletion of one or
6 another or all of our salmon resources in this
particular area. That's why these things keep
7 coming up. I know I brought it up at our first
meeting in October of '93, and here it is October
8 of '95 and we're still discussing it. We'll keep
discussing it until we get something resolved, but
9 Mr. Jemewouk has not returned. He wanted to be in
on this discussion, and I'd like to hold it open
10 for him and as long as you're here, Mr. Pospahala,
because as I was told earlier you're not going to
11 be here tomorrow.

MR. POSPAHALA: Yeah. You know, I
12 really can't say much more because there isn't that
much more going on right now, and I think you
13 depicted the situation correctly, that any of this
stuff moves very slowly right now. Whatever
14 decision-making process is involved is very
deliberate, I can say that.

15 SHELDON KATCHATAG: So everything is
on hold until a ruling comes out?

16 MR. POSPAHALA: Well, either until
17 the ruling comes out or until the federal
administration elects to go ahead and pursue an
expression of jurisdiction.

18 SHELDON KATCHATAG: The problem we
19 have with that is that we're talking about an area
where some 300 or 400 fishermen are catching 1/5th
20 of all salmon caught in the state, and as a result
they can afford to set aside money to lobby these.
21 The way it has been, they have been very
influential with the State BOG and the ADF&G
22 process by the mere fact that we have not been able
to budge that particular fishery.

 As a matter of fact, we lost ground
23 the very first time we sought to intervene in this
matter. The Board of Game increased the chum cap
24 from 400,000 -- or 600,000 to 900,000, and that's
when we jumped in and said, hey, now, wait a
25 minute, you guys are killing off our salmon, and we
ended up going through about three different board

MIDNIGHT SUN COURT REPORTERS 907/258-7100

84

1 processes from Bethel to Juneau.

 And in the process -- you know,
2 these people, we're talking salmon fishermen
making -- the averages range anywhere from, I think
3 if I remember correctly, from \$50,000 for a
setnetter to in excess of 135,000 I think it was,
4 these were in 1992 figures, the last time I looked
at them for -- and that was the average per purse
5 seiners. Mr. Morrison.

 MR. MORRISON: Mr. Chairman, I think
6 you indicated that that decision was made by the
Board of Game, and I believe it was by the
7 Fisheries Board.

 SHELDON KATCHATAG: Board of Fish,
8 I'm sorry, thank you for correcting me. There is
so many boards.

 But, you know, the problem is the
9 salmon don't change their route as they come
10 through there from the Pacific Ocean back to the
Bering, and every year, I think it was Kuskokwim
11 this year that didn't get their salmon back if I
remember correctly. They were telling me this year
12 that they haven't had a chance to do their
subsistence for salmon again, got closed out. So
13 something has to be done and hopefully sooner than
later.

14 MS. MUKTOYUK: Has anybody ever done

15 any kind of studies of fish processing boats and
commercial vessels wasting fish? Because sometimes
16 you hear it in the news and sometimes you have
pictures, you know.

17 MR. POSPAHALA: I'm not completely
up to speed on that, but that is a major issue
18 that's being considered in congress now with the
amendments to the Magnuson Act, which really deals
19 more with the ocean, deep sea commercial fisheries,
but there is some very strong provisions in that
20 revised legislation as it comes forward to try to
cut back drastically on the by-catch and waste from
those commercial activities.

21 SHELDON KATCHATAG: Just to answer a
question, I did see something over a report by the
22 state troopers, I believe it was, who were
participating in fisheries management down there in
23 Area M, and their report came out and said that as
far as they knew that there was no so-called, quote
24 unquote, chum chucking, or very little. So that's
one report. That's neither here nor there.

25 Any comments or questions from Mr.
Pospahala with regard to Katie John and/or fish?

MIDNIGHT SUN COURT REPORTERS 907/258-7100

85

1 Any idea on -- you said in January that this might
come out?

2 MR. POSPAHALA: Well, that would be
the earliest. I think I'd like to see it a little
3 bit later. It may not be published until after the
9th Circuit revisits the Katie John case. January
4 would be the very earliest.

5 FRED KATCHATAG: Do you know by any
chance why there is no -- they are telling us now
6 that there is no market for king salmon for this
coming season?

7 SHELDON KATCHATAG: For pink or
king?

8 FRED KATCHATAG: King salmon.

9 MR. POSPAHALA: I guess I can't
answer that question.

10 SHELDON KATCHATAG: Who is telling
you this?

11 FRED KATCHATAG: I got this during
the AFN meeting in Anchorage from various sources
of fishermen.

12 MR. POSPAHALA: I don't know.

13 FRED KATCHATAG: I hope there is no
market for chums. Would you know an answer to that
by February meeting?

MR. POSPAHALA: I can ask someone,

14 yeah.

15 SHELTON KATCHATAG: Moving on, any
16 other questions or comments from Mr. Pospahala or
17 anybody else on staff with regard to Katie John
18 and/or fish management, subsistence fisheries
19 management?

20 Speaking of fish, I know under Title
21 8 of ANILCA we're required to manage subsistence
22 use of fish, and before you can manage a resource
23 you have to have some kind of idea as to how much
24 of those resources are there. Other than salmon,
25 does the Fish & Wildlife Service or BLM or National
26 Park Service, the only three agencies in our area
27 with major holdings, do you have any information on
28 fish subsisted upon other than salmon in our
29 region? Anne.

30 MS. MORKILL: Speaking for BLM, we
31 do have fisheries biologists on staff, and they do
32 general inventories of a lot of cases in the Norton
33 Sound. There has been one inventory done on a
34 number of the major rivers of this region, and fish
35 population estimates were made for all the species
36 that they encountered. Some of the inventories are
37 15, 20 years old, but that information is available

MIDNIGHT SUN COURT REPORTERS 907/258-7100

86

1 if you're interested.

2 SHELTON KATCHATAG: In the interest
3 of the annual report I would like that
4 information. You say some of these are what, 20
5 years old?

6 MS. MORKILL: Yeah, a lot of them
7 were done when BLM was going through the land use
8 planning process a long time ago, and they haven't
9 been repeated. A few cases they have been because
10 there has been particular issues in a particular
11 river, for instance mining is an example.

12 There is -- none of that
13 information, though, includes what kind of harvest
14 was taking place in terms of subsistence or sport
15 or commercial. The State may have limited
16 information on that, but I know we do have some
17 reports in the files that would be available for
18 that.

19 SHELTON KATCHATAG: I'd appreciate a
20 copy, thank you. Does Fish & Game have any
21 information on fish resources for subsistence other
22 than salmon?

23 MR. MORRISON: Are you talking to
24 me?

25 SHELTON KATCHATAG: Anybody with the

ADF&G.

14 MR. MORRISON: I'm not sure what
15 they have. I imagine that they have information
16 concerning some of the non-migratory species, such
17 as grayling and char, dolly varden, although a lot
18 of them are migratory. There are some species, or
19 some populations that pretty much stay within fresh
20 water, but whether or not they have got a lot of
21 that information and if they have it broken out
22 that way, I couldn't say.

23 SHELTON KATCHATAG: You know,
24 somewhere I saw made mention that the annual
25 reports -- no, it was in the legislative intent.
The annual reports are supposed to be used as one
of the bases in how you make harvest exploitation
rate decisions. So we're going to get -- we're
going to need this information in the future
regardless of whether or not we ever get into
salmon management or not. And I would ask the
agencies, all affected agencies here, if in the
future we could have estimates, however accurate
you might want to make them, estimates on
subsistence important resources, fish resources
within the region. BLM would be most of the
eastern. Fish & Game would be all of us, I guess.

MIDNIGHT SUN COURT REPORTERS 907/258-7100

87

1 MR. MORRISON: I would add that in
2 some of the customary and traditional determination
3 work that I've seen done by some of the federal
4 agencies in different parts of the state, certainly
5 freshwater species have come out, like northern
6 pike, as being used by certain villages in the
7 state. So it would have to be looked at. The
8 question would have to be examined by different
9 regions to see what's on record there. Jim Magdanz
10 or Susan might have more perspective on it from
11 this region.

12 MR. MAGDANZ: Well, our population
estimates for fish, as far as I know in Northwest
Alaska, are available for salmon for most species
in most streams. For sheefish in the Kobuk
drainage and for dolly varden in the Wulik and
Noatak regions. I'm not aware of any other
population estimates that the department has
prepared, and only the salmon are updated
annually. The others are basically one or two
points in time.

SHELTON KATCHATAG: The reason I ask
is technically the annual report of our council is
the basis -- the way it's written in the

13 congressional intent is that when we do our change
14 proposals for subsistence for the coming year, July
15 1, '96 to June 30th, '97, we're supposed to use the
16 annual report from this year as the basis for
17 exploitation and harvest rates on those species in
18 that next regulatory cycle. And the thing that we
19 don't have now is any kind of baseline figures on
any of these fish resources. You see what I'm
saying, is that down the road, even technically for
next year, we would need some sort of baseline
population of these fish resources to be able to
project an exploitation rate for the next
regulatory cycle.

So I would ask that the wheel be
started rolling, if it's not rolling now, that it
be set in motion so that eventually somewhere down
the road that there will be a chart attached to it
with some information.

MR. MAGDANZ: I can certainly pass
that on to the fisheries people. I think in
Northwest Alaska, most of these fish are
non-regulated in harvest for subsistence purposes.
Whitefish and sheefish and trout and pike, none of
those have harvest limits throughout the north, and
I think the subsistence fisheries on them are
longstanding and have been in balance with the

MIDNIGHT SUN COURT REPORTERS 907/258-7100

88

1 resource so we haven't actively managed those
resources.

SHELDON KATCHATAG: Before I get to
Mr. Morrison. One of the things that worries me
about that is that without this quantifying
information there have been commercial fisheries
for freshwater species in our region for bait. So
even though we have a subsistence priority, we have
allocations on record for commercial purposes with
no quantification as to the resource itself.

MR. MAGDANZ: This is true.

SHELDON KATCHATAG: So I would ask
that we start the wheel rolling here, and, like I
say, somewhere down the line hopefully this thing
will come back with some information on it.

MR. MORRISON: The point I would
like to make is that for the purpose of your annual
report, or any other information that you need,
that you clarify whether you want population
information about the fish stocks or overall
harvest records, whether by commercial or sport
fisheries, and whether you want information on what
the subsistence take is. But all of that would be

13 handled by different divisions in the department,
14 and you would need to make a formal request to
15 those divisions according to what type of
16 information you want; sport fish division,
17 commercial fisheries division, subsistence
18 division. Those records are not necessarily all
19 combined within the one database within the Fish &
20 Game department. So you need to carefully clarify
21 exactly what you want so that they -- and address
22 that to the appropriate division to get the
23 specific information you want.

18 SHELTON KATCHATAG: Thank you, Mr.
Morrison.

19 MS. MUKTOYUK: I would just like to
20 make a comment that I would like to see stricter
21 regulations for commercial and sports fishing in
22 the state of Alaska because our subsistence users
23 are always the last priority, and it should be the
24 other way around. That's the comment I just wanted
25 to make.

23 SHELTON KATCHATAG: To kick the ball
24 off or to get the wheel rolling, the chair would
25 entertain a motion requesting that the land
management and/or ownership agencies having
jurisdiction within Unit 22 provide us with all
pertinent information with regard to subsistence
fisheries resources within their jurisdiction as to

MIDNIGHT SUN COURT REPORTERS 907/258-7100

89

1 base population, subsistence harvest, personal use
2 harvest, sport harvest and commercial harvest.

2 MR. BUCK: So moved.

3 SHELTON KATCHATAG: So moved. Do I
4 hear a second?

4 MR. SEETOT: Second.

4 SHELTON KATCHATAG: Discussion.

5 MR. BUCK: Question.

5 SHELTON KATCHATAG: Question has
6 been called. All those in favor of the motion
7 before us signify by saying aye. All those
8 opposed, nay.

7 (Unanimous)

8 SHELTON KATCHATAG: Does that answer
9 your question, Mr. Morrison. Is that clear and
10 succinct?

9 MR. MORRISON: I was just offering a
10 little bit of advice.

10 SHELTON KATCHATAG: Thank you. The
11 National Park Service, the BLM and ADF&G. Mr.
Morrison -- I mean Mr. Pospahala.

MR. POSPAHALA: I would just like to

12 interject one comment, I guess, Sheldon, and that's
13 that we understand your desire to make
14 recommendations and develop proposals as a council
15 based on the very best information available, but
16 in a practical sense there is not going to be the
17 availability of the funding support to collect the
18 very in depth and intricate information you want
19 for each of the fish and wildlife stocks for the
20 whole region, even for this region much less than
21 the whole state. I think I and other people I work
22 with in the federal community will do the best we
23 can to assimilate the information that is either
24 available already or can practically be acquired
25 and make it available to the council. So we'll do
the best we can, but it will never be perfect, and
won't satisfy -- I know it isn't going to satisfy
your inquiring mind in every case, but we're going
to do the best we can.

21 SHELTON KATCHATAG: That's all we
can ask for is to all do the best we can.

22 MR. POSPAHALA: There is not going
to be a lot of additional money available to us in
23 the next several years to do many of these things
24 in Alaska or anywhere else, I think all of us that
read the newspaper know that.

25 MR. CALLOWAY: Mr. Chairman, just a
quick digression. That is the harvest surveys that
the Park Service is working with ADF&G and Kawerak

MIDNIGHT SUN COURT REPORTERS 907/258-7100

90

1 on, we collect for households their subsistence
2 take for all fish species, am I right, Jim, and
3 also their commercial harvest. So we won't know
4 the commercial harvest from people outside the
community, but we will know their take of each
subsistence species by amount and species and their
commercial take.

5 SHELTON KATCHATAG: Whatever
6 information we can get we would appreciate. If we
7 get it all, that's great. If we don't, we have to
8 do the best we can. You know, that's -- it's one
9 thing to say that we will never attain perfection,
10 but it's another thing to say we will strive for
11 perfection.

8 MR. POSPAHALA: I think what's most
important is that we are all playing from the same
9 deck all the time. We'll do that.

10 SHELTON KATCHATAG: I have no cards,
11 honest.

11 MR. POSPAHALA: I'm not going to
tell you whether I do or not.

12 SHELDON KATCHATAG: Madam Nugget,
13 you heard that.

14 John, while you were gone we got
15 into the Katie John ruling and also where that
16 ruling is now, and the fact that it's still up in
17 the air, okay. It's being reviewed by the 9th
18 Circuit as a result of some different appeals and
19 stuff, so it would be premature for us to develop
20 fisheries regulations at this time, but I
21 understand that you have some concerns that you
22 would like to bring forward with regard to fish and
23 salmon in particular, and I'll give you the floor.

 MR. JEMEWOUK: Thank you, Mr.
18 Chairman. I think there was another ruling more
19 recently made by Judge Erlich on a lawsuit that was
20 filed by Elim, and this basically gave the a
21 decision that was made by the Board of Fish back to
22 the Board of Fish to look at more and better
23 scientific information, and the Board of Fish voted
24 to take up this issue. They had a regular calendar
25 that was set, and basically they moved up that
calendar a month to take up the agenda item to what
is called, I think, the Alaska Peninsula finfish
issues.

 Right now I'm speaking mainly for
24 myself because we have brought up this issue all
25 the time, I don't know how many times in the past,
up to the attention of the State of Alaska, and it
seems like, you know, just falling on deaf ears,

MIDNIGHT SUN COURT REPORTERS 907/258-7100

91

1 and probably more politically motivated to keep the
2 Alaska Peninsula fisheries open, and has basically
3 hurt the fish stocks in Norton Sound. Anybody who
4 has tracked these salmon issues, you have noticed
5 that since 1965 or somewhere around there that the
6 Alaska Department of Fish & Game has kept records
7 on fish, escapement, commercial catches and
8 subsistence catches. I don't know if the
9 subsistence catches to what extent, but they have
10 kept records since the early '60s, and as you look
at those numbers, the numbers have just been
steadily declining, and the rivers in the Nome area
have been closed for some time now to subsistence
fishing, and the trend seems to be creeping
eastward. The next subdistrict that was closed was
the Moses Point subdistrict, which was heavily used
by the people around the Elim area and around the
Koyuk area.

 And more recently the department has
put 10,000 chum cap on the fishermen in the Golovin

11 subdistrict. And we just, probably two years ago,
12 there has been a chum cap placed on the entire
13 Norton Sound with 50,000 chum caught commercially,
14 and yet the restrictions are still placed on the
15 Elim subdistrict and Moses Point subdistrict. And
16 that's my concern.

17 And backtracking a little bit, I was
18 wondering, you know, what type of jurisdiction does
19 the Federal Subsistence Board have on subsistence
20 activities, especially on the salmon species, and
21 that's a question I would like to ask. If there is
22 no jurisdiction here, how do we take that
23 jurisdiction placed on the Federal Subsistence
24 Board, because it seems like the commercial
25 fisheries have precedence over the subsistence
activities of the Elim and Nome people, and I would
like to look at some options. I would like to
understand those options and hopefully take steps
in the future to ensure that these people, the
subsistence people are taken care of and there is
no subsistence restrictions placed on them. And I
guess that's a question that I would like to pose
before the Federal Subsistence Board or anybody
that has authority in this matter.

I know that there is movement toward
requesting we take that management away from the
state ADF&G, although there is no real formal
movement toward that end.

SHELDON KATCHATAG: Thank you,
John. You know, that brings up a very good point,

MIDNIGHT SUN COURT REPORTERS 907/258-7100

92

1 because not only the intent, but Title 8 of ANILCA
2 specifically states that we are here to manage
3 subsistence of fish and wildlife, it doesn't say
4 just fish minus this or minus that, not including
5 salmon. But their excuse has always been that the
6 majority of the navigable waters in the state,
7 which include the rivers that our salmon spawn in,
8 fall under the purview of the state because they
9 are under the costal zone management program up to
10 the 200 foot contour, which takes in quite a chunk
of the drainages of most of our rivers, but we're
still not managing fish at all.

MR. JEMEWOUK: In the future you're
not -- or you might consider it, but, you know,
what's the process that someone would use as purely
as subsistence fisherman to make sure that his
life-style continues?

SHELDON KATCHATAG: That's a good
question, because we're mandated by Title 8 of

ANILCA to manage fish.

11 MR. BUCK: Yes, I just got on this
12 board and I was in -- you know, the subsistence
13 from my definition, from my village, we take all
14 land animals and take all the river mammals and we
15 go out to the ocean, and to limit ourself to only
land based subsistence is altogether what I didn't
expect. I expected, you know, subsistence covers
all the sea mammals and all the land mammals and
fish and everything.

SHELDON KATCHATAG: Very good point,
16 Mr. Buck. Where did my coordinator go. Before we
17 take a short recess, I'm reading from legislative
18 history public law 96-487, and this is the senate
19 report number 96-413 and it has a section by
20 section analysis. And under Title 8, subsistence
21 management and use, under page 268 it says: The
22 committee also has determined that the protection
23 of the subsistence way of life and the fish and
wildlife populations upon which that life-style
depends necessitates the establishment of an
administrative structure which enables rural
residents with personal knowledge of local
conditions and requirements to have a meaningful
role in the regulation and management of fish and
wildlife and subsistence uses on the public lands.

It doesn't say just freshwater fish,
24 it doesn't say non-migratory fish, it says fish.
25 And section 802 policy, it says: Based upon the
findings in the preceding section, three basically
policies have been established which shall guide

MIDNIGHT SUN COURT REPORTERS 907/258-7100

93

1 the activities of the federal government and the
state.

2 It doesn't say "or the state", it
3 says "and the state on the public lands". And the
4 first policy is to cause the least adverse impact
possible upon rural residents who depend upon
subsistence.

5 It goes on to say: The non-wasteful
6 subsistence uses of fish, wildlife and other
7 renewable resources shall be the first priority
8 consumptive use of such resources on the public
land.

9 And the third policy is that: The
successful management of subsistence resources and
activities require long-term cooperation between
adjacent land owners and managers, including
appropriate State, with a capital S, and federal
agencies, Native corporations and other nations.

10 Section 804 preference for
11 subsistence uses: This section requires both the
12 State and the federal government to accord
13 non-wasteful subsistence use a preference.

14 It goes on to state, under
15 preference for subsistence uses: If a particular
16 fish or wildlife population, and this portion is in
17 parentheses, e.g., salmon, moose or caribou
18 parentheses, in a particular area is sufficient to
19 sustain a harvest by all persons engaged in
20 subsistence and other uses, the implementation of
21 restrictions on taking such forth in this section
22 need not be imposed by the State rule-making
23 authority, that's ADF&G.

24 So this says that the intent of
25 congress was not only to regulate subsistence on
the public lands owned by the federal government,
but also mandates the State to also comply with
Title 8 of ANILCA. That's my understanding of it.
And that's why I would like a legal opinion, and
that's why I had it put on the agenda as to the
inclusion of the State and why we have this
so-called business of two modes of subsistence
management. That's not what Title 8 of ANILCA is
all about. Title 8 calls for one subsistence
management regime, and that's this. Regardless of
whether or not it falls under the State board or
federal government, regardless of that, it says in
here that it shall have at least six regional
councils to reflect the customs of each region. So
this is the -- I want everybody to think about it
between now and 4:15 when we come back. Take a

MIDNIGHT SUN COURT REPORTERS 907/258-7100

94

1 recess.

(Off the record.)

2 SHELDON KATCHATAG: Call the meeting
3 back to order. Before I leave the legislative
4 history, let me just read one more section on page
5 271.

6 Says: In performing this monitoring
7 responsibility pursuant to Section 806, and in the
8 exercise of disclosure and other administrative
9 authority over the public lands, the Secretary of
the Interior and the Secretary of Agriculture shall
be guided by the annual report and advice of the
regional councils established by the Secretary of
the Interior pursuant to this act.

So not only are we required to
provide an annual report, the Secretary and the
board are also required to guide their actions by

10 our annual report and our recommendations. So if
11 we don't have accurate data they don't have
12 accurate data. Like the computer people say,
13 garbage in garbage out, speaking of garbage.

14 Mr. Pospahala, when you get back to
15 Anchorage, I don't know how to do this, maybe I
16 could just draft a letter, have Barb draft a letter
17 from the council and the chair requesting a legal
18 opinion on not only the inclusion but also the
19 binding of the State to abide by Title 8 of
20 ANILCA. Do you got that, Barb?

21 BARB ARMSTRONG: Uh-huh.

22 SHELDON KATCHATAG: Okay, and maybe
23 I'll just call Keith tomorrow. Is he still in
24 Anchorage?

25 MR. POSPAHALA: Uh-huh. I think,
you know, that will be fine if you want to pursue
this in some formal fashion. I think the major
problems that are going to arise here have to do
with the specificity of Title 8 to the public land
base; and secondly, I think it's important that the
congressional record that supports the statute was
all developed at a time when there was a state law
in place that was compatible with Title 8 and had
come along in 1970. The circumstances that we're
operating under today are vastly different than
they existed at that time. But if you can resolve
that in personal conversations with Keith, that's
fine. If not, and you want to pursue it through
some exchange of correspondence, that's fine as
well, Sheldon, it's your call.

SHELDON KATCHATAG: Yeah, I'll talk
to the council about this and also to Mr. Goltz and

MIDNIGHT SUN COURT REPORTERS 907/258-7100

95

1 see where we want to go from there.

2 MR. POSPAHALA: Sure. If you want
3 to submit it in writing, then we'll see that you
4 get answered.

5 SHELDON KATCHATAG: Any questions or
6 comments on the legislative history of ANILCA?
7 That more or less moots what you said earlier about
8 all the appeals and reviews going on, that it makes
9 moot my intention of originally drafting some sort
10 of salmon management plan, even just as a basic
11 starting point is moot, as I understand it, until
12 such time as we get a definite ruling one way or
13 the other. Doesn't make sense to put the cart
14 before the horse, so.

15 MR. POSPAHALA: When we met, I
16 think, early last December, with regard not to this

9 issue specifically, but with regard to most
10 planning exercises, I think I made a pretty strong
11 commitment to you for involvement by the councils
12 and other affected entities and different program
13 elements and management activities as they move
14 along, and I think that applies here, too, and I'll
15 do everything I can to make sure that any
16 regulatory program that is developed, that the
17 councils are fully involved in that.

18 SHELTON KATCHATAG: My question is
19 how do we address Mr. Jemewouk's concern not just
20 as an individual subsistence user, but he's here
21 representing other salmon subsistence users, and
22 his question is what remedy does he have
23 available? I'm at a loss to answer that, and
24 before you leave I'd like to make sure that John
25 feels his concern is being adequately considered,
and I don't have an answer for him here other
than --

MR. POSPAHALA: My sense -- I tried
to take some notes when you were speaking, and my
sense of what you're asking is that in view of the
outcome of the court case, what you really want to
know is what the federal jurisdiction or intent
might be to intercede in this whole affair, at
least that's sort of the way I have it phrased, and
I'm going to go back and ask some questions and
I'll be back in touch with you about that. Beyond
that I can't offer any definitive statement as to
what might happen.

SHELTON KATCHATAG: For the record,
too, I would ask on behalf of the council, and they
can object if they don't want this, but I would
like, for the record, that we don't want to see the

MIDNIGHT SUN COURT REPORTERS 907/258-7100

96

1 color of money affecting this issue, because we
2 know how deep the pockets are on the other side.

3 In other words, we want a level
4 playing field on this. I can't put it any more
5 delicately than that, other than to say that we
6 don't want undue influence by their surplus of
7 money to influence the overall outcome on this
8 issue, because that's the experience that we have
under the State board system.

MR. POSPAHALA: That's not going to
influence what I do in the future.

SHELTON KATCHATAG: Right, but if
things are at a standstill and then the people
above have -- people above our level here have --
you know, it could go any way. But for the record,

9 I would like it stated that we would like some
10 assurance that the color of money will not
11 influence the decision.

12 MR. POSPAHALA: Once I get the
13 transcript I might try to rephrase that before it
14 goes forward, but I think I understand.

15 SHELDON KATCHATAG: In other words,
16 we don't want to slip back before this comes before
17 any decision-making process. Does that address
18 your concern? Is there anything else that you
19 would like to ask Mr. Pospahala or brought before
20 the board?

21 MR. JEMEWOUK: No.

22 SHELDON KATCHATAG: Thank you,
23 John. If there is no objection from the rest of
24 the council, then I would say that this would be a
25 good time to take a recess until tomorrow and we
will convene at 9:00 a.m. in the morning here. No
objection, so ruled.

(Proceedings recessed at 5:00 p.m.)

MIDNIGHT SUN COURT REPORTERS 907/258-7100

97

1 CERTIFICATE

2 I, LEONARD J. DiPAOLO, Registered Professional
3 Reporter and Notary Public in and for the State of
4 Alaska, do hereby certify:

5 That the proceedings were taken before me at
6 the time and place herein set forth; that the
7 testimony and proceedings were reported

8 stenographically by me and later transcribed under
9 my direction by computer transcription; that the
10 foregoing is a true record of the testimony and
11 proceedings taken at that time; and that I am not a
12 party to nor have I any interest in the outcome of
13 the action herein contained.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my seal this day of
16 , 1995.

17

18

19 LEONARD J. DiPAOLO

20 Notary Public for Alaska

21 My Commission Expires: 2-3-96

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