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NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL  
PUBLIC MEETING  
September 24, 1993  
Room 233  
Alaska Technical Center  
Kotzebue, Alaska

COUNCIL MEMBERS PRESENT:

- ~~W~~ALTER G. SAMPSON, CHAIRMAN
- ~~P~~ETE L. SCHAEFFER, VICE CHAIRMAN
- ~~R~~AYMOND LEE, SR., SECRETARY
- ~~R~~AYMOND STONEY, MEMBER
- ~~B~~ILL C. BAILEY, MEMBER
- ~~J~~AMES MOTO, MEMBER

~~B~~arbara Armstrong, Coordinator

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PROCEEDINGS

1  
2 MR. SAMPSON: I will call the Northwest Arctic  
Subsistence Regional Advisory Council Meeting to order. It is  
now 9:20, September 24th. We will reconvene at this time.  
5 We left off on some of the issues that we wanted to get  
into yesterday. I guess first off what we'll do is we'll get  
into a draft Federal Subsistence Regional Advisory Council  
Operations Manual.  
9  
10 MS. FOX: Okay.  
11  
12 MR. SAMPSON: What are you looking for as far  
as time on -- I guess what I'm looking at is trying to put some  
times on these presentations.  
15  
16 MS. FOX: Oh, five minutes.  
17  
18 MR. SAMPSON: Okay. That's fine.  
19  
20 MS. FOX: Shall I go ahead?  
21  
22 MR. SAMPSON: Yeah, go ahead.  
23  
24 MS. FOX: Okay. We have a draft currently  
under preparation for council operations. And it would be, of  
course, the same operations manual for all ten councils. And  
I'm anticipating that within about two months we're going to  
distribute that draft to each of the Council members, and -- at  
some point, at which time we will designate, you know, we want  
comments on the draft back to us from each of the Council  
members.  
32 I don't know that it would require a meeting. That's  
something that we'll have to figure out in the meantime. Or  
whether it's just something that can be handled as you make  
your comments to Barbara as individuals and then she can  
forward them. There's a couple of different ways to go. It  
just hasn't been decided.  
38  
39 MR. SAMPSON: Individual comments will be  
written on this? Once the draft comes out, we're to comment  
individually and submit those to Barb. ....  
42  
43 MR. SCHAEFFER: Sure.  
44  
45 MR. SAMPSON: .... then before the final.  
46  
47 MR. STONEY: That would the Council member  
comment to Barbara?  
49  
50

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1 MR. SAMPSON: Yeah. What she's talking about  
2s a manual that we'll use as a guideline to run, and those  
3 drafts will come in as a draft, and individual and the Council  
4 members can .....

5  
6 MR. STONEY: Okay.

7  
8 MR. SAMPSON: ..... can comment, make their  
9 comments and send those to Barbara.

10  
11 MR. STONEY: Okay.

12  
13 MR. SAMPSON: And when it comes down to the  
14 point of finalizing the draft, then we can all get into  
15 discussions on the final draft itself.

16  
17 MR. LEE: Sounds good.

18  
19 MR. SAMPSON: Yep.

20  
21 MS. ARMSTRONG: Yeah. Okay.

22  
23 MS. FOX: So I'm hoping that by your next  
24 meeting we'll have it in a final draft form. I'm sure we will  
25 by February, have a final draft form for you to look at after  
26 all the comments have been incorporated, before we ask the  
27 Board and the Council Chairs to sign off on it.

28  
29 MR. SAMPSON: Any questions on the operations  
30 manual. Hearing none, we'll go into the Council selection  
31 process.

32  
33 MS. FOX: I would like to just apprise the  
34 Council about now the original selections were made, so that  
35 you may keep in mind as you're looking at a potential  
36 alternate, because we don't know for sure that Louie is going  
37 to decline. It's just that indications that he -- are that  
38 he's going to decline his appointment. And so taking advantage  
39 of the fact that you're all here, Walter basically wanted to go  
40 ahead and identify an alternative who we might forward once we  
41 get that formal declination. We've handed out a copy off the  
42 alternates to you, the names that were forwarded to the  
43 Secretary as alternates already, so there is an awareness of  
44 who was forwarded.

45 But what we did when we made these selections is we  
46 used about eight criteria, and I just wanted you to know what  
47 those were. You're not bound to use the same criteria, but I  
48 think that they served a very valid role in helping us to get a

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good selection that represented across the region.

1 The things that we were working at were personal  
 knowledge and experience with subsistence. We also looked at  
 knowledge of subsistence uses on a regional basis. You know,  
 4 instead of just being, you know, somebody who fished 90% of the  
 5 time, maybe they had other experience with caribou hunting or  
 6 other types of uses. So we were looking at people with  
 hopefully a broad level of knowledge of subsistence personally  
 8 and on a regional basis.

9 We also looked at people who were able to communicate  
 both verbally and in writing effectively. It doesn't mean you  
 have to be an expert at it, but just that you could communicate  
 effectively, obviously so you can go back and work with your  
 13 villages as well as work with the Council, and at times have to  
 14 speak to the Board. So you have a variety of situations where  
 15 you have to communicate.

16 We also looked at problem solving skills. Teamwork.  
 Do you work well with a group, or are you the type of person  
 that has an opinion and holds to it, you know, right to the  
 end, instead of trying to find a resolution in a consensus  
 manner.

21 Another one, very important one, was what kind of  
 credibility does the individual have with the people that  
 they're supposed to represent. It seems -- sounds obvious, but  
 24 it's a question that needed to be asked. Do you have respect  
 25 with the -- from the community? What about from  
 26 representatives of other native organizations? What about  
 27 representatives of the agencies that you'd be working with? So  
 28 that was a key criteria that we used.

29 An obvious one was, can you attend meetings? Are you  
 free to travel and take the time out of your busy, you know,  
 31 schedules, personal schedules to travel to Council meetings,  
 maybe travel around to villages and possibly to Anchorage once  
 33 or twice a year. So we needed to know about that.

34 And then most importantly, when we looked at the total  
 number of nominees that came out, so to speak, and how they  
 qualified -- as to how they qualified for the job, we wanted to  
 look at getting a representation across the region. You know,  
 certain parts of the region are heavy into one type of  
 38 subsistence use, or have a strong -- you know, if you're in  
 Kotzebue, you have an opportunity to develop strong working  
 40 relationships with the agencies that somebody from a small  
 41 village in some other region doesn't have. Well, we want  
 42 people that represent the entire region. So we tried to pick  
 43 among the highly qualified those people that would give us  
 44 representation around the region, not only from knowledge of  
 45 what's going on, but obviously from the standpoint of respect  
 46 for the people, and also cultural diversity. Some areas are  
 47 very heavily native, other areas are diversity of a lot of the

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white culture and the native culture. And there's a lot of different users in subsistence, and a lot of different needs. So we tried to get a little representation. And I think for the most part we were quite successful in getting that spectrum with the members that we got in all cases in the Councils. I would say we had hoped for a broader distribution in some of the regions, like the North Slope as I recall, but we just didn't get the nominees from some of the smaller villages, so maybe that will change in the future.

9 So those are the criteria that we used. And I just ask that you might consider those, but you're not bound by them when you take a look at filling your vacancies.

12

13 MR. SAMPSON: Vacancies? Now, this recommendation would go directly to the Secretary of Interior?

15

16 MS. FOX: It goes through the Board.

17

18 MR. SAMPSON: It goes through the Board?

19

20 MS. FOX: Yes, because the Secretary will make his decision based on recommendations of the Board .....

22

23 MR. SAMPSON: Okay.

24

25 MR. SCHAEFFER: ..... and the Council. Okay.

26

27 MR. SAMPSON: Okay.

28

29 MS. FOX: They will go together.

30

31 MR. SAMPSON: So we can make those recommendations, you know, send a courtesy copy of our recommendation to the Secretary of Interior. I mean, it won't hurt to -- anything we do as a Council, it won't hurt to send a courtesy copy, because sometimes through the process of between offices, there's always a tendency for things to change. And we won't hurt any actions that we do as a body here, any time we send correspondence, we'll send a courtesy copy to the Secretary of Interior, and that shouldn't hurt.

40 Anything else?

41

42 MS. FOX: No.

43

44 MR. SAMPSON: Any questions or comments in regards to the Council selection process?

46

47 MR. SCHAEFFER: Just one. During your selection process, too, was there any consideration for

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geographic?

1

2 MS. FOX: Yes. That's what I was trying to get  
3 at when I was indicating that we were looking for  
4 representation across the region, so that somebody -- well, as  
5 you all know, you represent certain villages in your area, and  
6 that was a concept that we applied to make sure that we had all  
7 the villages represented, if possible. Like I say, we didn't  
8 always get nominees to cover the regions, and so -- sometimes  
9 we looked for -- I remember on selection of a fellow who had a  
10 lot of relations and looked in another community in the  
11 northern part of the region which was basically unrepresented.  
12 And so that added to his credentials, you might say, for  
13 selection.

14

15 MR. SCHAEFFER: And that's based on current  
16 residency?

17

18 MS. FOX: No, it's based on where they've lived  
19 in the past also, because we understand that, you know, if a  
20 person lives in another -- the selection right now, as I was  
21 saying with this one example, I wish I could remember the  
22 communities, but he had ties to I think it was Arctic Village,  
23 but he lived in another community. And we didn't have any  
24 nominees from Arctic Village, so his selection was -- kept --  
25 considered that, that he would also be able to represent that  
26 community, because he had a lot of ties up there.

27

28 MR. SCHAEFFER: Yeah. 'Cause the reason I  
29 asked is because, you know, we have a fairly diverse  
30 representation from this region, although you go back a little  
31 bit into a few years back, when Walt was originally from  
32 Norvik. I guess of all the people here -- and Bill's  
33 originally from Noatak, .....

34

35 MS. FOX: Uh-huh.

36

37 MR. SCHAEFFER: ..... so, you know, residency  
38 relatively fluid in this region.

39

40 MS. FOX: Uh-huh.

41

42 MR. SCHAEFFER: The reason I say that is  
43 because Kotzebue being the largest area, I'm the only original  
44 Kotzebue person here. But to go beyond that to say that I  
45 don't think residency is that important when you have issues to  
46 deal with that pertain to .....

47

48 MS. FOX: Right.

49

50

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1 MR. SCHAEFFER: ..... the unit as a whole, so I  
2 just wanted to make that point clear.

3  
4 MS. FOX: Right.

5  
6 MR. SAMPSON: Any other comments or questions?  
7 Hearing none, we'll go onto the Resource Commission members.  
8 Was there going to be a discussion on the Resource Commission  
9 members?

10  
11 MS. FOX: Resource Commission?

12  
13 MR. SAMPSON: Yeah.

14  
15 MS. FOX: Are we done with Regional Council  
16 alternate then?

17  
18 MR. SAMPSON: That's .....

19  
20 MR. SCHAEFFER: No, I think he means  
21 Subsistence Resource Commission for Krusentstern .....

22  
23 MR. SAMPSON: Yeah.

24  
25 MS. FOX: Yeah. So you're .....

26  
27 MR. SAMPSON: Well, that's what's I'm referring  
28 to.

29  
30 MS. FOX: Okay. I just thought you were going  
31 to make a recommendation, but that's all right.

32  
33 MR. SAMPSON: Well, I think .....

34  
35 MS. FOX: Or check later.

36  
37 MR. SAMPSON: We'll -- What I want .....

38  
39 MS. FOX: Okay.

40  
41 MR. SAMPSON: ..... is to get a letter from  
42 Louis first .....

43  
44 MS. FOX: Right. Okay.

45  
46 MR. SAMPSON: ..... to make sure, before we  
47 make any recommendation.

48  
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1 MS. FOX: That's fine. That's good.  
2  
3 MR. SAMPSON: Because I'd hate to make a  
4 recommendation and later find out that Louie still has an  
5 interest in the Council.  
6  
7 MS. FOX: Okay. Clarence?  
8  
9 MR. SUMMERS: Sure.  
10  
11 MS. FOX: There he is.  
12  
13 MR. SUMMERS: Yes.  
14  
15 MR. SAMPSON: Five minutes.  
16  
17 MR. SUMMERS: Okay. To do my thing. You  
18 should have in front of you a list of membership for Kobuk  
19 Valley Subsistence Resource Commission, Cape Krusenstern  
20 Subsistence Resource Commission, and Gates of the Arctic  
21 Subsistence Resource commission. I think the list identifies  
22 the appointee source. And as a Council you have appointment  
23 authority for three positions on Kobuk Valley and Cape  
24 Krusenstern.  
25 If you want to take a look at -- let's take a look at  
26 Kobuk Valley first. Both chairmen are here at the table,  
27 Walter and Pete, so you're familiar with the membership.  
28  
29 MR. SAMPSON: Yes.  
30  
31 MR. SUMMERS: And it's your decision. Let's  
32 say for Kobuk Valley, if you feel that these people should be  
33 appointed, you could nominate them and take action. If you  
34 feel that you want to consider someone else, you just have to  
35 keep in mind that that person should be on a local advisory  
36 committee, or on the regional council.  
37  
38 MR. SAMPSON: Any questions for -- go ahead.  
39  
40 MR. STONEY: Yes, Mr. Chairman. You say on the  
41 Kobuk Valley you've got three seats for reappointment, is that  
42 correct?  
43  
44 MR. SUMMERS: That's correct.  
45  
46 MR. STONEY: And then who are these people that  
47 had expired term?  
48  
49 MR. SUMMERS: Well, the people that are listed  
50

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are Reggie Cleveland, Louie Commack and Lorry Schuerch.

1  
2 MR. STONEY: Okay.

3  
4 MR. SAMPSON: Are those three seats currently  
up for re-appointment?

6  
7 MR. SUMMERS: That's correct. Under the new  
Federal appointment authority under this -- under the Council,  
you can take action and re-appoint or appoint a new member for  
a three-year period.

11  
12 MR. STONEY: And then what is your time limit  
on this?

14  
15 MR. SAMPSON: What's your time frame I guess is  
what Raymond .....?

17  
18 MR. SUMMERS: You can take action today or at  
your next meeting. The appointment is for a three-year period.

20  
21 MR. STONEY: Okay.

22  
23 MR. SAMPSON: Okay.

24  
25 MR. SUMMERS: And so if you take action today,  
that appointment is for a three-year period. Each member will  
serve for a three-year period. And the letter that you should  
have, it explains that once you take action, we will use the --  
well, there's a proposed notice of appointment letter, and you  
can use that. I'll work with Barbara to send that out once you  
take action and -- we'll use the effective -- we'll use the  
date of this appointment letter to identify that this person  
serve a three-year period effective the date of the appointment  
letter.

35  
36 MR. SAMPSON: What if we, or I work with  
Barbara to find out, see if Reggie and Louis or Lorry still  
have an interest in being on the Resource Commission?

39  
40 MR. STONEY: Yes. Yes. A very good idea.

41  
42 MR. SAMPSON: And if they're interested, then  
we'll recommend for re-appointment.

44  
45 MR. STONEY: Sure.

46  
47 MR. SAMPSON: And just in case they're not  
re-appoint- -- or have an interest, what's the wish of the

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Council? What process would you like to use to make recommendations of other folks for this .....

2

3 MR. STONEY: Well, like for the Kiana, we've  
4 got one, which is Lorry. I'm not going to say much about  
5 Mr. Commack or Cleveland, but in Kiana, I would -- if Lorry's  
6 not interested in this seat, I'd probably go to one of the IRA  
7 Council meetings and then get somebody that maybe could be  
8 interested.

9

10 MR. SAMPSON: Yeah. Okay.

11

12 MR. STONEY: Only if Lorry doesn't want it.

13

14 MR. SAMPSON: Yeah.

15

16 MR. STONEY: Nor do we know about Reggie or  
17 James. How they do that, I don't know.

18

19 MR. SAMPSON: Get several names anyway.

20

21 MR. STONEY: Okay.

22

23 MR. SAMPSON: You know, get a couple of names  
24 from the council, .....

25

26 MR. STONEY: Yes.

27

28 MR. SAMPSON: ..... so we can consider that at  
29 our next meeting.

30

31 MR. SCHAEFFER: I think that would work okay  
32 for the Kobuk Valley, but I think we have a different situation  
33 on the Cape Krusenstern.

34

35 MR. SAMPSON: Okay.

36

37 MR. SCHAEFFER: My seat is up, Jerry Norton's  
38 and Dwight Arnold has resigned. And what I was going to do is  
39 perhaps make the recommendation if Bill Bailey's willing to  
40 fill in for -- or to take the seat that was formerly occupied  
41 by Dwight Arnold, that -- I know you're in Kotzebue now, but I  
42 know your heart is still in Noatak, so, you know, I have no  
43 problem with making that recommendation .....

44

45 MR. BAILEY: The only commuter.

46

47 MR. SCHAEFFER: ..... if you would be willing  
48 to serve on it?

49

50

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1 MR. BAILEY: Oh, yeah.

2

3 MR. SCHAEFFER: And then Jerry Norton has also  
4 been a very active member of the Commission already, so -- and  
5 we have no problem serving another term, so if we can just maybe  
6 make the three recommendations with the Kobuk -- or, excuse me,  
7 the Krusenstern one anyway.

8

9 MR. SAMPSON: Yeah.

10

11 MR. SCHAEFFER: You go through your process,  
12 because it's a different situation .....

13

14 MR. SAMPSON: Okay. Yeah. Yeah.

15

16 MR. SCHAEFFER: ..... in Kobuk Valley.

17

18 MR. SAMPSON: Okay. What I will do then is I  
19 will work with Barb, we'll get in touch with Reggie, Louie and  
20 Dorry and if all three have indicated that they're -- there's  
21 an interest in sitting in on the Resource Commission, then  
22 we'll recommend to the Secretary of Interior for  
23 re-appointment. If there is no interest, then what we'll do is  
24 we'll ask the local IRA traditional councils to make  
25 commendations at least of two names per area.

26

27 MR. SUMMERS: Mr. Chairman, there's no  
28 requirement to consult with the Secretary. You're the  
29 appointing source.

30

31 MR. SAMPSON: Okay.

32

33 MR. SUMMERS: When you take action, when this  
34 Council takes action in the form of a motion, if you identify  
35 the person that you're recommending or appointing to this  
36 position, if this passes in the form of a motion, that person  
37 becomes a member.

38

39 MR. SAMPSON: Okay. Well, .....

40

41 MR. SUMMERS: You're the appointing source, not  
42 the Secretary.

43

44 MR. SUMMERS: Okay. Because -- the reason why  
45 I said that, because in the past, it's always been that we deal  
46 with, you know, get the final blessing from the Secretary of  
47 Interior for appointments.

48

49

50

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1 MR. SUMMERS: Sure.

2 MR. SAMPSON: That's why I said that. And if  
3 that's the case, then that's no problem. That makes it a lot  
4 easier for us.

5

6 MR. SCHAEFFER: Yeah. Uh-huh.

7

8 MR. SAMPSON: Yeah. Okay.

9

10 MR. SUMMERS: Okay.

11

12 MR. SCHAEFFER: With the understanding that for  
13 Kobuk Valley you're going to hold off on the assignments until  
14 you've .....

15

16 MR. SAMPSON: Yeah. Yeah.

17

18 MR. SCHAEFFER: ..... talk to IRAs or whoever?

19

20 MR. SAMPSON: Well, we'll talk to these  
21 individuals first, to get -- if they are -- if there's still an  
22 interest. If they're not, then we'll deal with the local IRA  
23 Councils.

24

25 MR. SCHAEFFER: I assume that formal motion has  
26 been made for the approval of the members?

27

28 MR. SUMMERS: That's correct. If .....

29

30 MR. SAMPSON: Yeah.

31

32 MR. SCHAEFFER: Since I don't want to vote for  
33 myself, or nominate myself, maybe you can do the recommendation  
34 and the .....

35

36 MR. LEE: Yeah.

37

38 MR. SCHAEFFER: ..... motion and then we'll  
39 make the action.

40

41 MR. SAMPSON: Mr. Chairman, -- Mr. Chairman.  
42 I'm dealing with -- maybe for the purposes of -- if it comes  
43 from the body to re-appoint Pete and Bill Bailey for the Cape  
44 Kusenstern, that would be more appropriate.

45

46 MR. SCHAEFFER: Yeah, and Jerry Norton, too.

47

48 MR. SAMPSON: And Jerry Norton. Would be more  
49  
50

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appropriate rather than the chair making that recommendation.  
So Jerry Norton, Bill Bailey and Pete Schaeffer for the  
appointment to Cape Krusenstern National Park .....

3

4

MR. LEE: For Cape Krusenstern?

5

6

MR. SAMPSON: Yeah.

7

8

MR. LEE: Fine. Okay. And Dwight Arnold  
resigned, and Bill .....

10

11

MR. SAMPSON: Yeah. Bill would fill that  
vacancy. Right.

13

14

MR. LEE: Uh-huh.

15

16

MS. ARMSTRONG: Dwight has already resigned  
from that.

18

19

MR. LEE: Yeah.

20

21

MR. SAMPSON: So what's the wish of the  
Council?

23

24

MR. LEE: I've got no problem with that, so if  
they are .....

26

27

MR. SAMPSON: Okay. So you make that in the  
form of a motion, you know, make a motion that re-appointment  
of Pete Schaeffer, Jerry Norton, and then appointment of Bill  
Bailey to replace Dwight Arnold. We need .....

31

32

MR. LEE: Make a motion to re-appoint Pete  
Schaeffer and Jerry Norton, and Bill Bailey in place of Dwight  
Arnold.

35

36

MR. SAMPSON: A motion on the floor. Is there  
a second?

38

39

MR. MOTO: I second.

40

41

MR. SAMPSON: There's a second. Any  
discussion?

43

44

MR. SCHAEFFER: Question.

45

46

MR. SAMPSON: The question's been called for.  
All those in favor of the motion signify by saying "Aye"?

48

49

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1 ALL: Aye.  
2 MR. SAMPSON: All motion -- the motion's  
3 carried.  
4  
5 MR. SCHAEFFER: Just .....  
6  
7 MR. SAMPSON: Yeah?  
8  
9 MR. SCHAEFFER: ..... one note for whoever's  
10 taking the notes, I have (indiscernible, coughing).  
11  
12 MS. ARMSTRONG: We have a .....  
13  
14 MR. SAMPSON: We have a recorder.  
15  
16 MS. ARMSTRONG: ..... recorder behind you.  
17  
18 MR. SAMPSON: Okay.  
19  
20 MR. SUMMERS: Mr. Chairman, there's another  
21 position on Gates of the Arctic. This Council has authority,  
22 appointment authority for one position. There should be a list  
23 in front of you of membership for the Gates of the Arctic  
24 Subsistence Resource Commission. At this time, Marvin Joe  
25 Cleveland, Pollock Simon, Senior, and Levi Cleveland are  
26 serving. You have appointment authority to re-appoint one of  
27 the three.  
28  
29 MR. SAMPSON: We've got two. Ambler and  
30 Shungnak. Allakaket is on the Doyan side.  
31  
32 MR. SCHAEFFER: Uh-huh.  
33  
34 MR. SUMMERS: That's correct. That's outside.  
35 So, you're correct. Ambler and Shungnak are within your  
36 Council area.  
37  
38 MR. SAMPSON: Which of those folks .....?  
39  
40 MS. ARMSTRONG: I think they like being on  
41 that.  
42  
43 MR. SAMPSON: Okay.  
44  
45 MS. ARMSTRONG: Joe might anyway when they work  
46 (indiscernible).  
47  
48 MR. SAMPSON: Okay. I'm pretty sure Levi  
49  
50

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wouldn't have any problems staying in that position either.

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MS. ARMSTRONG: Uh-huh.

MR. SAMPSON: What's the wish of the Council?

MR. SCHAEFFER: I make a motion to nominate the  
Clevelands.

MR. SAMPSON: Okay. Marvin Joe Cleveland and  
Levi Cleveland to .....

MR. SCHAEFFER: Yeah.

MR. SAMPSON: ..... Gates of the Arctic.

MR. BAILEY: I second.

MR. SAMPSON: There's a motion on the floor.

MS. ARMSTRONG: Pete made the motion.

MR. SAMPSON: Yeah. Pete made the motion. Is  
there a second?

MR. SCHAEFFER: I heard a second.

MR. SAMPSON: Okay. There's a second.  
Discussion?

MR. SUMMERS: Mr. Chairman, you have  
appointment authority for one position.

MR. SAMPSON: Oh, I thought you said two?

MR. SUMMERS: No. One position. There are two  
Regional council members that are currently serving from your  
Region. You have appointment authority for one position.

MR. SCHAEFFER: So who appoints the other?

MR. SUMMERS: Well, the other -- that's a good  
point. The other two positions are appointed by the adjacent  
Regional council area. Let me check the list. I think it's  
the .....

MR. SCHAEFFER: Okay. Well, I'd make a  
amendment .....

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1 MR. SAMPSON: Doyon?  
2 MR. SUMMERS: The Western Interior.  
3  
4 MR. SCHAEFFER: I'll amend the motion if it's  
5 okay with the second.  
6  
7 MR. SAMPSON: Okay.  
8  
9 MR. BAILEY: That's fine.  
10  
11 MR. SCHAEFFER: If we have the one appointment,  
12 I assume it's Levi.  
13  
14 MR. SAMPSON: Levi, yeah. Okay. There's a  
15 motion on the floor for .....

16  
17 MR. SCHAEFFER: We better find out first --  
18 excuse me. Is it Levi or is it Martin?  
19  
20 MR. SAMPSON: Levi.  
21  
22 MR. SUMMERS: It's Levi.  
23  
24 MR. SCHAEFFER: Okay.  
25  
26 MR. SUMMERS: Right. Yeah.  
27  
28 MR. SAMPSON: There's a motion on the floor  
29 .....  
30  
31 MR. SCHAEFFER: We've just amended, .....

32  
33 MS. ARMSTRONG: It was amended.  
34  
35 MR. SAMPSON: Right.  
36  
37 MR. SCHAEFFER: ..... then we're -- Okay.  
38  
39 MR. SAMPSON: Okay. There's an amendment to  
40 the original motion to recommend Levi Cleveland as an appointee  
41 to the Gates of the Arctic Resource Commission. Is there any  
42 further discussion.  
43  
44 MR. SCHAEFFER: Question.  
45  
46 MR. SAMPSON: The question's been called for.  
47 All those in favor of the motion signify by saying "Aye"?  
48  
49  
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ALL: Aye.

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3 carries.

MR. SAMPSON: All opposed, same sign? Motion

4  
5  
6

MR. SUMMERS: Thank you.

7  
8 MR. SAMPSON: That's it? I guess what we're  
9 going to go into is to try to get a feel of -- or get an  
10 explanation pertaining as to what our role as a Council is with  
11 the Board.

11

12 MS. FOX: I was going to address specifically  
13 some items that will be coming up within .....

14

MR. SAMPSON: Okay.

15

MS. FOX: ..... the next six months.

16

17

MR. SAMPSON: But at the same time .....

18

19

MS. FOX: Right.

20

21

MR. SAMPSON: ..... our role as .....

22

23

MS. FOX: Yes. With the Board.

24

25

MR. SAMPSON: ..... with the Board.

26

27

MS. FOX: Right.

28

29

MR. SAMPSON: All right.

30

31

32

33

MS. FOX: I mentioned yesterday that one of the  
34 items that's coming up will be a proposed or a call for  
35 proposals on fisheries regulations, that they're undergoing  
36 re-evaluation right now. I think it's quite apparent that they  
37 really haven't been very useful to anybody, and we're taking  
38 time to make them more appropriate and get away as much as  
39 possible from the way that the State had them organized, which  
40 is what we've been relying on in the past. We're also  
41 obviously having to consider expansion of the program. So  
42 those things are under evaluation, and I'm anticipating that  
43 within the next six months we will have a proposed rule out  
44 that the Council will be able -- will be provided with an  
45 opportunity to make comment on on fisheries.

46

47

48

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MR. SAMPSON: Well, I think in regards to  
fisheries and some other issues, we have some recommendations

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that will be coming from this body, .....

1

2 MS. FOX: Okay. Good.

3

4 MR. SAMPSON: ..... so you will .....

5

6 MS. FOX: Yes.

7

8 MR. SAMPSON: ..... then review that and  
when .....

10

11 MS. FOX: I expect to hear from all the  
councils on that, yes. Okay.

13

14 MR. SCHAEFFER: So that review would be --  
that's the Federal Subsistence Board I assume?

16

17 MS. FOX: Right. We need to have those  
regulations in place before January 1st of 1995, so the Board  
will be taking action on the fisheries regulations sometime  
probably about mid year in 1994, if not earlier. Somewhere  
between April and September I would say.

22

Another opportunity for Council involvement that's  
coming up is going to be the -- what we're calling -- it's  
going to be a publication of a Federal Register notice that  
will invite public comment on the priorities and schedule for  
doing customary and traditional use determinations. We have  
for the last couple of years been indicating to the public that  
we would be soon publishing our list of priorities for doing  
assessments of customary and traditional use beyond what we  
have right now, re-evaluating some of the ones that we have,  
adding to the list, making some other changes, and providing  
the public with some kind of idea of what our schedule for  
accomplishment -- accomplishing that is.

34

And it is the desire of the Board that we obtain public  
comment on that before we make it final. And when we make it  
final, it becomes a commitment of the agencies to follow  
through.

38

So that is going to be published I'm hoping before the  
first of the year, and it will provide a 60-day comment period.  
It will probably, I would say most definitely involve a  
meeting of the Council. We may use the February meeting as  
that opportunity to gather your comments on that priority list  
and schedule. So it does -- your meeting would not have to be  
within that 60-day comment period. It could follow that, so  
don't be alarmed if the comment period comes out and you don't  
have a meeting scheduled. They don't have to coincide. And I  
think it's to your advantage to have the benefit of public  
comment before you have your meeting. And then you can

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incorporate that in your recommendations.

1 At any rate I'm anticipating that probably in February  
 2 you will have the opportunity to comment on our list of  
 3 priorities and schedules.

4  
 5 MR. SAMPSON: Okay. Now, as far as the -- this  
 6 body's role with the Board then, what kind of relationship,  
 7 working relationship, or .....

8  
 9 MS. FOX: Okay Your .....

10  
 11 MR. SAMPSON: ..... what are we going to .....?

12  
 13 MS. FOX: Your recommendations -- let's say in  
 14 both these cases, on fisheries proposals and customary and  
 15 additional use determinations, process, schedule and  
 16 priorities, your recommendations will -- the way it will work  
 17 in all cases, it will be provided to both the staff committee  
 18 and the Board. And, you know, as we were talking yesterday, we  
 19 will hopefully have an opportunity for the Council Chairs to  
 20 meet with the staff committee and jointly discuss their  
 21 recommendations that will go to the Board.

22 The Board then -- you will be -- the Chairs will be  
 23 invited to the Board meetings, especially on broad issues all  
 24 Chairs will be there. In some cases, if they're localized,  
 25 regional issues, we would probably only have the Chair from the  
 26 regions that are directly affected there. We haven't had any  
 27 meetings yet, but that's kind of the strategy.

28 At any rate, you will have an opportunity to address  
 29 the Board with your specific recommendation, provide any  
 30 background that you wish, and offer comments during the comment  
 31 time when the Board is deliberating what action to take.

32  
 33 MR. SAMPSON: Now, you indicated earlier that  
 34 the only time that we can go to the Board meetings is when  
 35 they're dealing with regulations?

36  
 37 MS. FOX: No, I .....

38  
 39 MR. SAMPSON: No?

40  
 41 MS. FOX: If that's what I said, it wasn't  
 42 correct.

43  
 44 MR. SAMPSON: Well, .....

45  
 46 MS. FOX: I hope that that's not what I said.

47  
 48 MR. SAMPSON: I understood -- I understood you

49  
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in that way. I thought that .....

1

2 MS. FOX: Okay.

3

4 MR. SAMPSON: ..... you know, I .....

5

6 MS. FOX: Actually the -- most board meetings  
have to do with regulations.

8

9 MR. SAMPSON: Okay.

10

11 MS. FOX: Okay. Sometimes they deal with other  
issues. C and T is not a direct -- at this time anyway is not  
going to be a regulation issue. But those happen every so  
often. Most meetings have to do with the development of  
regulations or emergency actions.

16

17 MR. SAMPSON: Okay.

18

19 MS. FOX: And most emergency actions are  
actually handled as a teleconference, because it's kind of, you  
know, a situation where we need to take some kind of very quick  
action.

23

24 MR. SAMPSON: Yeah.

25

26 MS. FOX: And they don't even take time to have  
a meeting. They just do it on the phone.

28

29 MR. SAMPSON: Okay.

30

31 MS. FOX: So I would say on the average they  
meet three times a year, two times it has to do with  
regulations, maybe one time it has to do with something else.

34

35 MR. SAMPSON: Okay. Any questions or comments  
with regards to proposals?

37

38 MS. FOX: Oh, I have one other item to cover on  
this.

40

41 MR. SAMPSON: Okay. I understand that.

42

43 MS. FOX: That's fine. Okay.

44

45 MR. SAMPSON: Go ahead.

46

47 MS. FOX: Okay. I wanted to let you know that  
the next Board meeting is currently being talked about. It's

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-- nothing's been -- no dates have been set, but it has been identified for approximately the end of October.

2 Now, that Board meeting will as I understand it -- I haven't seen the agenda. This is just what I heard before I left -- will be set up to address requests for reconsideration to the 93/94 regulations. I think you all understand that once the regulations are final, people can request the Board to reconsider some of its decisions. Okay. And in the regulations, it says that the Councils shall have the opportunity to make recommendations on those requests for reconsideration. In other words, you would get a copy of what somebody's submitted and said, "I want this reconsidered for these reasons." And you would have an opportunity to provide a recommendation to the Board.

14 These requests are supposed to come in 60 days after the regulations are published, which would have been -- they were published May 29th I think it was, and -- 27th, something like that. And then at the end of July was the close of the time when they had an opportunity to request reconsideration.

19 We've already dealt with several at another meeting, August 10th. We've already dealt with three of them. That was on 25D west moose. I would try to list them. I can't remember them all. Can you help me out on that? It was 25D west moose, .....

24

25 MR. SHERROD: Petersburg/Wrangell?

26

27 MS. FOX: Oh, yeah, Petersburg/Wrangell wanted their C and T determination reconsidered. And the third one .....

30

31 MR. FISHER: Was Haines, wasn't it?

32

33 MS. FOX: No, I'm sorry, .....

34

35 MR. FISHER: It .....

36

37 MS. FOX: Petersburg/Wrangell.

38

39 MR. SHERROD: Oh, it was the -- was it Ninilchik?

41

42 MS. ARMSTRONG: Ninilchik?

43

44 MS. FOX: Ninilchik, thank you. The community -- well, actually I think it was Ninilchik Traditional Council asked the Board to reconsider its decisions not to have a caribou season on the Kenai for subsistence.

48 At any rate, those were three that came in that the

49

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Board has already dealt with.

1 Towards the end of the comment period, we received two  
 2 more, and those are the two that are going to be dealt with  
 3 next month. They're -- one was from the State and it covered  
 4 45 or so specific requests to reconsider, 15 different  
 5 regulations. The other one came from an individual named Pat  
 6 O'Connor who wanted to have the eligibility of McKinley Village  
 7 reconsidered for -- as qualified for subsistence use in the  
 8 Park area.

9 At any rate, these are requests for reconsideration to  
 10 last year's regulations, and the Board has been trying to be as  
 11 responsive as possible to people's requests, especially since  
 12 some of the seasons were about to start, or would start very  
 13 soon, and they wanted to have an answer.

14 So that process is going on right now. And, for  
 15 example, the staff committee is going to meet Monday and  
 16 Tuesday and make their recommendations to the Board, and the  
 17 Board is going to meet at the end of October to make decisions,  
 18 and .....

19 So at any rate, there's been discussion that perhaps  
 20 the Councils aren't really prepared to get involved in that at  
 21 this time. And since they do apply to last year's regulations,  
 22 they're -- the Board's interest in being responsive to people  
 23 who make requests for reconsideration, they want to go ahead  
 24 and so they will probably go ahead. Keep you informed, but  
 25 will probably not ask for formal recommendation from the  
 26 Councils in light of the time frames, and the interest in being  
 27 responsive.

28

29 MR. SCHAEFFER: In turn though, wouldn't .....

30

31 MS. FOX: I wanted to let you know. Pardon?

32

33 MR. SCHAEFFER: In turn though, would at times  
 34 take the -- there was the concern on the -- concerns for some  
 35 of the regional councils, would they be allowed to participate  
 36 in the reconsideration also?

37

38 MS. FOX: Participate in what way?

39

40 MR. SCHAEFFER: Well, if there was a  
 41 reconsideration, let's say, of a regulation, .....

42

43 MS. FOX: Uh-huh.

44

45 MR. SCHAEFFER: ..... and it was encompassing  
 46 more than one .....

47

48 MS. FOX: Uh-huh.

49

50

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1 MR. SCHAEFFER: ..... regional council, then  
 2 what's what I'm saying, would there be an opportunity for some  
 3 deliberations?

4

5 MS. FOX: Yeah. I would like to suggest that  
 6 the Council -- we need to find out which regions will be  
 7 affected. By the way, I think most of them will probably be  
 8 just incorporated into the 94/95 regulations process. The  
 9 Board will not give an answer that -- I think that what we're  
 10 anticipating the staff committee will say is that we need  
 11 public comment on this. And we're going to turn these into  
 12 proposals for 94/95 so that we can get public comment on them,  
 13 and then you'll get a decision next April that will affect the  
 14 following year.

15

16 MR. SCHAEFFER: So the recommendation will be  
 17 limited .....

18

19 MS. FOX: But .....

20

21 MR. SCHAEFFER: ..... to like say .....

22

23 MS. FOX: There would be -- there will be a few  
 24 that they will probably give a direct answer on.

25

26 MR. SCHAEFFER: Okay. And .....

27

28 MS. FOX: In which case, you know, we will take  
 29 a look at that I think and maybe through Barbara and the Chair,  
 30 we can assess how much Council involvement is of interest. And  
 31 I would recommend that perhaps we could do that at the meeting,  
 32 at the board meeting rather than going through a process of  
 33 having a Council meeting, making a recommendation, and then --  
 34 because I just don't think we can fit it into the time frame.

35

36 MR. SCHAEFFER: So .....

37

38 MS. FOX: So I'd say your opportunity would be  
 39 to attend the Board meeting and make your comment at that time.

40

41 MR. SCHAEFFER: So backtracking to some  
 42 previous discussion earlier around the hierarchial chain of  
 43 command, does that mean that the regional councils are only  
 44 able to provide input to the Federal Subsistence Board, or to  
 45 the Secretary of Interior?

46

47 MS. FOX: On the regulations that fall under  
 48 subpart C and subpart D, which is C and T and hunting, trapping

49

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and fishing, those are the purview of the Board. They are not the purview of the Secretary. So the Board is the final administrative level for those decisions. They will reconsider their decisions upon request, and that's this that we're in right now. I mean, the Board makes its decision and then they will reconsider that upon specific request. But they are under the purview of the Board and not the secretary.

7

8 MR. SCHAEFFER: So in essence, the only  
9 recommendation that we make to anybody beyond the Federal  
10 Subsistence Board would be through like say the Annual Report  
11 of .....

12

13 MS. FOX: Yes.

14

15 MR. SCHAEFFER: ..... to the Secretary?

16

17 MS. FOX: To the Secretary, yes. Uh-huh. For  
18 things that fall under C and D. Uh-huh.

19

20 MR. SCHAEFFER: But for other things that may  
21 fall under A or B or have some effect on C and D or whatever?

22

23 MS. FOX: Yeah, some of the things in A you  
24 all have .....

25

26 MR. SAMPSON: Now, .....

27

28 MR. SCHAEFFER: Some correspondence could be  
29 allowed, or the ability of the Regional Council to address some  
30 of these things directly to the Secretary of Interior?

31

32 MS. FOX: I think that it would be encouraged  
33 that you work with the Board. If you -- you know, if you want  
34 to communicate with the Secretary, that -- certainly the  
35 Secretary is going to be asking the Board what its  
36 recommendations are anyway. And so it often will come back to,  
37 "Well, what does the Board think?" The Board will be involved  
38 in anything that the Secretary decides relative to subsistence.

39

40 MR. SCHAEFFER: What I'm talking about though  
41 is that if some significant issues came up, and using fisheries  
42 as an issue.

43

44 MS. FOX: Uh-huh.

45

46 MR. SCHAEFFER: As an example.

47

48 MS. FOX: Uh-huh. Yes.

49

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1 MR. SCHAEFFER: With the issue of navigable  
 2 waters either in the courts or as determined by the Secretary  
 3 of Interior, I think that has direct bearing on Parts A, B, C,  
 4 and D, .....

5  
 6 MS. FOX: Yes.

7  
 8 MR. SCHAEFFER: ..... and that if it became a  
 9 significant issue as a matter of difference like between one  
 10 regional council and another, that may require some action by  
 11 the Secretary of Interior, -- I mean, that's entirely possible,  
 12 with .....

13  
 14 MS. FOX: Yes.

15  
 16 MR. SCHAEFFER: ..... communication directed to  
 17 the regional councils?

18  
 19 MS. FOX: Well, we always have opportunities.  
 20 If we expand -- let's just say hypothetically the program  
 21 expands to fisheries, we're going to be going back out to the  
 22 public, which means the councils, too, and asking for input on  
 23 how to do that, and how to regulate it. There will be --  
 24 there's always an opportunity for the councils to provide input  
 25 to the Board. And those public -- you know, those processes  
 26 need to be followed, I would suggest, before you, you know,  
 27 feel a need to access the Secretary directly. Nobody's telling  
 28 you you can't write the Secretary. I'm just suggesting that  
 29 there are -- there's always going to be an open public process  
 30 for you and for the general public to provide an input to the  
 31 Board as it considers its recommendations to the secretary.

32  
 33 MR. SCHAEFFER: However, .....

34  
 35 MS. FOX: And I see a parallel .....

36  
 37 MR. SCHAEFFER: ..... the Regional Council  
 38 has .....

39  
 40 MS. FOX: Yes.

41  
 42 MR. SCHAEFFER: ..... an authority above and  
 43 beyond the general public, correct?

44  
 45 MS. FOX: Yes.

46  
 47 MR. SAMPSON: That's why earlier I made the  
 48 statement that whatever proposals that this body is

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recommending, then we send a courtesy copy to the Secretary of Interior, .....

2

3

MR. SCHAEFFER: Well, .....

4

5

MR. SAMPSON: ..... because, you know, if the Board is going to make its changes, and those changes don't reflect our recommendation, then there ought to be some sort of a -- I don't know what you would call it, the integration of our recommendation. Maybe the Secretary can really look at that and say, "Hey, what about the recommendation from the Advisory Council?"

12

13

MR. SCHAEFFER: Well, the reason I bring it up is because based on previous experience, there had been the tendency to either have some department or some agency sit on things if they basically didn't agree with them. And I use the exemptive (ph) proposal as an example, and even beyond that, when we tried to get the Board of Game to at least read the document that we did back in 1986, and had a difficult time with the proper course of action as per administrative procedure, because they had tended also to pick and choose what it was that they wished to discuss, especially when it got to the Board level, and we had to push the issue.

24

And as another example of what I'm talking about with that regulations affecting Northwest Alaska back in 1986, we had to see it to practically every mother and their son just to get the thing under consideration by the Board, because the Board had the impression .....

29

30

MS. FOX: Uh-huh.

31

32

MR. SCHAEFFER: ..... at the time that whatever it was they adopted after their discussions made us also aware of some very difficult situations as it presented for the rural residents. I mean, the meetings were held in Anchorage, Fairbanks or Juneau, .....

37

38

MS. FOX: Uh-huh.

39

40

MR. SCHAEFFER: ..... which made it extremely difficult for participation because of the fluidity of the agenda and some items taking longer. We have examples of sending representatives down there to sit for damn near two weeks to participate, to offer five minutes of testimony at the proper time under the procedure. And also the Boards, when we had that exemptive proposal, for instance, published in the proposals, they decided to go meet in Juneau, and, you know, that's a little over 1,000 miles thataway, and what that

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further led to was a real lack of communications with how the process worked in as far as inputting directly like I say to not only the Federal Subsistence Board after McDowell, but beyond that for significant issues such as fisheries to the Secretary of Interior.

5 If it were that the courts, and I assume Judge Holland may issue something shortly, that it will be probably so conservative that it would be unacceptable to most of the natives in the State, so that would probably result in an appeal directly to the Secretary of Interior, if at the time he has done nothing to supersede what it is that Judge Holland's going to do anyhow.

12

13 MS. FOX: Uh-huh.

14

15 MR. SCHAEFFER: So the question is kind of centered around a jurisdictional issue is what I spoke of yesterday, was the difficulty of dealing with the agencies. So if we have an opportunity to correspond directly with the Secretary of Interior, I suppose we could do it through the Federal Subsistence Board, but, you know, I just bring that whole issue up, because it was a significant one back in the days of the old regional council.

23

24 MS. FOX: Uh-huh. But in addressing both your points and Walt's point, I think it behooves the Council to establish its record as having used every opportunity to provide comment to the Board, and, you know, until you get to the point where you feel you need to appeal to the Secretary. In other words, you know, .....

30

31 MR. SCHAEFFER: But at the -- in the same term though, like if we have a significant issue that is potentially something that we'll be dealing with, .....

34

35 MS. FOX: Yes.

36

37 MR. SCHAEFFER: ..... like fisheries, then it would be, I mean, common sense for this body to be directly corresponding to the Secretary of Interior since he's the one that's going to make the determination, not the Federal Subsistence Board.

42

43 MS. FOX: Right. That's really -- that's all I have.

45

46 MS. ARMSTRONG: Do we .....

47

48 MR. SAMPSON: Any .....

49

50

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1 MS. ARMSTRONG: Excuse me.

2

3 MR. SAMPSON: Any comments or questions.

4

5 MS. ARMSTRONG: I have a question. On these  
6 appeals you got from the State, do you know what specific area  
7 they are covering or .....?

8

9 MS. FOX: Two of them are already a matter of  
10 litigation where the State is -- they continue to use their  
11 administrative process to remind -- to try to -- to attempt to  
12 remind us of their perspective that we don't have any authority  
13 over fish or game populations in the State. The other one has  
14 to do specifically with fisheries.

15 Most of them have to do with actions the Board never  
16 even took last year, but they were on other kind -- other  
17 regulations in the 93/94 regulations that had been in there for  
18 a couple of years where they question a season or a bag limit  
19 on something. Those are the ones where the Board never even  
20 considered them in April that we will turn over into new  
21 proposals next year. Where they are is generally scattered  
22 over the State. So I don't -- I unfortunately did not bring a  
23 list of them with me, but I will get one to Barbara, if you  
24 haven't already received it?

25

26 MS. ARMSTRONG: I don't know if .....

27

28 MS. FOX: We were sending them out.

29

30 MS. ARMSTRONG: ..... I have or not.

31

32 MS. FOX: But I will send her another copy or  
33 whatever, make sure she has a copy, and she can send them to  
34 you, so that you can see where if any there are ones that  
35 affect this region.

36

37 MR. SCHAEFFER: So .....

38

39 MS. ARMSTRONG: And if there are any, and then  
40 one of these Council member, one of the chairs want to go and  
41 attend this Monday and Tuesday, .....

42

43 MS. FOX: Oh, the staff committee meeting?

44

45 MS. ARMSTRONG: Uh-huh. Is there a possibility  
46 that the air fares and per diem can be taken care of if they  
47 decide to go, if there is .....?

48

49

50

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MS. FOX: Well, I'm not going to even get the information to you until Monday. I mean, I have to get back and -- or maybe I could get somebody to fax it today actually. Why don't we take a look at that after we've seen what the list looks like.

5

6

MR. SAMPSON: Go ahead, Raymond.

7

8

MR. LEE: Yes. For years we've been fighting subsistence from the State regulations, and they don't seem to hear us. That's why we've been fighting all these years for our subsistence rights. Now, the federal come in and we can sit down and talk about this, and -- for federal lands. But if we make some proposals, can the State make changes on or oppose our proposals?

15

16

MS. FOX: We're required to consult with the State. That's in ANILCA.

18

19

MR. LEE: You don't consult .....

20

21

MS. FOX: But they don't .....

22

23

MR. LEE: ..... with the State?

24

25

MS. FOX: They consult, they provide comment to the Board .....

27

28

MR. LEE: Yeah.

29

30

MS. FOX: ..... at the Board meeting.

And .....

32

33

the .....

MR. LEE: So when does a proposal become law,

35

36

MS. FOX: When does it become law?

37

38

MR. LEE: I mean, the -- okay. We pass the regulations, then become law?

40

41

MS. FOX: Yes.

42

43

MR. LEE: Well, .....

44

45

MR. SAMPSON: That's the next thing on the agenda is that she's going to discuss the regulation process and our proposals. The process it's going to go through. She'll get into that.

49

50

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1 MR. SCHAEFFER: Before we get to that, I have  
 2 one more question. Since I mentioned the other day that  
 3 Section 805 did not anticipate something like McDowell.  
 4 Looking at the Congressional record as well as the section  
 5 dealing with subsistence uses of fish and game, is there any  
 6 particular reason other than what you mentioned yesterday that  
 7 there's a separation of fish and game regulations?

8  
 9 MS. FOX: Not -- no. It was simply a matter of  
 10 trying not to have the change in regulations occur in the  
 11 middle of the fishing season.

12  
 13 MR. SCHAEFFER: But other than that, that is  
 14 the only reason for .....

15  
 16 MS. FOX: That's the only reason .....

17  
 18 MR. SCHAEFFER: ..... the separation?

19  
 20 MS. FOX: ..... that I know of.

21  
 22 MR. SCHAEFFER: Because the problem I see is  
 23 what in the future if there is a separation similar to the  
 24 State on the jurisdictional issue of fish, and I imagine that  
 25 the Regional Councils, or determined by the Secretary that  
 26 the Federal navigable issue is in the hands of the federal  
 27 government, not the State, then as a matter of course we would  
 28 be also dealing with fisheries issues. Right?

29  
 30 MS. FOX: I'm not following you. Could you  
 31 help me? Could you say that again?

32  
 33 MR. SCHAEFFER: The intent of ANILCA had  
 34 clearly, in our views, specifically included fisheries in the  
 35 issue of resource management, when .....

36  
 37 MS. FOX: Uh-huh.

38  
 39 MR. SCHAEFFER: ..... Section 805 was created.

40  
 41 MS. FOX: Right.

42  
 43 MR. SCHAEFFER: If it were a determination by  
 44 the Secretary of the Interior, I'm just saying a "what  
 45," .....

46  
 47 MS. FOX: Uh-huh.

48  
 49  
 50

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MR. SCHAEFFER: ..... that the issue of the navigable waters was settled in favor of the federal and not the State, then .....

3

MS. FOX: Uh-huh. Oh, you mean where the State wouldn't be involved in management of navigable waters any more or .....

7

MR. SCHAEFFER: Right.

8

MS. FOX: ..... just the fisheries?

10

MR. SCHAEFFER: Both. Actually .....

12

MS. FOX: I think it would be more of a focus on the resource. In other words, more of a focus on the allocation of the fish stocks, not who has jurisdiction over navigable waters per se. Do you see what I mean?

17

MR. SCHAEFFER: Well, .....

19

MR. SAMPSON: Excuse me. Is -- what she's saying then is .....

22

MS. FOX: The -- yeah.

24

MR. SAMPSON: ..... the federal would look at the resources rather than the .....

27

MS. FOX: Would look at the resource rather than the waterway.

30

MR. SCHAEFFER: Well, what I'm trying to do is paint the picture of what a large responsibility that is, because essentially that will have significant impact on like quotas.

35

MS. FOX: It's mind boggling.

37

MR. SCHAEFFER: It's like limited entry program, for instance, which was a constitution fix back in 1976. Also that would include the issue of what is currently going on in the Interior with the closure of the chum fisheries as well as the last few years with the closure of the Norton Sound fisheries. And that -- the fact of life is that the fisheries issue is a billion dollar question for the State to have to deal with, which is why Governor Hickle with his advocate of native -- the State sovereignty in Washington, not only John Katz, their lawyer, but Ron Summerville is pressing for the issue of having to deal with this new administration.

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So what I'm saying is that if we were charged with the responsibility of fisheries regulation, in fact what we would be doing was taking away the bulk of authority from the Board of Fish. And that's really going to have a significant impact to the State fisheries thing, so .....

5 Along with the game regulations, which I think were in place or in the current system anyway, somewhat reasonable. What I'm saying is that I think we should probably voice some objection to the separation, because further out, had it been that this is a juncture time for the separation of issues from land animals to fisheries issues, and intended to be one and the same in Section 805, will, if we don't object to it now, probably create a whole set of other problems that will be very difficult to deal with.

14

15 MS. FOX: Well, let me add some clarification, too. You will have a formal opportunity to comment on that change. The Board doesn't have authority to change the regulatory year for fisheries. The Secretary has to change that. So that was the Board's decision, to proceed with that, and what that means is we will be publishing a proposed rule, again within a couple of months, that has to be signed by the Secretary, the final rule has to be signed by the Secretary, that changes the regulatory year for fisheries.

24

25 MR. SCHAEFFER: But in fact it also establish Part A, B.

27

28 MS. FOX: It's in A.

29

30 MR. SCHAEFFER: Oh.

31

32 MS. FOX: That's why I'm saying that only the Secretary has authority to change the regulatory year, because he currently says that the regulatory year for subsistence regulations is July 1 to June 30, and that's in Subpart A. So what we have to do is get that approved by the Secretary.

37

38 MR. SCHAEFFER: Right. And then pending the .....

40

41 MS. FOX: So you'll have a formal opportunity to make a recommendation on that, or a comment, however you wish to go, before it's a final decision.

44

45 MR. SAMPSON: George?

46

47 MR. SCHAEFFER: Yeah. So pending -- oh, excuse me.

48

49

50

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1 MR. SHERROD: I'm just going to say, I think  
 2 it's just the year that's changed, right? I mean, if I'm  
 3 bearing correctly, Pete, your concern is that the Board would  
 4 not have a say in fisheries, and it's only the year, it's only  
 5 the timing of the regulations, not the Board's authority to  
 6 have an input, or the Board's -- excuse me, the Council's  
 7 ability to have an input into the making of the regulations.  
 8 It's just an attempt to change the timing of the regulations so  
 9 that a fishing season doesn't start and half way through that  
 10 season, new regulations take effect.

11

12 MS. FOX: It won't change the Board's  
 13 authority, you know, in terms of promulgating fisheries  
 14 regulations, but the timing is a matter of the Secretary's  
 15 authority.

16

17 MR. SCHAEFFER: As well as the scope of the  
 18 control .....

19

20 MS. FOX: Eventually.

21

22 MR. SCHAEFFER: ..... of the fisheries?

23

24 MS. FOX: Yeah. And the issue of the scope is  
 25 also something that the Secretaries, both Interior and  
 26 Agriculture, will have to decide.

27

28 MR. SCHAEFFER: Okay.

29

30 MR. SAMPSON: So then hopefully then we'll  
 31 probably make a recommendation towards that, and discussion  
 32 here maybe as we go through the regulation process.

33

34 MR. SCHAEFFER: I think after we maybe have  
 35 closure to the discussion, then we go to public session .....

36

37 MR. SAMPSON: Yeah. And .....

38

39 MR. SCHAEFFER: ..... or are we in public  
 40 session?

41

42 MR. SAMPSON: No, not yet. What we're going to  
 43 do is we're going to go into the regulation process  
 44 presentation, then we'll go into the public comment from the  
 45 public (indiscernible, notebooks rattling).

46 Let's take a ten-minute break at this time.

47

48 (Off record)

49

50

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(On record)

1  
2 MR. SAMPSON: We'll reconvene at this time. Do  
3 you have anything else in regards to the Council involvement to  
4 the Board?

5  
6 MS. FOX: No, not at this time.

7  
8 MR. SAMPSON: Okay. Is there any questions or  
9 comments in regards to the presentation that was given from the  
10 Council?

11 Hearing none, what we'll go into -- what we'll do then  
12 we'll go through a quick explanation of the process that our  
13 recommendations are going to go through for the proposed  
14 regulations. So she will explain to us the process that it's  
15 going to go through.

16  
17 MS. FOX: Thank you. I'd like to ask the  
18 Council members to go -- refer back to their binder and open it  
19 to section three, where we were yesterday, and the calendar of  
20 events. And for those -- the rest of the people in the room,  
21 there are copies of that calendar over there on that table.

22 This is a calendar of events for revising or proposing  
23 changes to the subsistence hunting and trapping regulations for  
24 94/95. And the first step is where we ask for proposed changes  
25 from the public, comment, and we've provided a 60-day comment  
26 period, which ends November 1st, 1993. During that time, we've  
27 identified here the Regional Council meetings that are  
28 scheduled to occur to assist. Our primary purpose in this part  
29 of the discussion is to help you to assist individuals,  
30 organizations, whoever in your region to submit proposals for  
31 change as they so desire. The Council has its own proposals  
32 that it may forward, but other individuals may want to forward  
33 their proposals as, say, coming from a traditional council or  
34 from an individual in a village. So the Council -- we are  
35 hoping that the Council members will be able to assist those  
36 organizations or representatives in preparing a proposal and  
37 helping it to pass through the process and perhaps be  
38 successful. So we wanted to try to provide information on how  
39 to do that at this meeting, and it's the same process the  
40 Council would use.

41 The next step is a comment period that will extent from  
42 approximately November 15th to January 14th. Now, during that  
43 time, what the public and the Councils will be commenting on is  
44 the proposals that have been submitted. The proposals have  
45 been published and will continue to be published in a booklet  
46 form, and distributed to the public so that you can see region  
47 by region, and where they are statewide proposals perhaps on  
48 methods and means that affects everything statewide. It's all

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broken down in there, so Region Seven proposals will have its own section, which is where your primary interest will be, but as we talked about yesterday, you may have some interest in commenting on proposals in adjacent regions, and the statewide ones.

5 So the booklet will be mailed out, we hope -- we will have summarized all of the comments that we received from individuals or organizations on those proposals, provide those to you before February, so that during the month of February, as it indicates here, you will have a Regional Advisory Council meeting to review the proposals and make your recommendations. And by the close of your meeting, it's intended that we would set a date, if possible, in February so that we can plan for that accordingly.

14 Then the next -- following the February Council meeting, sometime in March, there will be a staff committee meeting where the staff committee will review all of the proposals, all of the comments received, all the Council recommendations and prepare their recommendation to the Board. Now the date for that meeting is on the next meeting where there's a more detailed schedule of the steps. And if you'll go to the bottom of the first page, it says, "Interagency Staff Committee meeting to prepare recommendations to the Board". Everything that the Board considers goes through the staff committee for recommendation. It's their job to do the staff work, to have all the analysis succinct, .....

26

27 MR. SAMPSON: Who .....

28

29 MS. FOX: Yes?

30

31 MR. SAMPSON: Who -- when you say "Staff Committee," .....

33

34 MS. FOX: Okay.

35

36 MR. SAMPSON: ..... who are you talking about?

37

38 MS. FOX: The staff committee is made up of representatives of all the five agencies.

40

41 MR. SAMPSON: Okay.

42

43 MS. FOX: And it is chaired by the representative from the Fish and Wildlife Service, who is Dick Spahala.

46

47 MR. SAMPSON: Okay.

48

49

50

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MS. FOX: And each of those staff committee members meet on a monthly basis to -- oh, sometimes it's to make a specific recommendation to the Board. At other times, they have subcommittees working on different projects and doing different evaluations, and they will review progress on those as drafts, and it will keep -- you know, they basically .....

6

7

MR. SAMPSON: The question is if we make a specific proposal to the Board, and it goes to the committee, when does that committee change -- make any changes to the proposal?

11

MS. FOX: No. Your proposal, your recommendations remain intact.

14

MR. SAMPSON: Okay.

16

MS. FOX: It is of interest to the staff committee, just as it is of interest to you to know what the staff committee is recommending. They're interested in what you're recommending, and what kind of background information you have .....

22

MR. SAMPSON: Okay.

24

MS. FOX: ..... you have considered when you made your recommendation.

27

MR. SAMPSON: Okay.

29

MS. FOX: So that's what they'll do. They will consider what you have come up with.

32

Okay. Then in April is -- it's already scheduled, April 11th through the 15th is going to be the Board meeting where they'll make decisions on proposals in a public forum, and that's our annual hunting and fishing regulations meeting.

36

MR. SAMPSON: Which the Chairs will be attending .....

39

MS. FOX: Yes. The Chairs .....

41

MR. SAMPSON: ..... to the Board.

43

MS. FOX: ..... from all the Council meetings will be attending.

46

MR. SAMPSON: April 11th through 15th?

48

49

50

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1 MS. FOX: Yes.

2 MR. SAMPSON: Okay

3

4 MS. FOX: Okay. Unless there are questions on  
5 that process, I wanted to move on to how to submit proposals.

6

7 MR. SAMPSON: Any questions or comments? Go  
8 ahead.

9

10 MR. LEE: This staff committee recommendations  
11 to Council here as far as proposed changes?

12

13 MS. FOX: No. No, they report directly to the  
14 Board, just as you report directly to the Board.

15

16 MR. LEE: And we can make our own  
17 recommendations for ourselves?

18

19 MS. FOX: Uh-huh. We have, however, I don't  
20 know if you're fully aware of George and Dave's role, is they  
21 prepare staff work for both the Council and the staff  
22 committee. Any proposals that are in this region, George and  
23 Dave are going to be analyzing and preparing information for  
24 you as you develop your recommendations, and information for  
25 the staff committee as they develop their information -- their  
26 recommendations to the Board. You're both using the same  
27 staff.

28

29 MS. ARMSTRONG: And they'll be here during the  
30 when the Board .....?

31

32 MS. FOX: They'll be here in February.

33

34 MS. ARMSTRONG: Oh, okay. When the proposals,  
35 and they'll review .....

36

37 MS. FOX: Yes.

38

39 MS. ARMSTRONG: ..... the proposals?

40

41 MS. FOX: They will be the ones that will be  
42 responsible for all the proposals that effect this region.  
43 They will have first-hand knowledge of the information, the  
44 analysis, the technical information on those proposals. And  
45 then with regard to statewide ones or other ones that may be of  
46 interest to the Council, they will have that information, even  
47 if somebody else prepared it, so that you should have  
48 everything you need from a staffing standpoint to develop your  
49  
50

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recommendations.

1

2

MR. LEE: Okay.

3

4

MR. MOTO: Once these proposals pass, how long  
5- how many years are they in effect or are they .....?

6

7

MS. FOX: For one year.

8

9

MR. MOTO: One year. One year.

10

11

MS. FOX: Yeah.

12

13

MR. MOTO: Okay.

14

15

MR. SAMPSON: So on an annual basis then, there  
will be reviews on each one of the -- each regulation?

17

18

MS. FOX: It .....

19

20

MR. SCHAEFFER: On the entirety of the  
program .....

22

23

MS. FOX: Yes.

24

25

MR. SCHAEFFER: ..... I understand.

26

27

MR. SAMPSON: Okay.

28

29

MS. FOX: Yeah.

30

31

MR. SAMPSON: Okay.

32

33

MS. FOX: You can propose changes to any part  
of the whole -- of the subparts.

35

36

MR. SAMPSON: Yeah.

37

38

MS. FOX: It's completely open for review. But  
once those proposals are in, those are the only ones the Board  
will consider in April. That's analogous to the State process.

41

42

MR. SAMPSON: Okay.

43

44

MS. FOX: We don't do it species by species.  
It's the entire methods and means and all species.

46

47

MR. SAMPSON: Any other comments or questions?

48

49

50

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1 MR. SCHAEFFER: So you'd be in charge of  
2 biological information and, George, yours would be .....

3 MR. SHERROD: Social/cultural.  
4

5 MS. ARMSTRONG: That will be something like Jim  
6 Bowling, subsistence person.  
7

8 MS. FOX: They'll have I think just everything  
9 you need. Harvest information, use information.  
10

11 MR. FISHER: Well, we won't have all the  
12 answers, but .....

13 MS. FOX: They'll have what's available.  
14 They'll have what's available.  
15

16 MR. SAMPSON: That's why the role that you're  
17 going to play in those -- in your key positions is that once we  
18 start -- we can get some funding source for village travel,  
19 your presence in those communities are going to be just as  
20 important, because you're going to need that information from  
21 the communities in order to make the determination of what or  
22 how proposals will have an impact on the communities.  
23

24 MR. SHERROD: Right.  
25

26 MR. SAMPSON: So, you know, when it comes to a  
27 point where there's meetings, then you're going to have to make  
28 yourselves available for the community meetings.  
29

30 MS. FOX: And we also can't overlook the role  
31 of the other agencies' staff who reside here in the region.  
32 The refuge, the parks, BLM, they also have some well-  
33 established ties to those communities, and they are doing a lot  
34 -- I mean, we gather information, but we don't do original  
35 research like they do, so we will very heavily be relying on  
36 BLM, the park, and, well, all the parks, and the refuge .....

37 MR. SAMPSON: That's .....

38 MS. FOX: .....

39 for a lot of information and a  
40 lot of those contacts in the communities.  
41

42 MR. SAMPSON: That's where you get -- run into  
43 some problems. Any time you start dealing with planning,  
44 whether it's proposal, whether it's plan, you start getting,  
45 gathering information from that, or from information that's  
46 already been gathered, sometimes it's outdated.  
47

48  
49  
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1 MS. FOX: Uh-huh.

2

3 MR. SAMPSON: Sometimes it's -- there's  
4 misconceptions in the information. But in order to get the  
5 first-hand information, then what I'm saying is their  
6 involvement at the community level meetings is important for  
7 them to go to. And not only would they get their education on  
8 how people feel about different issues, they'd have a better  
9 sense of the feeling people have towards the federal  
10 regulations and its processes .....

11

12 MS. FOX: Uh-huh.

13

14 MR. SAMPSON: ..... it's going through. So  
15 they'd have a sense when it comes to Board discussions, for  
16 instance, they can right in the back of their minds, say "oh,  
17 Norvik. There are some comments in regards to this issue."  
18 These are the kinds of things that they're able to recollect  
19 from those meetings. It think it's important for -- they being  
20 the federal staff, that they involve themselves in this  
21 process.

22 And, you know, any time you start dealing with planning  
23 again, when you have only one section of an agency doing its  
24 plan, and not really involving everybody else, you're setting  
25 up the -- that plan for failure.

26

27 MS. FOX: Uh-huh.

28

29 MR. SAMPSON: And if you want to accomplish  
30 something that's going to work for you and I then we're going  
31 to have to work together in order to -- for it to work. So  
32 that's why I put the issue out that if we're going to do a plan  
33 to make specific proposals then we need to start from the areas  
34 that will have an impact .....

35

36 MS. FOX: Yes.

37

38 MR. SAMPSON: ..... to those folks, not  
39 something that will impact the agency. We -- you start doing  
40 planning from the top down, then things don't work.

41

42 MS. FOX: Well, I'm in total agreement. I just  
43 look at it as drawing on wherever the information is, and to  
44 what extent that we can capitalize on the networking that's  
45 already .....

46

47 MR. SAMPSON: Yes.

48

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MS. FOX: ..... established with the refuges and BLM and the parks, we want to capitalize and use whatever is available to get that information. And so these people, maybe Barbara and George and Dave will be a core team that will bring that all together, but they're going to be working as -- and I'm in total agreement with local village representatives or communities through yourselves and through the agency field people.

8

9

MR. SAMPSON: Yeah.

10

11

MS. ARMSTRONG: That's why when we had our meeting, I keep mentioning that the exposure of these people that are going to be working with me, to know and learn the communities in each area.

15

16

MR. SAMPSON: Yeah.

17

18

MS. FOX: Uh-huh.

19

20

MS. ARMSTRONG: And then that's why I wasn't sure whether -- where you guys are going to collect your information from, and then send it all the way down to Anchorage and these guys where they've been writing this all, a company different things, .....

25

26

MR. SAMPSON: Yeah.

27

28

MS. ARMSTRONG: ..... and then that's what I requested, kept requesting, is that these guys get exposed out their respective areas.

31

32

MR. SAMPSON: Well, we'll make sure that they get exposed to it, because, you know, they're going to be a part of the -- if they're going to be part of the process, then they're going to be involved through the process. And it's something that they're not just going to sit in Anchorage and do work. They're going to be involved through this process. I mean, if this Council is going to be effective in what it's going to do, then we're going to have to involve everybody.

40

41

MR. SCHAEFFER: Mr. Chairman?

42

43

MR. SAMPSON: Yes?

44

45

MR. SCHAEFFER: In addition to that, I think it's no big secret that one of the problems in this region has been the gathering of harvest information. And I think Jim would agree with that. And we have been working on ways to try

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to improve systems or invent systems to deal with the problems.

1 Also, in some discussions with past organizations, was  
 the prospect of some local governmental entity being the source  
 of information gathering, which would be a whole lot more  
 effective, were it not for some of the reputations of some of  
 the agencies and how they deal. I mean, it's no fun picking up  
 a paper and seeing a bust for ivory down in Diomedes somewhere,  
 and then all they put is that U.S. Fish and Wildlife Service,  
 which is extremely detrimental to gathering accurate harvest  
 information, because once people establish in their minds that  
 they're dealing with a very active enforcement agency, then  
 they're not going to say a damn thing.

12 So I think another project beyond the scope of what's  
 talked about here is that we have to think about protecting our  
 take of the resource, too. I mean, it's not possible by  
 inaccurate numbers. I mean, if we have like a caribou  
 shortage, and one of the documents I saw that was printed  
 related to the issuance of harvest reports, and the return  
 information indicated that this region got somewhere in the  
 neighborhood of 47 caribou that was reported. Well, we all  
 know that that's not the case,, because we probably get  
 somewhere in the neighborhood of, you know, thousands of the  
 animals.

23 But what I'm saying is that if it came down to nuts and  
 bolts and if we were having to be forced to make some  
 allocative decision, then we would have to have that  
 information to state our case. So I think beyond  
 organizational structure and beyond formal means of getting the  
 harvest information, has to be the consideration of something  
 different to start to get accurate harvest information, because  
 ultimately, if we don't have that accurate harvest information,  
 we're the ones that are going to be really scrabbling,, and  
 also we'll have a real difficult time in justifying our take.  
 So I think in view of that, we see that as the even bigger  
 problem than the intent of the regulatory structure which  
 ultimately will lead towards some semblance or presence of  
 enforcement. And, you know, that's a concern.

37

38 MS. ARMSTRONG: The other thing, that if we are  
 going to depend on other agencies, like the National Park  
 Service, BLM, or Fish and Wildlife refuge here in Kotzebue, or  
 the State, is that they might be busy doing something else, and  
 we're just focusing on one different thing, different item than  
 the -- other than what these guys are working on, and they're  
 too busy. There's too little of them up here, and then they're  
 too busy doing their own thing where they won't want to go on  
 the side and say, okay, we'll do this for you, but then -- so  
 we have to get our feet wet in there and get ourselves involved  
 in doing our own thing and gather our own information, and that

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we know our stuff instead of depending on somebody.

1

2 MR. SAMPSON: Well, I'm going to tell you right  
 3 now as the Chairman for this committee, or Council, we're all  
 4 going to get our feet wet. And there's nobody that's just  
 5 going to sit back somewhere and gather information. We're  
 6 going to do and be effective in what we do. And we're going to  
 7 work together to make sure that what we do will work for  
 8 everybody.

9

10 MR. LEE: We're going to make it a point in  
 11 going to our village that they'll be welcome over there and you  
 12 come out. And when you're working on something where you don't  
 13 see something you're working on, you're up in the air. But  
 14 when you come down to it, doing the thing what you're working  
 15 on, you have first-hand knowing what to do, you make the right  
 16 decisions. You rely on other people decisions, and that way  
 17 this is just a good -- but when you come down to it and know  
 18 what you are doing, you will make the right decision.

19

20 MR. SAMPSON: Any other comments and questions  
 21 for the --? I guess what she's going to do know is quickly go  
 22 through the process of .....

23

24 MS. FOX: Yeah, how to .....

25

26 MR. SAMPSON: Right.

27

28 MS. FOX: ..... prepare a proposal. Okay.  
 29 Turn to section four in your binder.

30

31 What we have here is the instructions are the first  
 32 sheet on how to complete this form. The form is the next  
 33 sheet. The questions have been the same every year. We ask  
 34 that the public complete this form, and we've provided an  
 35 instruction sheet to help them, you know, to know what kinds of  
 36 information we're looking for in each one of the questions.

37 The key to getting your proposals considered seriously  
 38, like I said yesterday, is that they're well thought out,  
 39 and you provide as much information as you can to support what  
 40 you're trying to propose. The best way to do that first of all  
 41 is to, if you can, for number one, just rewrite the existing  
 42 regulation that you want changed so there's no question at all  
 43 about what you're talking about.

43

44 The second one is basically I'd like to see the  
 45 regulation rewritten the way that you want to see it written.  
 46 You know, for us to get statements like, "How do you want to  
 47 see this regulation changed," if somebody just said, you know,  
 48 "No seasons, no bag limits." That isn't going to go very far.

48

49 You need to offer us specifically how you'd like to see

49

50

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that written, and then how you can support that by answering questions three, four, five and six. We need know why it should change, what concerns you about it. We need to know in your estimation how will this change effect the resource. We also want to know how it will effect other users, other subsistence users, if you know, if you can speculate for us.

6 Additional information about your proposal, a key thing to add there would be how many people support this proposal? And that doesn't mean in numbers. That means, do you have the backing of the village leaders? Several villages. Does the additional council support it? If -- there's a difference in how some of these are perceived if it only comes from one person and nobody -- and he doesn't -- he or she doesn't indicate that there's anybody else that supports it. That means we've got to do a lot of work to try to find out how valid that proposal is. How much, you know, that's really needed, and how much support it may have. And we only have so much time, so much staff. So it's important that if you can spend some time indicating who else supports this proposal, and telling other people in the villages or other organizations to indicate that down here, it will be a great deal of assistance.

21

22 MR. SCHAEFFER: Peggy, is this form for like say the advisory committees or individuals that wish to see changes in effect (ph) occurs .....?

25

26 MS. FOX: It's for everyone. Every entity that wants to -- the agencies follow this form when they submit proposals, just as individuals do, and the Council will follow the format.

30 It's not a required format. It's a suggested format, because it tries to cover the spectrum of things that we need to know in order to write a good analysis of what's being proposed.

34

35 MR. SCHAEFFER: Because the reason I asked that was in the old system there was opportunity for providing recommendations from like say the Regional Council to the Board of Fish and the Board of Game, which were a slight departure from regulatory proposals that were, you know, under consideration. And what I'm saying is that this would be kind of like a direct line, that as a matter of fact the whole Regional Council, once they made a recommendation to the Board of Game or the Board of Fish, could only disqualify it under certain criteria.

45

46 MS. FOX: Uh-huh.

47

48 MR. SCHAEFFER: That it did not meet one of the

49

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three, two of three, or all of the three, .....

1

2 MS. FOX: Right.

3

4 MR. SCHAEFFER: ..... and forced them to  
5 consider almost automatically adopting it rather than treating  
6 it as a regular proposal.

7

8 MS. FOX: That distinction will continue in  
9 this program. If a proposal comes forward and the Regional  
10 Council in February makes a recommendation on all or some of  
11 the proposals, whatever proposals come forward, and make a  
12 recommendation to support it, then those criteria are to be  
13 applied when the Board considers rejecting a proposal. They  
14 have to .....

15

16 MR. SCHAEFFER: And that's .....

17

18 MS. FOX: ..... That's in the regulations.

19

20 MR. SCHAEFFER: And that's the same criteria?

21

22 MS. FOX: Yes. Would you like me to refer you  
23 to those in the regulations, where that's at, so you can look  
24 at them?

25

26 MR. SCHAEFFER: I have them.

27

28 MS. FOX: You know, okay.

29

30 MR. SAMPSON: Any other questions or comments?

31

32 MS. FOX: I just have one thing to add then to  
33 this? Okay. The following page, after the form, are two  
34 sample proposals that were received during 93/94 that were  
35 approved by the Board. It's just to give you and the other  
36 members of the public an opportunity to see how, in one case  
37 Yakutat Fish and Game Commission, and in another case Jack  
38 Bekof from Wiseman Village, how they submitted their proposals,  
39 the types of information. It doesn't necessarily have to be a  
40 lot. And that they were both successful.

41 Of course, the staff analysis had a lot to do with  
42 helping to fill in the gaps in information for both the staff  
43 committee and the Board when they were considering these  
44 proposals.

45 And that's all I have. George has .....

46

47 MR. SHERROD: Yeah, I have one piece of  
48 information. If, in an example, we get occasionally proposals

49

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that say "we'd like to see a beaver season in June, and by the way, it would be nice to shoot beaver with machine guns." If you have two, even though it may be the same species, break them into distinct proposals. You have a better chance of getting them through. If you're dealing with a change -- a requested change in methods and means, and a change in seasons, put in a proposal to change the season, and put in a proposal to change the methods and means, because when we get several requests all tied in with one proposal, it becomes very difficult to separate them out, and they have a much greater chance of making it through the process.

11

12 MR. SAMPSON: Just don't kind of make -- make those kinds of statements. You're going to alert the animals right people some. Did you see the T.V. news where Bill Walks (ph) been howling in front of the Capitol Building in D.C. and no, just .....

17

18 MR. SCHAEFFER: And when you said "machine gun," you remind me of someone in Juneau.

20

21 MR. SHERROD: Well, we didn't get one on machine guns, but we got one that was tied with the methods and means, and it was tied in with the seasons, and because it wasn't felt that they could separate the methods and means from the seasons, and I thought -- you know, they both were thrown out.

27

28 MR. SAMPSON: Yeah.

29

30 MR. FISHER: I would like to say .....

31

32 MR. SAMPSON: Go ahead.

33

34 MR. FISHER: ..... one thing, too. When you're thinking about submitting a proposal, be sure and maintain contact with Fish and Game, .....

37

38 MR. SAMPSON: Yeah.

39

40 MR. FISHER: ..... and the refuge people and the Park Service people.

42

43 MR. SAMPSON: Well, we -- that's part of our intent, .....

45

46 MR. FISHER: Coordinate with them. Right.

47

48 MR. SAMPSON: ..... we intend to work

49

50

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with .....

1  
2 MR. FISHER: Good.

3  
4 MR. SAMPSON: Because in order to submit a  
proposal, you have to have some sort of biological, you know,  
information. You need some findings and whatnot. I think it's  
pretty much a similar process we go through with our State Fish  
and Game, so we have a good idea of the processes that we have  
to go through.

10 Any other comments or questions for Peggy in regards to  
the regulation process? Thank you.

12 Hearing none, what we'll do is we'll go to the public  
comment period at this time. If any of the members of the  
public wishes to comment on any of the issues that we  
discussed, we would like to hear those from the public. I  
should have announced that we have a form that we had -- is  
there a sign-up sheet .....

18  
19 MS. FOX: Yes.

20  
21 MR. SAMPSON: ..... with that information?

22  
23 MS. FOX: Yes.

24  
25 MR. SAMPSON: Okay. Next time I won't forget  
to make sure we don't -- do you .....

27  
28 MS. ARMSTRONG: We need the sign-in sheet.

29  
30 MR. SAMPSON: The sign-in sheet. Did anybody  
make a note for to come in and talk?

32  
33 UNIDENTIFIED: No.

34  
35 MR. SAMPSON: Well, if nobody's made any checks  
-- for a comment, what I will do is open it to the public.  
If there is any comments from the public? Yes, Lois?

38  
39 MS. DALLEMOLLE: I guess one of the things that  
will be coming up for the Park Service in this region, the same  
thing that may be coming up for you, too, .....

42  
43 MS. ARMSTRONG: She can't hear you.

44  
45 MS. DALLEMOLLE: Okay.

46  
47 COURT REPORTER: And also state your name?

48  
49  
50

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MS. DALLEMOLLE: Okay. I'm Lois Dallemolle. I'm the subsistence coordinator for the Park Service in Kotzebue.

3 And one of the issues that will be coming up for the Park Service this cycle, regulatory cycle, as for you and the best of the agencies, deal with sheep in this unit. And I know that you've heard Jim and Leann talk about it, and us talk about it in previous years. It's been closed by emergency order for the last three years, because of the population declines and continuing low levels of populations.

10 It's not looking, according to the numbers that we've been looking at, like there's any reasonable thought of that population advancing greatly in the next several years. And to continue to close it in that emergency order process may not be the best way of managing that sheep population. It always waits until the last minute. The survey is done literally just about two weeks before the end of the period before the sheep season starts. It's a real panic to get things done, especially because the federal system's, as you've pointed out, a lot slower than the State system.

20 But what we would like from you is to get a feeling from you as to maybe how we should approach looking at this for the next two or three years. We could try and continue to close it by emergency order, or maybe there's a better way of looking at some kind of a regulation that has been suggested, maybe with a sunset clause, that the sheep season will be closed until 1997, and then re-opened, or something like this. This came up at one of our public meetings. We've tried not to close it, because everybody's afraid it won't open again. Maybe there is a way around that fear, and still get out of this process of having to do it by emergency order every year. It's something that we'll be needing to look at. Maybe it's something that you would want to look at also. Or if you could give me some input on it, we'll need to make a proposal, and I don't know the best way of doing this. Just try and do it by emergency order, try and do it with a sunset clause. What are your thoughts?

37

38 MR. SAMPSON: Well, if we're going to act on any proposal, I think maybe the best process to use that, is to get all that information together and prepare it for our next meeting. And then we can make that recommendation at the next meeting. I mean, it's premature to try to make any type of termination now and make that recommendation to the Board. If we are serious about getting that passed, then it would be best if we have all the documentation together and make that recommendation at the next meeting.

47

48 MS. DALLEMOLLE: I agree, except we're at this  
49

50

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deadline where it's due November 1st.

1

2 MR. SAMPSON: Well, I don't think .....

3

Go ahead, Pete.

4

5 MR. SCHAEFFER: I was wondering if Jim had any  
6 ideas as to how to go about this?

7

8 MR. DAU: We can get you the information. In  
9 fact, we've gotten the numbers to a lot of the State advisory  
10 committee members already. I don't know -- I don't think we've  
11 brought you two guys any. But a lot of people sitting here,  
12 that we've got the numbers and we could get them to you later  
13 today (indiscernible).

14

Lois is right, we haven't seen any recovery of the  
15 population at all. It doesn't look like things are turning  
16 around rapidly.

17

18 MR. SAMPSON: Would we be able -- would you be  
19 able to go through another emergency order just to keep it  
20 closed for a certain period until we can go through our  
21 process?

22

23 MR. DAU: It's closed. The current emergency  
24 order that was enacted back in, oh, I guess the end of July,  
25 that's in effect for all of this -- the rest of this regulatory  
26 year, so we've got until next July first before .....

27

28 MR. SAMPSON: Okay.

29

30 MR. DAU: ..... anything is going to  
31 change .....

32

33 MR. SAMPSON: So we're not .....

34

35 MR. DAU: ..... on the State side.

36

37 COURT REPORTER: Excuse me, what was your name?

38

39 MR. DAU: My name is Jim Dau, I'm with Fish and  
40 Game.

41

42 MR. SCHAEFFER: D-a-u.

43

44 MR. DAU: But if, you know, if people want to  
45 talk about that right now, I can go to the office and get the  
46 stuff. If you guys want to, you know, the information to think  
47 about it a little bit, and discuss it, we can (indiscernible).

48

49

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MR. SAMPSON: George?

1

2

MR. SHERROD: I think that this is potentially one of these issues that I mentioned the other day of going from all to none. If in fact you had five harvestable sheep, this body would be charged with to some degree deciding who was going to get those five sheep. I think it's a fairly complex matter that probably is going to need a fair amount of deliberation. Not just do we harvest five sheep, but does Noatak get the five sheep? Does Kotzebue get the five sheep? I think there's a lot of other questions that will be tied in to this question that needs to be thought through.

12

13

MR. SAMPSON: Good point. I mean, is it urgent now that we do something or .....?

15

16

MS. DALLEMOLLE: We will -- no, we will submit a proposal, because .....

18

19

MR. SAMPSON: Okay.

20

21

MS. DALLEMOLLE: ..... that needs to be done, we have one there for next year. And then there would be the comment period, and certainly a period where you .....

24

25

MR. SAMPSON: Okay.

26

27

MS. DALLEMOLLE: ..... as a Council could react to that. I guess I was just looking for some direction .....

30

31

MR. SAMPSON: Well, I maybe the best .....

32

33

MS. DALLEMOLLE: ..... and basic philosophy on the .....

35

36

MR. SAMPSON: ..... thing -- the best thing to do is then for the agency to submit that proposal. Then we can .....

39

40

MS. DALLEMOLLE: React.

41

42

MR. SAMPSON: ..... react to and make a recommendation on that proposal.

44

45

MR. DAU: Sure. And we can handle it like we've done .....

47

48

MR. SAMPSON: Yeah.

49

50

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1 MR. DAU: ..... at the State. After they  
2 submit the proposal, .....

3  
4 MR. SAMPSON: Yeah.

5  
6 MR. DAU: ..... we can sit down with the  
7 members and you guys can have a chance to .....

8  
9 MR. SAMPSON: Yeah. Right.

10  
11 MR. DAU: ..... pass it, make an amendment, or  
12 anything you want to do with it.

13  
14 MR. SAMPSON: So we just go through the  
15 process.

16  
17 MR. DAU: I can just add to the federal side,  
18 this is not the only one being pressured to do something .....

19  
20 MR. SAMPSON: Right.

21  
22 MR. DAU: ..... more permanent, away from the  
23 emergency orders. We're getting it from the State side, too.

24  
25 MR. SAMPSON: Yes, we understand that.

26  
27 MR. DAU: So I think -- you know, I think that  
28 the time is right to consider something, but -- and I think  
29 local people ought to be the ones to make it more permanent,  
30 rather than .....

31  
32 MR. SAMPSON: Yes.

33  
34 MR. DAU: ..... just letting the bureaucrats do  
35, because we can include wording where it would .....

36  
37 MR. SAMPSON: But your involvement through the  
38 process is important to us, too, because you're the biologist.  
39 You know the facts behind the possible declines of the .....

40  
41 MR. DAU: Well, I know some things, and local  
42 guys know some things, too, and .....

43  
44 MR. SAMPSON: Right.

45  
46 MR. DAU: ..... I think all through the sheep  
47 thing, this is nothing new. We've all been .....

48  
49  
50

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MR. SAMPSON: Right.

1  
2 MR. DAU: ..... dealing with this for two  
3 years, and I think it's a real good example where local people,  
4 federal people and State people have all worked together. It's  
5 one of the best .....

6  
7 MR. SAMPSON: Right.

8  
9 MR. DAU: ..... examples of cooperation I've  
10 ever seen.

11  
12 MR. SAMPSON: Yeah. Okay. So let's go through  
13 the process. Thanks.

14  
15 MS. DALLEMOLLE: Okay. Thank you.

16  
17 MR. SAMPSON: Thanks, Lois. Is there anyone  
18 else from the public that would like to make a comment on any  
19 issues that we've discussed?

20  
21 MR. DAU: What -- I just had a question .....

22  
23 MR. SAMPSON: Yes?

24  
25 MR. DAU: ..... I guess, not so much a comment.  
26 Maybe it's backing up a little. We talked about the process  
27 for submitting proposals. But one thing that we've done on the  
28 State side is we've (indiscernible) gone through the State  
29 Board of Game when we've developed management plans, and  
30 management criteria. And the State did this on sheep just last  
31 spring. We went through some management criteria by which we  
32 (indiscernible). Will that -- will the Federal Subsistence  
33 Board want to see any kind of a management plan to sign off on  
34 that? Because really that's probably more important than  
35 individual regulations, because these management plans set the  
36 framework for making lots of management decisions.

37  
38 MS. FOX: The management planning effort is an  
39 agency effort, and so the agencies that would be involved in  
40 the management of those -- of that sheep population would be  
41 the agency preparing the management plan. As that planning  
42 effort takes into consideration subsistence uses, then it would  
43 be adopted, I would say, and generally speaking, by the Board  
44 a management plan with objectives that had objectives that  
45 were in support of the intent of ANILCA.

46 We do not .....

47  
48 MR. SAMPSON: What .....

49  
50

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1 MS. FOX: Excuse me.

2

3 MR. SAMPSON: Go ahead.

4

5 MS. FOX: We consider, for example, management  
6 plans developed by the State, but we do not wholeheartedly  
7 accept them, because they were developed with objectives that  
8 perhaps did not take into consideration subsistence uses and  
9 needs as the Board sees them.

10 So we look at that information, but I would suspect  
11 that an agency, in this case the Park Service, their management  
12 plans would be adopted by the Board as meeting its objectives.

13

14 MR. DAU: I just thought in making these plans,  
15 this would be a real good (indiscernible) by getting public  
16 input into the planning process, so that it's not .....

17

18 MS. FOX: Right.

19

20 MR. DAU: ..... just an agency .....

21

22 MR. SAMPSON: Well, Jim, I'm going to again try  
23 and make it clear that even if it is a management plan that's  
24 going to be put together, the process that we're going to  
25 request to them, to go through, is it's going to start from  
26 those areas that's going to be impacted. It's not going to  
27 start from the Anchorage office. It's going to start out from  
28 the communities, work its way through the process. And like I  
29 said, any time you put a plan together, and you come in with a  
30 draft, that plan never works unless you involve those folks in  
31 the communities that are going to be impacted, even from the  
32 scoping of the start, and that's where you start. That way the  
33 communities will feel that they're part owners of that plan,  
34 and they have more respect for that plan, rather than an agency  
35 coming in and doing it or -- so that's .....

36

37 MR. DAU: I agree.

38

39 MR. SAMPSON: ..... part of the process that we  
40 will go through.

41

42 MR. DAU: Yeah, I agree wholeheartedly with  
43 you, and I guess that's the point I was trying to make, too,  
44 that if you get the -- from among these plans, some mountainous  
45 (ph) proposals.

46

47 MR. SAMPSON: Yeah. Any other comments?  
48 Hearing none, is there any comments from the advisory council

49

50

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members?

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MR. SCHAEFFER: I have some.

MR. SAMPSON: Pete?

MR. SCHAEFFER: As a matter of fact, I would like to propose a couple of recommendations to the Council for their consideration and action.

First is I would like to direct a letter to the Secretary of Interior in regards to two substantive issues that need to be commented on by this body, since it would have direct impact on the future of what we do. The first is the issue of navigable waters and taking into consideration not only the Nome area's fishery, but the western fishery and the crash of the chum salmon, which also directly affects the Interior of the State, I think has led people to believe that there is a management issue here, and that we ought to make a recommendation that the Secretary of Interior contemplate and take action on assuming management of the fishery resources.

Secondly, on the status of selected, but not conveyed lands, there is a significant issue that is on the horizon, and basically that is a jurisdictional issue. An example of that would be if caribou, for instance, were beginning to have a population problem, and a decline, and if a quota, say, was assigned to a village, we have under federal lands a system to accommodate subsistence use. The unfortunate part, like I said yesterday, is that the caribou don't pay no attention to whose land is which. And if there's adjacent State land, for instance, under current State regulations, what can happen is that a population of that caribou can be taken out and ultimately be counted as the in total, so -- for either that village or the area.

So I propose that the Regional Council authorize me to write the letter for the signature of our Chairman, and that we put those two issues in our correspondence directly with the Secretary of Interior.

I have another recommendation if you want to take action on this one first.

MR. SAMPSON: So you want to cover both of those issues then, with regards the navigable -- the question regards to the navigability of waters, targeting the fisheries, and the other the status of selected lands.

What is the wish of the Council? Would you want the Vice Chair to write or draft up a letter to the Secretary of the Interior to address those two issues?

MR. BAILEY: It's about the navigable waters

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that the State .....

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MR. SAMPSON: Navigable waters .....

MR. BAILEY: Within the parks? Or .....

MR. SCHAEFFER: For the whole State.

MR. BAILEY: The whole State.

MR. LEE: Within the national parks?

MR. SCHAEFFER: Including national parks,  
including refuges and .....

MR. BAILEY: Preserves.

MR. SCHAEFFER: ..... anywhere else.

MR. SAMPSON: All the water bodies within the  
Federal jurisdiction.

And the status of selected lands. What he's referring  
to is there's some regional corporations that have selected  
lands, but not yet conveyed to them, and the same thing with  
the State of Alaska. But under the selected lands, the State  
has jurisdiction over fish and game management. That's what  
Pete was addressing about.

So, Pete, if you want, I guess you can put that into  
the form of a motion for discussion purposes.

MR. SCHAEFFER: Okay. So move. I guess .....

MR. SAMPSON: There's a motion on the floor  
then to -- for Pete to write a letter to the secretary of  
Interior addressing the navigable waters and the status of  
selected lands.

MR. SCHAEFFER: And to make recommendations as  
to how the Secretary should be directed to act on those  
(undiscernible) .....

MR. SAMPSON: Okay.

MR. SCHAEFFER: ..... or whatever.

MR. SAMPSON: Yeah. Okay. Is there a second?

MR. BAILEY: Second.

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1 MR. SAMPSON: For discussion. Is there  
2 discussion in regards to those two issues? Any comments?

3

MR. SCHAEFFER: Question.

4

5 MR. SAMPSON: The question's been called for.  
6 All those in favor of the motion signify by saying "Aye"?

7

8 ALL: Aye.

9

10 MR. SAMPSON: All opposed, same sign? Motion  
11 carries.

12

13 MR. SCHAEFFER: Okay. My next recommendation  
14 the Council is to write to the Federal Subsistence Board,  
15 and pertaining to the discussion yesterday, kind of indicate  
16 some of the content of that discussion in the areas of sort of  
17 like the principles of management, and where this Regional  
18 Council would like to go down the line in regards to issues  
19 like co-management; the issue of whether we approve of the  
20 separation of the fisheries issues from other management  
21 issues, understanding, too, that that is a matter of  
22 convenience on the fisheries side to not have a significant  
23 change in the middle of the fishing season. Perhaps more  
24 appropriately what should be discussed is the opposite, having  
25 accommodate everything else to occur with the revision of  
26 the fishing date.

27

Also to press on the Federal Subsistence Board that in  
the event of a population stability issue, that based on  
Raymond's suggestion yesterday, perhaps a regulation stating  
that no regulation is currently needed to deal with the  
situation. And ultimately try to have a simplification of  
regulations, not for the sake of the people who've got to read  
them, but for the other way around, that if they're not needed,  
unless we start seeing trends towards an allocation issue, then  
I think we can discuss regulations.

36

I think also that one of the other significant issues  
that we need to talk about in relation to GMU 23 in the old  
days, and the Region Eight for the Northwest Arctic Regional  
Council, is whether we ought to have some serious discussion  
about the regionalization of the regulatory structure, since I  
think it's abundantly clear that there are different issues and  
different areas, as well as cultural differences throughout the  
State that would probably work towards simplifying regulations  
somewhat, but have them more culturally adapted.

45

And, lastly, I wasn't totally satisfied with the issue  
of how the federal people would be handling the emergency order  
situation, and I think the Federal Board should be corresponded  
with to deal with that to where the federal system is just as

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responsive as the State system, because I think from examples past, there is a definite need for that type of structure to be in place. And whether that authority should rest with which organization, I think is a matter of discussion and ultimate determination by the Board, but ultimately, if it does not include the local folks in the determination, then I think there are opportunities for some substantive disagreement if we were to do so. So what I'm saying is that this is more of a paving of the way for a more efficient cooperative system to be in place that is more responsive.

10

11 MR. SAMPSON: So what you're -- what I'm hearing then, Pete, is that you want to write a letter to the Federal Board addressing the issues of principles of management, addressing the co-management, separation of fisheries, regionalizing possibly the regulations, and the process of emergency order they are presently going through?

17

18 MR. SCHAEFFER: That's correct.

19

20 MR. SAMPSON: Okay. So would you put that in the form of a motion then?

22

23 MR. SCHAEFFER: Okay. I'll do that.

24

25 MR. LEE: I'd like to hear the motion?

26

27 MR. SAMPSON: Okay. There's a motion on the floor to write a letter to the Federal Board in regards to addressing the principles of management, co-management, the separation of fisheries, regionalization of regulations, and the process of emergency orders. Is there a second?

32

33 MR. BAILEY: Second.

34

35 MR. SAMPSON: Second? Discussions?

36

37 MR. LEE: If -- well, all of us have problem regulations, personal. Bag limits. Allocations should be set up for a region or a village of how much game you can get, depending on the size of game that is available. So when I go out hunting, I think about not myself, but other people that want meat. So -- and that (indiscernible) when I get -- if the bag limit was one caribou, I can't feed all the people with one caribou. But if we are allocation system, I think it will be better off than the personal regulations that are written by the State or whatever.

47

48 MR. SAMPSON: I think Pete intended to cover

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that under the regionalization of regulations.

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MR. LEE: Yes.

MR. SAMPSON: I think that will .....

MR. SCHAEFFER: Right.

MR. SAMPSON: ..... be covered under your last section?

MR. SCHAEFFER: Yes.

MR. SAMPSON: Any further discussions?

MR. BAILEY: Question.

MR. SAMPSON: The question's been called for. All those in favor of the motion signify by saying "Aye"?

ALL: Aye.

MR. SAMPSON: All opposed, same sign? The motion carries.

Do you have any comments, Raymond?

MR. LEE: Well, I have lots of comments. My perception is that with the federal regulations now being set up, that we have input on these, and we are quite -- in the past, the State regulations that are made down there, and we know nothing about it until they come in. So with this process, and federal backing us up, and we organized our regional council, I think we've got a little say on what's going on with our fish and game in our area. And I'm very pleased with that right now.

But we've got to work together. Whether you're State or federal, it's important that we understand -- that you understand what we are trying to get across to you. Put yourself in our place once in a while, see what we're thinking. Try to understand what we are saying, instead of just saying, "This guy's just talking, we -- you don't have to listen to him." If somebody say that to you, you'll believe him. But if you try to perceive it someone (ph) we are saying in this, how you'll think. That's all.

And with this subsistence management, it's real big in our villages. Whenever we hear some regulation that are against our nature of hunting, we get riled up inside. We'll get riled up, because that's our way of living. It's just like working. You've got your job. You make money and live out of

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it. We've got a job to hunt in order to feed our people. And you've got to perceive that, understand it. And I hope we have a good working future with it.

3

4

MR. SAMPSON: Thank you, Raymond. Raymond?

5

6

MR. STONEY: Yeah. Thank you, Mr. President. I don't have too much comment, but I can see where, from my perspective, the next two or three years now, that I'm glad that you people are here working with us on changing these hunting and fishing regulations. But as I have said there previously, I said yesterday, these regulations do affect us about eight to ten months after they have become law, they come to finally get to us. So evidently we're -- I'm happy about myself, I imagine (indiscernible) just work with us and then make changes on the regulations, so that's a good sign.

16

17

MR. SAMPSON: Thank you. Bill?

18

19

MR. BAILEY: Yes, thank you, Mr. Chairman. I just appreciate the opportunity to be on the Board, or the Council here.

22

My comment is going to be dealt directly with the Noatak control use area. In everybody's eyes, everybody believes that there are so many caribou, 450,000 caribou. Big deal. That doesn't mean that everybody's going to get caribou in a village. There is great big significant impacts with transporters and aircraft in that area up there. Competition going on again in that area. All the aircraft and transporters are competing for our subsistence gathering that the village people need to gather the whole year. They're affecting the caribou migratory routes where we have hunted for generations and generations. If we continue to keep those people, those transporters, if you keep giving permits to those people to take over our hunting grounds, there's going to be -- something's going to go wrong. They're going to start shooting aircraft, and they're going to -- they will do it. It's getting very dangerous right now.

38

Also, these people that are given permits, they need to start cleaning up their areas where they land and they hunt. We don't have to keep cleaning up after them. If you go up the Noatak River, you can find trash. Blazo cans. Stovepipes. Airplane parts. You name it, they're there. So .....

43

The intent of the Noatak control use area was to protect subsistence uses. Give the Eskimo people, native people a chance to gather their subsistence uses. And now we have to compete again for what we have to get. It's just falling right back to where it started ten years ago. So I suggest maybe that the Noatak people will come up with a new

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proposal to extend where the control use area boundaries are. It's never worked. It was marked at an area where it did not affect us, but it's always affected the people in that area. It not only affects Noatak, it affects Kotzebue and all the surrounding villages that go up there and hunt to subsist, which they are welcome to all the time. But that problem is coming up again, and it's getting real serious. So I just wanted to get that point across. Thank you.

8

9

MR. SAMPSON: Thanks, Bill. James?

10

11

MR. MOTO: Yeah. I think I agree with Bill here, and I know where we could see the handwriting on the wall, and, you know, in the Seward Peninsula in the near future, we'll have the same problems, you know. That's -- They opened that musk ox to sports hunting guides. What I'd like to know is how much this Board, what powers on guiding and transporters so we could get our proposed end (ph) before it ever open up there.

19

What powers do we have on limiting guides or -- okay, maybe we could restrict their airports. If they land on a sandbar, then I suppose all those planes have a brochure on what's safe landing area, what's a minimum safe landing area they have. If there is a sand bar that's too short, you know, I know you could take some pictures and after pictures, you have the technology to measure the sandbar. If they're too short, then you could put -- probably mark it with a nontoxic coloring to say that sandbar is off limits to land. They can see if they're going to land anywhere, then I know we will -- they're -- because, you know, without all the hunters in the Seward Peninsula, this program would have never come up anyway. They would never increase (ph).

32

And I know if we don't have our say in this opening of musk ox to guides and transport, they could disappear just as fast as -- so I sure would like to know what -- how much power this board has and the village. I think we're -- okay. I know we've got that bear language. That's under federal, but -- and our NANA, but what other land there, I don't know if we're under State or .....

39

40

MR. SAMPSON: In regards to lands, if you look at a land status, everything within withdrawal (ph) of Deering -- has been selected under Deering selection. To the south of Deering, you have a good -- roughly, oh, maybe 10 million acres of -- or eight million acres of land. And to the west of Deering, you have the Bering Land Bridge, plus other selected lands by Kowarak.

47

Now, in regards to the authority of this committee, Peggy probably can bring you -- or one of the agency folks can

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probably bring you up to speed as to what type of authority that we might have as a Council. But I can tell you right now what basically they're going to tell us is that we can make a recommendation as a Council to the Board for actions to be taken. And basically that's our role. But as a Council, this is an opportunity for us to work with the agencies to change some of the -- some of the things that are happening today, and hopefully that by making recommendations through a public process, we'll make those changes. But I can't guarantee you that things are going to change tomorrow. It's going to have to go through its process and it's going to take time .....

11

12 MR. MOTO: That I .....

13

14 MR. SAMPSON: ..... to reach this.

15

16 MR. MOTO: ..... understand, because -- that's why I'd rather start now than .....

18

19 MR. SAMPSON: Yeah.

20

21 MR. MOTO: ..... wait till they get the permits.

23

24 MR. SAMPSON: But, you know, in regards to the process that we can go through, I think we're in a good position now to where we can make recommendations .....

27

28 MR. MOTO: Uh-huh.

29

30 MR. SAMPSON: ..... to the Federal folks. And if we can make a dent in at least correcting some of these problems that exist, maybe we can curve (ph), you know, the problems that are within your area. But Peggy might .....

34

35 MS. FOX: I don't really have much more to add than what you've said, except to indicate that the permitting of, you know, transporters and guides would be under the purview of the specific agency, the Park Service, or BLM, or the Fish and Wildlife Service. The Board does not issue or administer permits for guiding or transporters or any other types of things except individual permits for -- that are required on a case-by-case basis for animals, you know, when there's a quota or a limitation on how many people can take. But we do not really attempt to administer access to public lands. That's .....

46

47 MR. SAMPSON: Well, eventually that's .....

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1 MS. FOX: ..... left up to the agencies.  
2 MR. SAMPSON: ..... going to have to be --  
Eventually .....  
4 MS. FOX: And that's not to say we wash our  
5 hands of it. I mean, the .....  
7 MR. SAMPSON: Well, eventually we're going to  
8 have to address the .....  
10 MS. FOX: Right.  
11 MR. SAMPSON: ..... access problem as well,  
12 ~~to~~, because access problems -- because access to our -- to  
13 ~~the~~ selective selected lands eventually is going to have to be  
14 ~~the~~ addressed, especially if you're looking at co-management type  
15 ~~of~~ principles, and I think it's .....  
18 MS. FOX: And that's beyond the scope of the  
19 program right now.  
21 MR. SAMPSON: Right.  
22 MS. FOX: So right now we don't .....  
23 MR. SAMPSON: But it's in the future though,  
24 you know, it's in the talk stages, and hopefully something will  
25 come up.  
26 Now, in regards to the concerns that Bill had brought  
27 up, what -- is there anything that the agencies are doing to  
28 look at some of these problems that are presently occurring,  
29 Bob, on the Noatak?  
33 MR. GERHART: I'm sorry? What was the  
34 question?  
36 MR. SAMPSON: On the Noatak, that -- the  
37 problem that's occurring where the community's starting to pick  
38 up, or clean up some of the areas that the aircraft has been  
39 using, what .....?  
41 MR. GERHART: (Indiscernible) mention. If  
42 there's been any cleanup -- Kara just came from the Kelly  
43 River.  
45 MS. HARTMANN: Yeah. I'm the ranger at Kelly  
46 River.  
48  
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MR. SAMPSON: Yeah.

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2 MS. HARTMANN: And are you referring to like av  
gas fuel drums, or are you referring to trash that's left at  
camp sites or .....?

5  
6 MR. SAMPSON: Okay.

7  
8 MR. BAILEY: See, the people are -- all the  
aircraft are going where the Nana markers are, and there's Art  
Field's guiding camp, and just beyond our field, and in between  
around that area. There's a lot of aircraft use, really  
garbage. They're cutting up a lot of willows and making big  
ladders. There's flags hanging all over the place that they  
left. And that sort of thing. There's a lot of use. And this  
15 concerning the people up there, and we don't leave our land  
like that. We don't abuse our land.

17  
18 MR. GERHART: Have you seen that in the Kelly  
area or .....?

20  
21 MS. HARTMANN: I've seen a lot of hunters come  
22 and use a lot of .....

23  
24 COURT REPORTER: I'm having trouble hearing  
25 you, ma'am.

26  
27 MS. HARTMANN: ..... stuff that .....

28  
29 COURT REPORTER: You're not picking up on the  
30 microphone.

31  
32 MS. HARTMANN: Oh. I've seen a lot of hunters  
come in and cut down small trees used for drying of meat or for  
constructing rafts, things like that. I've seen them -- I've  
seen guides and transporters leave a lot of barrels, fuel  
barrels. I've seen also a lot of native camps that leave a lot  
of trash, too. And as rangers, we try to take care of the  
trash that we see, and we try to talk to white (ph) hunters or  
our transporters about the trash that they leave, whether it's  
barrels or trees or other kind of trash, but, I don't know,  
33 maybe we could address some of the issues in some  
34 information that we get out to the transporters when we send  
35 out their (indiscernible) .....

44  
45 MR. GERHART: Yeah, it sounds to me like we  
46 have a problem we have to deal with.

47  
48 MR. SAMPSON: Maybe one thing that where we  
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have a process .....

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2 MR. BAILEY: We have names and addresses of  
those people that are leaving their trash.

4

5 MR. SAMPSON: What .....

6

7 MR. BAILEY: They left -- they happened to  
leave their names and their addresses and where they're from,  
so I thought that was kind of stupid for them to do that.

10

11 MR. SAMPSON: Maybe the way to address that  
problem is for Bill to get with Bob and address that at more --  
at a local level, .....

14

15 MR. GERHART: Yeah.

16

17 MR. SAMPSON: ..... which would be at the  
community level of Noatak.

19

20 MR. GERHART: You bet.

21

22 MR. BAILEY: Uh-huh.

23

24 MR. SAMPSON: Then from there you can give us a  
report at our next meeting if you wish to of where -- if we  
have to address regulations, then we can address it from the  
regulation side of the picture. So I think in order to address  
that then, .....

29

30 MR. GERHART: Yes. We'll do that.

31

32 MR. SAMPSON: ..... you can work with Bill to  
localize it. Okay, Bill?

34

35 MR. BAILEY: All right. Thank you.

36

37 MR. SAMPSON: Okay. Thanks. I guess first off  
I want to thank the Council and agency for setting up a  
regional advisory council, and I think it's been forthcoming  
for some time. And things are going to continue to change as  
rapid as we try to go through a process of regulating, but if  
we're going to work to where we can set up a system to where it  
will work for everybody, then we have to go through a process  
that you and I have to -- we need to work. If it means the  
process -- if the process means taking the information or  
gathering information from -- at a community level, that's  
exactly the process that we're going to go through to get for  
things to work.

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I've stated earlier that any time you do or go through a process of planning, when you bring a plan from the outside, or from the top to the bottom, it never works. Any time you try to do something for somebody, you're -- you do it in a way that you will satisfy your regulations, your policies, not really the intent of -- or their uses in the area. So the process that I envision from here is that we're going to work with all the communities, with all the parties, and that will have an impact, which means public process. And that's exactly what we're going to do. We're going to get input from everybody.

11 And I'm glad that we are now a Council, although it's  
12 an advisory capacity. I think we do have a little bit of --  
13 not a clout, but we'll be able to work with the Federal Board  
14 addressing some of the issues that are concerned to our  
15 communities.

16 And as far as a Council, then I would encourage all of  
17 you Council members to attend all the meetings, because what  
18 you do and how you plan will have an impact on the communities  
19 that you represent. And it's only fair to them that if there's  
20 a meeting scheduled, then that you be where the meeting's going  
21 to be held.

22 Our next meeting is going to be in February?

23

24 MS. ARMSTRONG: Uh-huh.

25

26 MR. SAMPSON: Is there any certain date that we  
27 need to -- for it to be set for, or is it at the call of .....?

28

29 MS. FOX: Given our schedule, we had  
30 identified, if possible, between the dates of February 7th and  
31 February 28th, which would help us to keep on schedule.

32

33 MR. SAMPSON: What are we looking at as far as  
34 time?

35

36 MS. FOX: How many days?

37

38 MR. SAMPSON: Yeah.

39

40 MS. FOX: I would figure two days.

41

42 MR. SAMPSON: Two days. Okay.

43

44 MS. FOX: And maybe you want to avoid your  
45 Barrow meeting?

46

47 MS. ARMSTRONG: Yeah. I have a Barrow meeting  
48 on November 8th.

49

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1 MS. FOX: November?  
2  
3 MS. ARMSTRONG: I mean February 8th and 9th  
4 probably -- yeah, possibly right now.  
5  
6 MR. SAMPSON: Okay.  
7  
8 MS. ARMSTRONG: If you can avoid that week?  
9  
10 MR. SAMPSON: Okay. What's the wish of the  
11 committee or the Council? If Barb's not going to be here for  
12 the 8th and 9th, then we probably schedule it for the middle of  
13 the month, which would put us the week of the 13th. The 13th  
14 -- or 14th is a Monday, the 15th is Tuesday, 16th Wednesday,  
15 Thursday is 17th, 18th Friday. Wednesday and Thursday would  
16 probably be more appropriate, rather than trying to keep you in  
17 for Friday. I know some of you like to do some things on a  
18 Friday evening, so rather than holding you back, maybe  
19 Wednesday and Thursday would be a more appropriate time for  
20 meetings. And where? So what's the wish of the Council?  
21  
22 MR. LEE: Isn't that the AFN week?  
23  
24 MR. SAMPSON: February.  
25  
26 MR. LEE: Oh, February.  
27  
28 MR. SAMPSON: Yeah.  
29  
30 MR. LEE: I thought it was next month.  
31  
32 MR. SAMPSON: No.  
33  
34 MR. STONEY: So that would be sometime in the  
35 middle of that month?  
36  
37 MR. SAMPSON: Yeah.  
38  
39 MR. BAILEY: February 15th sounds good.  
40  
41 MR. STONEY: The middle of February.  
42  
43 MR. SAMPSON: February 15th/16th? Wednesday/  
44 Thursday.  
45  
46 MR. BAILEY: Sounds good.  
47  
48 MR. SAMPSON: Okay. Where at?  
49  
50

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272-7515

1 MS. FOX: Let's see, 15th and 16th, isn't that  
2 Tuesday and Wednesday?  
3  
4 MR. SAMPSON: Yeah, Tuesday and Wednesday. I'm  
5 Sorry. I intended Wednesday and Thursday. Maybe 16th and  
6 17th. I'm sorry, I looked at the -- 16th/17th.  
7 Where would the Council like to meet?  
8 We're going to be dealing with proposals then?  
9  
10 MS. FOX: Yes.  
11  
12 MR. SAMPSON: Yeah.  
13  
14 MS. ARMSTRONG: Uh-huh.  
15  
16 MR. SAMPSON: Okay. Any recommendation?  
17  
18 MS. ARMSTRONG: Wherever the Council wishes to  
19 meet.  
20  
21 MR. SAMPSON: Then they all have to go out to  
22 Nopiak (ph).  
23  
24 MR. SCHAEFFER: Here's probably easiest.  
25  
26 MR. SAMPSON: Okay. In Kotzebue.  
27  
28 MR. LEE: We've got an option to meet out in  
29 the villages?  
30  
31 MR. SAMPSON: That's what we'll find out after  
32 they find some .....

33  
34 MS. FOX: Well, you do have options.  
35  
36 MS. ARMSTRONG: You do. You do have options.  
37  
38 MR. SAMPSON: Okay.  
39  
40 MS. FOX: You have to keep budget in mind.  
41  
42 MR. SAMPSON: Okay.  
43  
44 MS. FOX: You know, the more expensive the  
45 travel, the less you're going to be able to do.  
46  
47 MR. SAMPSON: Okay.  
48  
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MS. FOX: But I know that it's important,  
because of some issues, to meet out in a village.

2

3

MR. SAMPSON: Let's hold our original meeting,  
or first meeting in regards to regulations here. And after  
that, then we can go into community after that meeting. Our  
third meeting, we can go to the communities.

7

Yes, Raymond?

8

9

MR. STONEY: Yeah, Mr. President, I don't know  
about the other Council members here, but for myself, you know,  
I'd like to get to -- I represent three villages, so I would  
have to go to the villages for these proposals and regulations  
before, you know, -- I mean, before you.

14

15

MR. SAMPSON: Yeah.

16

17

MR. STONEY: So we have to plan on doing that  
also.

19

20

MR. SAMPSON: Well, .....

21

22

MS. ARMSTRONG: Well, just to make clear, I  
guess that you guys were just picked at random from each area,  
and then I .....

25

26

MR. SAMPSON: Yeah.

27

28

MS. ARMSTRONG: ....., think you don't no longer  
represent -- this whole Council represents the whole area of  
Nana Region is what it was.

31

32

MR. STONEY: Okay. Fine.

33

34

MS. ARMSTRONG: (In Yupik)

35

36

MR. SAMPSON: Okay. So it will be in Kotzebue  
the 16th and 17th. So prepare to get an interpreter. I guess  
we're going to hold our next meeting in Yupik.

39

40

MS. FOX: Barbara will do that.

41

42

MR. SAMPSON: So Barbara's going to be writing.

43

44

MS. FOX: I'm saying Barbara .....

45

46

MS. ARMSTRONG: Raymond's the secretary. Your  
secretary is sitting right there.

48

49

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1 MR. SAMPSON: Yeah. I'm just kidding you.  
 2 Okay. Anything else that we need to .....?

3 MR. SCHAEFFER: Well, I've got some closing  
 4 comments.

5  
 6 MR. SAMPSON: Go ahead, Pete.

7  
 8 MR. SCHAEFFER: Looking at the history of game  
 9 management in this State, I think it's real clear that as  
 10 people have gotten wiser to the system of resource management,  
 11 that we also become concerned about the dilution of the native  
 12 way of life (indiscernible). I think we have come a long way  
 13 in our attempts to try to understand western system of  
 14 management.

15 I'd like to point out that some of the founding fathers  
 16 of the State of Alaska were very brilliant people, and one  
 17 observation was made in the Constitutional Convention about  
 18 resource management principles, and that was an animal is  
 19 basically sovereign until reduced to possession. And, boy,  
 20 don't go tell the caribou that.

21 But basically what got me thinking about it was its  
 22 applicability to the issue of the native people and how they've  
 23 done management of resources over the years, with no other (ph)  
 24 attention to where -- the misconception still plagues us by the  
 25 interpretation of like say the Wilderness Act and man is apart  
 26 from nature, is an intruder. Well, baloney. We feel just as  
 27 strongly as you feel otherwise that that's not the case. We  
 28 are a part of nature. Where that fits in to where the latest  
 29 trend is their concern for the environment, and the  
 30 environmental community I think is becoming aware, too, that  
 31 maybe we're right and everybody else is wrong. And what we'll  
 32 be dealing with is basically just an agreement in principle,  
 33 because ultimately it will always come back to that.

34 And we always contend that we have a way of life that  
 35 us is valuable, and, of course, the regulators see it in a  
 36 different light, especially under constrictive documents such  
 37 as the Constitution of the State of Alaska, which acknowledges  
 38 nothing native about it, other than Section 12, Item 12, which  
 39 was the part of the Enabling Act, which forced the State of  
 40 Alaska to acknowledge the relationship of the federal  
 41 government to the native people. But, of course, that is the  
 42 core of contention, and the bulk of litigation that we can view  
 43 basically as allocative in nature or more specifically  
 44 leaning towards a segment of the Alaska population, and the  
 45 (indiscernible) of the Constitution it was intended that that  
 46 identified as discriminatory. So in some ways we're forced  
 47 to have ourselves under examination and cross examination when  
 48 we start to press some issues of defending our way of life.

49  
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And time and again, I don't know how many times I've sat in front of the Board of Game with the likes of some of the Alaska Outdoor Council behind me making remarks about our presentation, and the other difficult part was that the Board of Game and the Board of Fish does not choose to meet in Kotzebue. We had to go to them.

6 So I think the big departure here is that maybe we have an opportunity to try to educate, and I'm willing to also say that we in turn wish to be educated for the -- what we would consider the common good of basically the resources. And that is the issue here. So as we go and progress through this system, I'm sure there's going to be a lot of refinements in whose authority is which, but basically, and I'll say it again, that ultimately if the regulations don't fit what's out in the village already, it ain't never going to work. And it's as simple as that.

16 And the other fact of life is whether they're talking about the Migratory Bird Act, or if they're talking about someone's game management, and whose authority is, I think the native people just basically want to be left alone to do their thing, and I think under the guidance of human rights, they have a right to do that.

22

23 MR. SAMPSON: Is that it? Okay. Thanks, Pete.  
24 I guess for a motion for adjournment.

25

26 MR. LEE: Move to adjourn the meeting.

27

28 MR. SAMPSON: Motion for adjournment. The  
29 meeting's adjourned.

30

31

(END OF PROCEEDINGS)

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C E R T I F I C A T E

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3 ) ss.  
4 STATE OF ALASKA )  
5

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9  
10 THAT the foregoing pages numbered 02 through 68 contain  
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16  
17 THAT the transcript is a true and correct transcript  
requested to be transcribed and thereafter transcribed by  
Meredith Downing to the best of her knowledge and ability;

20  
21 THAT I am not an employee, attorney, or party  
interested in any way in this action.

23  
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32 My Commission Expires: 10/10/94

33 **S E A L**

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