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1 NORTHWEST ARCTIC FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL

3
4 Alaska Technical Center
5 Kotzebue, Alaska

6
7 February 28, 1997
8 9:00 o'clock a.m

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13
14 Members Present:
15
16 Fred Armstrong, Jr., Chairman
17 Bert Griest, Vice Chairman
18 Walter G. Sampson
19 Percy C. Ballot, Sr.
20 Raymond Stoney, Secretary
21 Wilfred R. Ashby
22
23
24 Barbara Armstrong, Coordinator

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P R O C E E D I N G S

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MR. SAMPSON: I'll call the Northwest Arctic Subsistence Regional Advisory Council meeting to order at this time and it's now 9:18. I want to welcome all of you to the Advisory Council meeting. At this time we'll ask Ricky Ashby for an invocation before the meeting starts. Ricky.

MR. ASHBY: Glory to God. Lord we thank you for these people that make it here safely from their villages and also from the cities. We pray Lord Jesus that you will guide us and lead us through your holy spirit through the day, in name Jesus' name in Heaven.

MR. SAMPSON: Thank you. Roll call.

MR. BALLOT: Yes, Mr. Chairman. Walter Sampson?

MR. SAMPSON: Here.

MR. BALLOT: Bert Griest?

MR. GRIEST: Here.

MR. BALLOT: Percy's here. Stanley Custer? Fred Armstrong?

MR. ARMSTRONG: Here.

MR. BALLOT: Ricky Ashby?

MR. ASHBY: Here.

MR. BALLOT: Raymond Stoney?

MR. STONEY: Here.

MR. BALLOT: Six of seven. We have a quorum.

MR. SAMPSON: We do have a quorum. New business today.....

MR. ARMSTRONG: Mr. Chairman?

MR. SAMPSON: Yes.

MR. ARMSTRONG: Could I ask to excuse Stanley Custer. He's attending a funeral.

MR. SAMPSON: Okay, Stanley is at a funeral so we will

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1 excuse Stanley.

2

3 We will go through introduction at this time. We will
4 start with your end there and go through.

5

6 MS. HILDEBRAND: I am Ida Hildebrand, Staff Committee
7 member for the BIA, Board member.

8

9 MS. DEWHURST: I'm Donna Dewhurst, I replaced Steve
10 Kovach. So I will be your biologist working with your RAC. I
11 spent the last eight years living in King Salmon, so I've lived
12 in the bush. I worked out there with the Alaska Peninsula
13 Refuge and the two years before that I was in the western
14 Aleutians living on Amchitka, that's as about as far out as you
15 can get. So that's my history and I look forward to working
16 with you all -- I'll be working with Helen and Barb.

17

18 MS. H. ARMSTRONG: I'm Helen Armstrong. I'm the Staff
19 anthropologist for the Northwest Arctic Peninsula.

20

21

22 MR. KOLASINSKI: I'm Joe Kolasinski. I'll be your
23 Court Reporter today from my own business. Thank you, nice to
24 be here.

25

26 MR. ARMSTRONG: Fred Armstrong representing Kotzebue
27 Region.

28

29 MR. SAMPSON: Walter Sampson.

30

31 MR. GRIEST: Bert Griest from Selawik.

32

33 MR. BALLOT: Percy Ballot, Buckman.

34

35 MR. STONEY: Raymond Stoney, Kiana.

36

37 MR. ASHBY: Ricky Ashby from Noatak.

38

39 MS. DETWILER: Sue Detwiler from Fish and Wildlife
40 Service, Subsistence Office in Anchorage.

41

42 MS. B. ARMSTRONG: Barb Armstrong, Coordinator.

43

44 (The following people introduced themselves away from
45 the microphone - Pete Schaeffer; Leslie Kerr, Selawik National
46 Wildlife Refuge; Elizabeth Andrews, Alaska Department Fish and
47 Game; Susan Georgette; Ken Adkisson, Bering Land Bridge, Nome;
48 Randy Meyers, Bureau of Land Management; Lois Dallemolle,
49 National Park Service, Kotzebue; Fred DeCico, Alaska Department

50 of Fish and Game; Tracy Lingeau, Alaska Department of Fish and

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1 Game; Art Ivanoff; Mark Koepsel, Fish and Wildlife Service,
2 Selawik; Tony Booth Fish and Wildlife Service, Division of
3 Refuges; Cutis Bedingfield; S. Bucknell)

4

5 MR. SAMPSON: We got a couple more coming in so we'll
6 -- we'll have the late comers introduce themselves. Is that
7 your introduction.

8

9 MR. RABINOWITCH: Sandy Rabinowitch with the National
10 Park Service.

11

12 MR. SAMPSON: And Mr. Ramouth, Jonas Ramouth with
13 National Park Service. I want to welcome all of you to the
14 Northwest Arctic Subsistence Regional Advisory Council meeting.
15 Copies of agendas and whatnot are out on the table over here if
16 anyone wishes to get any copies. Donna, welcome to the
17 Advisory Council, we're looking forward to working with you.
18 Steve worked very close with us and I hope that we will get
19 that working relationship with you, as close as we got with
20 Steve and we all will get to know you more in the future.

21

22 All of you should have a copy of your agenda. Is there
23 any revisions or any additions or deletions to the agenda that
24 was given to you?

25

26 MR. STONEY: Mr. Chairman?

27

28 MR. SAMPSON: Yes.

29

30 MR. STONEY: I got a question on this agenda, I think
31 Ricky will ask this question on is Noatak -- what is CUA,
32 Ricky.

33

34 MS. B. ARMSTRONG: Controlled use area.

35

36 MR. ASHBY: Controlled use ara.

37

38 MR. STONEY: Controlled use area, okay, control --
39 okay, thank you.

40

41 MR. SAMPSON: Yes, Pete.

42

43 MR. SCHAEFFER: Mr. Chairman, we had asked on behalf of
44 Maniilaq, we have had an item to be added on the agenda, which
45 was the caribou management agreement, where is it on this?

46

47 MS. B. ARMSTRONG: It's on 8-F in the back.

48

49 MR. SCHAEFFER: I was wondering if it'd be possible to

50 move it up to somewhere in this morning's meeting, if it's

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1 possible to have that?

2

3 MR. SAMPSON: Is there any problems moving 9-F up on
4 the agenda?

5

6 MR. GRIEST: Will we have somebody here from Maniilaq?

7

8 MR. SCHAEFFER: Yeah, Art Ivanoff is supposed to be
9 here.

10

11 MR. SAMPSON: Okay. Where would we....

12

13 MR. ARMSTRONG: A-3.

14

15 MR. SAMPSON: A-3, okay. Let's put that under A-3.

16

17 MR. ARMSTRONG: Mr. Chairman?

18

19 MR. SAMPSON: Yes, Fred.

20

21 MR. ARMSTRONG: If at all possible, I'd like to combine
22 customary trade discussion with Sue Detwiler, include that with
23 the update on implementation of Federal Subsistence Fisheries
24 management.

25

26 MR. SAMPSON: So E with A?

27

28 MR. ARMSTRONG: That's correct.

29

30 MR. SAMPSON: Okay.

31

32 MR. ARMSTRONG: And also I'd like to add, I know
33 there's been ongoing discussion about the term, rural, in
34 Council member eligibility and I'd like to add that as an item
35 of discussion on perhaps B-6, any other reports.

36

37 MR. SAMPSON: Okay. Rural definition under B-6.

38

39 MS. B. ARMSTRONG: Six what?

40

41 MR. SAMPSON: B.

42

43 MS. B. ARMSTRONG: 6-B?

44

45 MR. SAMPSON: No, 9-B-6.

46

47 MS. B. ARMSTRONG: 9-B-6, oh, okay.

48

49 MR. SAMPSON: Rural definition.

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1 MS. B. ARMSTRONG: Rural definition.

2

3 MR. SAMPSON: Yeah.

4

5 MS. B. ARMSTRONG: Okay.

6

7 MR. SAMPSON: And customary trade would work with
8 update on implementation. Any other changes? Hearing none,
9 what's the wish of the Council?

10

11 MR. ARMSTRONG: Mr. Chairman?

12

13 MR. SAMPSON: Yes, Fred.

14

15 MR. ARMSTRONG: Move to adopt the agenda as amended.

16

17 MR. SAMPSON: There's a motion on the floor to approve
18 the agenda with amendments, is there a second?

19

20 MR. GRIEST: Second.

21

22 MR. SAMPSON: Second. Discussions.

23

24 MR. BALLOT: Question.

25

26 MR. SAMPSON: Question's been called for. All those in
27 favor of the motion signify by saying aye.

28

29 IN UNISON: Aye.

30

31 MR. SAMPSON: All opposed same sign.

32

33 (No opposing votes)

34

35 MR. SAMPSON: Motion carries. We should also have
36 received a copy of the minutes of our October meeting. Is
37 there any corrections to the minutes of October 1996 minutes?

38

39 MS. B. ARMSTRONG: Under N.

40

41 MR. SAMPSON: Under N in your booklet. I'll give you a
42 couple of minutes to quickly look through them.

43

44 MR. STONEY: Mr. Chairman?

45

46 MR. SAMPSON: Yes.

47

48 MR. STONEY: I got one question on these minutes, are
49 we -- how's the survey on the sheefish Upper Kobuk, are we

50 getting a survey of what's the population in that area?

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1 MR. SAMPSON: On?

2

3 MR. STONEY: It's on Page -- on the third page on
4 Alaska Fish and Game, did they do any surveys at all in the
5 Kobuk, the population of sheefish.

6

7 MR. SAMPSON: That, we probably can get a copy -- or
8 I'm sorry, the report from the Department. We can ask the
9 Department under 9-B-2.

10

11 MR. STONEY: Okay, thank you, Mr. Chairman.

12

13 MR. SAMPSON: Any others? Hearing none, what's the
14 wish of the Council?

15

16 MR. GRIEST: Mr. Chairman?

17

18 MR. SAMPSON: Yes, Bert.

19

20 MR. GRIEST: I move we approve the minutes of the last
21 meeting.

22

23 MR. SAMPSON: Motion on the floor to approve the
24 minutes of our last meeting. Is there a second?

25

26 MR. STONEY: Second.

27

28 MR. SAMPSON: It's been seconded. Discussion.

29

30 MR. ARMSTRONG: Question.

31

32 MR. SAMPSON: Question has been called for. All those
33 in favor of the motion to approve the minutes from October 11,
34 1996, signify by saying aye.

35

36 IN UNISON: Aye.

37

38 MR. SAMPSON: All opposed same sign.

39

40 (No opposing votes)

41

42 MR. SAMPSON: Motion carries. We will go to elections
43 now. Barb, would you and the Staff handle the elections,
44 please?

45

46 MS. B. ARMSTRONG: Okay.

47

48 MR. SAMPSON: I will step down at this time.

49

MS. B. ARMSTRONG: All right. Nominations are now open

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1 for the Chair for the Northwest Arctic.

2

3 MR. BALLOT: Mr. Chair, I nominate Fred Armstrong.

4

5 MS. B. ARMSTRONG: Fred Armstrong has been nominated.

6 Are there any other nominations? Do you have anymore

7 nominations for Chair? What are you guys going to do, do you

8 have anymore nominations?

9

10 MR. SAMPSON: Fred's just Chair.

11

12 MS. B. ARMSTRONG: Walter.

13

14 MR. SAMPSON: I move that the nominations be closed and

15 ask for a unanimous consent for Fred to Chair.

16

17 MR. GRIEST: Second.

18

19 MS. B. ARMSTRONG: So is that unanimously accepted?

20

21 (No audible response)

22

23 MS. B. ARMSTRONG: Do I do a roll call? No. Okay, so

24 Fred you can take over.

25

26 CHAIRMAN ARMSTRONG: Thanks Barb. I appreciate the

27 support of the Council. I'll do my best to represent the --

28 Chair the meetings. Just remember the Chair is just running

29 the meetings, he's still a part of you guys and all the

30 authority still rests with all of the Council members.

31

32 I'd like to open the nominations for vice chair at this

33 time. Are there any nominations.

34

35 MR. BALLOT: Mr. Chair, I nominate Bert.

36

37 CHAIRMAN ARMSTRONG: Bert has been nominated, is there

38 a second? Or do we need a second?

39

40 (No audible response)

41

42 CHAIRMAN ARMSTRONG: Are there any other nominations?

43 If there are no other nominations, I'll close the nominations

44 at this time and ask for a unanimous consent. Any opposition?

45

46 (No audible response)

47

48 CHAIRMAN ARMSTRONG: None. Congratulations Bert.

49

MS. B. ARMSTRONG: Mr. Chair, the only problem you have

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1 right now is Bert's seat is up.

2

3 CHAIRMAN ARMSTRONG: Well, that's still beside the
4 point.

5

6 MS. B. ARMSTRONG: Okay, that's fine with me then.

7

8 CHAIRMAN ARMSTRONG: He's still sitting on the Council.

9

10 MS. B. ARMSTRONG: Okay.

11

12 CHAIRMAN ARMSTRONG: Congratulations Bert. At this
13 time I'll open the nominations for secretary. Are there any
14 nominations?

15

16 MR. BALLOT: I nominate Ricky.

17

18 CHAIRMAN ARMSTRONG: Ricky's been nominated.

19

20 MR. BALLOT: And then ask for a unanimous, Mr. Chair.

21

22 CHAIRMAN ARMSTRONG: Is there any opposition to this?

23 Rick?

24

25 MR. ASHBY: I'm just getting in and I don't really know
26 the Council, so I'd like to wait until I get comfortable.

27

28 CHAIRMAN ARMSTRONG: Okay. Ricky's declined. Is there
29 any other nominations?

30

31 MR. GRIEST: I nominate Raymond Stoney.

32

33 MR. BALLOT: Second.

34

35 CHAIRMAN ARMSTRONG: Raymond's been nominated.

36

37 MR. BALLOT: I ask for unanimous consent on the
38 nomination for Raymond.

39

40 CHAIRMAN ARMSTRONG: Is there any opposition?

41

42 MR. STONEY: No.

43

44 CHAIRMAN ARMSTRONG: Congratulations Raymond, you're
45 the secretary.

46

47 MR. STONEY: Thank you, Mr. Chairman.

48

49 CHAIRMAN ARMSTRONG: I'd like to thank Walter for

50 leading this organization for the last couple of years, he's

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1 done a good job and they're hard shoes to fill. Thanks Walt.

2

3 We'll go on to Item 7 and open the floor to public
4 comments on the Federal Subsistence Management Program. And
5 this will be an ongoing opportunity for the public to speak on
6 issues that they feel are appropriate. What you need to do is
7 fill out the testifiers form at the sign-in table and hand it
8 to Barb, the Coordinator. Is there anyone wishing to address
9 the Council at this time? Pretty silent group today. Okay,
10 just remember it will remain open -- that option will remain
11 open.

12

13 Let's go on to Item 8, proposals to change Subpart C,
14 customary and traditional use determinations and Subpart D. I
15 guess there's some procedures that we need to follow, there's
16 the biological, socio-cultural analysis, the team leader, I
17 guess does that. And we'll hear from Barb on written public
18 comments and open the floor to the public for their comments.
19 Agency comments. And then the Regional Council will deliberate
20 on this.

21

22 MS. B. ARMSTRONG: That will be Helen Armstrong.

23

24 MS. H. ARMSTRONG: Thank you, Mr. Chair. Before I
25 begin the proposal analysis which are in Section O in your book
26 and we're beginning with Proposal 64, I just want to make a
27 comment to the Council that these should be viewed as
28 preliminary, that they are drafts and that any corrections,
29 revisions, additional information that you can provide to me
30 today will be inserted into the books and then taken before the
31 Federal Subsistence Board. It's been particularly true in some
32 cases with other Council, not as much today, but that we've
33 really depended very heavily on the comments that we get from
34 the Councils. If we don't have enough information, which
35 sometimes we don't, then we really look to you to provide that
36 information to us. And so I want to encourage you, after I get
37 done, to provide any additional information that you can give
38 me to support what's been said here or in some cases, we don't
39 have any information at all.

40

41 With that, I'd like to begin with Proposal 64. This
42 was a proposal submitted as a backlog proposal from the Middle
43 Yukon Local Fish and Game Advisory Committee and then this
44 Council made this proposal, I believe it was last year, it
45 might have been the year before for changing the customary and
46 traditional use determination for black bear in Unit 23.

47

48 Up until now, black bear has not had a determination
49 that's been made. And maybe to help people who are new to kind

50 of understand this, when the State was doing customary and

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1 traditional determinations, they did them for most of the large
2 mammals. But black bear was one that had not been done very
3 consistently through the State. And when we adopted -- began
4 this program, we adopted the State's determinations, so we
5 adopted that what we call, a no determination. So the way it
6 is now, any rural -- Federally qualified rural resident can
7 hunt black bear in Unit 23. So what we're doing today is
8 reexamining that -- or examining that to come up with a
9 determination for who hunts black bear in Unit 23.

10
11 What I'm going to do in this analysis, because we have
12 a pretty full plate today on the agenda, is focus my discussion
13 on those areas where there are probably some more issues that
14 need to be decided and not go through every single one of the
15 eight factors. What I'm -- I'm hoping that people have read
16 it, if you have any questions about those other eight factors
17 please ask me and I'll be happy to talk about them. But we'll
18 be entering what's written here as the record into the record,
19 rather than discussing every single one of them because I think
20 we have a lot on the agenda today and we probably need through
21 these more quickly.

22
23 In Unit 23, 56 percent of the land is Federal public
24 land of which 40 percent is National Park Service land, nine
25 percent is Bureau of Land Management land and seven percent is
26 U.S. Fish and Wildlife land. That information goes into
27 everyone of these proposals, but I won't be repeating it for
28 each one of them. The communities that are concerned are those
29 communities in Unit 23. There's a fair amount of information
30 that's been gathered on the communities and their subsistence
31 uses in Unit 23. There is not that much information about
32 black bears. The mapping that was done on -- was done saying
33 bear use and didn't distinguish between black and brown bear,
34 so I had a little bit of trouble in trying to decipher whether
35 or not black bears were used in all of the communities that
36 have had mapping done for them.

37
38 We have eight factors, for those of you who are new,
39 that we go through. And for each one of those eight factors we
40 don't always have information on each community, but what I
41 have done is made some assumptions that some of those uses that
42 would be similar community by community because this is a
43 pretty homogenous area where people have very similar hunting
44 practices. The first factor is a long-term consistent pattern
45 of use, including interruptions beyond the control of the
46 community or area.

47
48 Historically, we know that black bear have been
49 harvested by residents in the Kotzebue Sound region for their

50 meat and their fat and their fur. We know that the traditional

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1 Inupiat of the Kotzebue Sound region depended on a wide variety
2 of wildlife resources, including black bear and that black bear
3 were used as well as brown bear. Some of the information we
4 have about bear use, we have pretty good information about
5 brown bear use and I think some of that could be applied to
6 black bears as well. We know that the skins were used for
7 clothing and blankets and the meat was eaten.

8
9 Ambler, Selawik, Buckland, Kobuk, Kivalina, Kiana,
10 Deering, Noatak, Noorvik and Shungnak have mapped subsistence
11 use areas of bear. But as I said there's not a distinction
12 between black bear and brown bear. There was a community use
13 study done in Kotzebue in '86 and '91 and it indicated that 20
14 and 32 black bears were harvested in those years. There have
15 been studies in Deering, Kivalina and Noatak, but no black
16 bears were used when those studies were done, although there
17 was use of brown bear. There wasn't any mention of black bears
18 in the study done in Buckland. And in studies done in
19 Kivalina, there was no discussion of black bears. There's no
20 data on black bear at all in the ADF&G harvest data base as
21 well. Just because black bear didn't show up in those studies,
22 I don't think it means that black bears weren't used, but I'm
23 just indicating what we know from the data based and as well as
24 from the literature. And when those studies were done they're
25 done for single years and I know that sometimes things don't
26 show up, especially with something that's not harvested really
27 regularly.

28
29 The other factor that -- I think the main factor that
30 we'll be looking at really today is who hunts black bear and
31 assumably that hunting is done by Unit 23 people in Unit 23.
32 We know that the habitat in the Waring Mountains, the Kigarak,
33 Selawik, you'll have to forgive me if I don't say these right,
34 Tagagawik, Kobuk and Noatak River drainages are suited to black
35 bears and that black bears live in areas where there are trees,
36 mostly along the rivers. Because of that we can assume that
37 probably black bears aren't as likely to be available to
38 Deering, Buckland, Kivalina or Point Hope hunters.

39
40 The other question that I had was whether or not people
41 outside of Unit 23 are coming into 23 to hunt black bears. And
42 since this was written I've gathered some more information from
43 other people and in the document it states that the Purcell Hot
44 Springs were used on the eastern end of the Selawik Refuge and
45 that they're frequented by residents of Galena, Allakaket,
46 Koyukuk, Huslia and Hughes. And one gentleman I talked to who
47 lived for a long time in Galena, he's now living in Anchorage,
48 said that people from Galena go up there, mostly they're
49 looking for caribou, but that if they saw a black bear and they

50 needed one, that they would be likely to take one. At the

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1 Western Interior Council meeting, they voted to support adding
2 Huslia to this c&t determination. They did not -- and they
3 asked that other studies be looked at in the future.

4
5 So that's one of my concerns, is which communities to
6 include of those or are there others that should be included
7 from the neighboring units.

8
9 I think I'm not going to go through the rest of the
10 eight factors unless you have things you want to particularly
11 focus on. The preliminary conclusion that the Staff has come
12 up with and these conclusions are formed by our Staff, they go
13 through a lot of review within the office, was to provide a
14 customary and traditional use determination for black bear for
15 Unit 23 for all residents of Unit 23. And then it asked for
16 additional information on those villages, well, since then we
17 have gone to the Western Interior Council and have gotten
18 additional information that at least Huslia should be included,
19 was what that Council voted for. And then from discussions
20 that I've had, I would say, at least, also Galena and then
21 possibly Allakaket, Koyukuk and Hughes. We do know that those
22 communities go very close to Unit 23 or even right into Unit 23
23 to go caribou hunting and it's possible that they might take
24 black bear as well when they might come over into 23. It's
25 probably not a use that's real frequent, but it might happen
26 upon occasion.

27
28 So with that, if there are any questions or additional
29 information that the Council can provide to me.

30
31 CHAIRMAN ARMSTRONG: Walter.

32
33 MR. SAMPSON: No as far -- as far as bear is concerned,
34 do we have any idea of numbers of bears within the Unit?

35
36 MS. H. ARMSTRONG: I -- maybe Jim knows.

37
38 MR. DAU: No.

39
40 MR. SAMPSON: What is the plans of the Federal -- them
41 to -- do you plan to do some work on the bears?

42
43 MS. DEWHURST: Well, I don't know of any specific
44 plans. One of the things that I'm going to be doing in the
45 next six months is outline what surveys are being done on what
46 species and what areas and using that to point out where the
47 gaps are. Obviously black bear in this area is a gap that they
48 aren't being surveyed. And then once we identify where the
49 gaps are in these surveys, then we look at is there money

50 available, who could do it, that sort of thing and start

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1 prioritizing also these gaps and trying to start filling them
2 in. So obviously black bear would be something that maybe we
3 need some information for.

4
5 My past experience on the Alaska Peninsula, bears are
6 very difficult to get good surveys on. Obviously they're very
7 difficult to see from the air. Brown bears are easier than
8 black bears because if you survey them during salmon season,
9 they're on the salmon creeks and you can flood salmon creeks
10 and get an idea of what the brown bear population is. Black
11 bear don't tend to concentrate like that and they're in wooded
12 country and they're very difficult to see. So it is very
13 difficult to get good black bear numbers anywhere. But I'll
14 take that into consideration and certainly add that in when we
15 start looking at where the gaps are in the different areas.

16
17 MR. SAMPSON: I guess what I'm looking at is under the
18 Federal regs, you have all rural residents, three bear and you
19 have the season from July 1 to June 30. And under the State
20 regs, within 23, it's residents and non-residents, three bear,
21 with no closed season. There's a lot of folks that utilize the
22 resource and not everybody eats bear. But what I'm going at is
23 bear problems are becoming a problem within some of the camps.
24 And I guess what I'm trying to get at is how are we going to
25 try to address the bear situation in regards to the problem?

26
27 MS. DEWHURST: Well, a lot of times with my experience
28 on the Peninsula, it isn't the factor on how many bears, as
29 much as working with people in the camps to try to -- bears
30 come into trash, obviously. And a lot of times if camps can be
31 cleaned up or just the stored -- the food stored in different
32 ways, sometimes that can prevent it. It isn't always the
33 solution, sometimes if there's a bear in the area, it won't
34 make any difference. But sometimes education helps a little
35 bit.

36
37 MR. SAMPSON: I mean what, as far as camps are
38 concerned, that's what the purpose of the camp's is for the
39 people to subsist. So therefore, they store their -- which
40 they catch into the shacks or you know, storage of facilities
41 and there's no way you can avoid that. I guess you probably
42 can catch a bear with, what do you call it, defense of life and
43 property, in that manner?

44
45 MS. DEWHURST: Yeah.

46
47 MR. SAMPSON: But as far as the Federal requirements
48 concerned, in those kinds of cases, what do you do? I mean do
49 folks -- are they required to seal the bear, take the -- cut

50 the one paw off and cut the head off or what are the

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1 requirements?

2

3 MR. ARMSTRONG: Helen.

4

5 MS. H. ARMSTRONG: Right now that has been something
6 that's been brought up. Walter, you may remember when Sheldon
7 Katchetag brought that up at one of the Board meetings in
8 having that issue looked at and trying to address defense of
9 life and property. And it's -- at the moment the decision was
10 made to go with the State regulation, that that's a State --
11 defense of life and property is a State regulation and that we
12 wouldn't alter that. I don't believe there's -- there's no
13 further discussion on that?

14

15 MR. DAU: Not that I'm aware of.

16

17 MS. H. ARMSTRONG: It has been discussed. And it was
18 -- there was considerable discussion about it, talk of what to
19 do and then the -- I think the conclusion was then to leave it
20 as is and have it be a State regulation. But the Board is real
21 aware that it's a sticky issue and I think no one's quite
22 figured out how to deal with that. You know, to -- because I
23 -- I mean we're aware that people feel that that's in contrast
24 to a subsistence way of life to have -- to deal with that.

25

26 I had another comment on the -- one thing I wanted to
27 make sure and the reason I don't talk in here about the status
28 of the resources, because we try to keep c&t separate in terms
29 -- no matter what the level of resource's population is for any
30 of these, that doesn't determine at all whether or not people
31 should have customary and traditional uses of that. And it's
32 happened in our office where people have -- you know, the
33 biologists have said, well, wait a minute, there aren't enough
34 to hunt right now, but that's not -- we try to keep that
35 separate, because that's not the issue. The issue is whether
36 or not people have a c&t, and then if they have a c&t, then we
37 look at seasons and bags. But what you may want to do is next
38 year put in a proposal to examine the seasons and bag limits
39 for bears after we do the c&t. That may be something you'll
40 want to look at.

41

42 CHAIRMAN ARMSTRONG: Raymond.

43

44 MR. STONEY: Mr. Chairman, I got a question for Helen.
45 Do we need something such as a permit to hunt black bear? And
46 I know we got for brown bear, how about black bear?

47

48 MS. H. ARMSTRONG: I don't believe so. I hope I'm not
49 saying the wrong thing.

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1 CHAIRMAN ARMSTRONG: I don't think so.

2

3 MS. DEWHURST: It's not mentioned in the book.

4

5 CHAIRMAN ARMSTRONG: Bert.

6

7 MR. GRIEST: There was some house to house surveys done
8 back in the early '70s and it's a study done by -- I think the
9 source right now is by Patterson, BIA. And there are some -- I
10 think there's some numbers in black bear usage by some of the
11 villages. I'm wondering if you -- have you taken a look at
12 that in full?

13

14 MS. H. ARMSTRONG: What communities was that from?

15

16 MR. GRIEST: It's by a person named Patterson.

17

18 CHAIRMAN ARMSTRONG: I was going to ask Susan
19 Georgette, she's the one who did this brown bear study in this
20 region, maybe she could enlighten us.

21

22 MR. GRIEST: Mr. Chairman, this is, I think in addition
23 to what she's done.

24

25 CHAIRMAN ARMSTRONG: Okay.

26

27 MR. GRIEST: This is a study -- not a study, but actual
28 -- information that was more or less gathered to work towards
29 trying to justify the introduction of Title VIII of ANILCA.

30

31 MS. H. ARMSTRONG: I'm not familiar with that, but
32 Susan Georgette might be.

33

34 MR. GRIEST: I'll give you that copy, I think there are
35 some. Basically I think some of that information is not being
36 used. My concern here is that this information might be used
37 against closing off black bear uses in some of these
38 communities. If that information is not put forth -- primarily
39 the problem with trying to get harvest data from the
40 communities is that there used to be this certain amount of, I
41 think, fear by the communities because the game wardens and --
42 there was a lot of and there's -- there was a lot of politics
43 being done by the biologists. Sometimes they'd go into a
44 community, such as Selawik one time, they just walked in and
45 started forcing people to open up their cache, just walk around
46 town and did things like that. Because of those kinds of
47 practices, people have been really hesitant to provide harvest.

48

49 And that's basically my concern about -- just because

50 of -- I think my concern is that we have enough information to

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1 make a decision. I think there are other communities that also
2 use black bear other than Unit 23, and I think Huslia is one of
3 them. I'm wondering if they ought to be included, I got no
4 problem with this proposal to include it, but I think -- I
5 don't think we should adopt -- I mean I think I'm fairly
6 certain that some of these communities that we don't have any
7 information on the use of black bear did, in fact, at one time
8 or another use black bear. And I'm just more or less concerned
9 about that.

10
11 CHAIRMAN ARMSTRONG: Rick, before we go to you, Susan
12 had her hand up.

13
14 MS. GEORGETTE: That study that Bert's talking about, I
15 think, is called subsistence harvest in five Native regions.
16 And I think it's every village in the Nana Region and I think,
17 Doyon Region and I don't know what the other three regions are.
18 And it is from 1972 and it's under Art Patterson and it is a
19 good source of information I think.

20
21 I guess the one thing I would just say is Hannah Loon
22 did a lot of the work on brown bears in this region a few years
23 ago and you know, my sense of black bears is that the reason
24 they don't show up in some of these villages is because black
25 bears aren't usually found everywhere in our region. And the
26 places where these surveys have been done tend to be places
27 where it's not really black bear habitat. But I would say,
28 throughout the region, wherever black bears occur, they are a
29 prized subsistence food.

30
31 CHAIRMAN ARMSTRONG: Rick.

32
33 MR. ASHBY: Yeah, I'd just like to say to kind of
34 clarify everything over here, the sheep situation and the wolf
35 situation, the bear situation, moose situation, the way that
36 things happen in the last, maybe 10, 15 years. I'd like to
37 bring it up through -- starting from the Bill of Rights, there
38 is a freedom of petition and where it seems like on that. And
39 also on our constitution in the State of Alaska and Article
40 VIII, Section II, III and IV comes along that line. And also
41 there's about maybe 226 villages under the constitution and
42 bylaws of the Native villages within the State of Alaska. And
43 looking at that and for you guys we've been arguing this even
44 in the AFN. I think most likely the easier way to look at it
45 instead of hanging regulations every so many years, if we use
46 definition for subsistence, a way of life, using the land,
47 oceans, waters, renewable and non-renewable resources for
48 survival; that way, we won't get stuck in areas where this
49 paper says this and that.

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1 And when you determine it to the residents, especially
2 within the State of Alaska, it's easy because we go by
3 consensus. When we see something is getting too small, we try
4 not to get too much of it in our villages. But the problem
5 we've been having is from the sport hunting, being fair to the
6 sport hunting and then you know we get caught in the area where
7 it gets -- to the portion where we have to watch out, if we
8 take even for our subsistence use. And I think it would be
9 better for the system to look at the people that are in sports
10 hunting and really watch what they're using and how they're
11 using it. That way, it won't get out of hand.

12
13 CHAIRMAN ARMSTRONG: Thanks, Rick. Barb, you had a
14 comment, I think?

15
16 MS. B. ARMSTRONG: Yeah, on the black bear, especially,
17 I will speak for the up river people since I'm originally from
18 up there. We always have known that the Huslia people hunt
19 black bear over in the Hot Springs area. And that we have
20 known that from years in the past. And we -- our people know
21 and respect the black bear, we don't bicker about it. We don't
22 want to put up that gate between the -- our neighbors there and
23 ourselves. And then so I know I'm sure the people up river
24 being related to this area over there like, especially Huslia.
25 And I spoke to the hunter from Galena and he said, Galena does
26 not hunt black bear or any bear in that area. They only hunt
27 caribou and he said also at Hughes. And he said the one that's
28 mostly important right now for this c&t would be Huslia.

29
30 Thank you.

31
32 MR. BALLOT: Mr. Chairman?

33
34 CHAIRMAN ARMSTRONG: Percy.

35
36 MR. BALLOT: Yes, I'd like to the conclusion. But I
37 just wanted -- I had some concerns that when they had mapped
38 subsistence use on bears, I the reason I thought the -- the way
39 I looked at it, just the black and brown bear, the use areas
40 were included and it wasn't. So they should be the same. And
41 I know of a person -- or some people in the past that have
42 gotten one black bear in Buckland and I've seen one with cubs,
43 we only live like 14 miles from the trees, so they're around up
44 there.

45
46 MS. H. ARMSTRONG: Excuse me, Percy.

47
48 CHAIRMAN ARMSTRONG: Helen.

49

MS. H. ARMSTRONG: Can I -- I want to make sure I put

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1 this in and I do it accurately. Did you say that people do
2 black bear or you have known of people to take black bear?

3
4 MR. BALLOT: Have known.....

5
6 MS. H. ARMSTRONG: Have known of them, okay.

7
8 MR. BALLOT:persons that have caught black bear
9 in the past.

10
11 MS. H. ARMSTRONG: Okay.

12
13 MR. BALLOT: And I have seen one with a couple of cubs,
14 too. The trees aren't very far from Buckland.....

15
16 MS. H. ARMSTRONG: Okay.

17
18 MR. BALLOT:it's only 12 to 14 miles up the
19 river.

20
21 CHAIRMAN ARMSTRONG: If there's no other comments, I'd
22 -- in this process here we'll move on to Section B, the summary
23 of written public comments by Barb. Maybe that will help us.

24
25 MS. B. ARMSTRONG: For Proposal 64, there is a -- it
26 just says, c&t proposal, final comments deferred by Alaska
27 Department of Fish and Game. Thank you.

28
29 CHAIRMAN ARMSTRONG: Is there any others? If not we'll
30 open it up to the floor for anybody who has comments on this.

31
32 MR. SCHAEFFER: Mr. Chairman?

33
34 CHAIRMAN ARMSTRONG: Pete.

35
36 MR. SCHAEFFER: My name is Pete Schaeffer for the
37 record. I guess have two questions in terms of this proposal
38 and I'm kind of wondering how it's going to be amended to
39 include some of the other regions that use those black bear or
40 villages, like Huslia. But I think anybody that hunts bear
41 kind of understands that there is kind of a territorial issue
42 here that I don't see reflected in the narrative. And I think
43 in the part a lot of the take is sort of predicated by what
44 efforts people have to go through to, you know, go caribou
45 hunting in the fall particularly. But I also know that in the
46 coast, brown bears turned out to be a significant nuisance on
47 coastal areas and if you want some graphic detail on how
48 colorful that can get, go ask Homer Russell, he'll tell you all
49 about it. But in fact, you know, those animals have raided

50 people's sigliocks (ph) and their storages and have caused

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1 significant disruption.

2

3 So I think that presents an interesting scenario where,
4 I think on one hand I think we understand that for defense of
5 life and property, you essentially surrender all the animal
6 over to the State and there are certain requirements for how
7 that's got to be done. But I think for food, I think black
8 bear is highly sought as a food animal primarily. And I think
9 if it turns out to be a nuisance wherever it happens to have
10 its territory, then it's treated differently and generally
11 that's in the upper river areas, rather than a coastal thing.
12 So I'm trying to make sure that there is a distinct
13 understanding as to how brown bear nuisance is kind of an
14 important problem, especially in the fall time where we get
15 numbers of them feeding on carrion in the coastal areas and I
16 think that has significant impact also on how people would
17 prefer to hunt them as a nuisance rather than for food.
18 Because you know, I think everybody understands that those that
19 feed on carrion are not desirable for human consumption
20 generally.

21

22 CHAIRMAN ARMSTRONG: Thanks Pete. Could I get a
23 technical response to this? But Pete's talking about the brown
24 bear and that's a legitimate concern. Is it too late to submit
25 a proposal to the Board for their consideration on an issue
26 like this because, you know, it's an obvious problem in our
27 region here, especially along the coast here in Kotzebue where
28 there's been several instances where people have had to shoot
29 brown bear in defense; I'm talking about the camp people. Sue.

30

31 MS. DETWILER: If you wanted to submit a proposal, if
32 you submitted it now the Board would probably defer it until
33 the next regulatory cycle because it needs to go through the
34 public comment and analysis process before it gets to the
35 Board.

36

37 CHAIRMAN ARMSTRONG: Nevertheless, I think it is a
38 significant issue that should be brought forth.

39

40 MR. SCHAEFFER: Well, my purpose in just addressing the
41 Council, though, is to make sure that there is a distinction
42 made to the importance of the problems unique to certain
43 territory areas. Because we all understand also that in
44 certain inland areas, especially around the northern part of
45 Kobuk Lake there are certain areas that black bears do not go
46 into because brown bears will defend it very vigorously. So
47 there is also a territorial issue that I just didn't see in
48 this stuff here that may have been part of Hannah Loon's and
49 Susan's study for all I know, but I haven't seen it.

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1 CHAIRMAN ARMSTRONG: Walter.

2

3 MR. SAMPSON: Mr. Chairman, what we probably can do
4 with this proposal is get all the pertinent information in
5 regards to both black and the grizzly bear issue and then bring
6 this to the Council at the next meeting.

7

8 CHAIRMAN ARMSTRONG: Bert.

9

10 MR. GRIEST: Mr. Chairman, if we're going to address
11 black -- brown bear, I think we need another proposal. All
12 this proposal does is make black bear a c&t thing and then we
13 can do another proposal on brown bear.

14

15 CHAIRMAN ARMSTRONG: Um-hum. (Affirmative)

16

17 MR. GRIEST: In the meantime, I guess there is a couple
18 things we could do. One is to recommend to the Federal
19 Subsistence Board that we approve this to make all rural
20 residents a customary and traditional use of black bear and
21 then amend it at a later time to include Huslia. That's one
22 alternative. The other alternative is to table this until we
23 get information to include Huslia, at least. Those are the
24 two.

25

26 CHAIRMAN ARMSTRONG: Walter.

27

28 MR. SAMPSON: Mr. Chairman, I move that we table
29 Proposal 64.

30

31 CHAIRMAN ARMSTRONG: There's been a motion to table.

32

33 MS. B. ARMSTRONG: Justification.

34

35 CHAIRMAN ARMSTRONG: What?

36

37 MS. B. ARMSTRONG: Justify why you are tabling it.

38

39 CHAIRMAN ARMSTRONG: Yeah, okay, we need a
40 justification why we need to table it. And I think one of them
41 is Pete brought out a good concern as to the territorial issue,
42 that hasn't been resolved yet or even brought up. We're
43 talking two different regions here.

44

45 I think that it's significant enough where it can be
46 tabled.

47

48 MS. B. ARMSTRONG: She's saying you guys need to finish
49 all what's on the list before you guys do your tabling.

0022

1 CHAIRMAN ARMSTRONG: All right, I guess I've been
2 corrected here. Is there any agency comments regarding this?

3
4 MR. SAMPSON: So what you're -- excuse me.

5
6 CHAIRMAN ARMSTRONG: Go ahead.

7
8 MR. SAMPSON: What?

9
10 MS. H. ARMSTRONG: We have a procedure we have to
11 follow to take -- we should -- just before you get to making
12 your motion, you need to take the -- the State's and other
13 agencies comments and then you can do what you want, just to
14 finish hearing them out.

15
16 MR. SAMPSON: Mr. Chairman, I withdraw that motion.

17
18 MS. B. ARMSTRONG: That's okay.

19
20 CHAIRMAN ARMSTRONG: No the motion can stay on the
21 table, we'll just hold on to it a second there. I had Jim Dau
22 who wanted to make a statement here.

23
24 MR. DAU: Yeah, Jim Dau for Fish and Game.

25
26 CHAIRMAN ARMSTRONG: Jim, you need to approach the
27 table here.

28
29 MR. DAU: Jim Dau, Fish and Game. The only thing I was
30 going to say is about five or six years ago we sent out a
31 questionnaire to people throughout the whole region, people
32 from Point Hope all the way to Deering all the way to Kobuk
33 about their use of brown and black bears and it wasn't a real
34 scientific study, but it does address a little bit about
35 numbers of bears, relative numbers of bears. And at the time
36 people thought that black bear numbers were stable, so you -- I
37 think Walter asked earlier if we knew how many bears there
38 were. Technically, we don't know how many, but we do know at
39 least population trend, it seems to be at least stable and
40 maybe increasing in the Upper Kobuk.

41
42 But anyway, I was just going to say, we've got this
43 information from five or six years ago, maybe that will help
44 you guys. I don't have it at the tip of my tongue. The other
45 thing we have on brown bears, we've got one density estimate up
46 around Red Dog from 1987/88 period. So that's another thing we
47 can give you, I don't have it at the tip of my tongue, but that
48 information's available.

49

CHAIRMAN ARMSTRONG: Thanks Jim. Any other comments?

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1 Any other agency comments? If none, I'll go back to the
2 Council, Raymond.

3

4 MR. STONEY: Mr. Chairman, I don't know on the brown
5 bear last year there was a report from Kiana that they went up
6 to 10 moose kill by brown bear, that's in the month of April.
7 So evidently in that -- evidently what I've seen myself -- bear
8 -- that brown bear was all over moose for about four days
9 without stopping and he'll get it. So that was kind -- that's
10 the situation last year. Now, I was wondering what would
11 happen if Fish and Game, they wanted to survey that, don't
12 report -- not just last year, the year before last, they do
13 kill the moose in a certain season. That was my comment.

14

15 MS. DEWHURST: Well, usually, I know in different
16 areas, people keep records of that. I'm sure, like if Jim
17 would hear of that sort of thing, they keep records. But it
18 doesn't necessarily indicate population increases, on either
19 bears or moose or population decreases. A lot of it is
20 relative to individual bears. I know in the area that I lived
21 in we had some brown bears that seemed to like moose and they
22 would target -- like you say, they would target a moose calf
23 and they'd do it every year. Where you have other bears that,
24 for whatever reasons, don't mess with the moose. So it isn't
25 necessarily an index of a population increase in the bears as
26 much as individual behavior of certain bears.

27

28 The issue is always a hot issue on the Peninsula, in
29 that, we have a lot of brown bear guides down there, it's a big
30 industry down there and they're always pushing to increase the
31 brown bear harvest because they say that they're hurting the
32 moose. So it's been an issue in a lot of different parts of
33 the State for a number of years whether or not brown bear
34 harvest should be liberalized to benefit the moose.

35

36 CHAIRMAN ARMSTRONG: Any other comments regarding black
37 bear? Could we go back to the motion, a motion had been made
38 to defer this until -- Bert.

39

40 MR. GRIEST: I second the motion for discussion. Under
41 discussion I would like to have Staff take a look at -- see if
42 they can gather more information on these communities, such as
43 Buckland and also to possibly get a hold of Huslia and include
44 Huslia and recommend to us how we can amend Unit 23, I guess on
45 the c&t. I guess Proposal 64 is Proposal 64 period, right, and
46 that's the only thing we can rely on?

47

48 MS. H. ARMSTRONG: You can modify the proposal and
49 provide c&t for black bear in Unit 23 and Huslia.

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1 MR. GRIEST: Okay.

2

3 MS. H. ARMSTRONG: That's perfectly in your rights to
4 do that. And as a side comment, if I could say, I think we
5 have enough information to include Huslia at this point because
6 the Western Interior Council has made that recommendation and
7 says that Huslia uses Unit 23 for black bears. I think Barb's
8 comments probably are enough to include it. We do have some
9 information, so I'm just guessing.....

10

11 MR. GRIEST: Okay.

12

13 MS. H. ARMSTRONG:but I think that would be
14 enough for the Board to go by.

15

16 CHAIRMAN ARMSTRONG: Any other comments from the
17 Council? There's been a motion to defer this until the fall
18 and seconded. Any other comments?

19

20 MR. SAMPSON: Question.

21

22 CHAIRMAN ARMSTRONG: The question's been called for.
23 All those in favor of this signify by saying aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN ARMSTRONG: All opposed same sign.

28

29 (No opposing votes)

30

31 CHAIRMAN ARMSTRONG: Motion carries with those
32 justifications.

33

34 MS. B. ARMSTRONG: Will you say them again, please?

35

36 CHAIRMAN ARMSTRONG: We have some students here, I
37 think from the high school, which class is it?

38

39 UNIDENTIFIED VOICE: Good morning, this is our Alaska
40 Studies Class.

41

42 CHAIRMAN ARMSTRONG: The Alaska Studies Class, maybe
43 the students could introduce themselves.

44

45 (HIGH CLASS INTRODUCES THEMSELVES - Away from mike)

46

47 CHAIRMAN ARMSTRONG: Thank you and welcome.

48

49 UNIDENTIFIED VOICE: Thank you very much. And I'm

50 sorry, we can only be here a half an hour, but it would help us

0025

1 to relate to what you're working on and who you are.

2

3 CHAIRMAN ARMSTRONG: There's been a request to justify
4 why the proposal was tabled. I thought we already did that.
5 Sue?

6

7 MS. DETWILER: I'll be recording your motions and as
8 the conversation goes on, I try to write down what the
9 justification is and I can read to you what I have so far if
10 you want to just do it that way. The justification to table
11 the proposal is to gather more information on use by other
12 communities, especially Huslia and Buckland. And you also need
13 to incorporate information on community territoriality
14 associated with bear use in the Staff analysis.

15

16 CHAIRMAN ARMSTRONG: Yeah, that's correct. And that
17 territorial issue is kind of important because I don't think we
18 want to be making a determination for that other region and
19 vice versa.

20

21 MS. B. ARMSTRONG: Thank you, Fred.

22

23 CHAIRMAN ARMSTRONG: The next proposal Helen.

24

25 MS. H. ARMSTRONG: Okay, Proposal 66. Proposal 66 was
26 submitted by this Council and the Gates of the Arctic
27 Subsistence Resource Commission requesting a positive c&t
28 determination for caribou in Unit 23, south of the Arctic
29 Circle for rural residents in Unit 21(D), west of the Yukon
30 River, Units 22(B) through (E), 23, 24 and 26(A). In the
31 remainder of Unit 23, the determination would be for rural
32 residents of Unit 21(D), west of the Koyukuk and Yukon Rivers
33 and rural residents of Units 23, 24 and 26(A). So just maybe
34 to clarify that a little bit, south of the Arctic Circle would
35 include Unit 22, Subunits (B) through (E) and then north of the
36 Arctic Circle, Unit 22 wouldn't be included. And then there's
37 a distinction between in 21(D), south of the Arctic Circle, it
38 would be west of the Yukon River and north of the Arctic Circle
39 would be west of the Koyukuk and Yukon Rivers.

40

41 Right now the c&t determinations are -- they had been
42 done by herd and that was something that was adopted from the
43 State determinations. We're going through and changing those
44 to unit determinations instead of herd determinations and this
45 was done primarily because in some subunits there are a number
46 of different herds and people can't make the distinction
47 between what caribou belongs to what herd. Again this proposal
48 addresses the communities of Unit 23, but also includes the
49 communities in those regions I just mentioned, the different

50 units.

0026

1 There is a fair amount of information about use of
2 caribou in Unit 23 unlike black bear. Again, we're reviewing
3 the eight factors and I'm going to again, only focus on those
4 areas where I think there are more specific issues. Factor
5 number one, a pattern of use occurring in specific -- a long-
6 term consistent pattern of use excluding interruptions beyond
7 the control of the community or area. I don't think there's
8 any doubt in anybody's mind that caribou have been used as a
9 primary resource for the Inupiat in the northwest for many
10 thousands of years. We have bones -- caribou bones dating back
11 from 8,000 to 10,000 years ago. We know that caribou has been
12 very, very important to the people in this region for a long,
13 long time. I don't think that's an issue at all. I think the
14 issue is more outside of Unit 23, who hunts in Unit 23 and
15 we'll be getting into the same kind of issue we just talked
16 about with black bear.

17
18 One of the -- I think one of the issues with caribou is
19 that it's -- the populations fluctuate quite a bit over time
20 and right now the Western Arctic caribou herd is at a very high
21 population and people don't have to travel very far in order to
22 get caribou. There's a good example of how that can change was
23 in Kivalina, there were no caribou available to Kivalina
24 residents from 1181 to about 1948 and they had to travel a long
25 distance in order to get caribou. Today, ever since 1948,
26 caribou have come to Kivalina twice a year. So I think what
27 happens is that people's use areas are going to vary quite a
28 bit over time and right now I think the use areas are fairly
29 small because people don't have to go very far to get the
30 number of caribou they need. And one of the concerns that I've
31 been hearing is that if the caribou herd crashes, people are
32 going to have to travel longer distance in order to get
33 caribou. So because the herd's been pretty strong lately, some
34 of those use areas are not as wide as they might have -- they
35 might be at some points in time.

36
37 We know that -- as I said, that people in Unit 23 hunt
38 caribou in Unit 23. In Unit 26(A), which includes Point Lay,
39 Wainwright, Barrow and Atqasuk, right now the Barrow people are
40 not going into Unit 23 to get caribou, nor it's probably likely
41 that the Atqasuk people aren't as well, although there's not
42 been any mapping done. Point Lay is the most western community
43 and maps that were done about 10 years ago show that they go
44 right into the -- you know, just barely go into Unit 23 or
45 possibly, you know, not quite in there, but it's really, really
46 close. They go into a very small corner of Unit 23 through the
47 -- at the Kukpowruk River. The person who did those maps, Sver
48 Pedersen, I talked with and he said that he felt that today
49 with more powerful snowmachines, it's likely that people are

50 going even farther into 23 from Point Lay. Wainwright hunters

0027

1 don't go into -- right now, don't go into 23, although their
2 use area is not that far either and, you know, if the caribou
3 crashed, I don't know, it could be that they would also go into
4 23.

5
6 In Unit 22, we had extensive discussion about this at
7 the Regional Council meeting for Seward Peninsula, the proposal
8 had been for (B) through (E) having c&t to go into Unit 23.
9 There's pretty good evidence that people do go into Unit 23
10 south of the Arctic Circle to get caribou. People from --
11 there was some research in 1984 that showed that hunters from
12 the Norton Sound travels northwest as far as Buckland and
13 sometimes Kotzebue if they're invited to go hunting with a
14 relative or friend. There are accounts that Shishmaref and
15 King Island residents in Unit 22 travel to Selawik by boat in
16 the fall to take caribou. The harvest data base indicates that
17 Shishmaref also goes into 23. There's also information that
18 residents of southern Seward Peninsula, including Nome, have
19 been known to travel northward into Unit 23 to Granite Mountain
20 and even almost to Buckland to take caribou.

21
22 The Seward Peninsula Regional Advisory Council
23 recommended that 22(A) also be included in this proposal, so
24 they voted to modify the proposal to include 22(A). Because
25 they felt that even those people down in 22(A) have
26 occasionally, historically and currently travel into 23 to
27 harvest caribou.

28
29 In Unit 24, we know that historically people harvested
30 caribou all throughout the Brooks Range. There's not
31 information that Anaktuvuk -- they have just done a subsistence
32 use study in Anaktuvuk Pass, it was done by the North Slope
33 Borough and people weren't harvesting caribou more than about
34 25 to 35 miles outside of Anaktuvuk Pass. And then Wiseman
35 people don't travel into Unit 23. But at the Western Interior
36 Regional Advisory Council meeting, they also felt that
37 Anaktuvuk Pass people might go into 23 if they were hunting
38 with their relatives and there were people who -- there are
39 people who have relatives in Unit 23 and they'll fly over to
40 visit those relatives and then go caribou hunting with them.
41 As a result, the Western Interior Regional Advisory Council
42 moved to adopt the Staff recommendation with the inclusion of
43 Anaktuvuk Pass and that would still be leaving out the
44 residents of the Haul Road Corridor.

45
46 In addition to Anaktuvuk Pass and Wiseman, in Unit 24,
47 there's Coldfoot and Dietrich Camp and we don't have any
48 information that those people go into 23 and they're also not
49 considered real subsistence communities. They're highly

50 transient people. Evansville, Bettles, Allakaket, Alatna and

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1 Hughes subsistence areas have been mapped and those areas are
2 either just barely in 23 or very close, close enough that it
3 was felt that their use area should be extended into 23. There
4 weren't maps available for the use areas of Huslia, Kaltag,
5 Nulato and Koyukuk, but there is data available from Galena and
6 Galena hunters do go into 23 to take caribou along the
7 Tagagawik River and the headwaters of the Selawik River
8 northeast of the Purcell Mountains. Huslia hunters also
9 routinely travel into Unit 23 in March and April into the same
10 area to hunt caribou en route to the Purcell Hot Springs. It
11 could be assumed that Kaltag, Nulato and Koyukuk might have
12 similar uses to Galena and Huslia would utilize Unit 23 for
13 caribou hunting.

14
15 So as a result, the preliminary conclusion that was in
16 this book and this was before those two Council meetings, was
17 to adopt the proposal with the following modification. Include
18 residents of 22(A) and Galena -- actually this was done after
19 the Seward Peninsula meeting, 22(A) and Galena, delete Barrow
20 and Atqasuk from 26(A) and delete Coldfoot, Dietrich Camp,
21 Wiseman and Anaktuvuk Pass, that would make the -- just to
22 clarify, that the customary and traditional use determination
23 should read, Unit 23, caribou, residents of Unit 23, 22, 21(D),
24 west of the Koyukuk and Yukon Rivers, Point Lay, Wainwright,
25 Allakaket, Alatna, Bettles, Evansville, Huslia, Hughes and
26 Galena. And then the Western Interior Council asked to modify
27 it to include Anaktuvuk Pass. The justification for that
28 preliminary conclusion was that caribou have been historically
29 and traditionally harvested by the Inupiat of the northwest and
30 that upon reviewing the literature and harvest records, there
31 is evidence that communities in Units 22, 23, 24, 26(A) and 21
32 have harvested caribou in Unit 23. There is no indication in
33 the literature that Barrow, Atqasuk, Anaktuvuk Pass, Wiseman,
34 Dietrich Camp and Coldfoot travel into 23 to harvest caribou.

35
36 The use areas of Point Lay, Wainwright, Hughes,
37 Bettles, Evansville, Allakaket, Alatna are close to Unit 23 or
38 just barely in Unit 23 and it is likely that upon occasion,
39 these communities may travel into Unit 23 to harvest caribou
40 particularly if caribou becomes scarce.

41
42 Galena subsistence use area map indicates usage of Unit
43 23 taking caribou. Huslia is also known to hunt caribou in the
44 same area of Unit 23. We don't have any data available for
45 communities in Unit 21(D), however, it could be assumed that
46 their uses would be similar to those of Galena's. And Unit
47 22(A) should be included upon recommendation of the Seward
48 Peninsula Regional Advisory Council because they noted that
49 they had traveled in there.

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1 This is a pretty long, wide proposal covering a lot of
2 communities and if I confused anybody, I can go over any of
3 that.

4
5 CHAIRMAN ARMSTRONG: Thanks, Helen. Written comments
6 from the public? Barbara.

7
8 MS. B. ARMSTRONG: For Proposal 66 there is one written
9 comment from Alaska Department of Fish and Game, c&t proposal,
10 final comments deferred. Unit 22(A) is excluded from this
11 proposal for the area south of the Arctic Circle, while even
12 more distant areas, e.g., Units 22(C) and 26(A) are included.
13 If supporting documentation is available, consideration should
14 be given to include Unit 22(A) in this proposal. Thank you.

15
16 CHAIRMAN ARMSTRONG: Okay, now any comments from the
17 public concerning this proposal? No comments. Agency
18 comments? Ms. Andrews.

19
20 MS. ANDREWS: Thank you, Mr. Chair. Elizabeth Andrews,
21 Department of Fish and Game. As we noted in our comments, our
22 final comments would be deferred pending on what we see the
23 modifications or amendments might be. So I'd like to ask
24 Helen, if you could repeat that list, I didn't quite get it
25 all, I'd appreciate that.

26
27 MS. H. ARMSTRONG: I'll read what it should be, okay,
28 according to the.....

29
30 MS. ANDREWS: Okay.

31
32 MS. H. ARMSTRONG: The customary and traditional use
33 determination should be Unit 23, caribou, residents of Unit 23,
34 22, 21(D), west of the Koyukuk and Yukon Rivers, Point Lay,
35 Wainwright, Allakaket, Alatna, Bettles, Evansville, Huslia,
36 Hughes and Galena.

37
38 MS. ANDREWS: Thank you, Mr. Chair.

39
40 CHAIRMAN ARMSTRONG: Any other comments? If not, we'll
41 -- Council members, any comments? Walter.

42
43 MR. SAMPSON: Mr. Chairman, for the purpose of the
44 students here, when we talk about c&t, you will hear a lot of
45 abbreviated -- under the regulations of the Federal -- Page 9,
46 you will find that customary and traditional use means, a long
47 established consistent pattern. Basically that's what c&t
48 means.

49

And I have a question for Helen. When you talk about

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1 the c&t determination, which you said for Units 22, you were
2 going to get the findings in the Units?

3
4 MS. H. ARMSTRONG: Unit 22 is divided into subunits.

5
6 MR. SAMPSON: Um-hum. (Affirmative)

7
8 MS. H. ARMSTRONG: And originally, the proposal had
9 been for only 22(B) through (E), which excludes 22(A),
10 Unalakleet and that kind of long skinny part of 22(A). I
11 apologize that I don't have a map, we will have maps by the
12 time the Staff committee meets, but we haven't gotten them done
13 yet. But now that 22 -- or the Seward Peninsula Council has
14 asked for 22(A) to be included, we'll just say Unit 22, instead
15 of.....

16
17 MR. SAMPSON: That would be the northern part of that
18 unit then or what section?

19
20 MS. H. ARMSTRONG: Let me show you on the map here,
21 22(A) is this area right here. And then (B), (C), (D), (E).

22
23 UNIDENTIFIED VOICE: And that's where the caribou are
24 right now.

25
26 CHAIRMAN ARMSTRONG: Maybe you could point out the ones
27 that you want to have excluded on there.

28
29 MS. H. ARMSTRONG: The units included or excluded?

30
31 CHAIRMAN ARMSTRONG: The ones that you want to delete.

32
33 MS. H. ARMSTRONG: Okay, then Barrow is here,
34 Wainwright is about here, Atqasuk is in here, Barrow and
35 Atqasuk probably excluded. You know, I -- well, they don't --
36 the mapping they've done recently, they aren't going all the
37 way over here, but Unit 24 -- not Unit 24, but the Western
38 Interior is asking that it be added in, I don't have a problem
39 with that, you know. That's why we go to the Councils to see
40 what they say.

41
42 MR. GRIEST: Anaktuvuk?

43
44 MR. BALLOT: I thought it was excluded.

45
46 CHAIRMAN ARMSTRONG: Okay, go ahead then.

47
48 MS. H. ARMSTRONG: I didn't include it, but Western
49 Interior has included it and that's why we come to the Councils

50 is to see.....

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1 CHAIRMAN ARMSTRONG: Okay.

2

3 MS. H. ARMSTRONG:what people want and if they
4 say they should be included, that's not a problem with me at
5 all.

6

7 CHAIRMAN ARMSTRONG: Walter.

8

9 MR. SAMPSON: I guess I would ask that maybe we include
10 Anaktuvuk, because the fact that Anaktuvuk folks go all the way
11 into Unit 23. I mean it's been -- it's past history.

12

13 MS. H. ARMSTRONG: Um-hum. (Affirmative)

14

15 MR. SAMPSON: And in regards to Anaktuvuk, also, how
16 far west does the Porcupine come up -- the Porcupine herd?

17

18 MS. DEWHURST: Jim might know. I don't think they go
19 past the highway, do they Jim?

20

21 MR. DAU: Yeah, they can get over into the -- the
22 Porcupine, we used to get collars clear over there.

23

24 CHAIRMAN ARMSTRONG: Could you come forward.

25

26 MR. DAU: Jim Dau, Fish and Game. We used to find
27 Porcupine collars into the Upper Aiyiak, which is the Central
28 Brooks Range. We know people from Anaktuvuk Pass occasionally
29 get Porcupine animals. That Central Brooks Range, there's
30 actually four herds that mix in there, Central Arctic,
31 Dashukpuk (ph), Western Arctic and just the extreme western
32 part of the Porcupines.

33

34 MR. SAMPSON: I guess in regards to part of 22(A), I'd
35 have some problems if you start making a determination based on
36 units. If other folks have utilized that source in some other
37 areas, then I would have some problems. I guess with the herd
38 moving further south -- southwest, what would happen to the
39 determination if the herd continue to herd even though those
40 folks really didn't have the history of use, now they're
41 starting to utilize the source?

42

43 MS. H. ARMSTRONG: Well, this determination would only
44 be for them hunting into Unit 23.

45

46 MR. SAMPSON: Okay.

47

48 MS. H. ARMSTRONG: It doesn't have -- it doesn't really
49 matter where the caribou move.

0032

1 MR. SAMPSON: Okay.

2
3 CHAIRMAN ARMSTRONG: Ricky.

4
5 MR. ASHBY: Did you get consensus from them on whether
6 they want to be out of it or be in it?

7
8 MS. H. ARMSTRONG: Seward Peninsula, is that who you're
9 talking about?

10
11 MR. ASHBY: No, North Slope.

12
13 MS. H. ARMSTRONG: Pardon?

14
15 MR. ASHBY: North Slope.

16
17 MS. H. ARMSTRONG: We have not -- unfortunately it
18 didn't get taken to the North Slope and we're -- I don't know
19 if it's been sent or we're sending it to the North Slope
20 Council to get their opinion on it, so I don't know yet.

21
22 MR. ASHBY: It would be better to talk with them first
23 before we vote.

24
25 MS. H. ARMSTRONG: What you can do and Councils will do
26 this, you can only address portions of this, you cannot -- you
27 can say that you defer an opinion on 26(A) until the North
28 Slope Council gives their opinion or recommendation. So you
29 can vote on everything else, but defer that portion if you'd
30 like.

31
32 MR. ASHBY: Mr. Chairman, the reason I'm bringing this
33 up is when they have that -- I hear about that 50 mile thing on
34 the newspaper about sea mammal hunting and I didn't know about
35 that one until I hear about it on the radio. And the way I
36 felt at that time, it was a negative thought when I hear -- and
37 I think I'd rather not try to create things like that between
38 the areas if possible.

39
40 MR. STONEY: Thank you, Mr. Chairman, I got a question
41 for you now. The units you just have mentioned, would that
42 same bag limits as we got, 15 caribou be on Federal land?

43
44 MS. H. ARMSTRONG: Yeah. This does not effect the bag
45 limits or the seasons at all.

46
47 MR. STONEY: All right, thank you.

48
49 MS. H. ARMSTRONG: All it effects is who gets to hunt

50 caribou in Unit 23, so the bag limit remains the same and the

0033

1 seasons remain the same. It's just a question of who gets to
2 hunt in 23 for caribou.

3
4 CHAIRMAN ARMSTRONG: Bert.

5
6 MR. GRIEST: So it's only customary use of caribou
7 within Unit 23?

8
9 MS. H. ARMSTRONG: Right, within Unit 23.

10
11 MR. GRIEST: Okay.

12
13 CHAIRMAN ARMSTRONG: Any other questions? Walter.

14
15 MR. SAMPSON: Now, since the North Slope folks have not
16 made a determination, if we deferred this, would there be sort
17 of -- would there be a problem?

18
19 MR. GRIEST: Next here.

20
21 MS. H. ARMSTRONG: Deferred the whole thing.....

22
23 MR. SAMPSON: Um-hum. (Affirmative)

24
25 MS. H. ARMSTRONG:or just that portion? Well, it
26 just means it won't get dealt with 'til next year. I mean I
27 don't know that it will be a big problem.

28
29 MR. GRIEST: You can always make amendments, right?

30
31 MS. H. ARMSTRONG: But like I said, you could just
32 address -- I mean you could actually only address Unit 23,
33 sometimes Councils do that, too, they only want to address the
34 part that concerns them and leave it up to the other Councils
35 to address everything else, which you could do that.

36
37 CHAIRMAN ARMSTRONG: Bert.

38
39 MS. H. ARMSTRONG: Is that right, Sue?

40
41 MR. GRIEST: Well, with that, then I'd like to make a
42 motion that we approve Proposal 26 with a modification to
43 include Units 22(A) and Anaktuvuk Pass.

44
45 MR. BALLOT: Second.

46
47 CHAIRMAN ARMSTRONG: The motions been made and seconded
48 by Percy. Further discussion? I'd like to bring out one point
49 about this whole process is, when you look at the proposal and

50 you look on the effect of proposed change on subsistence user,

0034

1 it says it will provide for customary users in time of
2 population shortage.

3
4 Now, we've been having some crazy years where we've got
5 Barrow's caribou herd roaming through our country here and so,
6 you know, that's the question I'd like to pose to the Council,
7 is do you still want to defer 26(A)? Because if the caribou's
8 not up there and they're down here, they're going to have to do
9 something. Walter.

10
11 MR. SAMPSON: Mr. Chairman, I guess there will be a
12 time to amend the proposal if it gets to that point.

13
14 CHAIRMAN ARMSTRONG: Any other comments? What's the
15 wish of the Council?

16
17 MR. SAMPSON: Mr. Chairman, I move for adoption of
18 Proposal 66.

19
20 CHAIRMAN ARMSTRONG: A motion's already been made and
21 seconded.

22
23 MR. SAMPSON: Oh, okay, I'm sorry. I apologize.

24
25 MR. BALLOT: Yeah, I seconded right?

26
27 MR. GRIEST: Um-hum. (Affirmative)

28
29 MR. BALLOT: So we're in discussions?

30
31 MR. GRIEST: Yeah.

32
33 MR. SAMPSON: Question.

34
35 CHAIRMAN ARMSTRONG: Question's been called. All those
36 in favor of this proposal as amended signify by saying aye.

37
38 IN UNISON: Aye.

39
40 CHAIRMAN ARMSTRONG: All opposed same sign.

41
42 (No opposing votes)

43
44 MS. H. ARMSTRONG: Can I just clarify? Did we -- did
45 you just vote to support the proposal excluding the North
46 Slope.....

47
48 MR. SAMPSON: Yeah.

49

MS. H. ARMSTRONG:or you.....

0035

1 MR. SAMPSON: Yes.

2
3 MS. H. ARMSTRONG: Okay.

4
5 MS. B. ARMSTRONG: But didn't you guys do an amendment?

6
7 CHAIRMAN ARMSTRONG: There was an amendment, okay. So
8 we just voted on the amendment?

9
10 MR. GRIEST: Modification was to include Unit 22(A) and
11 include Anaktuvuk Pass.

12
13 MR. SAMPSON: Anaktuvuk Pass.

14
15 CHAIRMAN ARMSTRONG: And deleting 26.

16
17 MS. H. ARMSTRONG: So your motion was to vote on Unit
18 23, to include 22.....

19
20 MR. GRIEST: Proposal 66.

21
22 MS. H. ARMSTRONG: Okay.

23
24 MR. SAMPSON: 22(A) and Anaktuvuk.

25
26 MS. H. ARMSTRONG: Okay. And so -- but the -- you
27 didn't -- you also voted to.....

28
29 MS. B. ARMSTRONG: Now, you have to go back to the main
30 motion.

31
32 MS. H. ARMSTRONG:what about 26(A), I was just
33 confused on that part?

34
35 MS. HILDEBRAND: He said to include it.

36
37 MS. ANDREWS: No, he said 22(A).

38
39 CHAIRMAN ARMSTRONG: Actually the motion was by Bert
40 was to include 22(A) and Anaktuvuk Pass, that was the
41 amendment. Now, we need to vote on the main motion.

42
43 MS. H. ARMSTRONG: Okay.

44
45 CHAIRMAN ARMSTRONG: What, Sue.

46
47 MS. DETWILER: What I had was that the original motion
48 from Bert was to approve Proposal 66 with a modification to
49 include Unit 22(A) and Anaktuvuk Pass.

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1 MR. GRIEST: That's what the motion was.

2
3 CHAIRMAN ARMSTRONG: Yeah.

4
5 MR. SAMPSON: That's what I thought.

6
7 CHAIRMAN ARMSTRONG: So it takes care of that also.

8
9 MR. GRIEST: 22(A) is included.

10
11 CHAIRMAN ARMSTRONG: Thanks for that.

12
13 MS. H. ARMSTRONG: Okay, I just want to make that
14 clarified.

15
16 CHAIRMAN ARMSTRONG: Walter you had a comment?

17
18 MR. SAMPSON: No.

19
20 CHAIRMAN ARMSTRONG: Okay. What's the wish of the
21 Council, would you like a 10 minute break?

22
23 MR. GRIEST: Ten minute break.

24
25 CHAIRMAN ARMSTRONG: Ten minute break.

26
27 (Off record)

28 (On record)

29
30 CHAIRMAN ARMSTRONG: Call the meeting back to order.
31 We need to get back to this proposal here and clarify our
32 motion.

33
34 MR. BALLOT: You need to clarify the motion.

35
36 MR. GRIEST: Oh.

37
38 CHAIRMAN ARMSTRONG: Our motion was -- Bert, could you
39 restate your motion now.

40
41 MR. GRIEST: Okay. My motion was to adopt Proposal 66
42 as submitted, however, to modify the proposal to also include
43 Units 22(A) and Anaktuvuk Pass.

44
45 CHAIRMAN ARMSTRONG: Okay. Now, Proposal 66 speaks to
46 above the Arctic Circle and the remainder -- Unit 23, above the
47 -- south of the Arctic Circle and then the remainder, so I
48 don't know how we want to have that clarified. There's two
49 separate areas in here, then we haven't covered them all. So I

50 think may even need to amend our motion -- yeah, I do, I guess.

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1 If you look on Page 11 of your booklet.

2
3 MS. H. ARMSTRONG: Mr. Chair?

4
5 CHAIRMAN ARMSTRONG: Helen.

6
7 MS. H. ARMSTRONG: Maybe if I can help a little bit.
8 If you just look at what the proposal is on Page 12 and forget
9 about what was recommended by the Staff, if you just say that
10 under the proposal as it's written on Page 12, you want to
11 insert 22(A). And so it would read instead of Units 22(B)
12 through (E), it would just say Unit 22, is what it would say.
13 And then to -- actually this won't work because.....

14
15 CHAIRMAN ARMSTRONG: It won't?

16
17 MS. H. ARMSTRONG: No. Because you've got all those
18 communities in 24. Never mind.

19
20 CHAIRMAN ARMSTRONG: So I guess what we need to do is
21 -- we're talking about Unit 22, Unit 23, a part of Unit 24 and
22 deferring Unit 26; is that correct?

23
24 MS. DETWILER: Yeah, that's -- I think that's the gist
25 of what your motion was. But what you could do to keep your
26 recommendation in line with the way the proposal is written is
27 first deal with the part of the proposal that is south of the
28 Arctic Circle, deal with that first and then go to the second
29 part and deal with Unit 23 remainder. Because the proposal is
30 written in two parts. One deals with Unit 23 south of the
31 Arctic Circle and then the other part is Unit 23 remainder.
32 And so if you want to modify -- it would be most straight
33 forward to modify each -- that proposal as it's written in two
34 parts.

35
36 CHAIRMAN ARMSTRONG: Okay. There's been a
37 recommendation to modify that. What's the wish of the Council?

38
39 MS. DETWILER: And I could go further and say that it
40 sounds like when you made the motion that you adopted, it was
41 -- it dealt with south of the Arctic -- the portion that was
42 south of the Arctic Circle, so your motion that you passed,
43 which was to approve that -- that part of the motion was -- was
44 to approve the proposal as it's written with the modification
45 to include 22(A) and Anaktuvuk Pass, so that would apply to the
46 first part of the proposal, which deals with south of the
47 Arctic Circle. So you might want to just keep that the way it
48 is and then figure out what you want to do with Unit 23
49 remainder. If you want to modify that the same way as you did

50 the first half.

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1 CHAIRMAN ARMSTRONG: What's the wish of the Council? I
2 guess we addressed the first portion of it and now we need to
3 address the second half of it.

4
5 MR. ASHBY: Mr. Chairman?

6
7 CHAIRMAN ARMSTRONG: Ricky.

8
9 MR. ASHBY: What did you guys say, when we passed, you
10 guys did the remainder, didn't you? Isn't that part of.....

11
12 CHAIRMAN ARMSTRONG: But the way the proposal is
13 written, they're talking south of the Arctic Circle first and
14 then the second part we didn't talk about was the remainder of
15 23, which is above the Arctic Circle. We just took care of
16 this part and we didn't take care of this park is basically
17 what we're speaking to. But it would have been much simpler
18 just to have one right adjacent including all those areas.

19
20 MS. DETWILER: What you could do then is modify the
21 proposal just so that there's no differentiation between south
22 of the Arctic Circle and north and just say Unit 23, caribou
23 and then just make it one -- you know, one unit.

24
25 CHAIRMAN ARMSTRONG: Right.

26
27 MS. DETWILER: And then just approve it that way with
28 the modification to include 22(A) and Anaktuvuk Pass.

29
30 CHAIRMAN ARMSTRONG: So in essence, we would just be
31 approving all of Unit 23, a portion of Unit 24, which is
32 Anaktuvuk Pass, deferring Unit 26 and 22 -- all of 22?

33
34 MR. SAMPSON: A.

35
36 MS. DETWILER: 22 or 22(A)?

37
38 MR. SAMPSON: 22(A).

39
40 MS. DETWILER: It'd be 22(A).

41
42 MR. SAMPSON: 22(A).

43
44 CHAIRMAN ARMSTRONG: Would it be just more simpler just
45 to say Unit 22, I know there's three zones in there?

46
47 MS. B. ARMSTRONG: Unit 22(A) and (B).

48
49 CHAIRMAN ARMSTRONG: Right.

0039

1 MS. DETWILER: If you want to include all those
2 additional communities.....

3
4 CHAIRMAN ARMSTRONG: Because that's where all the
5 caribou are at?

6
7 MS. DETWILER: Yeah.

8
9 MR. GRIEST: Okay, Unit 22, 23.....

10
11 CHAIRMAN ARMSTRONG: A portion of Unit 24, which is
12 Anaktuvuk Pass and deferring Unit 26.

13
14 MR. GRIEST: Okay.

15
16 CHAIRMAN ARMSTRONG: Or deleting?

17
18 MR. GRIEST: No, I got it now.

19
20 MR. SAMPSON: When you say portion of Unit 24, maybe we
21 ought to state.....

22
23 MR. GRIEST: I'm just naming.....

24
25 CHAIRMAN ARMSTRONG: Unit 24 covers Wiseman, Coldfoot,
26 and there's another place there and Anaktuvuk Pass, but we only
27 want to include Anaktuvuk Pass as just a portion of Unit 24.

28
29 MS. H. ARMSTRONG: Mr. Chair, Unit 24 also includes
30 Allakaket, Alatna, Bettles, Evansville, Huslia, Hughes and
31 Galena.

32
33 CHAIRMAN ARMSTRONG: You guys are making it more
34 complicated than it is.

35
36 MS. DETWILER: I can suggest something here. And that
37 would be -- you could approve Proposal 66, with the
38 modification to include Unit 22 -- all of 22, 23, 24, Anaktuvuk
39 Pass only, and not including 26.

40
41 MR. GRIEST: Why are we deferring 26?

42
43 MS. B. ARMSTRONG: Because Ricky wants to hear to see
44 what North Slope is saying, whether they want to be included on
45 this c&t or not.

46
47 CHAIRMAN ARMSTRONG: Okay, what's the wish of the
48 Council?

49

MR. GRIEST: Mr. Chairman?

0040

1 CHAIRMAN ARMSTRONG: Bert.

2

3 MR. GRIEST: I make a motion that we approve the
4 following units; Unit 22, Unit 23, and Anaktuvuk Pass, however,
5 deferring Unit 26 as c&t users of the Western Arctic herd -- or
6 the caribou.

7

8 CHAIRMAN ARMSTRONG: Walter.

9

10 MR. SAMPSON: I'll second it for discussion, but I
11 think Bert, you need to word your motion to amend the original
12 motion because we've already got a motion.....

13

14 CHAIRMAN ARMSTRONG: Correct.

15

16 MR. SAMPSON: We've already voted on the motion that
17 passed.

18

19 MR. GRIEST: Okay. Are you guys trying to confuse me or
20 what?

21

22 MR. SAMPSON: No.

23

24 CHAIRMAN ARMSTRONG: Bert's made a motion to amend our
25 initial proposal. It's been seconded. Discussion. If there's
26 no discussion, we're voting on the amendment, all those in
27 favor of amending the proposal signify by saying aye.

28

29 IN UNISON: Aye.

30

31 CHAIRMAN ARMSTRONG: All those opposed same sign.

32

33 (No opposing votes)

34

35 CHAIRMAN ARMSTRONG: The amendment passes unanimously.
36 Will that take care of that? Don't we have to vote on the main
37 motion now?

38

39 MS. DETWILER: I don't think.....

40

41 MR. SAMPSON: We just amended it.

42

43 CHAIRMAN ARMSTRONG: We're just amending it?

44

45 MS. DETWILER: Yeah, the motion was only to amend. So
46 you've already amended it, so there's nothing more to do.

47

48 CHAIRMAN ARMSTRONG: Okay.

49

MS. DETWILER: We know the intent anyway.

0041

1 CHAIRMAN ARMSTRONG: Getting that complicated proposal
2 out of the way, let's move on to the next one. For your
3 information, once we're done with these proposals, we'll move
4 right into the presentation on the Western Arctic caribou herd.

5
6 MS. B. ARMSTRONG: Yes.

7
8 CHAIRMAN ARMSTRONG: So Proposal 67.

9
10 MS. H. ARMSTRONG: Proposal 67, Page 25 of the proposal
11 analysis section of the book. This proposal was submitted by
12 this Council requesting a positive customary and traditional
13 use determination for musk ox in Unit 23. The proposal would
14 extend the existing positive -- c&t use determination in the
15 southwest portion of Unit 23 to the entire unit. So to clarify
16 that, Buckland -- south of the Buckland -- Unit 23 up to the
17 Buckland River drainage already has c&t and this would extend
18 it to the entire unit.

19
20 I want to make a comment now before we get too far into
21 this that this would only provide a customary and traditional
22 use determination if it passes. It will not provide a seasons
23 and bags, that has not happened. And it -- I think it's --
24 plans are being initiated at this time for developing a musk ox
25 management plan for Cape Thompson. And until that plan's in
26 place, I know the Federal Subsistence Board won't take action.
27 They'll wait until a plan's in place. You may have heard that
28 the North Slope region is doing a musk ox plan and this is --
29 this is following just what the North Slope has done. They got
30 positive c&t determination, I believe two years ago, then
31 they're developing their plan, that plan's going before the
32 Board, hopefully in April. And then once the plan's in place,
33 then they'll get -- they'll have additional seasons and bag
34 limits. Right now they have it for Kaktovik, but not for the
35 rest of the region. The same sort of thing will happen here.
36 So once you get the c&t, if you get it, then you have to wait
37 until the plan is done and then they can make proposals for
38 doing seasons and bag limits, okay.

39
40 MS. DEWHURST: Actually a clarification, Cape Thompson
41 herd is under the North Slope plan.

42
43 MS. H. ARMSTRONG: Oh, okay.

44
45 MS. DEWHURST: So unless there's a change which I --
46 Jim, have you heard of anything proposed to take it back out or
47 -- so as far as I know, it's under the North Slope plan so.....

48
49 MS. H. ARMSTRONG: So it.....

0042

1 MS. DEWHURST:that's going to.....

2

3 MS. H. ARMSTRONG:it would only -- yeah, and it
4 would only be for that portion of Unit 23 where that plan --
5 because that plan doesn't address the whole of Unit 23.

6

7 MS. DEWHURST: Yeah, it just concentrates on that
8 group.....

9

10 MS. H. ARMSTRONG: Yeah, right.

11

12 MS. DEWHURST:up around Cape Thompson.

13

14 MS. H. ARMSTRONG: Okay. Sorry.

15

16 CHAIRMAN ARMSTRONG: Bert.

17

18 MR. GRIEST: I move that we approve Proposal 67.

19

20 MS. H. ARMSTRONG: You're going to skip everything
21 else?

22

23 CHAIRMAN ARMSTRONG: Could we go through these motions
24 first?

25

26 MR. GRIEST: Okay.

27

28 MS. H. ARMSTRONG: Was that an effort to make me go
29 quickly, Bert?

30

31 MR. GRIEST: Summarize.

32

33 MS. H. ARMSTRONG: Summarize.

34

35 CHAIRMAN ARMSTRONG: Let's stick to Unit 23 if we can,
36 please.

37

38 MS. H. ARMSTRONG: Okay. Since there has not been a
39 musk ox hunt in the recent memory of anybody alive today in the
40 Northwest Arctic, what I've done is taken uses that were --
41 with the Seward Peninsula and the Kaktovik to apply as to what
42 might happened, we don't know what has happened, because it's
43 been a long time since there's been a hunt here.

44

45 As you know there is a hunt in Kaktovik and there is
46 one in Seward Penn. And these were all as a result of the
47 transplants that occurred in the early 1970s and Cape Thompson
48 had one in 1970 and 1980. We do know that historically people
49 have hunted musk ox here. There is pretty good evidence in the

50 northwest that musk ox existed here, there have been -- there

0043

1 was a skull of a young musk ox found in the 1950s. It's -- I
2 don't think there's an issue that musk ox weren't here, I mean
3 we know they were here. The -- and the reason that people
4 stopped hunting them was that they were not available. So that
5 falls under the -- the first -- the very first factor for the
6 eight factors is a long-term consistent pattern of use
7 excluding interruptions beyond the control of the community
8 area. Well, this area, it was beyond their control that musk
9 ox didn't exist for a long time, and so we established that
10 there were musk ox here at one time.

11
12 Because musk ox haven't been hunted, we don't know what
13 the season would be, would have been customary and
14 traditionally and in the other areas where musk ox have been
15 reintroduced, they have been regulated by regulations. But we
16 -- we would assume that the same thing would happen here.

17
18 I think the musk ox hunting would follow the pattern of
19 what's happened with the Seward Peninsula. The musk ox are
20 very efficient and economical to hunt. They -- when they're
21 threatened, they cluster and they stand their ground, it's easy
22 to take -- easy to approach and easy to take the preferred
23 animal, that's if the snow conditions are good and you can get
24 to them. As we know, we've had a problem in Seward Peninsula
25 with that. Snowmachines are used to go musk ox hunting in the
26 winter. If there's hunting in the fall, then they would --
27 there would be -- people could travel to the areas by boat. In
28 terms of the area of use, I think it's been established that
29 the people in this region hunt within their traditional
30 boundaries of their use areas and that musk ox hunting would
31 follow that same kind of pattern as well.

32
33 The way that the musk ox would be handled, prepared,
34 preserved and stored would be similar to what's happened, I
35 think, in the Seward Peninsula, but as well as the way they
36 handle and store other large terrestrial mammals. The handing
37 down of information from generation to generation, I think this
38 would be also similar to other large mammals. And we already
39 know that people are quite interested in musk ox and that there
40 is a lot of information that people share about where musk ox
41 are and how they're behaving. And this information's been
42 passed around extensively. The pattern of sharing information
43 and passing it down from parent to child with other subsistence
44 resources would be followed with musk ox as well.

45
46 In the Seward Peninsula musk ox meat is shared and I
47 feel certain it would be shared as well here at feasts such as
48 Thanksgiving and Christmas. We already know that in the region
49 between 50 and 70 percent of households in some communities

50 share large mammals and this number is probably higher in other

0044

1 communities. it would be expected that musk ox would be shared
2 like other large mammals are shared. And we also know that the
3 Inupiat in the northwest Arctic harvest a wide diversity of
4 resources and are highly dependent on them. There have been
5 other examples in the State where, in addition to musk ox where
6 -- in addition to musk ox where a resource has moved in and
7 they've been incorporated into their subsistence lifestyle and
8 their subsistence uses. I think it's the intention of ANILCA
9 to provide for the continuity of hunting and fishing and when
10 the resources change or whether they move in or they've been
11 reintroduced, I think that it's -- that people should continue
12 then to be able to have customary and traditional use of those
13 resources.

14
15 The preliminary conclusion is to adopt the proposal
16 with the -- just with the statement that we need to wait until
17 we have seasons and bags instituted by the Board in order to be
18 able to allow for a hunt.

19
20 Was that brief enough, Bert?

21
22 CHAIRMAN ARMSTRONG: Thank you.

23
24 MS. H. ARMSTRONG: I skimmed through it.

25
26 CHAIRMAN ARMSTRONG: Written comments from the public,
27 Barbara?

28
29 MS. B. ARMSTRONG: Proposal 67, there's a c&t proposal,
30 final comments deferred by Alaska Department of Fish and Game.
31 Thank you.

32
33 CHAIRMAN ARMSTRONG: The floor's open for any public
34 concerns regarding Proposal 67. Seeing and hearing none,
35 agencies? None. Okay, the Council members, any questions,
36 comments, concerns, modifications?

37
38 Basically what this allows us to do is just have a
39 positive c&t determination made and that puts forth the
40 direction for the agency to start conducting a plan, developing
41 a plan?

42
43 MS. DEWHURST: I don't know what the plan is at this
44 point. I mean just because c&t is established, doesn't
45 necessarily mean that we're going to proceed to go with the
46 development of a hunt. It just means that, if the time when a
47 hunt is determined to be available, given the population, that
48 it would say who would be eligible to use the hunt. It doesn't
49 -- this doesn't necessarily mean that a hunt is going to be

50 following. You could put a proposal in for next year asking

0045

1 for a hunt and asking for establishment of season and bag
2 limits. I don't know if that would go through or not. A lot
3 depends on -- the next population survey for Seward Penn would
4 be '98. I don't know -- Jim, how often is the Cape Thompson
5 area surveyed?

6
7 MR. DAU: The last one we did was about two year ago.

8
9 MS. DEWHURST: Do you know when the next one's
10 scheduled for?

11
12 MR. DAU: We're going to try to do one this spring, it
13 depends on weather and that kind of thing.

14
15 MS. DEWHURST: So that would give us some current
16 information. He said they're going to try to do one this
17 spring. So after that that would give us some updated
18 information to know what the population is doing.

19
20 CHAIRMAN ARMSTRONG: Any questions from the Council?

21
22 MR. GRIEST: I want to comment Mr. Chairman.

23
24 CHAIRMAN ARMSTRONG: Bert.

25
26 MR. GRIEST: The only comment I got is this customary
27 and traditional determination, I support including the other
28 areas throughout Unit 23 to be included on the c&t for this
29 customary and traditional use of musk ox. Because I know when
30 I was in Shungnak, when I was talking with Walter Douglas, we
31 were doing land selections in '73, that's the first time when I
32 heard the word, (In Yup'ik) and I asked him what it was and he
33 told me that they used to hunt the musk ox when they were young
34 in Shungnak and Kobuk and up in those areas before they all
35 were gone. And this c&t thing, somehow it works against the
36 grain of our heritage. It -- it's a technical. way of cutting
37 off our inherent rights to the heritage that we have that has
38 been passed down from our forefathers. I don't think we should
39 be cutoff by this customary and traditional use thing.

40
41 That's why I support including the rest of Unit 23.

42
43 CHAIRMAN ARMSTRONG: Any other comments?

44
45 MR. SAMPSON: Mr. Chairman?

46
47 CHAIRMAN ARMSTRONG: Walter.

48
49 MR. SAMPSON: I move for adoption of Proposal 67 with

50 modifications for Fish and Wildlife to develop a plan for a

0046

1 hunt.

2

3 CHAIRMAN ARMSTRONG: A motion's been made.

4

5 MR. GRIEST: What's the modification?

6

7 MR. SAMPSON: For Fish and Wildlife to develop a plan
8 for hunting.

9

10 CHAIRMAN ARMSTRONG: Is there a second to the motion?
11 If not, I'll second it for discussion. Is there concerns?

12 Bert.

13

14 MR. GRIEST: Yeah, I kind of got some concerns about
15 moving ahead, about developing the plans for the hunting other
16 than what's being provided right now. Right now there's four
17 in Buckland, how many in Deering?

18

19 MR. BALLOT: Four.

20

21 MR. GRIEST: Or four for Buckland and Deering?

22

23 MR. BALLOT: Six, no, four, I don't know. Ken.

24

25 MR. ADKISSON: I think this year there's four in
26 Buckland and five in Deering.

27

28 MR. GRIEST: Right, yeah.

29

30 MR. BALLOT: Five in Deering.

31

32 MR. ADKISSON: But that was all in southern 23 for
33 mammals in southern 23.

34

35 MR. GRIEST: I don't know what effect that would have
36 on that current setup right now. I think we need to discuss
37 that part before we move ahead to have Fish and Wildlife
38 Service determine a hunting plan other than what's in place.

39

40 CHAIRMAN ARMSTRONG: Any other concerns? Walter.

41

42 MR. SAMPSON: Helen, would the Fish and Wildlife,
43 anytime, puts together a plan, would they need to come to this
44 Advisory Council for.....

45

46 MS. H. ARMSTRONG: Absolutely. I mean right now the
47 North Slope management plan is being done with the North Slope
48 -- ADF&G, Fish and Wildlife, BLM, Park Service, and you know,
49 everybody and anybody and then it's taken to each one of the

50 villages for their approval. So it's something -- it's a co-

0047

1 management plan, something that's done with everyone working
2 and being involved. My guess is is they probably wouldn't
3 begin to even do a plan until their were enough musk ox to
4 worry about outside of the Cape Thompson area because Cape
5 Thompson is included in the North Slope plan.

6
7 MS. DEWHURST: Yeah, it might -- I think right now what
8 you'd be looking at is the southern portion of 23, right now is
9 not mentioned as part of the Seward Peninsula plan, but I
10 imagine it's going to get included as part of the Seward
11 Peninsula plan. I don't know -- I know that's being.....

12
13 MS. H. ARMSTRONG: No.

14
15 MR. SAMPSON: They're shaking their heads.

16
17 MS. DEWHURST: Oh, it's not, okay.

18
19 MR. ADKISSON: No, that southern portion of 23 -- Ken
20 Adkisson, Bering Land Bridge National Preserve in Nome. The
21 southern portion of 23 was always included in the Seward
22 Peninsula cooperative musk ox and management plan. However at
23 the time the plan was formalized early in 1994, it was felt
24 that there were insufficient animals in southern 23 to warrant
25 a hunt, but the question was left open for further study later.
26 Then in early 1995, when the State Board of Game took up the
27 issue of a musk oxen hunt, based on testimony from Deering and
28 Buckland people at the Board of Game meeting, the State Board
29 included within their hunt proposal, southern 23 for the Seward
30 Peninsula. And then when the Federal Subsistence Board took
31 that up in April of '95, they incorporated southern 23 into the
32 Seward Peninsula hunt.

33
34 MS. DEWHURST: But for the deliberations now, in
35 changing the Seward Penn plan is the -- is 23 going to be added
36 as part of the Seward Penn plan?

37
38 MR. ADKISSON: It already is.

39
40 MS. H. ARMSTRONG: It is part of it.

41
42 MR. ADKISSON: It is part of the plan.

43
44 MS. DEWHURST: Okay. Oh, but just for the harvest
45 part.

46
47 CHAIRMAN ARMSTRONG: Just the southern.....

48
49 MR. ADKISSON: Yeah, south of the Arctic Circle.

0048

1 MS. DEWHURST: Yeah. See and yeah, I guess that's the
2 question right now. The southern parts would be under that and
3 then the Cape Thompson section isn't currently under the North
4 Slope, so then there's a gap there of what to do with the
5 animals that aren't included that fall between the cracks of
6 what's included under the North Slope plan and what's included
7 under the Seward Penn plan, which I guess is -- primarily
8 though that would just be straight wolves, wouldn't it? I mean
9 there are some significant numbers between those two?

10
11 MR. ADKISSON: Well, I think the question would be
12 right now, given the current c&t determination, Buckland and
13 Deering are the only communities that can hunt musk oxen in
14 southern 23 south of the Arctic Circle. And as I read this
15 proposal, it appears to me that that would remain the same and
16 all of the other residents of Unit 23 would be able to hunt
17 whatever other musk oxen were in 23. So I don't see an
18 apparent change to the Buckland and Deering situation unless
19 people feel like somehow the proposal should be modified so
20 that all residents of 23 could hunt in that southern portion,
21 but I don't see that in the proposal right now unless someone
22 else does.

23
24 CHAIRMAN ARMSTRONG: I have a couple questions here.
25 When was the last censuses done on that musk ox?

26
27 MR. ADKISSON: 1996.

28
29 MS. DEWHURST: '96.

30
31 MR. ADKISSON: Spring of 1996.

32
33 CHAIRMAN ARMSTRONG: Okay.

34
35 MR. ADKISSON: The next one for Seward Peninsula is
36 scheduled.....

37
38 MS. DEWHURST: '98.

39
40 MR. ADKISSON:for the spring of 1998.

41
42 CHAIRMAN ARMSTRONG: See the reason I think -- I think
43 Walter has a good point and that is, the fact that, you know,
44 the musk ox aren't broadening their range. We got one living
45 here at the Air Force Base. There was some at Selawik.

46
47 MR. GRIEST: At the airport.

48
49 CHAIRMAN ARMSTRONG: And then so, you know, they tend

50 to become bothersome at times because they don't generally move

0049

1 way out at once, they tend to stick around one area. There's
2 some life and safety factors that could actually be involved in
3 this. So there needs to be some consideration taken in that
4 respect.

5
6 Walter.

7
8 MR. SAMPSON: Mr. Chairman, there seems to be some --
9 both the Parks and I guess, as I understand it, there's some
10 problems in regards to the issue -- what I'd like to do is
11 amend my original motion to exclude modification for Fish and
12 Wildlife to develop the plan and just -- just adopt Proposal
13 67.

14
15 MR. GRIEST: Second.

16
17 CHAIRMAN ARMSTRONG: What was it now?

18
19 MR. SAMPSON: My amendment to my original motion was to
20 exclude the modification for Fish and Wildlife to develop a
21 plan.

22
23 CHAIRMAN ARMSTRONG: Okay. The second there concurs.
24 So we'll just be voting on adopting the proposal as submitted?

25
26 MR. SAMPSON: Proposal 67, yes.

27
28 CHAIRMAN ARMSTRONG: Any other discussion? If not, all
29 in favor of this signify by saying aye.

30
31 IN UNISON: Aye.

32
33 CHAIRMAN ARMSTRONG: All opposed same sign.

34
35 (No opposing votes)

36
37 CHAIRMAN ARMSTRONG: Proposal passes. Okay, we have
38 one more proposal here.

39
40 MS. H. ARMSTRONG: Thank you, Mr. Chair. Proposal 63
41 on Page 37 is a proposal that is one that effects this unit
42 because it comes into Unit 23, but this is a proposal for a c&t
43 determination for wolf in Unit 22. It was submitted by the
44 Seward Peninsula Regional Advisory Council. It requests a c&t
45 determination to include residents of Unit 21(D), west of the
46 Yukon River, Unit 22 and Unit 23, south of the Arctic Circle.
47 Because of that inclusion, Unit 23, south of the Arctic Circle,
48 this proposal has come before you.

49

Perhaps in the interest of time, maybe we could just --

0050

1 the issue is, do people go hunt wolves from Unit 23 south of
2 the Arctic Circle, do they go into Unit 22. And there's --
3 there isn't really any information in the data base -- the
4 harvest data base is indicating that people do go in there, but
5 we do know that those data bases tend to be highly inaccurate
6 and especially with wolf hunting. We do have information that
7 people do go in there and I think maybe in the interest of
8 time, because I know we've got a lot more to do, we could just
9 -- the part of the proposal that effects you is that Unit 23
10 part.

11
12 The preliminary conclusion was to modify the proposal
13 to give a positive c&t determination to residents of Unit 22.
14 And at the time this was written it was asking for further
15 information from the Councils. And we did get that information
16 from other Councils, we also heard from Unit 22, Seward
17 Peninsula did support giving c&t to residents of Unit 23 south
18 of the Arctic Circle to take wolves in that portion. So since
19 this was written, this has been modified further, but I -- I
20 would suggest that you ignore the preliminary conclusion and
21 perhaps just look at the proposal as it was written and
22 consider adopting that.

23
24 Do you want me to give you more information or not?

25
26 CHAIRMAN ARMSTRONG: No, that's fine.

27
28 MS. H. ARMSTRONG: Okay.

29
30 CHAIRMAN ARMSTRONG: Written comments from the public.

31 Barbara.

32
33 MS. B. ARMSTRONG: Okay. Final comments were deferred
34 on this c&t proposal by Alaska Department of Fish and Game.
35 Thank you.

36
37 CHAIRMAN ARMSTRONG: Do we have any concerns or
38 comments from the public? If not, agencies? Okay, then we'll
39 go back to the Council. Comments on this proposal? Walter.

40
41 MR. SAMPSON: It says here, Unit 23, south of Arctic
42 Circle, why only Unit 23, south of Arctic Circle?

43
44 MS. H. ARMSTRONG: That was the way the proposal --
45 you'd have to ask the Seward Penn Council. I am -- they may
46 not have been aware of people from farther north of that coming
47 down into 23, but it would be this Council's prerogative to say
48 that, no, we have people north of the Arctic Circle coming into
49 22 and you could make that proposal -- that recommendation.

0051

1 CHAIRMAN ARMSTRONG: Bert.

2

3 MR. GRIEST: Comment wise, I know I'm north of the --
4 south of the Arctic Circle, but I was down there -- when was
5 it, a couple of years ago, right?

6

7 MR. BALLOT: Um-hum. (Affirmative)

8

9 MR. GRIEST: Two years ago.

10

11 MS. H. ARMSTRONG: Hunting wolves?

12

13 MR. GRIEST: I saw some wolves on the way back, yes and
14 I hunted them -- it went over the mountain and I couldn't see
15 it anymore. I mean for awhile there there was a storm.

16

17 MR. SAMPSON: Well, you're supposed to jump over the
18 mountain.

19

20 MR. GRIEST: Yeah, I hunted wolf on the way back.

21

22 CHAIRMAN ARMSTRONG: Is there a motion on the floor for
23 discussion?

24

25 MR. BALLOT: Do you want to change that unit to all of
26 Unit 23?

27

28 MR. GRIEST: Yeah, all of Unit 23. Are you going to
29 make the motion?

30

31 MR. BALLOT: Yeah, Mr. Chairman, I'll make the
32 motion.....

33

34 CHAIRMAN ARMSTRONG: Percy.

35

36 MR. BALLOT:for Proposal 63.....

37

38 MR. GRIEST: To amend with a modification to include
39 Unit 23.

40

41 MR. BALLOT:and also to amend the proposal to
42 include Unit 23 -- all of Unit 23.

43

44 CHAIRMAN ARMSTRONG: A motion's been made. Is there a
45 second?

46

47 MR. ASHBY: I second.

48

49 CHAIRMAN ARMSTRONG: Ricky seconded. Discussion.

50 Question. All those in favor of the proposal as amended

0052

1 signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN ARMSTRONG: All opposed same sign.

6

7 (No opposing votes)

8

9 CHAIRMAN ARMSTRONG: Motion carries. Thank you, Helen.

10

11 MS. H. ARMSTRONG: You're welcome.

12

13 CHAIRMAN ARMSTRONG: At this time I call on the
14 Maniilaq Association for their presentation on the Western
15 Arctic caribou herd co-management agreement. Pete Schaeffer
16 and Art Ivanoff.

17

18 MS. B. ARMSTRONG: I handed your copies out already,
19 it's the second draft that you have with your papers here. I
20 sent into Anchorage, but it never got in your booklets, so it's
21 a separate paper, it's this.

22

23 CHAIRMAN ARMSTRONG: Pete.

24

25 MR. SCHAEFFER: Okay, thank you, Mr. Chairman and
26 members of the Council. I'm here with Art Ivanoff and we're
27 part of the working group that's been working on the Western
28 Arctic caribou herd co-management agreement. I'd like to
29 impress upon the Council that for those that may misconstrue
30 the intent of the group it was pretty well known that this
31 preceded all the discussion on Indian country, so if people
32 weren't paranoid then, they surely will become paranoid now
33 probably. Unfortunately, I think that what's transpired has
34 caused a lot of concern in the Indian country issue, but I just
35 wanted to make that clarification so that in the event we are
36 examined by the Legislative committee chaired by certain groups
37 in the State, that for the record, we make sure that that
38 information is there.

39

40 In Title VIII in ANILCA, it specifically states that
41 there are three criteria that is the determination as to
42 whether or not the Federal Subsistence Board and prior to that,
43 in the Old Regional Council, it was the Board of Game that was
44 dealing with subsistence management. And since McDowell, I
45 think it's pretty clear that the State is not going to be
46 resuming subsistence management in the very near future. I
47 point that because I think as we begin to progress in our
48 presentation here and we'll try to make it brief as possible,
49 that the intent of this co-management agreement was pretty much

50 set under different circumstances than we see today as court

0053

1 decision progress.

2

3 The three criteria does not violate principals of Fish
4 and Game management. The other is that there's the thing about
5 the availability of alternative resource and I'm trying to
6 remember the second one and for the life of me, I can't.

7

8 Anyway, this draft agreement before you is a product of
9 a series of meetings that's been held and Art Ivanoff here is
10 the Staff person for -- Maniilaq has been the person that has
11 been charged with the continuing documentation as well as the
12 organization of the meetings that have taken place in
13 formulating the document. I think to give you guys a little
14 bit of historical context, the original effort by the document
15 was sort of a by-product of the symposium on harvest assessment
16 that was held a couple of years ago and I think it was hosted
17 by the Alaska Department of Fish and Game and the Feds. What
18 we -- as we examined the issues, so to speak, in putting the
19 document together, it became very clear that after the first
20 couple of meetings that as a tribal people, we needed to get
21 together on our own to come to some understanding as to what it
22 was that we wanted to do with the villages to relate to village
23 life and village situations as Fish and Game management
24 essentially and for all practical purpose was not clearly
25 understood because, you know, prior to McDowell, when it was
26 under State management, I think it was pretty clear that the
27 complexity was such that it also entailed a system that
28 precluded rural input in a meaningful way. As an example, in
29 previous testimony to the Board of Game, some of us had to
30 spend as long as two weeks down there waiting in a hotel room
31 to say five minutes of what, you know, what we were down there
32 for to provide as testimony. It was very difficult to
33 participate. And I think now since we're into the latest
34 technology as far as communications are concerned and I think
35 the other thing that the Board's have done different --
36 patterned somewhat after the Board of Fisheries is that they
37 are delegating certain meetings to rural areas and, you know,
38 that was a long time coming. And we appreciate the efforts
39 that the State has done to provide, also, a better forum for
40 meaningful participation, too. Formally the Board of Game
41 dealing with subsistence issues and after McDowell, now we're
42 dealing with this body to forward our recommendations to the
43 Federal Subsistence Board for consideration. And that's what
44 we're here for today.

45

46 That odd part, so to speak though, is that this is not
47 a complete document because it has not gone through the
48 complete cycle as yet. And what I mean is that as a tribal
49 entity, we decided to have our tribal constituency, for a lack

50 of a better word, membership, I guess, get together to start to

0054

1 put together a document without having the State or Federal
2 people involved was for the cultural need to meet as a people
3 to forward our concerns about whether or not -- first of all,
4 the current system worked and why not. Second of all, was to
5 see if we could put together a system that villages would feel
6 that they had ownership of, thus, I think would constitute a
7 means for them to feel that their concerns were valid enough to
8 be a part of a management system that they would feel some
9 belonging to. I think it's abundantly clear that after 35
10 years of Statehood, that the sports hunting mentality does not
11 clearly and adequately fit our philosophy of how we have
12 transitioned despite a lot of attempts to regulate us into
13 oblivion has still resulted in somewhat healthy relationships
14 in villages between the traditional handing down of knowledge
15 and to -- from grandparents to grandchildren and from parents
16 to children. So it was not intended to exclude the State and
17 Feds to do anything that the Alaska Outdoor Council suspects.
18 They actually suspect that we have a master plan of some sort
19 and that this is a part of a process to ultimately go from
20 management as it was prior to McDowell to a transitory period
21 of co-management and ultimately to tribal management. I think
22 it's really clear that what we are after is a partnership with
23 the State in a meaningful and with the Feds, since we now have
24 Federal intervention for subsistence management to forward this
25 co-management process and it's only intended to ultimately
26 provide village folks with a meaningful way to participate in
27 resource management, nothing else.

28
29 As we began to have the meetings, as I said before, we
30 began to put together a document to have something to actually
31 be in black and white that we, as a tribal entity, could agree
32 on. Understanding that there are a couple of very important
33 points to make, first of all is that, there are some
34 constitutional issues intertwined in this as perceived by the
35 State of Alaska. And the constitutional issues are basically
36 at the forefront today on the whole of the Indian country
37 argument and those have to do with constitutional issues based
38 on whether or not Alaska Natives have any type of standing in
39 the eyes of the State, which for all practical purpose is non-
40 existent. And an example of that, in our previous Governor, in
41 his Executive Order 125, says baloney to previous Governor
42 Cowper's Executive Order 123, which basically said, well, maybe
43 there's Natives and then Wally Hickel says, you know, there's
44 no such thing, we're all Alaskans. So I think that is a direct
45 reflection on what advice our current Governor, Mr. Knowles,
46 would get from the Attorney General's office since he is
47 retained -- essentially the same person that Wally Hickel
48 appointed when Charlie Cole left and that's Mr. Botello. I
49 think the other part of the problem, as Walter well knows, is

50 that the Boards of Game and Fish operate constantly under the

0055

1 supervision of -- or not the supervision, under the advisement
2 of the Attorney General's office. And I think, in part, that
3 kind of clarifies the problem sometimes -- what happens when we
4 try to allude to anything to do with Native or anything to do
5 with tribal.

6
7 The other thing that we've sort of involved into is the
8 difficulty of dealing with the word, subsistence. And lately,
9 what we have been doing to try to correct that problem because
10 subsistence connotes some kind of a sub group that is
11 subjective to an overriding authority of sorts. And I think
12 that presents a very serious problem when we try to forward
13 subsistence regulations and the current paradigms that
14 constitute current attitudes in legislature, for example, turn
15 out to be a very large problem. And trying to simplify what it
16 is we mean when we talk about subsistence. So we've been
17 replacing the word, subsistence, with tribal, because that
18 carries with it the proper context of how the Native people
19 think in terms of spirituality. In terms of cultural diversity
20 as far as the difference of Native people's are concerned. But
21 most of all, it also conveys an underlying issue of belonging
22 to something larger than being termed Alaska resident or an
23 Alaska Native.

24
25 So with that background, I'd like to go into the
26 agreement. And Art is also here as a resource person to sort
27 of fill in the gaps if I miss something and I generally get
28 carried away and usually do. But the co-management agreement
29 has a preamble and that is intended to kind of familiarize
30 people with some of the philosophical approach to what it is
31 that we're doing. Also to understand that at this point in
32 time that what we're asking this Regional Council to do is to
33 approve this thing in principal, understanding that we still
34 have some serious negotiating to do with the Feds and the State
35 in coming up with the final document that's ultimately
36 acceptable to either most parties or all parties, hopefully.
37 I'd like to add another note also is that even though we've
38 extended an invitation to some of the other groups -- user
39 groups, such as the guides and outfitters, we are anticipating
40 that they will participate in the process also.

41
42 So basically what we've done is that the approach that
43 we took is sort of patterned after the Alaska Eskimo Walrus
44 Commission, in that, we have our membership body which is made
45 up of the recognized tribes as well a organizational
46 representation. You'll notice that there are other areas
47 included, Maniilaq as well as Arctic Slope, Tanana Chiefs,
48 simply because the caribou also migrate in ever expanding
49 patterns obviously and then we have agency representation. And

50 the reason we did it this way was because based on our

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1 experience -- observing how the legislature operates, such as
2 what happens in Round Island, the Alaska legislature has
3 subtracted significant funding for research projects for
4 example, because sports hunting is not allowed in the Round
5 Island Sanctuary where subsistence hunting after a number of
6 years where -- you know, Natives weren't allowed to hunt is now
7 allowed. So we hope that this would provide a means to try to
8 insulate to some extent and it probably won't work worth a
9 damn, but it's worth a try, to have a technical committee
10 assist in the information gathering and in the administrative
11 support of the council, which is made up of -- the first list
12 essentially and then the technical committee is more of an
13 advisor. On the second page, we probably should have numbered
14 it, but it's the second page of the agreement itself, not in
15 the preamble. And the technical committee is viewed as a means
16 to also provide the support for the main body which is the
17 actual council itself. So what we wanted to do is to make sure
18 that you understood that there is a difference between the
19 technical committee and the co-management committee. And the
20 co-management committee's anticipated to have probably at least
21 23 members and probably more. It's going to be a large body.
22 But in our discussions as we progressed in this thing, we felt
23 that one of the operating principals that we agree on as
24 described in the preamble is that in every case possible we
25 would seek consensus amongst the group as a means of forwarding
26 recommendations for either changes or whatever it is that this
27 council would want to forward.

28
29 You also have an organizational chart of sorts which
30 kind of illustrates how the Council would work in the
31 organizational chart that kind of describes how the
32 organizational setup would be. When we met earlier we also had
33 all of the language in this draft agreement subject to the
34 group's scrutiny and from here on out the product is pretty
35 much an agreed format as to how the participating members felt
36 and basically approved it with the understanding that we also
37 would go through negotiations with the Fed and the State to try
38 to finalize this agreement.

39
40 We also have a methodology in this process to deal with
41 things like meetings of the council, makeup of members,
42 principals, tribal responsibilities and enforcement. And in
43 preliminary discussions with the State and Feds, we recognize
44 that there are significant issues that we need to resolve in
45 relation to some of the language in here. But we left the
46 language in there on purpose to generate some of those
47 discussions so that, if nothing else, what we could do is come
48 up with options to present to our final group, which is
49 intended to include the State and the Feds and all of the user

50 groups in a final forum to come up out with a final agreement.

0057

1 Also I'd like to say at this time that I think there
2 are significant problems in here, especially for the State,
3 since I think the constitutional issue which determine the
4 State out of compliance with ANILCA had a lot to do with four
5 articles of the constitution -- State constitution which are
6 the very problems we perceive that would be in here.

7
8 One of the things that we noted in the State's supreme
9 court's review of that criteria that constituted those four
10 violations was nothing about Article XII, Section XII, which
11 was part of the enabling legislation that was required to be in
12 the constitution. Otherwise the State -- or that Statehood
13 could not proceed without that legislation in there. And that
14 Section XII, Article XII relates to the recognition of the
15 relationship between Alaska's Native people and the Federal
16 government. So as far as we're concerned, that's pretty much
17 untested waters. Because I think in the eyes of the State with
18 the current attitudes toward Indian country and everything else
19 Native, that that would be a means of last resort if the
20 Attorney General were to exhaust all other opportunities to do
21 -- anything to do with a co-management agreement or anything to
22 do with Indian country.

23
24 And as this thing goes on, it pretty much spells out
25 the framework as far as the government structure is concerned
26 and some of that is pretty much just boilerplate. But I just
27 wanted to caution you that again, I will say that this is still
28 subject to some serious negotiation that we would ask that this
29 body approve this thing in principal for the purpose of
30 forwarding this forum for an opportunity to present our case to
31 the Federal Subsistence Board for their consideration of this
32 co-management agreement. Because we understand that there is a
33 calendarial issue at -- I mean that exists here, too, that the
34 next Council meeting is going to be some months in the future.
35 And in the meantime what we would do is work on this document
36 to see how close we would come to final to present this
37 completed document to the Federal Subsistence Board. So I
38 think it's kind of an awkward situation that we're asking you
39 to place yourself in. First of all is that, this is not a
40 document in final form, but what we're asking for is that what
41 we need to have happen is that we need to have an opportunity
42 to address the Federal Subsistence Board with the authority
43 that this body has in forwarding those kinds of recommendations
44 to the Federal Subsistence Board.

45
46 CHAIRMAN ARMSTRONG: Is there any questions from the
47 Council?

48
49 MR. GRIEST: When it first came out we had some

50 questions on the way we would police ourselves. I think that's

0058

1 changed somewhat, right? That we would develop a policy about
2 self-police. I know in some communities there's so much fight
3 between families that when a fight erupts -- one family would
4 try to get the other family in trouble and stuff like that and
5 the enforcement proposal kind of giving another -- advances the
6 noose around our cultural practice by something other than
7 basically our customary and traditional practice. I mean there
8 were some concerns about that. I know when I talked to the
9 Selawik Council, they never really thought about that and when
10 they looked at this, they looked at the overall thing. They
11 thought that was a good idea and then they went ahead and
12 supported it. I went and asked them about what they thought
13 about the enforcement provisions of it and they were saying,
14 wow, we -- we never thought about that and they were intending
15 to discuss that further.

16
17 They kind of didn't want a situation setup where this
18 would enable a person to go after another person in the
19 community, I mean, you know -- otherwise they pretty much --
20 they pretty much approved the concept overall. That was
21 basically their -- you know, the remaining concern. And we
22 would like to have some sort of more discussion in that area at
23 some point in time to refine that part -- to fix it kind of and
24 it would, you know, -- I don't know whether one community uses
25 this different than the other? Some communities really need it
26 and some are fairly -- fairly okay in that area.

27
28 So do you have any comment on that part?

29
30 MR. SCHAEFFER: Well, that's an excellent question
31 because that's the very thing that is the underlying issue of
32 this whole agreement and that is, who gets to enforce it. I
33 think it's pretty clear that I don't think anybody has any
34 control as to what goes on in the village as far as
35 personalities are concerned. But I think that, you know,
36 looking at enforcement as a means of dealing with regulatory
37 change will have a lot to do with how the document, as you say,
38 is either minus the language or maybe there's additional
39 language that needs to be added as far as what that would look
40 like. Again, I would say that the State is going to have a
41 major problem with it because they have no discretionary
42 authority to allow this kind of thing to happen. And on the
43 other hand, as far as the Feds are concerned, you have to have
44 certain enforcement credentials to even be an enforcement
45 officer and you have to go to that school in Virginia to get it
46 -- it's the same school that FBI folks and tobacco agents and
47 those people go to. So it's quite an elaborate mechanism that
48 makes up the current regulat -- the enforcement authorities and
49 I think the group recognized that.

0059

1 In amongst it all, though, is the very thing that I
2 spoke of earlier, in that, the fears of Indian country also
3 include a lot of pending discussions yet to happen as to how
4 that enforcement is going to look because fish and game
5 management is only a part of the entire social picture in
6 villages. And if they are, in fact, empowered to conduct their
7 own enforcement of social types of things, then I think in part
8 that reflects also into the potential of -- if a village takes
9 the initiative to take on the responsibility of its partnership
10 in the game management scenario, then also that, you know, that
11 raises the question as to how that enforcement presence is
12 going to look. I think it's important to point out that this
13 scenario is still going to have the oversight of the Federal
14 Subsistence Board and for that matter, oversight probably by
15 this body as far as its applicability towards the notion that
16 we would be a village based -- sort of like village based
17 management. Essentially that's the approach the tribal entity
18 took in this whole affair. Because we feel it's important for
19 people to somehow buy into a regulatory system, otherwise they
20 will continue to have a high rate of non-compliance, which is a
21 major problem for biological sciences. For example, when you
22 can't get enough cooperation to gather accurate data on harvest
23 information for that matter. Or if you can't have enough
24 compliance to participate in the licensing program, for
25 example.

26
27 You know, just the other day, Senate Bill 22 passed the
28 Senate and is now in House Resources and it was Senator Bert
29 Sharp, which added language to the current recipe for
30 qualifying for the Board of Game. And then he wants the
31 scenario for seven years you have to prove that you have had a
32 hunting license for all of those years, which effectively
33 excludes women, but you know, it passed the Senate anyway and
34 now it's in the House, which I think the Governor -- if it
35 passes the House, as predictable as the majority is that what
36 the Governor is going to have to do is veto it. So those kinds
37 of things are sort of percolating up on the legislative side.
38 But I think that getting back to specifics as to how
39 enforcement would work, would not preclude a village from
40 adopting something similar to the exempting proposal that we
41 provided villages with a few years ago that would, by
42 ordinance, allow a tribal entity or an entity in the village to
43 have certain precautions against issues that are a common
44 concern to everybody. That's wanton waste, and how to develop
45 criteria as to how a village would qualify and what would
46 constitute disqualification by either the Federal Subsistence
47 Board or even this body from that privilege of self-regulation.

48
49 CHAIRMAN ARMSTRONG: And I know I do have some

50 questions, but I just want to get a feel from the Council if

0060

1 they want to continue with this discussion or break for lunch?
2 What's the wish?

3
4 (No audible response)

5
6 CHAIRMAN ARMSTRONG: Continue on.

7
8 MR. IVANOFF: Mr. Chair?

9
10 CHAIRMAN ARMSTRONG: Yeah.

11
12 MR. IVANOFF: Before we continue, I'd like to address
13 some of the concerns that Mr. Griest made about enforcement.

14
15 CHAIRMAN ARMSTRONG: Would you speak-up, please.

16
17 MR. IVANOFF: I just wanted to voice some of the
18 concerns that I have in reference to the enforcement aspect of
19 this co-management agreement.

20
21 First of all, this is only a draft and the villages
22 have an opportunity to make adjustments as needed. And
23 secondly, I think it's important that the tribal governments
24 get involved in -- get more involved on a greater level in
25 resource management and this could be through the tribes. I
26 think there's a lot of oppor -- a lot of differences between
27 families. But I think we've got to get our tribes to be more
28 involved and to look at the differences and try to get some of
29 the facts out and then make a decision on how to proceed.

30
31 The Native villages of Gambell and Savoonga have are,
32 in effect, self-regulating themselves by getting committee
33 members to look at issues of concern dealing with walrus. And
34 they were able to stop some of their hunt issues from actually
35 going out and poaching walruses. And I feel that this is
36 something that we have to look at. I think there's
37 opportunities for the tribes to play a greater role in
38 enforcement.

39
40 But again, I just wanted to air those concerns. Thank
41 you, Mr. Chair.

42
43 CHAIRMAN ARMSTRONG: This is the first opportunity I've
44 had to look at the co-management agreement. And I guess my
45 questions are, you know, under what umbrella is this working
46 group under? Is it under Maniilaq or is it a cooperative
47 effort.....

48
49 MR. SCHAEFFER: It's actually a working group of who we

50 felt were individuals that would be willing to work on this

0061

1 thing. You know, the group included Rachel Craig, myself,
2 Art.....

3

4 MR. IVANOFF: Victor Carmen, Walter Sampson.

5

6 CHAIRMAN ARMSTRONG: I notice it did have some
7 resolutions of supports from the villages. And was there any
8 consideration for getting support from other agencies, like TCC
9 and Maniilaq, Kawerak, Arctic Slope, any agencies, Fish and
10 Wildlife?

11

12 MR. IVANOFF: Mr. Chair, we held a mini-symposium here
13 in April and we had participants from the Tanana Chiefs, we had
14 George Aska, we had Stanley Ned, also from TCC. Also from
15 Kawerak we had Caleb Pungowi and Jake Olanna. And from the
16 Arctic Slope Native Association we had Michael Peterson. And
17 we also -- following the symposium in April we had a meeting in
18 October and we had representatives from the three organizations
19 come into Kotzebue and we met and we discussed the -- we
20 discussed the first draft and they come up with the second,
21 which you have in front of you.

22

23 We've also submitted proposals to the Fish and Wildlife
24 Service, to the National Park Service, to ADF&G and to
25 (indiscernible) for funding so that we can continue with the
26 negotiations and try to reach a final on this agreement.

27

28 CHAIRMAN ARMSTRONG: I guess you mentioned that, you
29 know, this is absent with the State's -- a cooperative effort
30 hasn't been reached yet?

31

32 MR. SCHAEFFER: That's correct. And we felt strongly
33 that at some point we needed to get our tribal entities
34 together to come out with a document that we envision, rather
35 than having the problem, for example, of constitutional baggage
36 preclude practically everything in here because of the
37 constitutional language and the -- what we know about what -- I
38 think the problem would be as far as the Attorney General's
39 office was concerned, too.

40

41 I think what we also -- and I thought I -- or I wanted
42 to make it clear was that we still have the agreement to be
43 hammered out with the State and the Federal folks. And oddly
44 enough, I think the Feds are not all that enthusiastic about
45 this because they're looking for the State to take the lead and
46 sort of vice versa, the State has got serious constitutional
47 issues interwoven in this document. As an example of a
48 document that has State scrutiny would be, like say, the Beluga
49 Commission document which was total sterile of the word, Native

50 and tribe.

0062

1 CHAIRMAN ARMSTRONG: And you've brought up an
2 interesting point about Indian country and the possibility of
3 it coming into existence. And I guess, between this document
4 and what potentially will occur, is there any plans for
5 changing this document to fit into Indian country?
6

7 MR. SCHAEFFER: Well, I'm not sure, but I think that --
8 you know, as I said earlier that the whole intent of this
9 document was to have meaningful tribal participation in
10 resource management. And we, I guess, accept the fact that the
11 State and the Feds aren't going to disappear tomorrow, so I
12 think in large part we want to work with them to deal with the
13 significant issues of worsening user conflict issues. Because
14 right now, biologically speaking, there's no real problem with
15 the caribou herd.
16

17 CHAIRMAN ARMSTRONG: Is there any other questions?
18 Bert.
19

20 MR. GRIEST: Mr. Chairman, on Page 6, the guiding
21 principals of management by the council. On number one you
22 have levels of harvest of the Western Arctic caribou herd will
23 be based on the principals of sustained yield and the
24 maintenance of natural and health population consistent with
25 the provisions of ANILCA. Somehow we need a balancing act in
26 determining that definition of what is natural and health
27 population. Is it the way these paranoid posey sniffers or
28 what do you call those people, the real environmentalist -- are
29 they going to have a say in determining what natural and health
30 populations is, like Western Arctic caribou herd being -- I
31 know from the last -- when they crashed last time, they crashed
32 from around 240,000 to an estimated -- between 40 to 60,000.
33 At first I think it was closed, but then they allowed for one
34 -- well, they allowed so many per communities and then they,
35 you know, whatever -- but that level of population between 40
36 to 60,000, they still allowed for a caribou hunt. In a way, I
37 guess, it is still natural and healthy and they -- as long as
38 the level of yield was below -- I mean still allowed to grow, I
39 think we -- we kind of need that sustained yield basis. If you
40 add that maintenance of natural and health population, we need
41 to keep that in mind that the sustained yield as a principal is
42 something I prefer because I have problems with the definition
43 of who is going to determine natural and healthy populations.
44

45 MR. SCHAEFFER: And that very problem was a core of
46 significant disagreement by villages that observe otherwise.
47 And unfortunately what happens is that in preceding
48 documentation always conveys the same number that people
49 vigorously disagreed with. And you know, that is part of I

50 think the process of coming to consensus about what the caribou

0063

1 population really is. So that part, I think is -- would be
2 inherently fixable in this process there with meaningful
3 village participation. Because I think people on the ground
4 that are -- the hunting stiffs out there clearly see patterns
5 year after year that vary sometimes significantly depending on
6 nature and the weather, you know, that kind of thing,
7 predation, those things.

8
9 But I think that, you know, what we suggested before
10 was that if there is significant agreement that this draft
11 document needs to be changed, then it's going to be
12 accommodated based on consensus. I mean that's how this
13 document came about in the first place. So I guess -- I don't
14 know if I really answered your question.

15
16 MR. GRIEST: Mr. Chairman?

17
18 CHAIRMAN ARMSTRONG: Go ahead.

19
20 MR. GRIEST: The only concern I had was that if we had
21 somebody to try -- somebody else to determine what's the
22 natural and healthy population and it crashes down and we leave
23 it up to the environmentalists, they wouldn't allow us to hunt
24 at all. They wouldn't have -- I doubt if they would back then
25 when it went down to around 60,000 and yet we were allowed to
26 hunt some. But based on sustained yield, they continued to
27 grow even though we were allowed to hunt, so they grew back.
28 Just using that principal, that was enough -- we throw in the
29 definition of natural and healthy, you get the extremists
30 involved. I'm kind of concerned about that, how to define
31 natural and healthy population.

32
33 CHAIRMAN ARMSTRONG: The gentleman over here.

34
35 MR. RABINOWITCH: Sandy Rabinowitch with the National
36 Park Service. A comment of information and -- I'll start with
37 a comment of information, I think I have one other. Is
38 probably some people know, but maybe some do not know, ANILCA
39 does require the Federal agencies to deal with the terms,
40 natural and healthy, and my guess is that's why you've got this
41 in your draft here. And I believe, though, someone from the
42 State could speak better to the point of some mandates on the
43 State about sustained yield in any case. So I just guess
44 you've got both of those in there because you recognize that
45 those are out there, there are various laws on the books and
46 you're trying to take -- live under the definition of the
47 natural part. And Bert, getting to your comments here, the
48 National Park Service currently does not have a definition of
49 that in regulation, all right. We've been struggling with that

50 and we just don't have one yet.

0064

1 However, the Federal Subsistence Board does have a
2 definition of healthy and we could probably, you know, get it
3 on the table here shortly. So a definition of that does exist
4 and the Federal Board operates with that currently, okay.
5 Those are the technical comments.

6
7 The one other comment I'll make then and this may --
8 and I offer this as sort of an example of some hope, there is a
9 hunt in the Copper Basin area that deals with the Mentasta
10 caribou herd. It's a very small herd, it hasn't been very
11 healthy for a while. And there what you have is a herd that
12 primarily resides on National Park administered land, moves
13 around, you know, like all caribou on to State land and
14 miraculously after a couple of years of work between the
15 National Park Service and the State, there was an agreement
16 that was reached to deal with that herd and I think people who
17 are familiar with it would say that it's working. It's only a
18 couple of years old, but it's working. So here you have a
19 conservative regime of the Park Service and perhaps a more
20 liberal regime of the State, different mandates, and son of a
21 gun, people have worked together and got something that's
22 working. I offer that as a ray of hope that I think you're on
23 the right track with that part.

24
25 MR. IVANOFF: Mr. Chair, I'd also like to add that what
26 we'd like to incorporate here is a closer working relationship
27 between western science and our indigenous knowledge. We feel
28 that our people have something to offer in resource management
29 because of their intimate relationship with the land and the
30 resource. And that I really don't think this will be much of a
31 problem. I think it's something that the council could work
32 out and come up with a good recommendation to submit to the
33 Federal Subsistence Board or the Alaska Board of Game.

34
35 CHAIRMAN ARMSTRONG: And I guess we're placed in an
36 awkward situation. Will you guys be available after lunch?

37
38 MR. IVANOFF: Sure.

39
40 CHAIRMAN ARMSTRONG: The restaurant is only open for a
41 half an hour and we have a number of people here signed up for
42 that and the fact that we're losing some Council members, I
43 think it's a good time for a break if you don't mind. Pete.

44
45 MR. SCHAEFFER: What time do you want us to be back?

46
47 CHAIRMAN ARMSTRONG: We'll reconvene promptly at 1:30
48 and I mean promptly. Thank you.

49

0065

1 (On record)

2

3 CHAIRMAN ARMSTRONG: I'll call the meeting back to
4 order. It's 1:35 and we're missing some Council members, but
5 we did establish quorum this morning. Go ahead with your
6 information part of this presentation from Pete and Art and
7 we'll delay any action until the Council comes.

8

9 MR. IVANOFF: Mr. Chair, I'd like to continue. I'd
10 like to give you a little background of the process we took.
11 In May of '95 a letter was submitted to John Cody, ADF&G from
12 Joe Ballot, who's the president of Maniilaq Association. In
13 December of that year ADF&G traveled to Barrow, to Nome, to
14 Kotzebue, to Fairbanks and to Anchorage to scope out what the
15 general feeling was toward this process of developing a co-
16 management system for the Western Arctic caribou herd. And in
17 April again, we held a symposium to discuss co-management. We
18 had more than 50 participants from the tribal, State and
19 Federal governments. It was real productive and we felt that
20 everybody wanted to move forward in establishing this co-
21 management system. So it was directed that we should develop a
22 draft agreement and we did exactly that. And we held several
23 teleconferences with Kawerak, Tanana Chiefs, and Arctic Slope
24 Native Association and we discussed how we should proceed.
25 Then we held another teleconference with the tribes in this
26 region and they directed us to move in the same direction. So
27 we held a meeting on October 9 and 11 of this year and we -- or
28 last year, excuse me, last year and we -- again, we looked
29 carefully over the agreement, we broke it up into small groups
30 to focus in on the issues and we came up with new language
31 which was more accommodating and met the needs of the people.
32 At this time ADF&G is uncertain, but they're willing to move
33 forward and again, we've submitted a proposal to the Federal
34 agencies and we're expecting soon that we should be getting the
35 word from the agencies as to what may be available as it
36 relates to funding and that's where we are in the process.

37

38 CHAIRMAN ARMSTRONG: At this October meeting, was that
39 just a tribal gathering or was there other agencies involved or
40 was it just this management team that you have?

41

42 MR. IVANOFF: The meeting in October was between the
43 Native community only. And we felt we had to get our ducks
44 lined up and you know, we had -- again, representatives from
45 TCC, from Arctic Slope and from Kawerak. We had 20
46 representatives coming from our region alone and I think two or
47 three from the other regions as well.

48

49 CHAIRMAN ARMSTRONG: TCC, Arctic Slope and Kawerak,

50 they're part of this management team?

0066

1 MR. IVANOFF: They are part of the management team.

2

3 CHAIRMAN ARMSTRONG: Is there any further questions of
4 the Council members? Ricky.

5

6 MR. ASHBY: Did this thing come about -- how did the
7 other regions look at it -- like I know in Noatak, it would be
8 the State, it would be the Feds and we -- the village and that
9 is going to be the village participation thing. And a lot of
10 these people, like they work and they have R and R's and it's
11 going to be kind of a -- if we add some more to it, it's going
12 to be kind of a controversy between the people. And I wonder
13 what was their input on that?

14

15 MR. IVANOFF: Well, I could only say that we've
16 received 10 resolutions from this region alone and the Native
17 village of Noatak did submit a resolution in support of this
18 initiative. And perhaps Pete you'd like to add to that.

19

20 MR. SCHAEFFER: Well, I don't think I quite understood
21 your question.

22

23 MR. ASHBY: The other regions that are participating,
24 how their people think about that, you know, to govern besides
25 other governments?

26

27 MR. SCHAEFFER: I think they felt supportive of the
28 idea that if they had an opportunity to participate, that was
29 preferable than the current systems which make it difficult for
30 village folks to participate even as they exist now. And they
31 saw it as an opportunity to have participation based on a
32 village level that had meaning and resource management and they
33 were real supportive of, I think the, document as we drafted it
34 up. Because we had to put it in English, otherwise it's hard
35 to have something in paper to have at least a start to where --
36 like I said before, that there is still a lot of opportunity to
37 modify and change, if need be, to accommodate the individual
38 groups, including our tribal entities.

39

40 MR. ASHBY: When was your guy's meeting, was it before
41 September?

42

43 MR. SCHAEFFER: I think we had one in October and then
44 in April and then recently I think it was -- when was the last
45 one, January?

46

47 MR. IVANOFF: Our last meeting was in October.

48

49 MR. SCHAEFFER: Oh, I guess the last one was in

50 October. So I think you was up the river somewhere.

0067

1 MR. ASHBY: Yeah, because there's too much law -- I
2 mean I see how it would be chasing wolverine, State/Federal,
3 and then the villages start putting their own, what they desire
4 on how to hunt the caribou or in this case caribou, but it's
5 going to get kind of too much laws from each side.

6
7 MR. SCHAEFFER: Well, I think that what this is is an
8 opportunity also for villages to take a look at the regulatory
9 system as it is now because it's really complicated. On the
10 State side we have sports hunting, we have commercial hunting,
11 guiding, transporters and then we also have trapping
12 regulations. Then on the Federal side is supposedly the
13 subsistence hunting that's been declared out of the State's
14 hands by the court decision that is further complicated by the
15 fact that even with the old State system it was hard for
16 villages to participate because that's a sports hunting system
17 and did not really accommodate the Native people's
18 participation that even though the goals might have been the
19 same like for the continuation of resource, the methods to get
20 there are much different than the philosophies.

21
22 CHAIRMAN ARMSTRONG: Bert.

23
24 MR. GRIEST: On Page 6, on number four you have
25 regulations of caribou harvests by subsistence users shall
26 comply to the maximum extent possible with both the letter and
27 Federal subsistence priorities regulated in Federal and State
28 law. Right now what we have is 15 a day on Federal land and we
29 have five per day on State law -- or State land. It seems like
30 there's a -- it seems like we also get more protection under
31 Federal law than we do under State law. The State law does not
32 recognize subsistence priority. And it's in conflict with
33 Title VIII provisions of ANILCA. We need that reclarified
34 somehow. It's kind of a confusing statement. So we might need
35 to rewrite this.

36
37 MR. SCHAEFFER: I think the whole of this sentence
38 pretty much pertains to the concern about the issue of wanton
39 waste. And I think in terms of how that would be viewed by the
40 particular village, I don't know whether it would be all that
41 much different between one and the other. Because I think in
42 the proposal for the additional part of this that would grant
43 an exemption to villages to form their own regulatory schemes,
44 I would imagine that the issue of wanton waste would be
45 uppermost on people's minds because there's nothing more
46 graphic to get us in trouble with the news media than that.

47
48 MR. GRIEST: Maybe we need to rewrite it somehow to --
49 it's kind of a confusing statement.

0068

1 MR. SCHAEFFER: Well, that would be the normal process
2 of negotiating this agreement, that we take concerns as we go
3 along. And even with the final agreement, the caribou herd
4 management council, itself, would have the ability to change it
5 in the event that something didn't work or if there were, you
6 know, unforeseen circumstances that would require a change, I'm
7 sure it would be accommodated. It's not like it would be set
8 in stone.

9
10 CHAIRMAN ARMSTRONG: Bert.

11
12 MR. GRIEST: Under the Federal what we have right
13 pursuant to Title VIII, what we have is villages can make
14 proposals to this Regional Advisory Council, the Advisory
15 Council considers it and after draft and hearings, then it goes
16 to the Federal Board and the Federal Board will adopt it unless
17 three things happen. Primarily, that it's against a
18 subsistence way of life or it's against the principals of
19 management of the wildlife or it's against the Federal land
20 law. And it seems like that system is a preferred system for
21 us. It's the first time that subsistence proposals are
22 accorded such elevated way of process to get the regulations
23 relating to our way of life more in tune to the way we live.
24 And -- but the State system does not and that's why somehow we
25 need to -- I would cross out State law. I mean -- or reword
26 that, wanton waste under State law or something like that, but
27 that's -- that's why. I would rather prefer we -- that we use
28 the Federal system to the maximum extent possible.

29
30 MR. IVANOFF: Mr. Chair, when we were holding our
31 meetings we met with ADF&G and we told them we wanted to build
32 a structure that could withstand some of the terms that we're
33 going to feel dealing with subsistence because of dual
34 management. And we stated, you know, when it comes down to
35 allocation and the need for our people to hunt and fish, we're
36 going to go under ANILCA. We need that protection and we
37 realize that. But what we're trying to do is create a better
38 working relationship, not only with the Feds, but with the
39 State and I think through research and using our tribal
40 councils we'll be able to get better data, better information
41 relating to the caribou -- the health of the caribou.

42
43 And I think the Native community has always been
44 concerned with wanton waste, we had to deal with the walrus
45 issue. And we want to avoid those circumstances that slap us
46 in the face, we'd rather avoid those situations and this is one
47 mechanism to strengthen that, to give more opportunities of
48 working together.

49

Thank you, Mr. Chair.

0069

1 CHAIRMAN ARMSTRONG: Okay. There's a couple concerns I
2 have I'd like to bring out. Well, first of all I want a
3 clarification from you guys. I guess you had requested an
4 action from the Council to support this?

5
6 MR. SCHAEFFER: We are asking for a motion, I guess, to
7 approve this thing in principal.

8
9 CHAIRMAN ARMSTRONG: The mere fact that it's in draft
10 stages is one that I'm concerned about because, draft, meaning
11 that changes are either pending or not, I don't know. That is
12 a concern. I'd be hesitant to take action on something that is
13 subject to change without, you know -- if we're going to --
14 like if we're going to be able to support something like this,
15 you know, at least it should be in final form where the changes
16 will not be made and the council doesn't need the support or
17 doesn't -- but that's the concern I have.

18
19 The other concern is that the -- I guess when we're
20 talking about the Western Arctic caribou herd, we're talking a
21 large land mass. And we're not only talking about the
22 Northwest Region, we're talking Seward Peninsula and Arctic
23 Slope. And it would have been nice if we had gotten at least
24 some sort of written, you know, documentation supporting this
25 concept from them. That certainly would have gone a long way.

26
27 And the other concern that I have is with the other
28 agencies, the regulatory agencies that, you know, would have to
29 be involved at some point should -- I feel should have already
30 been involved. Because if it's -- if everybody's going to buy
31 into it, they need to start somewhere. And I agree with the
32 concept, you know, don't take me wrong, I do agree with it.
33 Maybe it's just, I don't know, too soon.

34
35 You know, I have -- I've always, for years, supported
36 the concept of co-management, cooperative agreements, I think
37 that's a healthy way to manage our resources. And the most
38 lacking bit in this whole regulatory scheme is harvest
39 information. I mean the regulatory agencies will tell you that
40 and they've told us that for years. You know, don't get me
41 wrong, I'm not opposed to the concept, it's just maybe we're
42 jumping the gun a little bit.

43
44 MR. SCHAEFFER: Well, I'll go backwards on those
45 concerns. First of all, I think we communicated well enough
46 with the other villages and other regions to have them submit
47 resolutions in support of what it is that we're trying to get
48 here. In their language issue, I can't imagine what we'd be
49 doing that would be detrimental to the mission of this body

50 because I think in terms of what it is that we're after is

0070

1 meaningful village participation. And we are looking for the
2 support to have this body sanction what we're doing. If we
3 don't get it here, we will surely seek it elsewhere. Because I
4 can't envision what it is in this document that would be of
5 concern. Because I think in part, like I said this morning,
6 any changes to this document are going to be done by the
7 representatives of the groups that are indicated here in both
8 bodies.

9
10 You know, if you get cold feet, I mean that's fine with
11 us, I guess. But I think in terms of the issue of trust or
12 whatever it is the problem is here, I think there is no way
13 that we would have such a departure of this language to have,
14 you know, concern about what it is that we're doing because we,
15 in all honesty, have nothing to hide. I mean this is a
16 document, I think, that's going to have to have some serious
17 support in terms of how the players in the Native communities --
18 not one of them begin to evolve into the issue of meaningful
19 participation and regulatory processes. I think that if we had
20 the approval of this body I think it would be useful, but it's
21 not going to, you know, make or break it. But I think that,
22 you know, it would be too bad that we go through all the
23 trouble of raising all the tribal entities and their concern
24 about regulatory systems into a document and you know, we end
25 it here.

26
27 The other thing is that, in final draft, I think
28 whatever that winds up being, we wind up probably compromising
29 some of the language in here. But the reason for the Native
30 community to take it for a bit on its own was to see whether or
31 not there was a way to have a document that had essentially the
32 soul of the villages and their trust in whether or not we could
33 work with the State and the Feds in trying to get some kind of
34 a management scheme that meant something to people in villages.
35 Right now, I think as Bert said, the system pretty much is at
36 if villages have an effective body to forward a recommendation,
37 whatever that is, advisory committee or tribal councils or
38 whatever, traditional councils, IRA's.

39
40 The other thing is that similar to the Boards of Game
41 and the Boards of Fisheries, in our experience when we went to
42 testify on behalf of a proposal before, what got us was the
43 intent of those proposals was quickly forgotten in the legalize
44 of some of the stuff that was buzzed in our hear by the
45 Attorney General's office and then buzzed in the ear of like
46 say the -- the Boards of Game and Boars of Fish. You know, if
47 you don't approve it, that's fine with us. But I think what we
48 had intended to do with our presentation was to let you know
49 that you could be an important part of this process.

0071

1 CHAIRMAN ARMSTRONG: And now if I may, Pete, every year
2 we have to submit an annual report, I think you're aware of
3 that process. And one of the items we did identify, at least,
4 I put it up for Council consideration is for the Board to
5 consider co-management and cooperative agreements with the
6 tribes in our region for soliciting harvest information and I
7 feel that's a critical need. The herd is healthy, it is
8 stabilized, but nobody really knows an accurate number of the
9 harvest take. I feel that's an important part of the
10 regulatory process.

11
12 That, you know, is going to be up for the Council's
13 consideration today, the annual report and that does speak to
14 that. You know, I alluded to prior is that I have -- you know,
15 I don't oppose this type of activity, just -- and I'd be
16 hesitant to try to move forward without getting everything --
17 you know, all the ducks lined up in place, so to speak. And I
18 don't know -- Percy.

19
20 MR. BALLOT: Mr. Chairman, I support this draft, I was
21 part of the working group. But I want to know what's -- this
22 is just a draft and that's what I understood the first time and
23 the second time. What's in the future for making it final or
24 whatever, the plan of this?

25
26 MR. SCHAEFFER: Well, from a strategical point of view,
27 I might as well be honest with you, we were hoping that if we
28 got the support of the Regional Council, then that, in fact,
29 would potentially be a means of conveying this scenario to the
30 Federal Subsistence Board. But then, you know, if you're
31 uncomfortable with the language until we come to final form,
32 for whatever reason, I think that's appropriate.

33
34 But I think that the other thing is this is turning out
35 to be a major chess game with Feds and the State. And with our
36 communications with some of the people in the State, it's very
37 clear that when they took a look at the draft when it came out
38 of our group that they had some major constitutional as well as
39 departmental concerns with this. And as I said this morning,
40 in essence, the Feds are looking toward the State to continue
41 taking the lead with this co-management agreement, but on the
42 other hand, the State is now concerned about some of the
43 language in here, but that should not be a barrier so great
44 that we don't continue to have dialogue with them to come to
45 some terms of agreement. And it may well be that as it reads
46 that this document may be purely unacceptable based on a
47 recommendation from the Attorney General's office, which is
48 entirely anticipated. That's why I referred to other parts of
49 the constitution that may give some leeway to the State to

50 reinterpret the very four articles of violation to the State

0072

1 constitution that resulted as a findings of the McDowell
2 decision. So it's no big secret.

3
4 But I think that in terms of having an opportunity to
5 have this document distributed as an information item in
6 statewide form, I think even if we don't get it here, I think
7 we would pursue other means, like I said, to do it to make sure
8 that in the next meeting that we have an opportunity to present
9 our case to the Federal Subsistence Board. Because minus the
10 State and since McDowell, we do not deal with subsistence
11 issues with the Board of Game no more, we all know that. Now,
12 we are basically confined to the systems that are a means to
13 get to like, say, the authority now and that's the Federal
14 Subsistence Board. And so, you know, that was the basic
15 premise behind asking for the Regional Council to have them
16 agree to it in principal because, in principal, really means
17 that if we all understand the purpose and share the vision,
18 then essentially the final language is immaterial as long as we
19 convey the final essence of this document as a means to begin
20 to have other Regional Councils contemplate whether they want
21 to do the same thing. And I think it will happen anyway, but
22 you know, we were kind of looking to get some support from this
23 body.

24
25 CHAIRMAN ARMSTRONG: Art.

26
27 MR. IVANOFF: Mr. Chair, I'd like to respond to Percy's
28 question as well. And the direction I think -- it's critical
29 in this whole process and we were able to secure funding from
30 NANA and we were able to secure funding from another Native
31 organization, but we were able to get \$10,000 so that we could
32 proceed with negotiations. And you know, there's a lot of
33 options still left in the air. We could hold a big meeting
34 here in Kotzebue, maybe in about a month or a month in a half
35 where we could just start negotiating with the Federal and
36 State agencies. And then when we reach some sort of an
37 agreement with the Federal and State agencies, we could -- we
38 could then get the Native community back together again and
39 then discuss the amendments to the agreement. But you know, I
40 think there's a lot of options left that we've got to feel out
41 before we make a determination and it's going to have to go
42 back to the villages as to how they might want to proceed.

43
44 And if I can, I'd like to touch on a couple of your
45 points that you were concerned about, Mr. Chair, and one of
46 them was other agencies. We were able to secure funding from
47 ADF&G to hold the mini symposium and funding from the borough.
48 And you know, I think we're anticipating funding from the Fish
49 and Wildlife Service, from the National Park Service and from

50 BLM for this process to continue.

0073

1 And about the draft document, it's -- you know, it's
2 still in a draft -- it's a working document and that's what's
3 neat about it. You know there was a draft proclamation that
4 was developed by the subsistence roundtable in Anchorage. And
5 it's just a draft, but it's a real neat concept and we're going
6 to endorse it -- or we'd like to endorse it just because
7 there's some -- there's some language in there that we need to
8 protect the subsistence lifestyle.

9
10 So that's all I have Mr. Chair.

11
12 CHAIRMAN ARMSTRONG: Bert.

13
14 MR. GRIEST: I support the concept of the Western
15 Arctic co-management of the caribou herd. But I'm confused
16 about -- in Page 6, I'm still confused about -- okay, we're
17 talking about regulations of caribou harvest by subsistence
18 shall comply to the maximum extent possible, okay. Both to the
19 letter and spirit of the subsistence priority is regulated in
20 State and Federal law. Right now under Federal law we got 15 a
21 day and under State law we got five a day and which one do we
22 choose? I would rather choose the 15 a day. And yet somebody
23 else will say, uh-huh, it's five a day, that's -- this is your
24 -- you know, we need to clarify that. You know, it's the --
25 somehow the mechanisms of how you go -- I mean the real -- the
26 real meaning of whether it's Federal law or Stat law, you know.
27 This is pulling me apart. And that throws off this whole thing
28 about the co-management agreement in a way because we've got 15
29 day on one hand and we've got five a day on the other.

30
31 If you guy's ask for my opinion, I would say 15 a day.

32
33 MR. SCHAEFFER: Well, I don't think that language was
34 intended to get hung-up on, what I think would be considered,
35 workable solutions, by individual villages. Should they choose
36 five or 15, that would be up to them I would think. Because I
37 think that -- looking at real life situations where probably
38 more cases, five a day has been much more difficult to hunt
39 than 15 a day, that I see no reason why State law would apply
40 as far as bag limits are concerned, when bag limits are part of
41 the privilege of the exempting proposal. I see no problem.

42
43 I think what was intended in that language perhaps was
44 to have some comparative information as far as what applies
45 with State and what applies with the Federal subsistence
46 regulations. Because I sure wouldn't want to be in a situation
47 where I didn't know because I think that it would probably be a
48 requirement, at least to have some information on what applies
49 to the other, too.

0074

1 MR. GRIEST: I would rather have regulations be to
2 comply with the -- to the maximum extent possible to Title VIII
3 of ANILCA, which provides for a rural preference. I would not
4 like to adopt the -- have this body adopt the language that we
5 will follow and comply to the maximum extent allowed of the
6 State law because it has no rural preference. That's my --
7 that's the real basis of my jest -- of my argument.

8
9 CHAIRMAN ARMSTRONG: Rick.

10
11 MR. ASHBY: Yeah, I'd like to wait until we get
12 something good and solid where we can look at it before we go
13 to the meeting and kind of know what -- where we're really
14 going to be if we're going to support something.

15
16 CHAIRMAN ARMSTRONG: Thanks. Comments?

17
18 MR. RABINOWITCH: With not trying to get into your
19 discussion of support or not, if I might just offer a thought
20 for you all to consider. It seems to me that one thing that
21 you could consider doing, should you choose to do so, is to
22 express support in concept that several of you have spoken
23 about, but not necessarily support the draft as it is currently
24 written. And several of you have expressed that you've seen
25 this and perhaps haven't fully reviewed it yet. So, if you
26 will, simply reserve the opportunity to offer additional
27 comments in the future on this draft.

28
29 The other thing would be to simply make another
30 statement to reserve the opportunity to comment on future
31 drafts, which of course, recognizes and it's been said several
32 times, there will be future drafts. But still one could, if
33 you choose, speak to support of concepts and basic concepts in
34 here.

35
36 I offer that as just some food for thought.

37
38 CHAIRMAN ARMSTRONG: That was also brought to my
39 attention as a recommendation. You know, we're placed in an
40 awkward situation here. I try -- you know, supporting the
41 concept, but you know, not being able to see a final draft and
42 putting our stamp of approval on it -- and I would agree with
43 that of supporting the concept, but reserving judgment on this
44 until such time as a final document has been developed.

45
46 MR. SCHAEFFER: Well again, I will say that this is a
47 draft and a draft means that it is subject to change, whether
48 those changes be minor or considerable, I'm not quite sure.
49 And that will depend on large part to the amount of

50 participation that we have in the future. And if Mr. Griest

0075

1 has a real problem with that particular section, then I would
2 assume that he either gets hold of the Selawik delegation where
3 he is representing or come to the meeting himself to make sure
4 that his concerns are accommodated and that's the meaning of
5 draft.

6
7 I think that we're not asking for anything different
8 than what this gentleman described. I mean what we're asking
9 for is the agreement in principal. And I think if we come up
10 with a third or fourth draft, then those drafts will still be
11 privy to basically a yea or nay by this body at some point in
12 the future, we're just not sure when that point is. And what
13 we're looking for is working in conjunction with the State and
14 the Feds to make sure that when we windup changing the language
15 that it's all done to the extent possible with consensus and
16 that you cannot arrive into consensus if you have one
17 dissenting member. That means the energies of that group will
18 focus to try to either convince that person to convince the
19 group otherwise or for the group to convince that person and
20 it's all based on sharing of knowledge. It's not based on.....

21
22 CHAIRMAN ARMSTRONG: Well, I think there's -- you know,
23 everyone here, I think, has expressed concern in one way or
24 another. And with that in mind, I'd just like to entertain a
25 motion to accept the concept of the Western Arctic caribou herd
26 management -- co-management agreement, but reserve judgment on
27 the document until such time as a final document has been
28 developed. Just supporting this concept here, but reserving
29 anything on the document until it's been finalized.

30
31 MR. GRIEST: Can I make a comment?

32
33 CHAIRMAN ARMSTRONG: Sure.

34
35 MR. GRIEST: In your motion, I would like to see that
36 spirit of -- the content of your motion reflect our support of
37 the rural priority system provided by Title VIII and that there
38 will be no net loss in the effect of the motion relating to how
39 we support regulations or how the Western Arctic caribou herd
40 is regulated relative to subsistence users. And that's got to
41 be -- that's the bottom line. There will be no -- this body
42 will accept no less. That there's got to be protection and
43 rural priority of subsistence users under Title VIII.

44
45 MR. SCHAEFFER: And that is perfectly acceptable, I
46 mean.....

47
48 CHAIRMAN ARMSTRONG: Is there a second to this motion?

49

MR. GRIEST: And I want to say -- this says State law

0076

1 though.

2

3 MR. BALLOT: Yeah.

4

5 CHAIRMAN ARMSTRONG: Is there a second? You seconded?

6

7 MR. BALLOT: I second his motion.

8

9 CHAIRMAN ARMSTRONG: Anymore discussion on this?

10

11 MR. GRIEST: Under discussion are we going to include
12 our sentiments about protecting no net loss and Title VIII --
13 in your motion or should I make an amendment?

14

15 CHAIRMAN ARMSTRONG: You can amend it.

16

17 MR. GRIEST: Amend it, okay.

18

19 CHAIRMAN ARMSTRONG: Would you like to do so?

20

21 MR. GRIEST: Yes, Mr. Chairman, I'd like to amend the
22 motion.

23

24 CHAIRMAN ARMSTRONG: Well, you know, I could just
25 concur, I guess with your.....

26

27 MR. GRIEST: Okay.

28

29 CHAIRMAN ARMSTRONG: And the second will.....

30

31 MS. DETWILER: One option would be under the
32 justification you could enumerate those concerns that you have.

33

34 CHAIRMAN ARMSTRONG: Okay.

35

36 MS. DETWILER: And just leave the motion.

37

38 CHAIRMAN ARMSTRONG: That's fine. Use that as
39 justification for that. Anymore discussion on this, Pete, you
40 guys.....

41

42 MR. SCHAEFFER: Yeah, just -- I think if justification
43 is necessary, then I think what relayed as far as the
44 importance of what we're trying to do be included in those
45 remarks.

46

47 CHAIRMAN ARMSTRONG: Okay. Art.

48

49 MR. IVANOFF: In my closing statements, Mr. Chair, I

50 think we've always known, you know -- and again, I got to point

0077

1 out that when we met with the State, we told them some of the
2 concerns we had. And when there's a shortage that, you know,
3 our people need food on the table and we need Title VIII
4 exercised and I agree with the Bert that no -- no net loss is
5 necessary. We stand in full support of Title VIII, it's our
6 only protection.

7
8 Thank you, Mr. Chair.

9
10 CHAIRMAN ARMSTRONG: Thank you. Anymore discussion?
11 Question?

12
13 MR. BALLOT: Second.

14
15 MR. GRIEST: Question.

16
17 CHAIRMAN ARMSTRONG: Question? Pardon?

18
19 MR. GRIEST: Second what? What were you saying?

20
21 CHAIRMAN ARMSTRONG: Is there anymore discussion?

22
23 MR. GRIEST: No.

24
25 CHAIRMAN ARMSTRONG: Question. All those in favor of
26 the motion signify by saying aye.

27
28 IN UNISON: Aye.

29
30 CHAIRMAN ARMSTRONG: All those opposed.

31
32 (No opposing votes)

33
34 CHAIRMAN ARMSTRONG: Motion carries. Thanks Pete.
35 Thanks Art. Okay, we're down to caribou for dog food,
36 discussion only. Bert.

37
38 MR. GRIEST: Basically I think this is a report item.
39 The reason I pulled back the proposal was that I was apprised
40 of developing an opposition to the idea, other than the
41 subsistence users and it would -- by basically other parties.
42 And I decided that it was the wrong timing and basically that's
43 the reason I pulled it back.

44
45 CHAIRMAN ARMSTRONG: Any discussion on this? If not,
46 Walter's not back from another meeting he's attending so we'll
47 move on to the update on implementation of Federal Subsistence
48 Fisheries Management and also customary trade discussion. I
49 guess that's Sue.

0078

1 MS. DETWILER: I have a prepared presentation with some
2 transparencies that we prepared in our office to give to all
3 the Regional Councils.

4
5 CHAIRMAN ARMSTRONG: That's fine.

6
7 MS. B. ARMSTRONG: They're the same ones you have in
8 your booklets.

9
10 (Off record comments)

11
12 MS. DETWILER: You have the transparencies, the
13 overhead presentation in your book, it's behind the Letter Q or
14 the Letter P, I think. Basically this is just an update on
15 what we're doing to expand fisheries jurisdiction into
16 navigable waters. And I just wanted to do two things today,
17 one was simply to give you an update on the environmental
18 assessment that we're preparing. And then the other is to ask
19 for any comments that you have on the draft proposed rule for
20 implementing subsistence fisheries.

21
22 Just as a recap to get us all to the point where we are
23 today. Up until last year, the Federal government took a
24 position that the Title VIII subsistence priority did not apply
25 in navigable waters, that was changed in a series of court
26 rulings. So beginning last spring we began a planning process
27 to implement the court's decision which basically said that the
28 Title VIII subsistence priority does apply in navigable water
29 in which the Federal government has reserved water rights. So
30 that translates to waters that are associated with conservation
31 system units such as refuges and parks and forest lands. It
32 doesn't include BLM lands, except for wild and scenic rivers.
33 So we began planning to expand subsistence fishery jurisdiction
34 into navigable waters last spring. We began developing -- and
35 that is composed of two parts. One is to develop the
36 environmental assessment and the other one is to develop a
37 proposed rule.

38
39 Last fall in September, Congress imposed a moratorium
40 which prohibited us from publishing a final rule or
41 implementing fisheries, but it didn't prohibit us from planning
42 so we -- to comply with the court decision, we're continuing to
43 plan.

44
45 I'll just briefly go over where we are with the
46 environmental assessment. The environmental assessment is
47 scheduled to go to Washington along with the draft proposed
48 rule in April. That's the second transparency that you have in
49 your book. In the environmental assessment -- the reason for

50 doing an environmental assessment is to evaluate alternatives

0079

1 for implementing jurisdiction and to identify if there's going
2 to be a significant environmental impact.

3
4 We have three alternatives. One is the no action
5 alternative. And that's to retain things under State
6 management, it's basically keeping the status quo. That's not
7 compatible with the court's direction. Alternative two is
8 limited jurisdiction. That would extend jurisdiction to
9 navigable waters within the parks and refuges except for those
10 waters that go through selected lands. Lands that have been
11 selected by State or Native corporations. Alternative three is
12 more expansive. It's the preferred alternative. It's the one
13 that the proposed regulations are based on. And that would
14 extend jurisdiction to all navigable waters within those parks
15 and refuges including the waters that go through State and
16 Native selected lands.

17
18 For the environmental assessment, we have divided it
19 into -- divided the State into regions. Northwest Arctic is
20 part of the Arctic region which also includes the North Slope
21 and Seward Peninsula. Here's an example of the information
22 that goes into the environmental assessment. Basically a
23 description of the geographic extent of the expansion of
24 jurisdiction. It talks a little bit about the effected
25 environment, the characteristics of fishing in this region and
26 then it talks about -- it does an analysis in terms of the
27 three different alternatives.

28
29 We started out with asking for public input last year.
30 We held meetings statewide, there were actually 11 meetings
31 including one here in Kotzebue. We asked Regional Councils for
32 their comments and we also sent out a mailout questionnaire to
33 members of the public, anybody who was on our mailing list.

34
35 One issue that is probably of interest to you which
36 needs to be discussed in the environmental analysis is
37 customary trade. It hasn't -- the issue of customary trade
38 hasn't been an issue with wildlife, but it could be an issue
39 with fisheries. There's some concern about how to address it.
40 The issue is that Title VIII does allow for customary trade as
41 part of subsistence uses. But the concern is that once Title --
42 once Title VIII is expanded to fisheries in navigable waters,
43 that people will use it to fish commercially under the guise of
44 customary trade. And the concern is primarily with salmon and
45 salmon roe.

46
47 So that's just a quick overview of the environmental
48 assessment. And I'll move now to the proposed rule which is
49 what the Board is looking for any comments that you might have

50 on.

0080

1 You also -- you have a copy of the proposed rule in
2 your book, I don't have my book with me, I don't know what --
3 it's behind Tab P and it's behind the transparencies, it's
4 about 10 pages back. You might want to look at some of the
5 specifics of the proposed rule and if you have any comments on
6 them we'd like to get them today or at the latest by March the
7 3rd. And I thought what I could do is simply highlight the
8 changes that you would be interested in. There are four parts
9 of the proposed rule. The first two parts, Parts A and B,
10 apply statewide. And the gist of the changes in there is to
11 simply add the waters that would apply. And those include all
12 the national park units in this region as well as the Selawik
13 National Wildlife Refuge. Parts A and B also deal with two
14 petitions which -- one of which was submitted by the North --
15 by this Regional Council several years ago, as well as a
16 petition by the Native American Rights Fund. And the provision
17 -- the two provisions that have been added basically deal with
18 the Board jurisdiction over -- on extraterritorial
19 jurisdiction. In other words, the authority to assert
20 jurisdiction off of non-Federal public lands. The regulations
21 explain the Secretary's authority to regulate hunting and
22 fishing and trapping activities off of Federal public lands, if
23 those activities off of Federal public lands are interfering
24 with subsistence uses on public lands to the extent that
25 there's a failure to provide for the subsistence priority. In
26 other words, if it's found that something -- that hunting and
27 fishing and trapping are off of public lands are interfering
28 with subsistence uses on public lands, then the Secretary would
29 retain the authority to restrict or eliminate those uses off of
30 public lands. And the change in this version of the proposed
31 rule also gives the Board the authority to evaluate those uses
32 off of public lands and make a recommendation to the Secretary
33 about whether to restrict or prohibit those uses.

34
35 Another change in those first two subparts would grant
36 the authority to field stations, like park or refuge managers
37 to open and close seasons. That's especially important in
38 fisheries when they need to take action quickly to open and
39 close. It's quicker to have a local manager do it.

40
41 Turning to Page 16, that's where the proposed customary
42 and traditional use determinations are. There are only two
43 that effect this region. You might take a look at those and
44 see if those fit. And then finally on Page 16 start the actual
45 regulations that govern the taking of fish. These are taken
46 directly from the State regulations, but they've been
47 reorganized to be a little bit more logical. And some of --
48 we've made some tentative strikeouts taking out provisions that
49 wouldn't apply on public lands.

0081

1 MR. SCHAEFFER: Is that part also been contained in the
2 definition of what constitutes customary and traditional trade?
3

4 MS. DETWILER: There's not a definition. The comments
5 -- that was one of the questions that we asked the Regional
6 Councils and the public for in this last round of hearings that
7 we had. And the comments that we got back, particularly from
8 the Regional Councils, was that there -- that each region is
9 different in terms of customary trade, so there should not be a
10 statewide definition; it should be left up to the regions to
11 determine what is most appropriate for those regions.
12

13 MR. SCHAEFFER: So that determination would be made by
14 the Regional Councils themselves?
15

16 MS. DETWILER: Yeah, it.....
17

18 CHAIRMAN ARMSTRONG: Bert.
19

20 MR. GRIEST: Is the Kotzebue district the same as Unit
21 23?
22

23 MS. DETWILER: I'm not sure how the fisheries.....
24

25 MS. DEWHURST: No, that's -- no. Yeah, that's
26 commercial fishing districts, they don't really necessarily at
27 all follow ours.
28

29 CHAIRMAN ARMSTRONG: Could you speak up, please.
30

31 MS. DEWHURST: That's commercial fishing districts.
32 They're State commercial fishing districts and they don't
33 necessarily have any relation to units.
34

35 CHAIRMAN ARMSTRONG: Susan.
36

37 MS. GEORGETTE: I think it goes from Prince of Wales to
38 Point Hope pretty much.
39

40 MS. DEWHURST: Yeah, I think you're right.
41

42 CHAIRMAN ARMSTRONG: Bert.
43

44 MR. GRIEST: So in effect, are we leaving out Federal
45 management of sheefish and all the other things by saying, only
46 Kotzebue district?
47

48 MS. DETWILER: It would depend on where the Kotzebue
49 district is. And it depends on where the sheefish are. I

50 don't have a copy of the State's fisheries unit.

0082

1 MR. GRIEST: Pete.

2
3 MR. SCHAEFFER: Yeah, I think Bert brought up an
4 interesting question because I think if.....

5
6 COURT REPORTER: Would you come to the mike, please,
7 sir. Thank you.

8
9 MR. SCHAEFFER: I think Bert brought up an interesting
10 question. Because I think in relation to the jurisdiction of
11 waters, that's going to relate directly to the problem in the
12 Upper Kobuk about the catch and release fishery, for example,
13 that's proven to be somewhat detrimental to the health of the
14 fish. I think sheefish have known spawning areas that have
15 become kind of like favorite fishing holes and I think that is
16 a significant subsistence issue. That if there is sports
17 hunting how would the determination of those were deemed to be
18 waters under Federal jurisdiction differ than what they do now.
19 Because if that is a subsistence issue, that has significant
20 impact by sports users, then I think it should have some review
21 by this group to make a recommendation if that's the case.

22
23 CHAIRMAN ARMSTRONG: Yeah, thanks Pete. You know, I've
24 been opposed to the Federal Fish and Wildlife adopting the
25 State regulations simply because State regulations are --
26 there's a lot of conflict with them between user groups. And
27 then why are we adopting another set of problems has been my
28 contention.

29
30 You know, I really support a total environmental impact
31 statement, simply that the last one was done a while back. To
32 me an environmental assessment basically is just that an
33 assessment. It doesn't really go into detail about impacts
34 that it has on, not only the species, but the user groups. And
35 you know, that's why I've been in opposition to this, you know.

36
37 Any more comments? Susan.

38
39 MS. GEORGETTE: I just had a question. On this part on
40 -- this is Susan Georgette. On Page 7, the part that says the
41 Secretaries retain their existing authority. That seems like
42 it could be a big issue with fishing because a lot of the --
43 there's a lot of areas in the region that could potentially
44 have, you know, the whole thing of intercept fisheries in other
45 parts of the State that could be effecting subsistence fishing
46 in certain parts of the State. And so as I read this, that
47 would mean the Board would not decide on that, but would take
48 evaluations or recommendations. And my question I guess is, is
49 there a public process -- any petitioning the Secretaries or

50 some -- I mean I guess I just don't know what the arrangement

0083

1 is for having access to the Secretaries for decisions that
2 would effect subsistence that are occurring on non-public
3 lands?

4
5 MS. DETWILER: The mechanics of how this would work
6 haven't been worked out. Anybody can send a petition to the
7 Secretary any time. And part of the reason that the Board
8 chose to draft this regulation the way it is to have the
9 Secretary rather than the Board retain the authority to make
10 that closure is because of the pretty important political
11 ramifications of closing public -- of closing non-Federal
12 public lands. It's a big decision to do that. And so the
13 Board felt that it's best retained at the Secretarial level to
14 do that. And so because of that importance, there would
15 definitely be a lot of scrutiny given to the impacts of closing
16 those lands. So I think that there would be opportunity for
17 all -- you know, comments from all the effected user groups to
18 provide their input to the Secretary on that.

19
20 CHAIRMAN ARMSTRONG: Bert.

21
22 MR. GRIEST: Are we adopting the methods and means of
23 the State system in the fishing regulation?

24
25 MS. DETWILER: Yes.

26
27 MR. GRIEST: For instance if we're hook and ice, that's
28 considered subsistence, but using rod-and-reel, even for
29 subsistence purpose, they don't allow it -- I mean for some
30 reason.

31
32 MS. DETWILER: Subsistence fishing under the -- using
33 road-and-reel is allowable under Federal regulations. And we
34 did decide to start out with proposed fisheries regulations the
35 same way we did with the State wildlife regulations when we
36 first started out. We wanted to provide the priority, but at
37 the same time minimize the disruption, you know, sort of start
38 slowly.

39
40 MR. GRIEST: We don't need permits?

41
42 MS. DETWILER: For?

43
44 MR. GRIEST: Fishing?

45
46 MS. DETWILER: Fishing?

47
48 MR. GRIEST: Subsistence fishing?

49

MS. DETWILER: Somebody help me out on this. Sandy.

0084

1 MR. RABINOWITCH: I didn't hear that, I'm sorry.

2

3 MS. DETWILER: Permits for subsistence fishing.

4

5 MR. RABINOWITCH: I'd have to look in the book on that.

6 I don't know the answer without checking.

7

8 CHAIRMAN ARMSTRONG: Ida.

9

10 MS. HILDEBRAND: Ida Hildebrand from the BIA just a
11 point of information. These are proposed rules that are
12 brought to you for whatever comment you want to make on them.
13 You are free to say you disregard or disagree with any adoption
14 of any State rule that any how prohibits or restricts
15 subsistence. And it isn't your only opportunity to express
16 that, but it is an opportunity that you can also state that.

17

18 CHAIRMAN ARMSTRONG: Thank you. Art.

19

20 MR. IVANOFF: Mr. Chair, I was looking through the
21 definitions and I guess I had a question, are these the State's
22 definitions?

23

24 MS. DETWILER: Those first definitions in Subparts A
25 and B, those are our definitions. There are actually two sets.
26 One is the definitions that are in the early pages, 3 and 4,
27 those are Federal definitions. The definitions that are later
28 on, those are State definitions. The definitions that start on
29 Page 16, those are State definitions.

30

31 MR. IVANOFF: I just had a concern about the definition
32 of family on Page 4. Family means all persons related by
33 blood, marriage or adoption or any person living within the
34 household on a permanent basis. I think this is too exclusive
35 and it doesn't -- it needs to be broadened to incorporate some
36 of our ways. You know, the Native community believes in this
37 extended family, we need it to survive. And a lot of our
38 resources aren't just kept within families but are provided to
39 our extended families. And I think this definition doesn't do
40 our culture any good, I think it's got to be broadened. Thank
41 you.

42

43 MS. DETWILER: I can respond to that. That definition
44 came right out of the statute of ANILCA, so the Board could
45 change that.

46

47 CHAIRMAN ARMSTRONG: Any further discussion? What's
48 the wish of the Council? Bert.

49

MR. GRIEST: Mr. Chairman, I have -- we've had problems

0085

1 in the past with the State regulations relative to how they
2 manage fisheries. Particularly, they've been sports oriented
3 and commercial oriented. I have a hard -- I'd like to make a
4 motion that we oppose adoption of the State regulations as a
5 start for -- as a fisheries management program.

6
7 CHAIRMAN ARMSTRONG: The motion's been made by Bert to
8 oppose the adoption of the State's fishing regulations. Is
9 there a second to that motion?

10
11 MR. ASHBY: I'll second.

12
13 CHAIRMAN ARMSTRONG: Ricky seconds. Any discussion on
14 this? Pete.

15
16 MR. SCHAEFFER: Just a question that if it's not the
17 State's you're going to adopt, then what's the process for --
18 well, just a quick question. If the State's model is not going
19 to be adopted, then what's the option?

20
21 CHAIRMAN ARMSTRONG: And I'm speaking from my own
22 perspective. I think that -- they were talking about the
23 environmental assessment is what I get a little irked up about
24 is because basically that's what it is is just an assessment of
25 what might occur and then an environmental impact statement is
26 conducting a study on the actual impacts. I just don't agree
27 with this even though the EIS has been done already, it -- you
28 know, information gets old and outdated and they need to update
29 that, it's probably the first thing to do.

30
31 MR. SCHAEFFER: The reason I asked the question is that
32 I'm not necessarily all that thrilled about State management
33 either. But you know, for example, I think there's going to be
34 significant impact on subsistence users and commercial
35 fisheries because I think in terms of -- for example, another
36 area that has a significant subsistence problem, just to kind
37 of illustrate what I'm talking about, would be like the
38 immediate Nome area and the intercept fishery in Area M where
39 that would have probably the ability to shut down the Area M
40 fishery, I would guess. So that is going to be getting into
41 some rather complicated fisheries issues. And sort of
42 transposing that concern into this region would be, if not, the
43 State regulations, then what's the means of putting together a
44 regulatory structure? Is that going to be part of the Regional
45 Council's job to put such a thing together? Or I'm just
46 wondering.

47
48 CHAIRMAN ARMSTRONG: It may come to that, I don't know.
49 But I think, you know, we could start with the public process

50 and we can get, you know, seek some direction. Certainly

0086

1 tribes should have an input on this and.....

2

3 MR. SCHAEFFER: Yeah, because Kotzebue.....

4

5 CHAIRMAN ARMSTRONG:the Regional Council should.

6

7 MR. SCHAEFFER: Yeah. Because Kotzebue has the
8 additional problem of having a small and increasingly minuscule
9 commercial salmon fishery if any such thing is to occur.

10

11 CHAIRMAN ARMSTRONG: Um-hum. (Affirmative)

12

13 MR. SCHAEFFER: So I was just kind of wondering how
14 that would be effected.

15

16 CHAIRMAN ARMSTRONG: I certainly think we would seek
17 direction from the people that would be effected by this.

18

19 MR. SCHAEFFER: Thank you.

20

21 CHAIRMAN ARMSTRONG: Helen.

22

23 MS. H. ARMSTRONG: I just had a comment back to what
24 you said about the EA's, just so people understand the process.
25 What happens with an environmental assessment is they do assess
26 impacts. The idea in the beginning is they -- there is some
27 sort of assessment of how big those impacts will be. If they
28 find that the impacts are major, then they are required to
29 write an EIS. So it goes -- there's actually a step earlier
30 than an EA, there's something called, finding of no significant
31 impact if there's an action that they think there will -- there
32 will be no impact at all, they do just what they call, finding
33 of no significant impact. If it goes beyond that one step
34 further, they do an EA. If it comes out of the EA that they
35 say there will be an impact, then they have to do an EIS. So
36 if during this public process it's determined that there are
37 significant impacts they will do an EIS. And this EA, when you
38 see it is written like an EIS. It's not -- most EA's are 20
39 pages long or something, this is going to be in the
40 neighborhood of a hundred to 200 pages long. But at least a
41 hundred -- I think it's already up to 150 pages long. So it's
42 not a real -- it is a more -- a larger document than you might
43 be thinking of. And if it does out that there are big impacts,
44 they will do an EIS.

45

46 CHAIRMAN ARMSTRONG: Um-hum. (Affirmative)

47

48 MS. H. ARMSTRONG: I think there's some feeling that
49 that might end up happening so that's why they've written it

50 the way it's been done.

0087

1 The other comment that you really need to keep in mind
2 is that we're only talking about waters that are effected that
3 are Federal waters. Some of the impacts people are thinking
4 about are things that are State -- that are all in State
5 waters. It's hard to sometimes keep that kind of clear. And
6 on this map, Sandy's saying, look at the map, the only waters
7 that are effected and they're not along the coast at all so
8 there are no marine waters are the red lines. If people want
9 to come up later on to see this map, these little red lines
10 here. And so they're not real significant chunks and none of
11 them are marine waters, which makes some difference too.

12
13 The other thought I had, I mean I really appreciate
14 where you're coming from on not wanting the State's regs, but
15 you have to keep in mind that those go -- that if those go in
16 place, the next year is wide open, you can come in and make all
17 the proposals you want. And for people who have been around in
18 this program for awhile, remember the first year, we did the
19 same thing with -- with our terrestrial mammals and the first
20 year we had 270 something proposals. And we've been kind of
21 refining it every year since then. So it really should be seen
22 as kind of a starting point, not knowing really where else to
23 go. And then if there are specific things you don't like about
24 it right now, you should probably say that now so they could be
25 changed now. You know, if you look at the regs and there's
26 something you want different, you know, this is your
27 opportunity to make that comment.

28
29 CHAIRMAN ARMSTRONG: Well, I think the comment was made
30 in the form of a motion. Bert.

31
32 MR. GRIEST: So the effect of my motion basically is
33 leaving it wide open, kind of to start all over again?

34
35 CHAIRMAN ARMSTRONG: Perhaps you know, maybe we could
36 modify it, it would address Pete's concern.

37
38 I think the.....

39
40 MR. GRIEST: I'd hate to leave nothing in place. There
41 were several things I know I've always had problems with the
42 State regs and one was the -- basically the definition of
43 subsistence fishing and particularly with rod-and-reel. I know
44 we've tried to change that under the State system for years and
45 they've always -- it's always fallen on deaf ears. I know
46 that's the primary one. I've forgot -- there were several
47 others, I know, we had talked about in the past.

48
49 MS. DETWILER: The rod-and-reel has been addressed.

0088

1 MR. GRIEST: Yeah, I know.

2
3 MS. DETWILER: And the other comment I would make, too,
4 is if you do make a recommendation to the Board to not adopt
5 the State's regulations and don't come up with something to put
6 in its place, then the Board is most likely going to go ahead
7 and adopt the State regulations as they are written. Because
8 the way that ANILCA is written, the Board can reject a Regional
9 Council recommendation for one of the three reasons that's been
10 enumerated a couple times this morning. And one of those is if
11 it violates recognized wildlife management principals and
12 regulations are, you know, conventional mean -- or a
13 conventional wildlife management tool.

14
15 CHAIRMAN ARMSTRONG: Well, the flip side of this whole
16 thing is, you know, it's going to take a while for the system
17 to come into reality. You know, there's a lot of legal
18 problems, you know, why are we rushing? There could --
19 identify the key points that people have, that are in
20 opposition to and perhaps address those.

21
22 MS. DETWILER: Can I follow-up on that?

23
24 CHAIRMAN ARMSTRONG: Sue.

25
26 MS. DETWILER: And I wasn't sure I made that point
27 clear when I was doing my presentation there that this is --
28 this opportunity for you guys to comment right now is like --
29 is a preliminary comment period. This draft proposed rule
30 hasn't gone out for public comment yet. The Board just wanted
31 to get your early comments on -- early on. And assuming that
32 it's even published, which it may not, depending -- may not be,
33 depending on what Congress does at the beginning of the next
34 fiscal year. Whatever the Board sends forward in April, that
35 will then come out as a proposed rule, which will then go out
36 for public comment and Regional Council comment. Then after
37 that it will be come final, so there will be another
38 opportunity for people to comment.

39
40 CHAIRMAN ARMSTRONG: Bert.

41
42 MR. GRIEST: Mr. Chairman, in light of those comments,
43 I'd like to withdraw my motion. But put in place and make a
44 motion to raise our concerns that we've addressed. And that
45 is, one, the boundary issue, to include the whole Unit 23,
46 instead of saying Kotzebue Sound.

47
48 CHAIRMAN ARMSTRONG: Um-hum. (Affirmative)

49

MR. GRIEST: So boundaries. What was the other two or

0089

1 three that was brought up?

2

3 MR. SCHAEFFER: Was one of them the catch and release
4 in spawning areas?

5

6 MR. GRIEST: Yeah, the spawning areas. But Unit 23
7 would cover all those, wouldn't it?

8

9 MR. SCHAEFFER: (Inaudible)

10

11 MR. GRIEST: That's one of our main points is the
12 boundaries. Kotzebue district versus, like show more than
13 that, the spawning areas, Upper Noatak. There's Noatak, Kobuk
14 and Selawik and some of the areas, so Unit 23, would be the
15 boundaries. The second part is the rod-and-reel, it's got to
16 be there. Broadening the definition of family, Section IV.

17

18 MS. DETWILER: You wanted to include broadening the
19 definition of.....

20

21 CHAIRMAN ARMSTRONG: Could we restate that motion so
22 she could.....

23

24 MR. GRIEST: Yeah, okay. I rescinded my first motion,
25 right?

26

27 CHAIRMAN ARMSTRONG: Okay, yeah. Does the second there
28 concur?

29

30 MR. ASHBY: Yeah.

31

32 CHAIRMAN ARMSTRONG: Okay, now we're starting with a
33 new motion here. Include all of Unit 23.....

34

35 MR. RABINOWITCH: Not just the Kotzebue Sound area?

36

37 CHAIRMAN ARMSTRONG: Right. And what else, Bert?

38

39 MR. GRIEST: This is going to come up again at the next
40 meeting, right? Okay. So all we have to do is show our
41 concerns?

42

43 CHAIRMAN ARMSTRONG: Right.

44

45 MR. BALLOT: Comments.

46

47 MR. GRIEST: Or comments, I guess.

48

49 MR. BALLOT: Or suggestions.

0090

1 MR. GRIEST: Do we need a motion for that?

2

3 CHAIRMAN ARMSTRONG: I would suggest that any
4 recommendations be in the form of a motion.

5

6 MR. GRIEST: Oh, okay.

7

8 MR. BALLOT: Suggestions that these be included.

9

10 MR. GRIEST: Okay. I move that we let the Federal
11 agencies know, or the Federal Board that we do have concerns
12 regarding the adoption of State regulations regarding fisheries
13 management. And our concerns are, number one, having to do
14 with the boundary, that we are leaving out management of
15 sheefish if we -- and the spawning areas if we just say
16 Kotzebue District. That Unit 23 be used as boundaries for
17 management of fisheries, subsistence fisheries. Secondly, that
18 there's a formal adoption of use of rod-and-reel be included as
19 subsistence fishing. And thirdly, that we broaden the
20 definition of Family, Section IV while it's under State reg --
21 State law.

22

23 CHAIRMAN ARMSTRONG: There's a motion made by Bert
24 identifying the boundaries and the adoption of rod-and-reel and
25 broaden the definition of family. Is there a second to that
26 motion?

27

28 MR. BALLOT: Second.

29

30 CHAIRMAN ARMSTRONG: Percy seconded. Further
31 discussion on this? If none, all in support of this motion
32 signify by saying aye.

33

34 IN UNISON: Aye.

35

36 CHAIRMAN ARMSTRONG: All opposed same sign.

37

38 (No opposing votes)

39

40 CHAIRMAN ARMSTRONG: Motion carries. So we go down to
41 the next part which is customary trade.

42

43 MR. BALLOT: Could we take a break?

44

45 CHAIRMAN ARMSTRONG: Okay, we'll take a five minute
46 break.

47

48 (Off record)

49 (On record)

0091

1 CHAIRMAN ARMSTRONG: Okay, I'll call the meeting back
2 to order. Before we proceed, I'd like to get back to the
3 implementation of the fisheries regulation. There was a
4 significant point that was brought to my attention during the
5 break. There's a letter to the Regional Advisory Council
6 members from Mitch Demientieff, who's the Chair of the Federal
7 Subsistence Board. He basically says, the fisheries
8 regulations will be implemented because of the Katie John
9 decision, which the State is in non-compliance with.

10
11 Now, when we were discussing this, how can you adopt
12 regulations that were not in compliance because of Katie John?
13 You're in non-compliance already if you're adopting those
14 regulations. So what is the net result of that?

15
16 MS. DETWILER: The regulations -- well, let me start
17 out with the Katie John decision was filed by Katie John and
18 some others who said that our interpretation of Title VIII was
19 incorrect, that we incorrectly interpreted it to mean that
20 navigable waters did not come under the subsistence priority.
21 So Katie John just deals with how far our jurisdiction extends.
22 The regulations that we were proposing to adopt from the State
23 didn't have to do with Federal jurisdiction, they were
24 statewide regulations that had to do with subsistence and
25 personal use fishing. So they didn't really have anything to
26 do with Katie John, they applied statewide. So what we did was
27 take those parts of the statewide regulation, subsistence
28 regulations, and extrapolate them to those Federal lands -- or
29 waters to which the Title VIII priority now extends.

30
31 And I think I might have just misspoke. I said the
32 1989 regulations, that's not true, these are the 1990 -- the
33 current State fishing regulations. And the State regulations
34 do apply statewide regardless of whether it's Federal or State
35 land.

36
37 CHAIRMAN ARMSTRONG: So our concern is addressed then?

38
39 MS. DETWILER: I think so. You were just
40 questioning.....

41
42 CHAIRMAN ARMSTRONG: Yeah.

43
44 MS. DETWILER:how the State's not.....

45
46 CHAIRMAN ARMSTRONG: Why you're adopting regulations
47 that weren't in compliance?

48
49 MS. DETWILER: The -- what the State was not in

50 compliance with was -- if you're referring to the McDowell

0092

1 decision, the State wasn't in compliance with the Title VIII
2 requirement to apply the subsistence priority based on rural
3 residency. That's what the State is unable to comply with.

4
5 CHAIRMAN ARMSTRONG: Um-hum. (Affirmative)

6
7 MS. DETWILER: And that was a separate issue that's not
8 related to the Katie John issue.

9
10 CHAIRMAN ARMSTRONG: Okay. So the regulations speak to
11 public lands?

12
13 MS. DETWILER: Um-hum. (Affirmative)

14
15 CHAIRMAN ARMSTRONG: Okay. Was that good enough or --
16 okay, then we'll move on to customary trade. I guess that's
17 you. I had a handout, I don't know who all's got it. But
18 basically at our last meeting, I'm not quite sure who the
19 gentleman's name is, was it Roger? I can't remember who was
20 here that asked us to place a limit of value on use of
21 customary trade. That was a surprise to us and we basically
22 asked for some time to review that and come up with some
23 comments. And I, without consulting the Board members, I went
24 ahead and produced a memo to Barb about that. And basically
25 what I've really said is State regulations, you know, generally
26 prohibit customary trade activity for fish products. They're
27 normally under the commercial fishing regulations. So when we
28 do that here in Kotzebue, we're in violation of the law to some
29 extent.

30
31 Under ANILCA, you know, they do provide for customary
32 trade. So you know, in essence, what it does is it makes it --
33 it puts this activity in jeopardy. There's that one case in
34 Southeast Alaska, it the herring roe and I referred to in this
35 memo, about them using customary trade defense for shipping a
36 van load of herring roe to Japan. At that time there was no
37 regulations in place prohibiting that. And of course, they
38 have them now for herring roe. But the courts have said that
39 if the agencies didn't have nothing on record, then the
40 practice is legal. And so I think that's why the gentleman was
41 here doing that was to put something on record stating that we
42 place a limit on the use of customary trade which I have mixed
43 feelings about.

44
45 Customary trade to me is widespread, but I think we're
46 talking minimal cash that -- you know, if somebody had to use
47 customary trade to make a living, then I don't think they'd
48 survive. It's time consuming. You have to go out and either
49 hunt and trap and -- to get the products you need, prepare them

50 and sell them. You know, I guess we need to ask how can you

0093

1 regulate customary trade -- is going to be another form of
2 regulations imposed upon Natives? Then you have to be placing
3 a limit on that activity. I don't think, you know, it warrants
4 that type of -- to come up with some sort of enforcement
5 activity on customary trade. You know, like I said, they're
6 not going to disallow for that.

7
8 And I came up with some sort of recommendations that
9 the Council could consider. Basically one is just outright
10 oppose the consideration for placing a dollar value on the use
11 of customary trade. And another option would be for
12 regulations that would allow for limited non-commercial change
13 of subsistence fish caught for minimal amounts of cash. You
14 know, but it's so minimal, I mean it's the nature. You know,
15 this activity, trading fish for cash or any other thing is a
16 common practice. Or if we're forced -- and then the Federal
17 Subsistence Board is forced to come up with regulation, then
18 they should at least look at it region by region. Because like
19 in our region, I mean it's simply nonexistent. Of course, that
20 activity does occur, but at such a small scale. And it should
21 also be on a case by case basis of the type of activity, be it
22 smoked fish or something like that.

23
24 And I was -- again, I was a little surprised when that
25 was brought up at our last meeting. I think that stuff that's
26 significant nature like this should be brought, you know, to
27 the Council's attention a lot sooner than that. This last
28 second stuff is just not acceptable when we have to make
29 informed decisions. I still think we need to discuss what we
30 want to put forth as far as a recommendation for that and I'll
31 open it up to the Council for any comments.

32
33 MR. GRIEST: Mr. Chairman?

34
35 CHAIRMAN ARMSTRONG: Bert.

36
37 MR. GRIEST: I think I recall that the gentleman that
38 brought it out was trying to get a feeler about us, whether we
39 -- from this Council, about whether we have to do something of
40 the sort. I don't recall that there is a proposed regulation
41 right now, is there, on customary trade?

42
43 CHAIRMAN ARMSTRONG: Sue.

44
45 MS. DETWILER: There.....

46
47 MR. BALLOT: That's Greg Bos, he was talking about the
48 Federal Subsistence management program.

49

CHAIRMAN ARMSTRONG: Placing a limit on the use of

0094

1 customary trade.

2

3 MR. GRIEST: If that's not in place right now, I'd
4 rather that we table that until the next meeting.

5

6 CHAIRMAN ARMSTRONG: Sue.

7

8 MS. DETWILER: Two comments. One was, at the last
9 meeting the purpose of the bringing up customary trade was to
10 get an idea of how the Board, if at all, should go about
11 regulating customary trade. Just as you said, it was just a
12 feeler, you know, what do people think.

13

14 And I would like to draw to your attention, there is a
15 regulation that -- in this proposed regulation that deals with
16 customary trade. It doesn't say customary trade, but that's
17 the intent, is to deal with it and that's on Page 19 in the
18 proposed rule. It's about a little bit more than halfway down,
19 it is number 11.

20

21 CHAIRMAN ARMSTRONG: What Tab are you on?

22

23 MS. DETWILER: Oh, I'm sorry, it's under P, it's almost
24 towards the end. It's about -- it's the third page back, Page
25 19.

26

27 CHAIRMAN ARMSTRONG: Okay.

28

29 MS. DETWILER: And the way that the proposed regulation
30 reads is, no person may buy or sell fish, their parts or their
31 eggs, which have been taken for subsistence use, except as
32 provided for by the Subsistence Board. So the change that this
33 would bring about would be you would have to get an affirmative
34 approval from the Board to engage in buying, selling fish or
35 their parts or their eggs.

36

37 CHAIRMAN ARMSTRONG: But then again, how are you going
38 to regulate that or enforce it?

39

40 MS. DETWILER: That's -- yeah, that's something for you
41 to comment on, you know. Whatever your reaction is to this
42 line item in that regulation, that's what we want to hear
43 comments on.

44

45 CHAIRMAN ARMSTRONG: Okay.

46

47 MS. DETWILER: So maybe to rephrase it in different
48 words, this prohibits buying, selling fish, their parts or
49 their eggs unless it's explicitly provided for by the Board.

0095

1 CHAIRMAN ARMSTRONG: So basically what's going to
2 happen is that you're going to have 90 percent of people who
3 engage in the activity illegally?

4
5 MS. DETWILER: Unless you send in a proposal to the
6 Board.

7
8 CHAIRMAN ARMSTRONG: For an exemption?

9
10 MS. DETWILER: Yeah.

11
12 CHAIRMAN ARMSTRONG: You know, that's why I say, is
13 there a need for that? I mean does -- of course, if you have
14 regulations in place prohibiting large amounts of activities to
15 occur. It's the small activity that's not regulated right now
16 that continues that could -- you know, are jeopardized by this
17 type of regulation. If I could see widespread occurrences that
18 people abuse this, then certainly I would see a need for this
19 type of regulation. But I just don't see it.

20
21 I don't know how the other Council members feel. Any
22 comments? Ricky.

23
24 MR. ASHBY: In the past they used to sell bundles,
25 maybe there were 25 in a bundle.

26
27 MR. STONEY: Salmon?

28
29 MR. ASHBY: Yes. About 25 maybe in a bundle and that
30 used to be -- a lot of times people use that to purchase gas
31 and stuff or sometimes when they have to make payments or
32 something on equipment, they sell fish that they have. And
33 here in Kotzebue, especially and sometime it used to be brought
34 in the store. But I kind of want to keep that open. Make it
35 so you don't have to put a dollar value on it, maybe they can
36 just put a -- give permits for like stores to, you know,
37 continue to do that, instead of on a personal basis or limit.
38 That way it would be -- it would be as it used to be in the
39 stores or whoever wanted to buy that permit, like even a city
40 permit to continue to do that. Just like a business license
41 and that wouldn't effect much.

42
43 MR. GRIEST: We don't need licenses, we should not or a
44 permit period.

45
46 CHAIRMAN ARMSTRONG: Walter.

47
48 MR. SAMPSON: Mr. Chairman, I think as far as the
49 section that was read, I guess it's the process that I'm having

50 problems with. If such is being drafted and put into a Federal

0096

1 Register, then I do have a problem with that, really without
2 consulting the Advisory Councils in regards to what it is that
3 they'd like to see. I mean if bartering is not addressed --
4 then what Ricky addressed is basically just that, barter.

5
6 MR. GRIEST: How much is a bag of aged trout now, 300?

7
8 MR. ASHBY: What?

9
10 MR. GRIEST: How much is a bag of aged trout, frozen --
11 aged trout?

12
13 MR. ASHBY: I don't know.

14
15 MR. GRIEST: Three hundred dollars?

16
17 MS. B. ARMSTRONG: Eighty bucks.

18
19 MR. BALLOT: Three hundred bucks.

20
21 CHAIRMAN ARMSTRONG: Here's another thing, you know,
22 why -- first of all we get hit with this welfare reform bill,
23 which is further going to, you know, quite a bit of our people
24 -- a lot of our people from having a little economy on the side
25 to survive in areas where there's a large unemployment. And
26 now, we're trying to restrict them from making a few bucks to
27 go back out and hunt. Because Ricky was right, a lot of this
28 stuff is used to buy more gas, buy more shells, rifles and
29 stuff like that to, not only feed the family, but to make a
30 little bit of money on the side to keep that cycle going. And
31 now we're prohibiting them from doing that even further. So I
32 think, you know, we're going a little bit overboard when we try
33 to impose this type of activity on our people.

34
35 MR. GRIEST: Maybe we need, Mr. Chairman, to direct our
36 Staff to start looking towards including some sort of provision
37 for customary trade. I know in Noatak gas is \$3.75 a gallon.
38 And a relative of mine came and asked me if I want a bag of
39 salmon because he needs some gas money to go hunting and
40 trapping. And so I went ahead and bought a bag for \$300 and
41 that's customary trade. He used that money for, you know,
42 hunting and trapping. And with gas so prohibitive up there,
43 that's no business deal, it's still part of subsistence. And I
44 didn't have time to go up there and do that myself. So there
45 needs to be that, period.

46
47 MR. SAMPSON: Mr. Chairman?

48
49 CHAIRMAN ARMSTRONG: Walter.

0097

1 MR. SAMPSON: Mr. Chairman, I -- again, reflecting the
2 process, if this organization -- if this Advisory Council is
3 going to be used as a -- not as a clearing house, but to review
4 things before you put anything into a Federal Register, then
5 that should be used for that. But presenting something that
6 you've already got on the Federal Registry and present it to
7 this Advisory Council is after the fact. I mean that's how I'm
8 understanding what's been -- because it says that -- have you
9 gotten this stuff in the Federal Register?

10
11 MS. DETWILER: No, that's the purpose of this meeting,
12 is to put it before the Council before.....

13
14 MR. SAMPSON: Okay, okay. I misread that then. I
15 think you're getting the message as to what it is.....

16
17 MS. DETWILER: Yeah, loud and clear.

18
19 CHAIRMAN ARMSTRONG: Ricky.

20
21 MR. ASHBY: Mr. Chair, you guys say it in the wrong
22 way. When I said, like Rodman's, they got a business license
23 and they always buy and people used to buy from there. So Dave
24 has already done the license part and so we don't have to worry
25 about.....

26
27 CHAIRMAN ARMSTRONG: That was the point I was going to
28 bring up. There's a lot of people who don't or can't hunt and
29 fish. And a lot of times that's the only way they can get the
30 food that they're used to, their traditional foods.

31
32 So I would strongly recommend the deletion of this,
33 Item 11, because it just prohibits -- or makes harder life in
34 rural areas. And you could site welfare reform as one of the --
35 getting more strict.

36
37 Anymore discussion on this? Bert.

38
39 MR. GRIEST: Could I entertain a motion to direct our
40 Staff to recommend to rewrite that number 11 and provide for
41 customary trade on Page 19 of the proposed thing? This is just
42 untenable situation to get us into, if it's adopted like the
43 way it is. And that we have Staff to rewrite that or write up
44 something for our consideration to bring before the Federal
45 Subsistence Board that speaks to allow for customary trade and
46 sale of fish.

47
48 MR. SAMPSON: This is just within Unit 23?

49

MR. GRIEST: Yeah, within Unit 23.

0098

1 CHAIRMAN ARMSTRONG: Bert's made a motion.

2

3 MR. BALLOT: I'll second the motion.

4

5 CHAIRMAN ARMSTRONG: Percy seconded. Any further
6 discussion on this?

7

8 MR. GRIEST: Under discussion, we sell fish frozen,
9 semi-dried, dried, et cetera.

10

11 CHAIRMAN ARMSTRONG: Any further discussion on the
12 motion? All in favor of the motion signify by saying aye.

13

14 IN UNISON: Aye.

15

16 CHAIRMAN ARMSTRONG: All opposed same sign.

17

18 (No opposing votes)

19

20 CHAIRMAN ARMSTRONG: Motion carries. Sue.

21

22 MS. DETWILER: I'd like to make just a comment on that.
23 These are scheduled to go back to Washington. The Board is
24 going to review this at its meeting in April and the current
25 schedule is for it to go back to Washington to sit and wait for
26 publication in a proposed rule after that. So you guys won't
27 be meeting before that time. So if we do -- if we are able to
28 come up with something, it would be included in the package to
29 go to Washington before your next meeting.

30

31 MR. SAMPSON: So it's already a done deal then?

32

33 MR. GRIEST: No.

34

35 MS. B. ARMSTRONG: No.

36

37 MR. GRIEST: We can always have a conference call.

38

39 MS. B. ARMSTRONG: But the Chair will have the
40 information before he goes before the Federal Board in April.

41

42 MR. GRIEST: And you can always fax the material and do
43 a roll call.

44

45 MS. B. ARMSTRONG: Yes.

46

47 CHAIRMAN ARMSTRONG: I'll be in contact with you guys
48 on this issue. I think it's significant enough that we need to
49 keep on top of it.

0099

1 MR. GRIEST: Yeah.

2

3 MR. ASHBY: Isn't there a 90 day deal before we.....

4

5 CHAIRMAN ARMSTRONG: But time's clicking right now.
6 It's already in progress. Any further discussion? Do you have
7 anymore to add, Sue.

8

9 MS. DETWILER: Yeah, I'm a little curious how this
10 would work in terms of us rewriting this particular line item.
11 You know, we've heard some of the comments about the nature of
12 customary trade here and I'm wondering how that would be
13 translated into regulatory language.

14

15 CHAIRMAN ARMSTRONG: What about my second
16 recommendation for limited non-commercial exchange of
17 subsistence caught fish and game for minimal amounts of cash?

18

19 MS. DETWILER: Um-hum. (Affirmative)

20

21 CHAIRMAN ARMSTRONG: But then I guess you have to
22 define minimal amounts.

23

24 MS. DETWILER: The other thing you could do is -- you
25 just spurred my thinking, you recommended total deletion of it
26 -- of that section to begin with, so that would be an option, I
27 guess to do that.

28

29 CHAIRMAN ARMSTRONG: Yes, that's the best solution, I
30 think.

31

32 MS. DETWILER: So.....

33

34 CHAIRMAN ARMSTRONG: Because you do have regulations in
35 place prohibiting large scale amounts of this type of activity.

36

37 MS. DETWILER: Um-hum. (Affirmative)

38

39 CHAIRMAN ARMSTRONG: It's the unregulated small amounts
40 that's widespread that's not regulated.

41

42 MS. DETWILER: The other comment that I would have,
43 too, is that this regulation is the same for all the regions.
44 And I'm not sure how consistent the Board is going to want to
45 be when it sends forth its -- sends forth the regulations to
46 Washington, D.C. You've recommended one thing, I don't know
47 what the other regions are recommending, and I don't know how
48 they're going to take that into account when they do the final
49 draft.

00100

1 MR. SAMPSON: What happens then if the other Regional
2 Advisory Councils said we got a problem with this?

3
4 MS. DETWILER: Then that's what the Board would take
5 into account when it revises this.

6
7 MR. SAMPSON: So the Board essentially can take that
8 out of the books before it gets in in D.C.?

9
10 MS. DETWILER: Um-hum. (Affirmative)

11
12 MR. SAMPSON: Okay.

13
14 CHAIRMAN ARMSTRONG: Anymore discussion?

15
16 MS. DETWILER: One more question. Would it be your
17 recommendation then to us to recommend to the Board to simply
18 delete that item, rather than try and put any.....

19
20 MR. SAMPSON: For 23.

21
22 MS. DETWILER: Okay.

23
24 CHAIRMAN ARMSTRONG: For District -- yeah.

25
26 MS. DETWILER: Okay, got it.

27
28 CHAIRMAN ARMSTRONG: For Unit 23.

29
30 MR. GRIEST: And to provide for customary trade.

31
32 CHAIRMAN ARMSTRONG: It would be just unit specific, I
33 guess is what we should say.

34
35 MS. DETWILER: Okay. And then just delete any
36 reference to regulating to that?

37
38 CHAIRMAN ARMSTRONG: Right.

39
40 MR. GRIEST: Yes.

41
42 MS. DETWILER: Okay.

43
44 CHAIRMAN ARMSTRONG: Ricky.

45
46 MR. ASHBY: I'm kind of wondering what about seining?

47
48 MR. GRIEST: That's different.

49

CHAIRMAN ARMSTRONG: Yeah.

00101

1 MR. ASHBY: Okay.

2
3 MR. GRIEST: It's allowed.

4
5 CHAIRMAN ARMSTRONG: It's a means and methods approach,
6 this is customary and trade. If not, we'll go on to agency
7 reports. And I'm going to be asking you to limit -- because
8 this was scheduled for a one day meeting. We've had a lot of
9 discussion on issues of importance -- we always -- maybe before
10 we get to that, we got to get back to Walter here. He was gone
11 when -- we didn't have an opportunity to discuss Noatak
12 controlled use area. And this would be a good time to hear
13 from him now. Walter.

14
15 MR. SAMPSON: If you look at the State hunting
16 regulations, Page 94, is where the Noatak controlled use area
17 is. But after talking to several of the folks, what I was
18 thinking was, because of the fact that part of the area that is
19 under the controlled use area is Native selected land, I
20 thought that we would get some exclusion to cut part of the
21 controlled use area out, which basically would put the
22 controlled use area from the north section of the withdrawal of
23 Noatak all the way up to (indiscernible).

24
25 The problem that I have with that is people perceive
26 that as a large control use area. And I'm just wondering if
27 this Advisory Council would look at taking the -- cutting part
28 of the controlled use area out to exclude the Native selected
29 lands. And basically what you would do is everything north of
30 the withdrawal of Noatak up to (indiscernible). Besides that
31 control use area that's all the way down to the mouth of the
32 Noatak, the KIC was not consulted on whether they'd like to
33 have it included within their selection.

34
35 MR. ASHBY: Mr. Chair?

36
37 CHAIRMAN ARMSTRONG: Ricky.

38
39 MR. ASHBY: I'd like to make a comment. I was at the
40 meeting when this thing come up. And there's -- right there a
41 few hunters right here, and the reason this southern part of it
42 come up was they were concerned about these hunters down here.
43 And they wanted to add that to that controlled use area, which
44 we already have. And when we had our meeting, I discuss it
45 with them and if that southern part is going to put the
46 northern part of the controlled use area in jeopardy, we'd
47 rather drop that southern part. Because it's no use trying to
48 put this part in jeopardy, the part that we use just for this
49 southern part.

00102

1 CHAIRMAN ARMSTRONG: So Walter, what's KIC's feeling
2 about this?

3
4 MR. SAMPSON: Well, KIC's feeling is that, one, they
5 were not consulted with and they said they would oppose the
6 controlled use area within their selected lands. A lot of it
7 would have to do with a lot of other private land owners within
8 -- from the mouth of the Noatak basically up to Egg River, you
9 have a lot of private land owners and that's Native allotments
10 and stuff.

11
12 CHAIRMAN ARMSTRONG: So I guess that has to continue on
13 and try to get some resolution between maybe the Native village
14 of Noatak and KIC to see what would be the appropriate
15 resolution to this. Rick.

16
17 MR. ASHBY: Again, this was brought up by two people
18 from here for the extension on the southern part. It wasn't
19 our doing. But when they wanted to do it, we were in support
20 of them, but it turned out -- if it's going to jeopardize this
21 northern part, I think we'd rather not.

22
23 CHAIRMAN ARMSTRONG: Okay. So basically if KIC's in
24 objection to this, Noatak would not support it if it would
25 jeopardize their -- then perhaps the issue should be dropped.
26 What do you think? Any feeling about that from the Council?

27
28 MR. GRIEST: I think Noatak and Kotzebue have to talk
29 and then come before the Council.

30
31 MS. B. ARMSTRONG: Was it the Kotzebue Advisory
32 Council, Fish and Game Advisory Council or.....

33
34 MR. GRIEST: Yeah. They shouldn't go too fast on this
35 one, let them talk first then and make a proposal.

36
37 CHAIRMAN ARMSTRONG: I think we should not support
38 their -- we should take no action on this until.....

39
40 MR. GRIEST: The next.....

41
42 CHAIRMAN ARMSTRONG:the Native village of Noatak
43 and KIC have discussed this and come to.....

44
45 MR. GRIEST: And then make a recommendation.

46
47 MS. B. ARMSTRONG: No other proposers, it has to be
48 some advisory and Noatak.....

49

00103

1 Council come to terms.

2

3 MR. SAMPSON: Well, we ought to let them settle it
4 anyway.

5

6 CHAIRMAN ARMSTRONG: I would just recommend.....

7

8 MR. SAMPSON: So we'll just leave it like that then.

9

10 CHAIRMAN ARMSTRONG:we take no action.

11

12 MR. SAMPSON: Yeah.

13

14 MR. GRIEST: Yes.

15

16 MS. B. ARMSTRONG: Okay, next.

17

18 CHAIRMAN ARMSTRONG: Okay, is that it?

19

20 MS. B. ARMSTRONG: Excuse me.

21

22 CHAIRMAN ARMSTRONG: Barbara.

23

24 MS. B. ARMSTRONG: Would that be in a motion form?

25

26 MR. GRIEST: No.

27

28 MS. B. ARMSTRONG: No, okay, thanks.

29

30 CHAIRMAN ARMSTRONG: It was an update. Agency reports,
31 in parentheses, it says brief summaries.

32

33 MS. B. ARMSTRONG: I haven't received any.

34

35 CHAIRMAN ARMSTRONG: Okay, Park Service. Lois
36 Dallemolle.

37

38 MS. DALLEMOLLE: Thank you. Dave Spirites was unable
39 to be here so I will be exceedingly brief in his absence.
40 There are two issues. The subsistence paper which is in
41 Section Q of your summary, you've seen it several times before.
42 All I need to say at this point is that it's still very much an
43 ongoing process. I think the emphasis to get it done is much
44 less than it was when it started and it's become more a guiding
45 paper internally for the Park Service looking for comments from
46 villages and other folks. You can see in there that there are
47 a lot of other comments from other people, most of which said
48 that it was too complicated to look at it once.

49

We've taken that to heart and I think pretty much

00104

1 what's going to happen with this whole paper is that it will be
2 looked at in sections. And right now, the section that's being
3 looked at is the one that deals with the issue that came up
4 before, natural and healthy, and how we need to craft a
5 definition for that as the Park Service so that we can talk to
6 people about co-management. I think probably the main point
7 about the subsistence paper here is that it's not going to be
8 looked at, I think, any longer as a complete document or a
9 final product, but we'll just use it as a guiding document to
10 get input from people and do it sort of section by section. So
11 natural and healthy is really what we're looking at right now.
12 Does that seem right to you Sandy?

13
14 MR. RABINOWITCH: (No audible response)

15
16 MS. DALLEMOLLE: Okay. Enough said on that one. On
17 the sheefish, I really don't want to say anything about that at
18 all. But I guess since it originated with the Park Service, I
19 don't believe it's in your booklets, but Barb handed them out;
20 is that correct, Barb?

21
22 MS. B. ARMSTRONG: Um-hum. (Affirmative)

23
24 MS. DALLEMOLLE: Okay. This originated with the Gates
25 of the Arctic National Park Subsistence Resource Commission.
26 All I know about it is basically all you know about it and
27 that's what it says. The Commission met in November. They
28 talked about sheefish on the Upper Kobuk. There was -- they
29 have a resolution which basically suggests that the incidental
30 take of sheefish lower in the river is effecting subsistence
31 sheefish on the upper part of the Kobuk. Their recommendation
32 or their resolution, number one, asks for a report from Fish
33 and Game and the Park Service that describes the incidental
34 harvest of sheefish and it also resolves -- it says, the
35 Kotzebue sheefish here may be eliminated due to possible
36 threats to the health of the upper Kobuk River sheefish stocks.
37 That's really all that I know about this, other than looking at
38 the minutes. There was some pieces of misinformation that they
39 had when they were discussing it. One was that there was no
40 commercial sheefish fishery, there is. And I think there was
41 also some misinformation that existed about the incidental
42 catch with salmon harvest. They've asked Fish and Game to
43 respond. And I know -- maybe Tracy can speak to that better
44 than I can, but I think that process is underway right now and
45 they are responding to their request for information. Is that
46 right Tracy?

47
48 UNIDENTIFIED VOICE: Yes. A letter's been drafted and
49 it's in (indiscernible) review.

00105

1 MS. DALLEMOLLE: Okay. So they are responding with
2 just the facts of it. And I think that probably through your
3 point of view, responding back to the Gates of the Arctic
4 Subsistence Resource Commission which wrote this and
5 recommended that the sheefish derby be eliminated, maybe you
6 just need to tell them how you feel about that.

7
8 I don't really know a lot more about it than that.

9
10 CHAIRMAN ARMSTRONG: Walter.

11
12 MR. SAMPSON: Do you have any idea what type of study's
13 been done as far as sheefish is concerned?

14
15 MS. DALLEMOLLE: Maybe Tracy is -- Tracy or Fred is
16 probably more -- they've been studying on the Upper Kobuk right
17 now.

18
19 MR. DeCICO: Fred DeCico, Fish and Game, Mr. Chairman
20 and Council members. We've done -- for the past two years,
21 we've done abundant estimates on the spawning stock of sheefish
22 in the Upper Kobuk. And we've estimated the abundance in the
23 range -- well, the abundance estimates are actually here right
24 on the -- because -- the information for them to get your --
25 last year there were about 32,000 estimated and this year, this
26 past year about 43,000. And that's basically all the
27 information that we have on the sheefish population other than
28 some subsistence harvest. And that's been collected over the
29 years and some estimates of sales in the commercial fishery and
30 some sampling that's been done in the spring fishery, both the
31 hooking fishery here in Kotzebue Sound and commercial fishery,
32 the same thing for (indiscernible) and that sort of thing.

33
34 We plan on next year doing another abundance estimate
35 and doing a hooking mortality study. But that's all the
36 information I have for the Council.

37
38 CHAIRMAN ARMSTRONG: Walter.

39
40 MR. SAMPSON: Fred, as far as that sheefish is
41 concerned, where does that sheefish go, just to Kobuk or does
42 it go to Selawik or is there any other areas that it migrates,
43 too?

44
45 MR. DeCICO: Well, from -- the best that we know, from
46 the early work that was done from talking to people in Selawik
47 and the upper villages the from the work that we've done in the
48 last four or five years, the sheefish stock that resides around
49 Kobuk Lake during the wintertime and some component of them all

50 year-round spawns in the Upper Kobuk and in the Selawik

00106

1 drainage. From what we know, the stocks are separate. The
2 spawning stocks are separate, but they mix in the wintertime
3 throughout the system. We don't know how far they may go, how
4 into brackish waters in general. It's thought that they stay
5 mainly in fresh water or slightly brackish water, although
6 juvenile fish have been caught over by Selawik and occasionally
7 farther away. One part of information that we lack on the
8 sheefish life history is where the fish are during their first
9 two years of life as very small fry. I mean sheefish have
10 small eggs like white fish, as you all probably know. When the
11 fish come out in the springtime, they're tiny. They're not an
12 inch long like salmon are when they come out of an egg, they're
13 probably three-eighths of an inch long, they're pelagic, they
14 just drift with the water and they're carried down river in the
15 spring. We don't know where they rear for the first year or
16 two. We've looked and been unable to find them when they're,
17 you know, two or three inches long. They may actually go to
18 sea then. There's some work that's been done over in Russia
19 that suggests that they go to sea, they've caught some farther
20 out, but still in brackish water. But we don't know the answer
21 to that.

22
23 But from the time they're about three years old, you
24 know, these small sheefish, they're, for the most part, in
25 Selawik Lake, Kobuk Lake and in the Delta area of the Kobuk.
26 And then of course some of them are -- go up in the lower part
27 of the Noatak. But as far as we know there's no spawning run
28 of sheefish in the Noatak. I only know of one fish in
29 prespawning condition that's been caught in the Noatak, maybe
30 Ricky knows of more.

31
32 CHAIRMAN ARMSTRONG: Clarify for me now on these
33 estimations here. You have 32,000 in 1995 and 43,000 in 1996.
34 You're talking about an increase?

35
36 MR. DeCICO: No. I will try to clarify that for you.

37
38 CHAIRMAN ARMSTRONG: Because that doesn't really state
39 other than just an estimation.

40
41 MR. DeCICO: Well, in order to -- first of all, as far
42 as we know, most of the sheefish do not spawn in consecutive
43 years. Most of them spawn every other year. We have had a few
44 -- a very small number of tag recoveries that indicate that a
45 few of them are able to acquire enough energy to go ahead and
46 spawn again the next year, but for the most part, that's not
47 the case. So if we're looking at the spawning stock of this
48 complex of fish that occur down here in the wintertime, it's
49 really the mature fish for two consecutive years is the

50 spawning stock. It's an aggregate of two years because they're

00107

1 alternate year spawners.

2

3 And that reflects the estimate of abundance of spawners
4 in 1995 and 43,000 was the number that spawned in 1996. And
5 again they're estimates, they're done by marking and
6 recapturing. We go through the spawning area, we mark fish and
7 then we go through the spawning area again; and a combination
8 of our catches and working with the people who are subsistence
9 fishing we look at the ratio of marked fish and unmarked fish
10 and we can calculate an estimate from that.

11

12 CHAIRMAN ARMSTRONG: Bert.

13

14 MR. GRIEST: I know sheefish come in during the spring
15 and then they come out during the fall. They're not around
16 during commercial fishing time normally. Am I kind of correct
17 on that? When we go commercial fishing, we get mostly salmon.

18

19 MR. DeCICO: Right. But you're not fishing back in
20 Selawik Lake. There are a few fish in Selawik Lake during the
21 summertime her.

22

23 CHAIRMAN ARMSTRONG: Well, there is fishing in there?

24

25 MR. GRIEST: Yeah, but this is commercial fishing.

26

27 MR. DeCICO: I don't understand your question then.

28

29 MR. GRIEST: Well, during commercial salmon fishing
30 time, there's not that much incidental take of sheefish?

31

32 MR. DeCICO: No, there isn't, it's very, very small.
33 And I think that's one of the errors that was made in this --
34 by the subsistence committee there or by the people that
35 testified. We had no participation in that meeting.

36

37 CHAIRMAN ARMSTRONG: So looking at the minutes here, it
38 seems like there was only two paragraphs that address an issue
39 like this. And I was wondering why and how they came up with
40 their conclusion. Was Staff there to make any recommendations
41 or what?

42

43 MR. DeCICO: I have no idea, I wasn't there.

44

45 MS. DALLEMOLLE: None of us here were. (Indiscernible -
46 away from mike)

47

48 CHAIRMAN ARMSTRONG: Because I think this was sort of
49 like a spur of the moment action here and it resulted in -- it

50 could create some -- a little animosity here. Walter.

00108

1 MR. SAMPSON: Mr. Chairman, Fred, so what you're
2 telling us then is the -- some of the sheefish that goes up the
3 Kobuk River, we don't know how much of those are coming out of
4 Selawik River drainages during spawning then? Some of the
5 Selawik ones could be up the Kobuk, so there would be less over
6 on the Selawik side?

7
8 MR. DeCICO: Well, we don't know the answer to that.
9 But we think that the stocks do separate from spawning so that
10 the sexually mature fish that are up river do separate and the
11 Selawik fish due home from the Selawik River drainage and the
12 Kobuk River fish home to the Kobuk River drainage. We're not
13 absolutely certain but we've done -- or the Fish and Wildlife
14 Service, which has worked in the Selawik, we provided some
15 samples from the Kobuk and they did some genetic work and it's
16 -- they weren't distinct enough to say, absolutely for sure
17 that they were separate, but the suggestion is that they are
18 separate stocks. So I don't think that the Selawik fish would
19 spawn in the Selawik River one year and the Kobuk River another
20 year or vice versa.

21
22 MR. SAMPSON: Now, the fish that is taken, I'm talking
23 -- referring to sport fishing on the Kobuk, are those taken
24 initially when they're going up for spawning fall time?

25
26 MR. DeCICO: As far as I know, the sport -- most of the
27 fish that are taken by -- in sport fisheries on the Kobuk River
28 are taken up river from Ambler, probably up stream and they're
29 mainly the fish that are on a spawning migration or sometime
30 during that, from mid-July to freeze-up.

31
32 MR. SAMPSON: Do you have any plans to do any tagging,
33 I guess, to try to determine where those stocks might -- or
34 where a Kobuk stock might go or you don't have any funding to
35 do that?

36
37 MR. DeCICO: Well, our plans are, as I mentioned
38 earlier, to do -- try to do another abundant test this spring
39 for a sample to nail down this periodicity of spawning, to find
40 out if they're spawning in alternate years or if there's a
41 higher portion of annual spawning. By getting a sample, now
42 we've got two consecutive years, we have a lot of tags out. So
43 the tab base is there and this is an opportunity to pin that
44 down pretty closely. And the second thing we're going to try
45 to do is a hooking mortality study where we'll catch fish using
46 different kinds of terminal gears, you know, lures with treble
47 hooks or single hooks, like fishermen up there use, put them in
48 a holding pen and see what sort of post-hooking mortality there
49 is. We don't know, sheefish are fairly sensitive to handling

50 and we'd like to document that.

00109

1 CHAIRMAN ARMSTRONG: Anymore.....

2

3 MR. DeCICO: If I might make a suggestion, it might be
4 appropriate for this committee to draft some kind of a response
5 to the Gates of the Arctic Subsistence Resource Commission
6 about your concerns over this proposal.

7

8 CHAIRMAN ARMSTRONG: I was going to suggest that to the
9 Council that, you know, we could write a letter expressing our
10 concerns. And perhaps further studies should be taken on this
11 before.....

12

13 MR. GRIEST: I was going to ask that we write a letter
14 to the Federal Board to not act on it.

15

16 MS. B. ARMSTRONG: It doesn't go through Federal Board.

17

18 MR. GRIEST: Federal Subsistence.....

19

20 MS. B. ARMSTRONG: This is National Park Service, so it
21 goes through their boss, their director. Who is it now?

22

23 MS. DALLEMOLLE: Dave Mills.

24

25 MS. B. ARMSTRONG: Dave Mills, it goes through Dave
26 Mills and then their director. It doesn't go through the.....

27

28 MR. GRIEST: It doesn't go to the Federal Subsistence
29 Board?

30

31 MS. B. ARMSTRONG: No.

32

33 MR. GRIEST: Okay.

34

35 MS. B. ARMSTRONG: So it would.....

36

37 CHAIRMAN ARMSTRONG: So it would CC Dave Mills.

38

39 MS. B. ARMSTRONG: If you want, you can write a letter
40 to Dave Mills and CC.....

41

42 CHAIRMAN ARMSTRONG: Is that what you guys want me to
43 do?

44

45 MR. SAMPSON: Yeah, yeah.

46

47 CHAIRMAN ARMSTRONG: I'll write a letter to them.

48

49 MR. GRIEST: Mr. Chairman, I move that we direct Staff

50 to convey the message to the National Park Service that it

00110

1 appears -- of our concern relative to this issue, number one,
2 that it appears that inaccurate information was used to
3 conclude that sheefish derby is threatening the resource.
4 Secondly, that it appears that there's an increase in the
5 spawning of sheefish. And thirdly, that we ask them not to act
6 on this at this time.

7
8 CHAIRMAN ARMSTRONG: A motion's been made by Bert to
9 write a letter for those three concerns. Is there a second?
10 Is there a second to the motion.

11
12 MR. ASHBY: I second it.

13
14 CHAIRMAN ARMSTRONG: Ricky has seconded the motion.
15 Any discussion? Lois.

16
17 MS. DALLEMOLLE: If it's appropriate, this
18 recommendation did come from the advisory commission to the
19 Park Service, it's Raymond Panieak that's the chairman. That
20 letter probably should go directly to that commission and then
21 copied to the Park Service.

22
23 CHAIRMAN ARMSTRONG: CC David Mills.

24
25 MS. B. ARMSTRONG: Um-hum. (Affirmative)

26
27 CHAIRMAN ARMSTRONG: That's what I have down. Anymore
28 discussion?

29
30 MR. SAMPSON: Question.

31
32 CHAIRMAN ARMSTRONG: Question's been called. All those
33 in favor of the motion signify by saying aye.

34
35 IN UNISON: Aye.

36
37 CHAIRMAN ARMSTRONG: All opposed same sign.

38
39 (No opposing votes)

40
41 CHAIRMAN ARMSTRONG: Motion carries. Okay, Fish and G
42 Game. Jim.

43
44 MR. DAU: Jim Dau, Department of Fish and Game. I'll
45 try and make this real brief. I was just going to touch on
46 three things, you guys can decide if you want to hear the third
47 one or not.

48
49 John Cody asked me to say just a couple things about

50 co-management Pete and Art talked about this morning. I was

00111

1 just going to mention there's a Board of Game meeting later
2 this fall and then if you want to hear it, we can talk about
3 caribou a little bit.

4
5 The caribou Western Arctic herd co-management process,
6 one thing Cody asked me specifically to say was just to
7 clarify, there's no way we can proceed without involving all
8 the significant players on this. Pete said that over and over
9 again this morning, that the plan that's out right now is a
10 springboard to move forward and we think that's a good way to
11 go. We really appreciate all the work and we wish that the
12 other regions and the other users were as organized as the
13 tribes in the Nana region. I think I can unequivocally say,
14 the people in my division, in this region support the concept
15 of co-management, we think it's a good way to go.

16
17 I'd like to speak to some of your comments, Bert, you
18 said over and over again, or kind of posed it, you see this as
19 co-management versus maybe Federal management. We've never
20 seen it that way or viewed it that way. We see co-management
21 as an opportunity to bridge the differences between the State
22 and Feds. We think we can do a better job managing for the
23 caribou and the people if we all work together instead of
24 saying, well, we got to choose this or choose that. We think
25 we're going to windup in court and we're all going to lose. We
26 would really like to work together and we've been kind of been
27 boating with our feet over the last year. We've spent money on
28 this and we've spent time, we'd like to see it work.

29
30 The State Board of Game is going to meet in Nome late
31 next fall in October. Elizabeth Andrews told me that the
32 proposals are due the 8th of August and I think there are
33 several things that we need to think about. I think we need to
34 think about conflicts between local users and non-local people.
35 Those things are escalating, you've heard me say that before
36 and you've recognized it, too. I think these user conflicts
37 almost certainly include discussions on the Noatak controlled
38 use area and the proposed controlled use area for the Upper
39 Kobuk. I think another thing we need to consider for the fall
40 Board of Game meeting is the musk oxen between Cape Krusenstern
41 and Cape Lisburne. And one thing we've talked about is maybe
42 trying to establish a working group, people from, at least
43 Point Hope, Kivalina, Noatak, Kotzebue to get together and
44 consider this. And if they think it's a good idea to try and
45 have a hunt, have this working group draft proposals to both
46 the Federal Board and the State Board so that we can get some
47 sense of reason between the two boards. There's a whole bunch
48 of other things we could talk about on the Board meeting, but I
49 think I'm going to cut it off there.

00112

1 The last thing I was going to talk about was just
2 information about caribou in Unit 23. It's not critical that I
3 say that, it's for your benefit. Do you want to hear this
4 stuff or do you want me to.....

5
6 MS. B. ARMSTRONG: Yes.

7
8 MR. DAU: Okay, on caribou, Western Arctic or as most
9 of you know, the reindeer herders on the Seward Peninsula have
10 been having a terrible time this winter with caribou. There's
11 been anywhere from 50 to 90,000 caribou on the Seward
12 Peninsula, roughly 25 percent of the herd. They've jeopardized
13 at least of four of the reindeer herds. The Garmen (ph) herd
14 is in deep trouble. They've got severe problems. The
15 (indiscernible) on White Mountain, they've had some problems,
16 too. For about the last three weeks, the reindeer herders have
17 been working to try and recover as many of the reindeer as they
18 can from the area in the Buckman drainage and the Kewolik
19 drainage and I think they're having an uphill battle. I think
20 they're going to get some of the reindeer back, but I'm sure
21 they're going to lose a lot of reindeer this winter.

22
23 Right now, as near as we can tell, the caribou really
24 haven't started moving off the Peninsula. We're not seeing any
25 real tendency toward migrating north at all. We're seeing
26 caribou consolidate and we've seen little short movements, but
27 they're still pretty much hunkered down on winter range.

28
29 Let's see, I think I mentioned to you before, we
30 photographed the herd last July on sensus and we're still
31 counting the photos. We'd like to have the counts done by the
32 end of April, that's what we're shooting for. When we get the
33 photo's completed, we should be able to determine whether or
34 not we did a good job on the censuses, whether or not it was
35 complete or not. If it looks like the censuses was adequate,
36 we should have an estimate like May or June, that's what we're
37 hoping for.

38
39 And then the last thing I was going to mention on
40 caribou is just Teshekpuk caribou, we learned in November about
41 three-fourths of that herd moved down into Unit 23 starting in
42 November. Based on the satellite collars and also the
43 conventional collars, it looks like between 50 and 75 percent
44 of the Teshekpuk animals are spread between Point Hope, all the
45 way down to Granite Mountain and as far east as the Zane Hills,
46 they're all the way past the Purcell Mountains. The southern
47 most Teshekpuk animals are mixed with the northern most Western
48 Arctics, there's a lot of mixing down there. The Teshekpuk
49 herd is real small. The last time we counted it it was about

50 26,000 animals, so we're not talking big numbers at all. It's

00113

1 a lot less than the Western Arctic herd. And just like with
2 the Western Arctic so far, we've seen really no movements,
3 they're still pretty much hunkered down.

4

5 CHAIRMAN ARMSTRONG: Just a minute, Jim. Raymond.

6

7 MR. STONEY: Yeah, Mr. Chairman, I got a question. I
8 thin there was a report on the Arctic Sounder about these
9 caribou being over from Cape Thompson or something like that or
10 being chased by wolves; do they act like they're being chased
11 and -- or our of the wood?

12

13 MR. DAU: I don't know that anybody knows that for
14 sure. I don't think I know much more than you do from reading
15 the papers. Our main contact on that was Earl Kigik from Point
16 Hope. And Earl was mostly getting his information from the
17 hunters. But I think -- I got several different reports. One
18 was that caribou moved out on the ice and then it redeveloped
19 and they couldn't get back to shore. Another report was that
20 wolves forced them over a cliff and a bunch have died. I don't
21 know what the final outcome was. I don't know what the final
22 numbers were and folks in Point Hope, they guessed -- I heard
23 figures from 500 caribou all the way up to a thousand caribou.
24 I think it's sure that, you know, there were caribou out on the
25 ice, but I'm not sure how many died and how many made it back.

26

27 What we plan to do in June is go up and look on land
28 and see if there was any problems during the winter kill. But
29 it doesn't sound like it now. You know, people (indiscernible)
30 dead caribou this year like they did two years ago.

31

32 MR. BALLOT: Jim, you mentioned some of that --
33 occurred, spread out all the way toward Buckland, we've seen
34 some caribou that they're standing up, they stagger and they
35 can't stand up on their feet. And it's kind of strange, I'd
36 never seen that. I ran into three or four of them on just
37 these last couple of weeks. Is there -- can we send you some
38 of that stuff or what do you need to tell what's wrong with
39 these caribou; what do you need from the caribou?

40

41 MR. DAU: Yeah.

42

43 MR. BALLOT: Can we get you over there, can we.....

44

45 MR. DAU: I don't think I necessarily have to be there,
46 I'd like to be there with you, I'd like to go down. If you
47 guys can find caribou staggering around, they're weak, shoot
48 them. And what I really need, is I need a long bone out of one
49 of the legs.

00114

1 MR. BALLOT: Yeah.

2

3 MR. DAU: You know, there's lot of those long bones.
4 You guys could do this, too. When I find carcasses, I always
5 take a bone and bag it on my sled or my Sno-Go then I look in
6 the marrow. And you guys, no better than anybody what
7 constitutes a good caribou versus a bad one. I mean you're the
8 ultimate judges of you know, fat versus skinny. But when you
9 look at the marrow, there's a lot of the story right there and
10 you can tell a lot from just a pile of bones, even on dead
11 ones. But if you find the bone marrow and it's real red -- and
12 in extreme conditions, there won't be much in there and it will
13 look like red snot. That's pretty much proof positive that
14 they've starved to death.

15

16 Two years ago when all those caribou died from Cape
17 Thompson, that's exactly what we saw time after time after
18 time. So if you guys could get some of those things and get
19 those long bones, and give me a call if you're seeing those
20 things, I'll try to come down on a cub and we'll go look around
21 together.

22

23 MR. BALLOT: How do you tell when the Point Hope herd
24 versus our herd?

25

26 MR. DAU: When I'm on the ground when I'm looking at
27 caribou you can't tell. The way we know is from the radio
28 collars. We collar those Teshekpuk on their calving grounds
29 in the summer time and that's the only clue we have that they
30 weren't just more Western Arctic. There's no way you can tell.

31

32 MR. BALLOT: The last one is, was there reports on what
33 happened with Cape Thompson?

34

35 MR. DAU: Yeah.

36

37 MR. BALLOT: I haven't seen anything and I was just
38 wondering.

39

40 MR. DAU: There hasn't been a written report. Part of
41 the reason is, the North Slope Borough went in there with Fish
42 and Game and with a pathologist from the University of Alaska
43 and we did necropsies on about 40 of them total and we
44 collected tissue samples. The tissue samples have been sent in
45 and we've gotten the results back on the radio active
46 contaminants and we found no evidence at all that radio active
47 isotopes caused the deaths. We haven't gotten the results back
48 on the metals yet, so we don't know -- actually we've gotten --
49 for a couple of those we've gotten back and they're not

50 elevated. That's what's holding up the final report. When

00115

1 they did the necropsies, actually cut them off, it was by every
2 indication the things had starved. They had dirt in their
3 (indiscernible) so they were eating real close to the ground
4 picking up rocks. They had this bone marrow, like I described.
5 They were just totally emaciated. And you could see the way,
6 just the pattern of their deaths that little groups had gone
7 off on hillsides and laid down during the storms that started
8 rolling through in the fall. And they just never got up, it
9 just killed them in twos and threes. So we're pretty sure that
10 what happened was they came off the summer range in really bad
11 shape, which is unusual and when they got to Cape Thompson,
12 they got hit by storm after storm that fall for about three
13 months and the storms just finished them off and they starved
14 to death.

15

16 MR. ASHBY: Mr. Chairman?

17

18 CHAIRMAN ARMSTRONG: Ricky.

19

20 MR. ASHBY: I'd like to make a comment, in the mid-70s
21 when me and my dad were hunting seal, February, a bunch of
22 caribou took off and we see their trails, a whole bunch of
23 caribou, they might be about maybe 200 or 300 caribou and then
24 a few years ago when they had all those caribou, I go check
25 them over at Lisburne area, I think where we -- those are what
26 they call (in Yup'ik). When they go from that -- maybe from
27 that peninsula, they go through the ice, go through all that
28 way and then when they (indiscernible), even human beings, when
29 they never eat much and then when they get real hungry they eat
30 too much and they mess their stomach up and they all just die
31 that way. They never take time to digest it, they just fill,
32 fill, fill and then they mess theirself (sic) up. So when I go
33 down there all I -- that's what I saw. They were skinny
34 because they had been on the ice for a long time and when they
35 reached ground -- as soon as they reached the ground, they all
36 do is consume food and you just see their big stomach and skin
37 and bones. That's what I saw when I see down there. I just
38 remembered that when I go over there in the -- what was it, '74
39 or '73 -- I mean '93 or '94. That time when we.....

40

41 UNIDENTIFIED VOICE: '94.

42

43 MR. ASHBY: Yeah.

44

45 CHAIRMAN ARMSTRONG: Go ahead, Jim.

46

47 MR. DAU: That's all I have.

48

49 CHAIRMAN ARMSTRONG: Any questions? Walter.

00116

1 MR. SAMPSON: Jim, I think we're going to have to
2 definitely make some changes on the regulations because of the
3 fact that the caribou is now reinbou (sic), so we're going to
4 have to change the name. For every caribou regulation we have
5 to.....

6
7 CHAIRMAN ARMSTRONG: I wonder what would happen to
8 cause that?

9
10 MR. DAU: Welcome to the Tundra, I guess, I don't know.
11 Thank you.

12
13 CHAIRMAN ARMSTRONG: Thanks, Jim. Susan.

14
15 MS. GEORGETTE: I'm Susan Georgette, I work with the
16 State Fish and Game Subsistence Office and I just had a couple
17 things. Mostly I wanted to share with you the results of some
18 of our work in the last year. And one thing I have is -- one
19 project we've done every year the last couple of years is
20 salmon survey in Northwest Alaska. I think we do about 18
21 villages in Norton Sound and Kotzebue. And we interview about
22 90 percent of the households, so we're talking about more than
23 a thousand interviews. And I have a -- just so you can look at
24 it, it's just -- they're mostly graphs that summarize what we
25 found out about this year, and I'm not going to go over all the
26 results. Bering Sea Fishermen's Association funds part of it
27 and the Commercial Fisheries part of Fish and Game funds part
28 of it. You can see in one of those graphs that the salmon
29 harvest in Kotzebue Sound is really stable really from year to
30 year and really, in most of the districts it is.

31
32 The other summary I had is from some research that the
33 Park Service funded over the last couple of years. And
34 Deering, Noatak, Shishmaref and Wales, and it was what we call
35 a baseline subsistence study, which means it goes over all the
36 resources. And this is a real brief summary, too, it tells you
37 the pounds per person in the different villages, caught as far
38 as subsistence food goes. And what percentage was game and
39 marine mammals. I'm not going to go over them all, but it's
40 interesting, too.

41
42 And the third project I worked on quite a bit is funded
43 by the U.S. Fish and Wildlife Service, migratory bird surveys
44 and we've done this throughout most of Norton Sound and
45 throughout about half the Kotzebue Sound. And this fall we
46 hope to be working with Maniilaq and Fish and Wildlife Service
47 on doing this same kind of work in five other villages in
48 Kotzebue Sound. Just as an example, the other thing we're
49 trying to do is send out results to the villages and this is --

50 this year I worked on St. Lawrence Island and this is a little

00117

1 one-page summary that we're sending to the households on St.
2 Lawrence Island telling them the results. And this is what
3 we'll do in Kotzebue Sound next year, too. I think the
4 villages next year area Buckland, Noorvik, Ambler, Kobuk and
5 Kivalina. So this is just something you can look at, too, when
6 you have time as an example.

7
8 And finally, there is a -- you may have noticed before,
9 other users sent out a one-page summary to about 2,000
10 households all through Northwest Alaska about our salmon
11 results and this is the one I put together to send out this
12 year, we haven't mailed these out yet. But it summarizes,
13 briefly, what it is that we -- that we found out so that people
14 have a better idea of whatever happens to all this information.

15
16 That's pretty much all I have.

17
18 CHAIRMAN ARMSTRONG: Thank you. Liz.

19
20 (Off record comments)

21
22 MS. ANDREWS: Thank you, Mr. Chairman. My name is
23 Elizabeth Andrews with the Alaska Department of Fish and Game.
24 And I just wanted to mention that I'm the coordinator for the
25 Department's liaison team to the Federal program and I just
26 bring that to your attention since I'll be the Department's
27 lead person at the Federal Subsistence Board meetings. So I'll
28 be presenting the State comments. And when we have conference
29 calls that different advisory councils are involved in, it's my
30 voice that you'll hear from the Department. We may also have
31 some technical support staff there, too, but I just wanted you
32 to be aware that with John Morrison, who retired last year,
33 now, I'll be serving as the Department's liaison relative to
34 the Federal program.

35
36 CHAIRMAN ARMSTRONG: Okay. Thank you.

37
38 MS. ANDREWS: That's all, thank you.

39
40 CHAIRMAN ARMSTRONG: Bert.

41
42 MR. GRIEST: I just wanted to make one comment. I was
43 up in Shungnak this fall doing some work on lands and one
44 comment was made that there was so much salmon spawning it was
45 making a difference on drinking water late in the fall.

46
47 MS. ANDREWS: (Inaudible - away from mike)

48
49 CHAIRMAN ARMSTRONG: Rick.

00118

1 MR. ASHBY: Same thing in Noatak.

2

3 CHAIRMAN ARMSTRONG: Um, did you guy's hear that?

4

5 MR. SAMPSON: Call Charlie Lee.

6

7 CHAIRMAN ARMSTRONG: Okay, continuing on, BLM, Randy
8 Myers.

9

10 MS. MYERS: Good afternoon, Randy Myers with the Bureau
11 of Land Management Office here in Kotzebue. And again, I'll
12 just keep it brief, you have the written summaries of what I
13 intended to present. So I thought if you had any questions
14 about either the Western Arctic caribou habitat monitoring work
15 that we're doing in the Buckland River valley and in the Nulato
16 Hills, or if you had any questions about the fire recovery
17 study looking at likens in the Buckland River valley, or on the
18 Squirrel River environmental impact statement with respect to
19 the wild or scenic river proposal, just fire away.

20

21 CHAIRMAN ARMSTRONG: Walter.

22

23 MR. SAMPSON: In regards to the Squirrel River
24 resource, not much in regards to wild or scenic, is there any
25 studies that are being done in regards to moose and other
26 resources on the Squirrel?

27

28 MS. MYERS: For moose, there's a census that was done
29 in cooperation with Fish and Game in 19 -- I just forgot the
30 year, '93?

31

32 UNIDENTIFIED VOICE: '93.

33

34 MS. MYERS: '93. And it was a five year interval is
35 what is planned on repeating that census. So actually it was
36 '92 because the five year interval repeat would be this year,
37 so we're planning to repeat that in late October or early
38 November. And in that earlier census in '92, they came up with
39 an approximate one moose per square mile. And because it was
40 one point in time, just that '92 census, they didn't have
41 anything to compare it with, in the Squirrel, whether that was
42 an up or a down trend or staying stable. But in comparison
43 with other moose populations in other parts of, say the Nana
44 region, it was a reasonable estimate. It wasn't anything to be
45 worried about in terms of population numbers. So that's
46 planned for this fall, a repeat on the census. And on that
47 census, in addition to just numbers of moose, there's also
48 attention paid to, you know, how the bull:cow ratio, you come
49 up with that because you pay attention to how many bulls you're

50 seeing and how many cows and if the cows have calves or not.

00119

1 And let's see, other resources, we're doing a botanical
2 inventory. So just looking at the vegetation in the Squirrel
3 and the distribution and rare plants, that type of thing. In
4 terms -- and fisheries, there was a marking and tagging and
5 recapturing study that was done on grayling two years in a row
6 and there is a report on that that I could get to you if you'd
7 like to see that report. And that was basically in the main
8 stem of the Squirrel in the vicinity of the Omar River -- a
9 little upstream from the mouth of the Omar and then down from
10 the Omar. They did a certain stretch of the river and made a
11 population estimate for grayling and I think -- I don't know if
12 they did a composition of young ones as compared to adults.
13 But I think they got sizes, they were looking at the numb --
14 absolute numbers of fish and then the sizes of fish that were
15 coming out there.

16
17 CHAIRMAN ARMSTRONG: You know there's been a series of
18 meetings, I guess, on the designation of the Squirrel River?

19
20 MS. MYERS: There have.

21
22 CHAIRMAN ARMSTRONG: Could you just sort of update us,
23 very briefly, on that?

24
25 MS. MYERS: Process wise the last meeting we had was in
26 Kiana and that was the 30th of January. And at that meeting,
27 the idea was to talk about the scoping draft to get people's
28 comments on it, were there any corrections or mistakes in there
29 that they wanted to talk about; to just talk about what the
30 alternatives were. In the scoping draft, they talk about four
31 different alternatives that the Squirrel River could be
32 designated, a portion of it as wild or it could be designated
33 as scenic. The upper portion could be designated as wild, the
34 lower portion could be designated as scenic or it could be
35 decided that people would rather have no designation of wild
36 and scenic happen at all. So at that meeting there was
37 discussion about, you know, what each of those alternatives
38 would mean. And it was very well attended, Walter was there,
39 Bert was there, in terms of Nana and Maniilaq and the Borough,
40 Selawik was there, Noorvik and Kiana people, Kobuk, Shungnak
41 and Ambler were unable to attend because of weather and the
42 village councils and IRA's were represented as well. So the
43 idea that they came up with was they were educated at that
44 meeting on what some of the implications were of a wild and
45 scenic designation. And they wanted to get together on their
46 own and talk it through. So initially the scoping draft period
47 was to end the 30th of January and because of specific requests
48 from people and organizations throughout Northwest Alaska,
49 we've extended that scoping draft comment until the 30th of

50 May. And so we're still in the preliminary stages because BLM,

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1 in that draft, didn't say this is BLM's preferred alternative
2 because they wanted to get input from the people in the
3 community to try to come up with a consensus or maybe that's
4 not the right word, have a majority opinion on what the
5 preferred alternative should be. What people would like to
6 see. So that's the reason behind extending the comment on the
7 scoping draft until the 30th of May. So hopefully we'll get
8 comments from people so we can act on -- and then -- another
9 big document -- this is the scoping draft, so it's a fairly
10 thick document. The official draft will come out sometime this
11 summer, then there'll be a series of public meetings this fall,
12 we hope in October or November and people can react to that and
13 that will have a preferred alternative. And then there's a 60
14 day formal comment -- mandatory comment period on that draft.
15 And then the final draft is prepared and there shouldn't be too
16 many changes between the two, but if anything significant comes
17 up there'll be a change. There's a 30 day comment period on
18 that. And then it gets forwarded to the President and then
19 Congress and Congress ultimately decides.

20
21 CHAIRMAN ARMSTRONG: Raymond.

22
23 MR. STONEY: So the actual meeting will be held at
24 Noorvik in the next few days?

25
26 MS. MYERS: Oh, no, no. We don't have a time or place
27 yet set. We will have public meetings, at least, in Kiana,
28 Kotzebue, Fairbanks and Anchorage when the next copy of
29 the.....

30
31 MR. STONEY: Okay.

32
33 MS. MYERS:when the draft proposal comes out.
34 And if there's, you know, a lot of interest in Noorvik that we
35 come to Noorvik and talk to them we can.

36
37 MR. STONEY: The reason why I said that because I seen
38 on the scanner, I seen a notice for -- and a meeting was being
39 held either the 3rd or 4th of March. Maybe just for the people
40 in that area.

41
42 MS. MYERS: Maybe there is a plan to do that and I just
43 don't know about it.

44
45 MR. STONEY: I seen it on the scanner.

46
47 MS. MYERS: Great.

48
49 CHAIRMAN ARMSTRONG: Maybe we better not say nothing

50 further about it. Walter.

00121

1 MS. MYERS: If you saw it on the scanner, anyway the
2 3rd and the 4th in Noorvik?

3
4 MR. STONEY: Well, I'm not exactly the date, but either
5 the 3rd or the 4th.

6
7 MS. MYERS: Okay, all right.

8
9 MR. STONEY: It says in the Noorvik Community Building.

10
11 MS. MYERS: And this was a BLM meeting about the
12 Squirrel? Who knows, they could be doing it and I wouldn't
13 know about it.

14
15 MR. STONEY: Maybe I shouldn't tell you.

16
17 CHAIRMAN ARMSTRONG: Walter.

18
19 MS. MYERS: I'll check on that.

20
21 MR. SAMPSON: What was to happen after this meeting
22 that occurred in January, was that -- the folks at the meeting
23 indicated that they were going to setup a meeting on their own
24 with no agency folks in and around to talk about what's
25 happening. Once the villages get together as to what they want
26 to do, then they're going to ask the agencies to come back,
27 then they're going to tell them what they want. So that was
28 the intent. As far as I can understand Noorvik's meeting was
29 going to -- Noorvik was going to be meeting, I don't know if
30 any other community is going to that meeting or not, maybe they
31 are, I don't know.

32
33 MR. STONEY: I seen Kiana, Selawik, that's what it is.

34
35 MS. MYERS: Oh, that would make sense.

36
37 MR. STONEY: Yeah.

38
39 MS. MYERS: Yeah. So it's more of an internal kind of
40 thing.

41
42 MR. SAMPSON: I've got a question in regards to this
43 survey or the counts that was done. Why was it that they did a
44 five year interval spread rather than one when they know that
45 there's no baseline data whatsoever to work from?

46
47 MS. MYERS: I suppose a five year interval would --
48 there would be sufficient time for something to happen and it
49 could see a change. But that could be modified, if after this

50 next census, let's just say if there is a significant drop in

00122

1 the population, then they might say, well, you know, one of the
2 things we want to do to keep a closer look on that is to look
3 at closer intervals to, you know, to look every year, every
4 couple of years. But obviously if there was a management drop,
5 then you'd want to think about, okay, well, what kind of use
6 are we getting there in terms of people hunting and how can we
7 better regulate that use. Because right now, there really is
8 no regulation to try to keep tabs on, you know, what's
9 happening there in terms of who's using it and how much they're
10 taking out. But they're not attempting to regulate the take at
11 this point.

12

13 MR. SAMPSON: With the heavy use that the Squirrel
14 River gets, I think there needs to be a little bit more
15 attention on the impacts of the resource, you know, we're
16 getting a lot of aircraft use into the Squirrel River. Not
17 only to the Squirrel, but also to some of the hills around the
18 headwaters of the Squirrel River. So it's something I'd be
19 concerned about as far as population of moose is concerned.

20

21 MS. MYERS: And we did try to do a survey in the
22 Squirrel this year, this past year in '96 in October or
23 November and that would have been a four year interval because
24 of just what you said. But unfortunately, by the time we had
25 enough snow on the ground to make for a good visibility, then
26 the weather had deteriorated and we were on hold with about
27 five different airplanes with an observer assigned to each
28 plane and a pilot ready to come during that three year period
29 whenever we called them on the phone. But we never got a
30 stretch of weather to do it, so we said, okay, we'll try this
31 year. But you know, that's probably something that we should
32 think about instead of doing it every five years, try to do it
33 more frequently because there is more use.

34

35 CHAIRMAN ARMSTRONG: Any other questions, comments?

36

37 MR. BALLOT: Yes, Mr. Chairman, the studies that were
38 done on the -- have that monitoring, they mention that the
39 liken percentages growing went down and the grass went up; is
40 that bad, is that good or it doesn't matter, for caribou?

41

42 MS. MYERS: Well, caribou seem to depend upon liken in
43 the wintertime. It's something that has a lot of energy value
44 for them, it doesn't have a lot of protein, likens don't, but
45 they do have a lot of carbohydrates. And it's something that's
46 available in the winter for caribou. So it has -- we're not
47 sure because we just were looking at 25 points on the Tundra
48 and we're trying to put 25 more points out so we'll have a
49 total of 50 along a bigger area to see. But we're not sure on

50 how much of the total winter habitat that the Western Arctic

00123

1 herd is using has seen that kind of liken decline. It could be
2 significant because they do seek out likens in the winter. But
3 I also read in the literature, this is reading and talking to
4 some wildlife biologists who think that it might really be when
5 it's -- when you want to think about the most crucial thing for
6 caribou, the summertime and the food that they eat in the
7 summer and the fat layers that they put on in the summer may be
8 more important for getting them through a lean winter of how
9 many likens they can find. If they could, you know, go into
10 winter being really fat and then say, the liken range wasn't
11 real good, if they could find some likens here or there, but
12 they weren't filling up all of the time on likens because there
13 weren't too many, that they could get through a winter like
14 that as long as they have lots of fat reserves from the summer.
15 So we're not sure if the winter habitat is the critical thing
16 for keeping the herds healthy or if really it's the summer
17 habitat. But because we don't know too much right now about
18 what kind of condition the liken range is in, that's the --
19 that's why these studies were initiated and why we're
20 continuing to follow-up on it. But it's a good question
21 because it's still -- people are still talking about it.

22
23 And so BLM has some long range plans to look at some of
24 the summer habitat in the national petroleum reserve up on the
25 North Slope. That's a huge chunk of BLM land to design some
26 studies to look at is the summer caribou habitats that the
27 Western Arctic herd is using and, you know, try to determine
28 what kind of condition it's in.

29
30 MR. BALLOT: The reason I asked that, Mr. Chair, is I
31 think we're not very high up on fire fighting protection or
32 whatever in BLM for our area.

33
34 MS. MYERS: Right, right. And for a lot of our area
35 it's basically let it burn. You know, keep an eye on it, but
36 let it burn. Because they're figuring that a natural fire
37 regime is a good one because it makes for patches of different
38 kinds of vegetation all over the place, which are good for lots
39 of different kinds of animals. So there's no -- there's no
40 area right now that's being heavily protected. But if it
41 looked like the likens over the entire range that the Western
42 Arctic herd was using were very low, we might want to think
43 about protecting certain areas from fire because it does take --
44 our preliminary studies show that it takes a long time for
45 likens to recover after fire.

46
47 Some studies in Canada show that caribou really don't
48 start using liken range until the likens are anywhere from 50
49 to 150 years old, but then they really go in there and use

50 those likens because they're nice and thick and deep. So it

00124

1 takes a while for that to happen.

2

3 CHAIRMAN ARMSTRONG: Any other questions?

4

5 MR. SAMPSON: No.

6

7 CHAIRMAN ARMSTRONG: I see a lot of eyes dropping.

8 Let's take a five minute break.

9

10 MR. SAMPSON: Mr. Chairman, what we could do is break
11 for dinner and then come back at 7:00 tonight and finish up.

12

13 CHAIRMAN ARMSTRONG: What's the wish of the Council?

14 Would you guys like to break?

15

16 MR. SAMPSON: We'll come back at 7:00 o'clock tonight
17 and finish up -- well, we could stay until 10:00 o'clock.

18

19 CHAIRMAN ARMSTRONG: We're only going to take -- is

20 that the wish of the Council?

21

22 MR. SAMPSON: No, no, I was just kidding, we could get
23 done.

24

25 (Off record)

26 (On record)

27

28 CHAIRMAN ARMSTRONG: Okay, let's go. Let's call the
29 meeting back to order. We're down to Refuge, Staff, Leslie
30 and.....

31

32 MS. KERR: Mr. Chairman, Council members, ladies and
33 gentlemen, I'm delighted to be here. My name is Leslie Kerr,
34 I'm the manager of Selawik Refuge. And with me today.....

35

36 CHAIRMAN ARMSTRONG: We're having some competition in
37 the back here, we've got some people giving some presentations.

38

39 MS. KERR: With me today is Tony Booth who is a Staff
40 member at our Division of Refuges in Anchorage. The main issue
41 that we wanted to address was the request for comments, public
42 comments earlier this winter related to the issue of trapping
43 on national wildlife refuges nationwide. Many of you are
44 familiar with the letters that I sent to the IRA councils in
45 each village and many of you also may have heard the public
46 service announcement that KOTZ was good enough to broadcast
47 that featured a very brief English description and then Barbara
48 gave an Inupiat description of the general issue. And several
49 of the people in this room, I know authored letters to Congress

50 related to this issue. So I think you're well aware of the

00125

1 fact that comments were requested and have had some interaction
2 with this issue. And now I'd like to turn the microphone over
3 to Tony who can tell you a little bit more about the nationwide
4 request and perhaps give you some information about other parts
5 of Alaska and their response on this issue.

6
7 MR. BOOTH: Thank you, Mr. Chairman. Just to give you
8 a quick overview. I had hoped to be able to get in contact
9 with some of our Washington people before this meeting and see
10 if we could get some kind of a general indication of what
11 they've received there. I never -- I was not successful in
12 getting a hold of anybody. But I can tell you kind of an
13 overview of letters that I have seen on this issue.

14
15 It is, as you would expect, it's very polarized.
16 There's not much in the middle here. Everybody's very
17 extremely -- letters are extremely against any trapping on
18 refuge or letters are very much in favor of the fact that we
19 need to continue, especially here in Alaska. I think most of
20 the Regional Councils have submitted comments to the Fish and
21 Wildlife Service in Washington, pretty much laying out the
22 importance of trapping to the contemporary Alaskan, you know,
23 rural customs and subsistence livelihoods. And in addition, I
24 should say, too, that the Federal Subsistence Board Chairman,
25 Mitch Demientieff, has sent a letter to Washington to comment
26 on this, kind of stressing the importance of it and also
27 indicating that because of the schedule of these Regional
28 Advisory Councils, the deadline for comments was February 15th;
29 he did ask that we would consider any comments after that from
30 the Regional Councils because some of these Councils were not
31 going to meet -- and this one in particular, the deadline's
32 already up, but he asked that we would consider comments after
33 that. We haven't gotten a response back, but I suspect we
34 will.

35
36 And just to also tell you that basically what the
37 intent of Fish and Wildlife Service is -- well, first I should
38 tell you our instructions from Congress were to create a task
39 force that would be comprised of various outside interests.
40 And this task force would formulate a report to Congress. It's
41 supposed to represent a balanced -- you know, assortment of
42 outside interests -- or various interests on this thing. And I
43 should tell you, the reason we went away from that was our
44 solicitor's office advised us sometime in the process that we
45 would run into some legal requirement complying with the
46 Federal Advisory Committee Act, FACA requirements if we tried
47 to do this with a task force in the time allowed. So I meant
48 to mention that. That's why we're not -- instead of a task
49 force, the decision was made at Washington to abandon the task

50 force and instead we just published a notice in the Federal

00126

1 Register that basically allows anybody to provide information
2 or comments they want to on the trapping issue.

3

4 And let me see, I won't -- I know everybody wants to
5 get out of here, I'm not going to elaborate much more than
6 that, I guess. And the fact that we will be providing those
7 comments to Congress here and -- well, the due date is March
8 1st, which is two days -- well, I guess that's tomorrow. And
9 probably by the next one we will be able to tell you basically
10 -- give you a progress of what's happening on that. So is
11 there any.....

12

13 CHAIRMAN ARMSTRONG: Any questions? I know I did take
14 the time to write a letter to the agency expressing my concern
15 about this bit of legislation that is trying to take place.
16 But I did that as an individual member, because we weren't
17 going to meet and I didn't want to do -- say anything in
18 regards with the Regional Council, but I did submit my
19 opposition to any type of this bit of legislation.

20

21 Leslie.

22

23 MS. KERR: Thank you, Mr. Chairman. I just wanted to
24 say that you won't need to wait until the next Council meeting
25 to hear an update on this. As soon as I hear anything, I'll
26 work with Barbara to make sure that you get the information
27 directly. And you may wish to also deliberate on it at your
28 next Council meeting, but you won't have to wait until then to
29 find out. Thank you.

30

31 CHAIRMAN ARMSTRONG: Thanks. Any comments or
32 questions? Thank you. Thanks Tony. Okay, we're down to Sue,
33 Fish and Wildlife program.

34

35 MS. DETWILER: Three short things. One is that the
36 Board wanted all the Councils to be aware that the State has
37 approached the Board asking to develop a memorandum of
38 agreement between the Board or its agencies and the State. The
39 Board has endorsed that concept and directed the Staff
40 committee to work with the State to address some of the issues
41 that are in a letter that Barb just passed out from the State
42 to talk about some of the concepts that the State wants to have
43 addressed. We'll -- as we progress in the discussions with the
44 State, we'll keep all the Councils informed.

45

46 The second thing is that since your last meeting the
47 Board has dealt with one special action that effects this
48 region. It had to do with a request from Buckland, Deering and
49 Wales to extend the musk ox season to February 22nd, the Board

50 approved that request.

00127

1 And the third thing is the Federal Subsistence Board's
2 meeting to address proposals is the week of April 7th to the
3 11th. On the evening of April 6th, we've set aside a room for
4 the Regional Council Chairs to meet among themselves if they
5 want to. And the morning of April the 7th is the -- prior to
6 the public meeting, the Board is going to have a joint work
7 session with the Regional Council Chairs. That's it.

8
9 CHAIRMAN ARMSTRONG: Any questions? We're down to
10 rural definition. This has been an ongoing thing. It has been
11 a -- you say the solicitor has issued an opinion saying that it
12 doesn't have to be in there, but again, you know, I just want
13 to stress that it is only an opinion. You know, like in fact,
14 I do have my own opinion. When you look at ANCSA, as a whole,
15 it's -- what are you referring to, you're referring to the
16 Natives of Alaska in rural Alaska and basically what you're
17 referring to is folks in rural Alaska. So that, in itself,
18 speaks for any language that should be included as far as
19 eligibility criteria for Council members. And so I think, you
20 know, even with or without that -- the wording, you know,
21 everything is directed toward the rural setting. So you know,
22 I disagree with the solicitor's opinion saying that it doesn't
23 have to be in there.

24
25 I don't know if anybody has any other comments on this.
26 But I think that it's going to come up this fall and I think
27 that we should, again, you know, bring forth a motion saying
28 that we support inserting the term rural in the eligibility
29 criteria.

30
31 MS. B. ARMSTRONG: And would that mean also on your
32 charter, Northwest Arctic charter?

33
34 CHAIRMAN ARMSTRONG: Yes. Right?

35
36 MR. SAMPSON: Um-hum. (Affirmative)

37
38 CHAIRMAN ARMSTRONG: Do you want that in motion form?

39
40 MR. SAMPSON: A motion on.....

41
42 CHAIRMAN ARMSTRONG: Rural?

43
44 MR. SAMPSON:to keep it.....

45
46 CHAIRMAN ARMSTRONG: To keep it going, um?

47
48 MR. GRIEST: Do you need a motion?

49

CHAIRMAN ARMSTRONG: Yeah.

00128

1 MR. SAMPSON: Yeah, that's what he's asking.

2

3 CHAIRMAN ARMSTRONG: I'll have to entertain that motion
4 to include again, the term, rural, in not only the Regional
5 Council eligibility criteria but our charter.

6

7 MR. GRIEST: Oh, in our charter?

8

9 CHAIRMAN ARMSTRONG: Um-hum. (Affirmative)

10

11 MR. GRIEST: Yes, I second the motion.

12

13 CHAIRMAN ARMSTRONG: Bert seconded. Any discussion?
14 None, all in favor of the motion signify by saying aye.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN ARMSTRONG: All opposed same sign.

19

20 (No opposing votes)

21

22 CHAIRMAN ARMSTRONG: Motion carries. We're down to
23 North Slope musk ox management plan. Helen, I know you spoke
24 to that.

25

26 MS. H. ARMSTRONG: Yeah, I spoke to that. I don't
27 think there's too much more. It is in the stage of being
28 signed by the different agencies. And hopefully it will be
29 ready to go to the Board by April. I'm not -- I haven't heard
30 lately and Barb's helping, you know, a little more about where
31 we are on the signing stage.

32

33 CHAIRMAN ARMSTRONG: Any questions? Joint Federal
34 Subsistence Board Regional Advisory Council Chair meeting.
35 Walter.

36

37 MR. SAMPSON: What usually occurs is that we try to
38 hold a joint -- we'll hold a joint meeting with the Federal
39 Board. Some of the issues that we've been addressing with them
40 is the stipend that some of the folks have problems with in
41 regards to being there during the full Board meeting. And some
42 of the folks have to take some time off to attend the Federal
43 Board meetings, so therefore, they get very little bit of
44 compensation.

45

46 The annual report was another issue that was raised.
47 And Regional Council training as well was raised. And
48 hopefully the Staff will pursue options to develop some videos
49 in regards to training the membership.

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1 We also submitted a proposal to restructure the Federal
2 Subsistence Board. Basically what we did was we asked --
3 submitted a proposal to the Board to consider at least five of
4 the Advisory Council Chairman to sit on the Federal Board. And
5 that will be up to the Board to decide what they want to do
6 with that proposal.

7
8 What else did I miss, Barb?

9
10 MS. B. ARMSTRONG: That's pretty much it. You covered
11 most everything. The annual reports, your report will be
12 getting more direct answers instead of being so much more
13 bureaucratic like they were last year and that was discussed.
14 So they will be more direct in answering your annual reports to
15 you.

16
17 And there's also Council member stipends are being
18 processed as we speak.

19
20 CHAIRMAN ARMSTRONG: Do I get one?

21
22 MS. B. ARMSTRONG: Maybe in a couple of years or so,
23 you know how the government works. I think that's about it.

24
25 MR. SAMPSON: One area that was also covered at the
26 joint meeting was that when the Federal Board meets, they
27 requested that all Chairmans that are coming to the Federal
28 Board meetings stay throughout the week that the Board meets.
29 In cases where they might have some question in regards to
30 either some of the proposals or some of the issues that might
31 be raised at the Federal Board meeting. So all the Chairmans
32 will be required to stay at the Federal Board meeting.

33
34 CHAIRMAN ARMSTRONG: Dates?

35
36 MR. SAMPSON: The Federal Board is going to be meeting
37 in April.

38
39 MS. B. ARMSTRONG: Seventh through 11.

40
41 MR. SAMPSON: Seven through 11.

42
43 CHAIRMAN ARMSTRONG: Okay.

44
45 MS. B. ARMSTRONG: Seven through 11 and the Northwest
46 Arctic and North Slope are last on the agenda, so it will be
47 the whole week and the North Slope and Northwest will be
48 Thursday and Friday.

49

50 CHAIRMAN ARMSTRONG: Is that it Walter?

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1 MR. SAMPSON: Yes.

2

3 CHAIRMAN ARMSTRONG: We've already discussed the
4 Western Arctic caribou herd. We're down to Barbara's Corner
5 here.

6

7 MS. B. ARMSTRONG: Okay.

8

9 CHAIRMAN ARMSTRONG: No, I've got actually four other
10 items on the Northwest Arctic caribou herd, which will probably
11 take at least another half hour, I guess. Go ahead, Barbara.

12

13 MS. B. ARMSTRONG: Under W, you have your draft annual
14 report. If you would review this or if you have reviewed this
15 and you have any comments, we'd like to hear them before you
16 leave. And then the other question I have is getting your
17 booklets, did you get them in time for you to look through
18 them?

19

20 MR. SAMPSON: Yes.

21

22 MS. B. ARMSTRONG: And was that better?

23

24 MR. SAMPSON: Yes, Barb, thanks a lot for that. I want
25 to commend you for it for your work.

26

27 MS. B. ARMSTRONG: Okay.

28

29 MR. SAMPSON: You're one of the best, I guess, to
30 coordinate. You know, each time we go to a Board meeting we've
31 always had our packets in front of us with all the necessary
32 documents that we need and I'd like to commend Barbara for all
33 of her work that she's done. So I want to thank you for that,
34 Barb.

35

36 MS. B. ARMSTRONG: Thank you, (in Yup'ik). So if you
37 would look at that and if you have any comments, please let us
38 know and then we can do the final draft and send that in. This
39 is due next month.

40

41 And on your travel vouchers, you are to be
42 congratulated, but now Bert is moving back to (indiscernible),
43 so you guys might be having problems again, but when they did
44 -- when we had the -- Statewide, Northwest Arctic had a clean
45 bill on their travel vouchers because they did send them in.
46 So we need to congratulate Raymond and Percy for always sending
47 in their travel vouchers. So we need to send those in and I
48 gave them out to you already this morning with your per diems,
49 so please send those back to us.

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1 And on your RAC nominations for this Council, we have
2 now four applicants for the two positions that we have open.
3 And I think Walter touched up on the Federal Board structure.
4 There will be a proposal written by the Chairs to the
5 Secretaries as of this spring. And that's all I have.

6
7 CHAIRMAN ARMSTRONG: Any questions? Thank you,
8 Barbara. Any other business that we need to conduct here?

9
10 MR. SAMPSON: Let's talk reinbou (sic).

11
12 CHAIRMAN ARMSTRONG: If not, let's go to Item 11, the
13 next meeting date and place. And I recommend the Council
14 consider probably a two day meeting. We're trying to get
15 everything into one day and it's congested and we end up
16 rushing and I kind of don't like to operate like that.

17
18 MS. B. ARMSTRONG: The week of the 21st is clean.

19
20 CHAIRMAN ARMSTRONG: What?

21
22 MS. B. ARMSTRONG: The week of the 21st of September,
23 the week before I have the North Slope and now that I only have
24 two Councils, that week is free.

25
26 CHAIRMAN ARMSTRONG: Where is it?

27
28 MS. B. ARMSTRONG: Under XYZ.

29
30 CHAIRMAN ARMSTRONG: How about Thursday and Friday?

31
32 MR. BALLOT: Mr. Chair, 25.....

33
34 CHAIRMAN ARMSTRONG: 25 and 26.

35
36 MR. BALLOT: 26th/27th?

37
38 MR. GRIEST: No, 25 and 26.

39
40 MR. BALLOT: Okay. I disagree, I have a scheduled
41 meetings on those dates, Thursday.

42
43 MS. B. ARMSTRONG: 25?

44
45 MR. BALLOT: Um-hum. (Affirmative)

46
47 MR. GRIEST: What about 23/24?

48
49 MR. BALLOT: Sounds good.

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1 CHAIRMAN ARMSTRONG: Would that work for you, Barb?

2

3 MS. B. ARMSTRONG: Yeah, that's fine.

4

5 CHAIRMAN ARMSTRONG: Do we need a motion?

6

7 MS. B. ARMSTRONG: No, just so you have a unanimous
8 consent.

9

10 CHAIRMAN ARMSTRONG: Okay. Is that agreeable to
11 everybody, September 23 and 24. Where at, Kotzebue? Do you
12 guys want to meet somewhere or.....

13

14 MR. SAMPSON: Let's go to Hawaii.

15

16 CHAIRMAN ARMSTRONG: Hawaii's been recommended. Lois
17 is jumping up and down.

18

19 MS. B. ARMSTRONG: Kotzebue is good.

20

21 CHAIRMAN ARMSTRONG: Kotzebue. Okay, Item 12,
22 adjournment.

23

24 MR. GRIEST: So moved.

25

26 CHAIRMAN ARMSTRONG: We're adjourned.

27

28 (Off record)

29 (On record)

30

31 MR. SAMPSON: Raymond, we've given them a -- or the
32 Board has given them an extension to hunt. I think that, as
33 far as I'm concerned, that should be referred to those folks to
34 deal with -- we'll have no authority as to whether they extend
35 it or not. I mean if there is a problem then I.....

36

37 CHAIRMAN ARMSTRONG: So we should refer it to the --
38 Barb.

39

40 MS. B. ARMSTRONG: But what they will want to hear from
41 you is whether you support it or not, that's the thing, you're
42 the main body to give them.....

43

44 MR. GRIEST: Mr. Chairman, I move that we support.....

45

46 MS. B. ARMSTRONG:either the go ahead or.....

47

48 MR. GRIEST: I move that we support Deering's request
49 for an extension.

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1 MR. ASHBY: Second.

2

3 MR. BALLOT: Second.

4

5 CHAIRMAN ARMSTRONG: I hear all kinds of seconds, is
6 there any discussion? No discussion. All those in favor of
7 the motion signify by saying aye.

8

9 IN UNISON: Aye.

10

11 CHAIRMAN ARMSTRONG: All opposed same sign.

12

13 (No opposing votes)

14

15 CHAIRMAN ARMSTRONG: Motion passes. We're adjourned.

16

17

(MEETING RECESSED)

18

* * * * *

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5
6

C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

7 I, Joseph P. Kolasinski, Notary Public in and for the
8 State of Alaska and Reporter and Owner of Computer Matrix, do
9 hereby certify:

10
11 THAT the foregoing pages numbered 02 through 133
12 contain a full, true and correct Transcript of the
13 Kodiak/Aleutians Federal Subsistence Regional Advisory Council
14 meeting taken electronically by myself on the 28th day of
15 February, 1997, beginning at the hour of 9:00 o'clock a.m. at
16 the Alaska Technical Center, Kotzebue, Alaska;

17
18 THAT the transcript is a true and correct transcript
19 requested to be transcribed and thereafter transcribed by
20 myself to the best of my knowledge and ability;

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

24
25 DATED at Anchorage, Alaska, this 9th day of March,
26 1997.

27
28
29
30
31
32
33

JOSEPH P. KOLASINSKI
Notary Public in and for Alaska
My Commission Expires: 04/17/00