

**EASTERN INTERIOR ALASKA
SUBSISTENCE REGIONAL ADVISORY COUNCIL**

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PUBLIC MEETING
October 7, 1993
Captain Bartlett Inn
Fairbanks, Alaska

COUNCIL MEMBERS PRESENT:

11
LEE A. TITUS, CHAIRMAN
JEFFREY A. ROACH, VICE CHAIRMAN
JAMES E. GUSTAFSON, SECRETARY
CLIFFORD J. ADAMS, MEMBER
BRUCE A. THOMAS, MEMBER
CHARLIE TITUS, JR., MEMBER
MICHAEL A. PEARSON, MEMBER
SELINA PETRUSKA, MEMBER
BILL FLIRIS, MEMBER

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David James, Coordinator

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P R O C E E D I N G S

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2 MR. DAVID JAMES: This meeting is now in
3 session. This is a public meeting of the Eastern Interior
4 Alaska Subsistence Regional Advisory Council. It's October
5 5th, 1993. I'm David James and I work with the Subsistence
6 Management Office of the U.S. Fish & Wildlife Service. I'm the
7 Regional coordinator for this council and also for the Western
8 Interior Council. In accordance with procedures that are
9 written in Federal regulations, I'll be the acting chair this
10 morning, only long enough for the council that is to elect
11 their own chair from this group.

12
13 I'd like to start over here on the left and
14 I'll ask each of the council members to state your name and
15 community of residence as a way to introduce yourself to the
16 audience and also for roll call. I'll begin with you, Cliff.

17
18 MR. ADAMS: Good morning. I'm Cliff Adams.
19 I'm from Fort Yukon.

20
21 MR. LEE TITUS: Lee Titus, Northway.

22
23 MR. THOMAS: Bruce Thomas, Fort Yukon.

24
25 MR. CHARLIE TITUS: Charlie Titus, Minto.

26
27 MR. GUSTAFSON: James Gustafson, Fairbanks.

28
29 MR. PEARSON: Mike Pearson, Anderson.

30
31 MR. ROACH: Jeff Roach, Tok.

32
33 MS. PETRUSKA: Selina Petruska, Beaver.

34
35 MR. FLIRIS: Bill Fliris, Tanana.

36
37 MR. JAMES: Thank you. For the record, all
38 presently seated members of this council are present today for
39 this meeting. Also, I'd like to introduce another addition to
40 our group here today and that is Liz D'Amour, who is our court
41 reporter. Welcome, Liz.

42
43 COURT REPORTER: Thank you.

44
45 MR. JAMES: First item of business on the
46 agenda is to conduct an election for the chair of this council.
47 I might add that what I'm suggesting is that after we -- after
48 you have elected your chair, that we'll recess briefly to

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reorganize if necessary and then the first order of business will be to finish the elections with the chair presiding. We'll be electing a vice chair and secretary, also. So, if that's acceptable with the council, we can begin by soliciting nominations for the position of chair or, if you wish, you could -- we could begin with some discussion on that action. Yes?

7

8 MR. FLIRIS: Yeah, we were having a little preliminary discussion out there in the dining room and asking people who might or might not want to do it. And I guess part of the problem is additional travel responsibilities for a lot of people, myself included. I just wanted to mention something that we did in the TRM advisory committee to try to address that problem, was some of the issues that come up that are really important from time to time are not necessarily issues that concern everybody in the advisory committee or in this regional council. It's a really large area that we've got to deal with. But when it comes time to present those issues to the Subsistence Board, you need to have the person most knowledgeable about the issue there to be effective. So, what we did was we had a chairman, but we also had set it up so that we could assign other people in the committee to be the acting chairman to go and represent the entire committee at Alaska Fish & Game Board meetings and that spread the travel responsibility around, too, so that the chairman wasn't faced with having to be present at every single board meeting that came up to represent the committee. So, I just brought that up as a way of a suggestion that that might be helpful for whoever is the chairman, if we can legally do something like that. It might ease the burden of being chairman.

31

32 MR. PEARSON: Also, to pass around the knowledge. I mean, if it was something down on the Tanana and Fish, you know, you would be no more knowledgeable than myself about something like that and it would give a better firsthand insight on it. Is that going to be legal do you think?

37

38 MR. JAMES: Okay. I'm going to ask for some clarification there. Bill, my understanding is I think the chair of this committee -- this council, would be able to designate an acting chair to attend the meetings. Now, what's your understanding of that?

43

44 MR. KNAUER: That is correct, and that is not an unreasonable arrangement that Mr. Fliris described. It would be at the discretion of this council that the chair would be able to do that.

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MR. FLIRIS: Great.

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2 MR. ROACH: I'd like to make a nomination. I'd
like to nominate Bill Fliris as our chairperson.

4
5 MR. PEARSON: I'll second that.

6
7 MR. FLIRIS: And I'd like to make a nomination.
8 I'd like to nominate Lee Titus.

9
10 MR. THOMAS: I'll second that.

11
12 MR. PEARSON: I'd like to make a nomination....

13
14 MR. JAMES: Excuse me a second here, Mike. I
want to get caught up. Okay?

16
17 MR. PEARSON: Okay.

18
19 MR. JAMES: Who seconded?

20
21 MR. THOMAS: I did.

22
23 MR. JAMES: Okay. Excuse me. Go ahead, Mike.

24
25 MR. PEARSON: I'd like to nominate Charlie

Titus.

27
28 MR. CHARLIE TITUS: Well, thank you, Mike. I'm
flattered, but I'll have to decline.

30
31 MR. JAMES: Okay. Charlie had been nominated;
Charlie declines. Are there other nominations?

33
34 MR. FLIRIS: Actually, at this point, I think

I'll decline, too, because the reasons are is that any

additional travel responsibilities for me at this point would

probably make it impossible for me to meet some of my

obligations either here or at other -- the State Advisory

Committee or the Yukon River Drainage Fishermen's Association.

It's -- I'd be spreading myself too thin, so I think I'll

decline, too.

42
43 MR. JAMES: Okay. Bill Fliris has declined

nomination. I might at this point that I think your

thoughtfulness on this chair position is a good thing because

as you may be aware already that the chair of each of the

councils throughout the state is actually designated in the

regulations as a liaison to the Board along with the state

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representative. So, it is a position that the Board is placing some fairly high emphasis on. They intend it to be a fairly -- well, high profile and hopefully influential position. So, anyway, your deliberateness about going about this is, I think, well thought out. Well, anyway, that leaves us with one nomination. Are there any other nominations?

6

7

MR. PEARSON: I'll nominate Jeff Roach.

8

9

MR. THOMAS: I'll second that.

10

11

MR. JAMES: You have nominated Lee Titus and Jeff Roach. Are there other nominations?

13

14

MR. FLIRIS: Move to close the nominations.

15

16

MR. GUSTAFSON: I second that.

17

18

MR. JAMES: It's been moved and seconded to close the nominations. Discussion? Ready for the question? It's been moved and seconded to close the nominations. All in favor, say aye.

22

23

COUNCIL: Aye.

24

25

MR. JAMES: All opposed, nay? (Pause) It's unanimous. Nominations are closed. To conduct the election for chair, I suggest we do it by secret ballot, if that's acceptable with council.

29

30

MR. ROACH: It is.

31

32

MR. JAMES: Bill, could you pick up those from the other side of the table?

34

35

MR. KNAUER: You want me to tally it here?

36

37

MR. JAMES: Yeah, please do. Charlie, would you assist Bill there, please? Would you review each of those ballots, too, as he tallies them? Thank you.

40

41

MR. FLIRIS: Speech, Lee.

42

43

MR. THOMAS: All right, Lee.

44

45

MR. JAMES: What was the -- okay. Charlie, how did the vote turn out then? We have for Lee Titus....

47

48

MR. CHARLIE TITUS: Eight votes for Lee and one

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vote for Mr. Roach.

1

2 MR. JAMES: And for Jeff Roach one. Okay.
 Congratulations, Lee. You've been elected the chair of this
 4 committee. And I'll now recess this meeting for five minutes.

5

6 (Off record)

7 (On record)

8

9 MR. LEE TITUS: We're now going to nominate and
 elect the vice chair, so the floor is now open for nominations.

11

12 MR. FLIRIS: I'd like to nominate Jeff Roach
 for vice chair.

14

15 MR. CHARLIE TITUS: I'll second that. Move to
 those nominations.

17

18 MR. FLIRIS: Second.

19

20 MR. LEE TITUS: It's been moved and seconded to
 close nominations. I guess Jeff's the new vice chair.
 Congratulations. That was easy.

23

24 MR. ROACH: What, no secret ballot?

25

26 MR. LEE TITUS: It means you're....

27

28 MR. ROACH: Maybe I shouldn't ask for one.

29

30 MR. LEE TITUS: Okay. We're going to now elect
 a secretary. Maybe you can give us a little....

32

33 MR. JAMES: There's been a great deal of
 discussion about the duties of the secretary. Some councils
 have chosen to have a secretary that takes care of the meeting
 minutes, to be responsible for putting together all the
 correspondence and so forth. In other words, all the full
 duties of a secretary. Other councils have not been able to
 find anybody on the council willing to do that and
 understandably, I guess. But their reasoning being that
 performing that duty during the course of the meeting detracts
 from their ability to participate as a full member. In that
 case, the coordinator, that would be me, fills that spot and I
 would be glad to do that. I guess from based on all the past
 discussions, the main thing that may not work in that situation
 is that I am not a member of the council and, in a sense, that
 may be relinquishing some of your control. In other words, you
 have an agency person, you know, putting together this

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correspondence and so on and so forth rather than one of you. I can assure you that I would do my best to reflect only your viewpoint and, in fact, what I am doing for the Western Interior Council is to send out a series -- a draft, a rough draft, they review it, approve, and I send the final draft.

5

6 MR. ROACH: Excuse me?

7

8 MR. JAMES: Yes?

9

10 MR. ROACH: Can we assign a secretary to be the reviewing officer for the -- I mean as their duties to review correspondence and minutes? Rather than sending it to everybody, have just the secretary review it for -- and that would be their assigned duties.

15

16 MR. JAMES: As far as I'm aware, yeah, that would work. Mr. Chair, Bill Knauer just pointed out to me that there are a number of alternatives, and one of them would be that I could take care of part of those duties; for instance, the minutes and the meeting report and any correspondence, then, could be assigned to the secretary or the chair, as you wish. So, we have flexibility. There's a number of ways that we can handle it.

24

25 MR. LEE TITUS: With that, I'll now open the floor for election of secretary.

27

28 MR. CHARLIE TITUS: Mr. Chairman, I nominate James Gustafson.

30

31 MS. PETRUSKA: I second that.

32

33 MR. LEE TITUS: Is there any more nominations?

34

35 MR. FLIRIS: Move to close the nominations.

36

37 MR. ROACH: I'll second that.

38

39 MR. LEE TITUS: It's been moved and seconded to those nominations. Congratulations.

41

42 MR. GUSTAFSON: Can we have a motion on whether we could do like what was mentioned with the minutes, then? Can we have a motion on that?

45

46 MR. LEE TITUS: I think it's just a -- do we need a motion to that effect? I don't think we need one, just as long as everybody knows on the council that this....

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1 MR. JAMES: I would only suggest that if
2 there's disagreement within your council, you may have to vote
3 on it. Otherwise, it's not necessary.

4
5 MR. PEARSON: I think it's a good idea that the
6 coordinator takes care of the minutes and that leaves James
7 with time to keep present on what's happening in the meeting.

8
9 MR. CHARLIE TITUS: Um-hum (affirmative). And
10 he could review it later, if he so chooses.

11
12 MR. FLIRIS: How about the correspondence
13 issue? How would the secretary deal with that? Are they going
14 to be responsible for that or would you do that as the
15 coordinator or....

16
17 MR. JAMES: I feel obligated to assist the
18 secretary as the secretary sees fit. Certainly, at the bare
19 minimum, I would assure that any correspondence gets sent out,
20 you know, with postage and stuffing envelopes and that sort of
21 business, mailing lists.

22
23 MR. GUSTAFSON: I don't see any problem with
24 that at all since I'm here in Fairbanks.

25
26 MR. FLIRIS: Sounds great.

27
28 MR. LEE TITUS: Any more questions? The next
29 thing we're going to do is review the council charter. It's on
30 section 2.

31
32 MR. JAMES: Mr. Chair, I suggest, if you wish,
33 I can read through this for you item by item, if you'd like.
34 And I'd also suggest that Bill Knauer join us at the table to
35 field any questions pertaining to this charter as you go
36 through it. Item No. 1 is the official designation of this
37 council and that's where the title comes from, that big long
38 seven-word title that leaves me breathless at the beginning of
39 the meeting when we got started here. The objectives and scope
40 of activity, as you can see, some of this is in material that
41 we covered yesterday. But the objective of the council is to
42 provide an administrative structure that enables rural
43 residents who have personal knowledge of local conditions and
44 requirements to have a meaningful role in the management of
45 fish and wildlife and of subsistence uses of those resources on
46 public lands in the region.

47
48 Item No. 3: The council is expected to exist
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in the foreseeable future. Its continuation is, however, subject to rechartering biennial anniversary of the Alaska National Interest Lands Conservation Act; that's December 2nd, 1980. The council shall take no action unless the requirements of the Federal Advisory Committee Act have been complied with. I might point out that this biennial rechartering is a requirement for all Federal Advisory Committees, whatever government agency they are associated with. And that means that rechartering for this council is up next year and the process of rechartering will begin early next year.

10

11 MR. FLIRIS: How is that accomplished, the rechartering?

13

14 MR. JAMES: I'll let Bill explain that.

15

16 MR. KNAUER: Thank you. This council will make recommendations for any modifications to this charter. That will probably be one of your agenda items in your February meeting. The coordinator will also make suggestions; then, the packet will be put together, the recommended revised charter, and it will be submitted to Washington, D.C. because as you'll see the charter is approved by the Secretary of the Interior. It is something that is his authority only to approve charters.

24

25

26 MR. CHARLIE TITUS: Question. What if they want to change it completely? I mean, do they have input from the council or what's the reason for it?

29

30 MR. KNAUER: This council could recommend that there be no changes to this charter.

32

33 MR. CHARLIE TITUS: Um-hum.

34

35 MR. KNAUER: We're just saying that if you would have recommended changes, that would be the process.

37

38 MR. CHARLIE TITUS: Oh. We could change it? We could change the whole structure of the whole....

40

41 MR. KNAUER: Not the structure, the....

42

43 MR. CHARLIE TITUS: I mean, the whole wording -- are you saying that we could change it for review?

45

46 MR. KNAUER: It is for review. There is a certain format that does have to be followed. That's why you see it laid out like it is. There are certain things that we

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have to keep in here, but there are some areas that could be modified.

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MR. CHARLIE TITUS: Um-hum. Just wanted clarification. Thank you.

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MR. JAMES: Continuing on, Item 4: Council Reports to the Federal Subsistence Board chair who is appointed by the Secretary of the Interior with the concurrence with the Secretary of Agriculture. Item No. 5: Administrative support for the activities of the council will be provided by the U.S. Fish & Wildlife Service, Department of the Interior. And that's, of course, the staff, myself and Bill and the others with the Subsistence Management Office.

14

15

Item No. 6: Duties of the Council. As the Council possesses the authority to perform the following duties: review, evaluate, make recommendations on proposals for regulations, policies, management plans, and other matters relating to the subsistence uses of fish and wildlife on public lands within the region. Two, provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the region. Three, encourage local and regional participation in the decision-making process affecting the taking of fish and wildlife on public lands within the region for subsistence uses. Four, prepare and submit to the Federal Subsistence Board an annual report containing the following. We did spend some time discussing this yesterday. If it is acceptable with the Council, I won't read that -- those four points unless you wish to have it read into the record for any reason.

32

33

If that's acceptable, we'll move down to the fifth, I guess, subparagraph of the charter. Appoint one member to the Denali National Park Subsistence Resource Commission and one member to the Wrangell St. Elias National Park Subsistence Resource Commission in accordance with Section 808 of ANILCA. I might add that this is the document and, in addition to the SRC charter where it is specified what council chooses how many members for these SRCs. So, this is the document to refer to for that information. Next, make recommendations on determinations of customary and traditional use of subsistence resources. Next, the council shall perform its duties in conformity with the operating manual for Federal Subsistence Regional Advisory Councils. After we have finished reviewing the charter, we will then take up the subject of that operating manual.

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Item No. 7 refers to estimated operating costs. This is not a specific budget for this council. This is a generalized estimation of the cost of running all councils in the state and they came up with sort of a generalized figure. No. 8: The council shall meet at least twice each year at the call of the council chair, Federal Subsistence Board chair, or designated Federal official with the advanced approval of the Federal Subsistence Board chair or the designated Federal officer who shall also approve the agenda. Councils membership shall be as follows: nine members who shall be knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife, and are residents of the region represented by the council, and members shall be appointed by the Secretary of the Interior and Secretary of Agriculture, based on the recommendations of the Federal Subsistence Board. Whenever a vacancy occurs among council members appointed under paragraph 9 of the secretary shall appoint an individual in accordance with paragraph 9 to fill that vacancy for the remainder of the applicable term. And it goes on to say, each member of the council shall serve a three year term except on these initial appointments.

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22

As you know, some are one-year terms, and three, and then another three, two-year terms, three, three, two, to initiate a staggered membership. If a council members wishes to resign, it's necessary to do so in writing. And it specifies for the chair, the chair of the council shall serve a one-year term. An initially elected chair may serve less than one year. Removal of members: If a council member appointed under paragraph 9 misses three consecutive regularly scheduled meetings the chair of the Federal Subsistence Board may recommend that the Secretary of the Interior with the concurrence of the Secretary of Agriculture remove that individual. Members of the council shall receive no compensation as members; however, you will receive full reimbursement for per diem purposes. Designated Federal officer pursuant to Section 10(e) of the Federal Advisory Committee Act shall be Federal regional coordinator or his designee. And the authority: Council is established by virtue of the authority set out in ANILCA.

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41

Any questions or further clarification needed for the charter?

43

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MR. CHARLIE TITUS: Mr. Chair, if I may ask, David, when on our agenda are we going to deal with No. 5 and 6 of this charter?

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MR. JAMES: Support services and duties of the

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council?

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MR. CHARLIE TITUS: No, appointing the....

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MR. JAMES: Oh, I see.

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MR. CHARLIE TITUS: Appoint members and make recommendations on C&T.

8

9

MR. JAMES: Okay. The SRC is on the schedule tentatively for this morning, probably before lunch, and that will essentially be a continuation of the discussion that was before the council yesterday. Recommendations and determinations of customary and traditional use. There are no specific requests from the Board at this time for your input, but they will be forthcoming. However, if you wish to have them on the agenda - and I do tentatively have listed several of those questions that came up yesterday in the general discussion session - it's the prerogative of the council to take whatever appropriate action they wish such as please address this issue. That would be my first suggestion. So, I've got them tentatively listed on your agenda.

22

23

agenda.

25

26

MR. JAMES: Yeah, the -- let me see about this.

27

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MR. CHARLIE TITUS: I'm only....

29

30

MR. JAMES: If you're asking for a specific time, I haven't organized the time.

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MR. CHARLIE TITUS: No. I don't think -- I think as this board has -- as council has shown you, established, I think that we have to give ourselves time to make any -- I don't know if I should say make any hasty recommendations on this criteria on this C&T at least till February to review what we have as recommendations. And there may not agree with the people over here, all of us maybe. I mean I don't think we could make any kind of recommendations at this meeting. If somebody else thinks different, then say so so we'll know why you think....

43

44

MR. PEARSON: Mr. Chairman, I agree with Charlie. The appointments to the Subsistence Resource Commissions for St. Elias and Denali National Park -- we have a list that was given to us yesterday, but we don't even know if those individuals are interested in serving. I think they need

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to be contacted and see if they wish to be served. And maybe a little bit further information, I have some ideas on recommendations for customary and traditional, but I think we need to get more information out before we deal with that so that everybody on the council is brought up to speed and knowledgeable about it. I go along with what Charlie says. I think that -- I mean, I don't know how you want to deal with it, but as of the very moment, we don't have enough information.

9

10 MR. FLIRIS: Yeah, I agree with that, too. And it seems like on that Wrangell St. Elias SRC, there's an inadequate pool of people to select from. All of the people that are available seem to come from Tok and it seems as though there's a lot of subsistence users in Northway and Tetlin that there hasn't been a finding that they're users of the area, but from Lee's testimony yesterday, it seems obvious that they have been users of the area. So, I think that needs to be cleared up before we could have a good selection of people there. So, I feel as though we ought to back away from that for the time being, too.

21

22 MR. LEE TITUS: I think we can make a motion to that effect when we get to it in our agenda. Right now we're going to -- does anybody have any more questions concerning the charter?

26

27 MR. GUSTAFSON: Yes, I do.

28

29 MR. LEE TITUS: Okay.

30

31 MR. GUSTAFSON: Under Section 4, it says identification -- it's No. 8, identification for current and anticipated subsistence uses of fish and wildlife populations within the region. I'd like to clarify that as how I understand it, that fish does not apply but, in effect, it is a subsistence resource and it doesn't apply in three cases like on the Yukon River and tributaries of that and I'd like to make a recommendation that we make sure we identify this as a resource and add it to that. At least identify what really subsistence is in that case. (Pause) Because the way I see it now is that the word subsistence, you know, there's many different definitions of that, you know. And if we miss -- how do I word that? If we miss the scope of that, it will be detrimental in the long run.

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46 MR. CHARLIE TITUS: Mr. Chairman?

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48 MR. LEE TITUS: Yes?

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1 MR. CHARLIE TITUS: I think what he's saying
 2 would be covered under customary and traditional use, wouldn't
 3 it?

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 5 MR. GUSTAFSON: Yeah, that, too, but....

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 7 MR. CHARLIE TITUS: But it's the same thing.

8
 9 MR. GUSTAFSON: It ties in with it, so....

10
 11 MR. CHARLIE TITUS: Yeah, it ties in with it,
 12 the question of identifying what subsistence is.

13
 14 MR. FLIRIS: I kind of agree with Jim in his
 15 concern there in that I think what you're referring to is the
 16 navigable waters issue and....

17
 18 MR. GUSTAFSON: Right.

19
 20 MR. FLIRIS:the frustration involved with
 21 that being a major subsistence use and we don't have any legal
 22 authority to comment on it because of the fact that the Federal
 23 government doesn't have jurisdiction there. But the thing
 24 about it is, is that the resource that's taken out of the
 25 navigable waters is used on public lands in a lot of cases.
 26, I think in that sense we do have some right to comment on
 27 as a whole.

28
 29 MR. GUSTAFSON: Well, if we're adopting this
 30 charter and the word "fish" is in there, you know, it means
 31 that we do have some authority over it. Right?

32
 33 MR. PEARSON: I would think so.

34
 35 MR. CHARLIE TITUS: Mr. Chairman, I think what
 36 said, I misinterpreted No. 8. So, I understand what it's
 37 saying now.

38
 39 MR. JAMES: Mr. Chair, I think Bill could
 40 address the issue of adopting the charter. There's some, I
 41 think a perspective on this that the council needs to
 42 understand.

43
 44 MR. KNAUER: Thank you, Mr. Chair. There's
 45 actually two things here. Even though the Federal program does
 46 not currently have responsibility for fish in navigable waters.
 47 You can still make recommendations on it. Okay. There's
 48 nothing that prohibits it. If you feel strongly about it

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because of the apportion and significance in your subsistence lifestyle, that's certainly within your purview as a council, to make comment on this and make recommendations. Okay. That was Item 1. Item 2 relates to the charter itself. In accordance with the Federal Advisory Committee Act, FACA, a charter has to exist and be filed prior to this council even meeting. And so it is not a situation of this council approving the charter, but it might be one of you recognize that this charter is in effect and you essentially agree as a council to follow the mandates of this charter and to attempt to accomplish it to the best of your abilities.

11

12 MR. LEE TITUS: Charlie?

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14 MR. CHARLIE TITUS: Even if we don't agree with
15?

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17 MR. KNAUER: If you don't agree with it, like
18 we talked about, next year this charter will be up for renewal
19 and you'll have the opportunity to provide input to it to
20 attempt to modify it.

21

22 MR. CHARLIE TITUS: I'm not saying, implying
23 that I don't agree with it; I'm just saying if we find that we
24 have to pass it -- I guess that's democracy in action.

25

26 MR. GUSTAFSON: So, basically, we're just
27 looking at the charter, then. We don't have to approve it
28 because it's already in effect, then? Are you....

29

30 MR. KNAUER: It is in effect. It was signed by
31 Secretary Manual Lujan, Secretary of the Interior, on
32 January 19th, and then it was filed with the Office of the
33 Federal Register and the General Services Administration on
34 February 9th which is the critical date. That is the date
35 actually upon which this council came into being, even though
36 the members were not appointed until August, I believe 11th.

37

38 MR. LEE TITUS: Any more questions concerning
39 the charter? Yes?

40

41 MR. ROACH: Mr. Chair, just as a clarification,
42 we need a motion stating that we will, in effect, follow the
43 charter as it stands at this point?

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45 MR. KNAUER: It is not absolutely necessary.
46 You may wish to do so as a gesture.

47

48 MR. ROACH: Mr. Chair, I would like to make a

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motion that we recognize this charter as it stands and abide by it to the best of our ability, knowing that we can review and recommend changes in the future.

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MR. LEE TITUS: The motion....

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MR. CHARLIE TITUS: Second.

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MR. LEE TITUS: Discussion?

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MR. FLIRIS: It seems adequate to me. We should just get on with business and we've got a lot of work to do even under the existing charter. So, I'm sure we'll find more work to do and add on later.

14

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MR. LEE TITUS: We've got to vote on the motion -- all in favor of the motion, signify by saying aye.

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COUNCIL: Aye.

19

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MR. LEE TITUS: Opposed? (Pause) Moving on.

The operating manual. Where is that located at?

22

23

MR. JAMES: Mr. Chair, for a brief explanation of the operating manual, so you can get on to business, I suggest again that Bill join us and bring you up to date on what that process is. Bill?

27

28

MR. KNAUER: Thank you, Mr. Chair. There are four documents that actually provide the authority and govern the operation of a regional council. The first is ANILCA, the Alaska National Interest Lands Conservation Act; the second are the implementing regulations in the Federal Register; the third is the charter with which you just examined in detail; and the fourth document is still in draft form. It is an operations manual which will include among other things a description of the duties of each of your officers, a description of the duties of the regional council coordinator, items that relate to compliance with the Federal Advisory Committee Act such as public notice, the Open Meeting rules, participation by the public, information related to records of this council, and so on. As I said, it is in draft form. You, as a council as well as the other councils, will receive a copy while it is still in draft form for comment before it is finalized. We hope to have that document ready for you in the next couple of months to take a look at and then, hopefully, it will be in its final form by February.

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MR. CHARLIE TITUS: Mr. Chair?

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1 MR. LEE TITUS: Charlie?

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3 MR. CHARLIE TITUS: I have a question. You
 4 mentioned Open Meetings Act. Do we have to have a Federal Open
 5 Meetings Act we have to abide by? Does that....

6

7 MR. KNAUER: The Federal Advisory Committee Act
 8 specifies that meetings of any Federal advisory group, whether
 9 it's a council, a board, or a committee, are open to the
 10 public, meaning where there is deliberation and decisions made.
 11 And as such, you have to provide advance notice of those
 12 meetings. It specifies in the Federal Register, but it also
 13 specifies in newspapers of statewide and/or regional
 14 circulation. We will also be putting spots on the radio to
 15 advise the public that they are invited to participate. This,
 16 you'll notice, also helps your duties as that of providing a
 17 forum for local public opinion.

18

19 It also indicates that the public should be
 20 given the opportunity to provide comment or testimony on items,
 21 and you've got that both this afternoon and this evening. And
 22 then part of the Federal Advisory Committee Act also specifies
 23 that the records of your meeting be available to the public.
 24 And you'll notice we have a court reporter here to prepare a
 25 transcript of your meeting and that will be available both in
 26 the office of your regional coordinator and also in our
 27 regional office down in Anchorage. So, that is where the
 28 openness comes in. There is another act that sort of ties in,
 29 but it's also addressed -- it's called, I believe, Government
 30 Sunshine Act. And it's essentially saying that meetings are
 31 open to the public and they need to be accessible.

32

33 MR. CHARLIE TITUS: It doesn't put any
 34 restrictions on the board -- I mean, this council talking to
 35 the another away from the table or the chair?

36

37 MR. KNAUER: To get preliminary opinions or to
 38 solicit information, no. But if it were to involve a decision-
 39 making situation, it would. The act says essentially you need
 40 to make your decisions in the light of the public.

41

42 MR. LEE TITUS: Any more questions? Before we
 43 move on, we're going to -- we don't have an agenda before us,
 44 I'm going to make a recommendation from this council to
 45 provide an agenda for today. And that's where if there's
 46 anything that you want to bring out or you want to discuss, you
 47 can add it to the agenda. There is a draft agenda for the
 48 second day in your hand-out and it's pretty rough in what it

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states. But at this time I'd like to open the floor if there's anything else they want to add to this, that you do so.

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MR. ROACH: Mr. Chairman?

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MR. LEE TITUS: Jeff?

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MR. ROACH: I would like to see a discussion of this year's annual report included in the agenda.

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MR. LEE TITUS: We can just....

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MR. JAMES: Mr. Chairman?

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MR. LEE TITUS: Excuse me. We can just squeeze something in or just go by this one and then squeeze it in there.

17

18

MR. JAMES: Mr. Chair, if you wish, as the suggestions come in, I'll just list them in the order that they're made and then you can decide how you want to fit them in on the existing schedule.

22

23

MR. LEE TITUS: Oh, okay. Bill?

24

25

MR. FLIRIS: Mr. Chairman, just a clarification on what Jeff just said. Is the annual report the vehicle that we use to make resolutions to the Secretary of the Interior? That what....

29

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MR. JAMES: That's....

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MR. FLIRIS: ...would be in the annual report?

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MR. JAMES: It's the equivalent of a resolution, I guess, yeah.

36

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MR. FLIRIS: Right.

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MR. JAMES: Yeah.

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41

MR. FLIRIS: So, reading this agenda that we have, we have a slot there for development of regulations and proposals, but we don't have any time set aside for resolutions and that sort of thing. Is that correct? If it is, I'd like to second what Jeff suggested there, that we go ahead and discuss the annual report.

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MR. ROACH: Mr. Chair, I would also like to see

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the SRC appointments, a discussion of those, included in the agenda.

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MR. PEARSON: I'll second that.

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MR. CHARLIE TITUS: Mr. Chair, also the 804 in the criteria, I'd like a little more clarification of where we're at from one of the staff possibly.

8

9

MR. LEE TITUS: Is there anything else? Dave?

10

11

MR. JAMES: Mr. Chair, I would request a few minutes to correct a mistake I made yesterday in one of our discussions concerning the 810 process. And also staff member Steve Kovach would like to finish up with some business left over from yesterday. He said maybe ten minutes at the most would take care of that.

17

18

MR. PEARSON: Mr. Chairman, I'd like maybe a short discussion on how much time we're going to give for public comment.

21

22

MR. LEE TITUS: I don't know, I think that it will be right after we're done with our agenda and then we -- I don't know if there's going to be a time schedule for that.

25

26

MR. JAMES: In the official notice in the agenda and whatnot, it's been advertised that public testimony is open from -- beginning at 1 p.m. I would suggest that's a minimum. You know, we're obligated because it was advertised. But if in the discussion of your business this morning you wish to have the public provide testimony relevant to your discussion, there's no reason why you can't.

33

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MR. PEARSON: Yeah, that's what I'm referring to, is under this afternoon's agenda.

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MR. GUSTAFSON: Mr. Chair?

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39

MR. LEE TITUS: Yes?

40

41

MR. GUSTAFSON: I'd like to reiterate again my viewpoint and a lot of other people's viewpoints is on the terminology of what subsistence is and the use of fish and how that relates to Federal lands jurisdiction. And I think we ought to make recommendations to the Department of Interior about that and that would probably be covered under business of our annual meeting, also. From what I understand of your annual report, we can make recommendations there. So, I want to make

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sure that's included.

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MR. FLIRIS: Mr. Chairman?

MR. LEE TITUS: Yes?

MR. FLIRIS: Would that come under "Identification of Regional Issues," or that discussion there?

MR. LEE TITUS: Yeah.

MR. FLIRIS: One thing I was thinking is that since we have the public here and a lot of them probably want to comment, after we've heard from some of them, that would clarify some of the issues that we want to talk about, too, and that we shouldn't get too in-depth on some of these things before they speak because there may be some other points of view that we haven't heard yet.

MR. LEE TITUS: I think according to the charter, that we should make -- as far as the -- it says that we're going to make a determination on C&T and I think that should be on -- it's not on this here, but it should be on the agenda to make a motion to that.

MR. FLIRIS: For a particular area or....

MR. LEE TITUS: No, it just says that this Board will make a determination on C&T, and we discussed that earlier and a lot of the council members felt that it was kind of too early of a time. They want public input before they make their decision on C&T, and I think that should be on the agenda somewhere.

MR. ROACH: I agree. Excuse me, Mr. Chair. I agree with that and maybe we could include a presentation from somebody who is involved in the C&T process to bring us up to date on what's going on. I know that there are some things that are being done right now to try and establish customary and traditional use within Federal agencies and I'd like to have that brought before us.

MR. CHARLIE TITUS: Mr. Chairman, I think that's what I was suggesting or asking for under the criteria of C&T, those that have a criteria. Am I right?

MR. LEE TITUS: Dave?

MR. JAMES: Yeah. We have a staff member here,

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George Sherrod, who would be glad to sit down at the appropriate time and give you an overview of that process. I think he can clear up a lot of confusion that seems to exist here right now.

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MR. LEE TITUS: Okay.

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MR. JAMES: I suggest another item of business as a review of some Requests for Reconsideration. These are items of business that the Federal Subsistence Board will be addressing on the 26th of this month, and they have requested that you be, you know, acquainted with these and provide recommendations as you see fit.

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MR. LEE TITUS: Was there anything else that we wanted to discuss?

16

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MR. CHARLIE TITUS: Yes. Mr. Chairman, one last maybe identification from David, we're having public comments, right, or testimony on Title 8 on the whole ANILCA? That covers everything that's involved, whatever questions or comments they have on it. And one of the things I was wondering was their comments -- the questions, if they don't -- is it their prerogative to address the board or this council or ask force? Is there any reason we shouldn't have that? Seeing that we're so new, we don't have all their answers if they have questions. Possibly, the staff will have to answer some of their questions.

28

29

MR. JAMES: Yes. Mr. Chair, we'd be more glad to participate if questions do come up during public testimony and need clarification. There's no problem; we'd do our best to help out there. The other point that you made, it's my understanding the council does have an obligation to provide a public forum on matters that relate to subsistence use on Federal public lands. So, there may well be a wide diversity of opinions expressed here.

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MR. LEE TITUS: Were we going to bring back the appointing the Wrangell St. Elias/Denali....

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MR. ROACH: Mr. Chair?

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MR. LEE TITUS: Yes?

44

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MR. ROACH: I believe that's on the agenda already. The SRC appointments is the....

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MR. LEE TITUS: Oh, okay.

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1 MR. ROACH:Wrangell St. Elias and Denali.

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3 MR. LEE TITUS: Is there any....

4

5 MR. JAMES: Oh, I briefly -- earlier, I wrote
 6 down some of what I thought were the main issues that came up
 7 in yesterday's discussion. I just have a few left that haven't
 8 already been put on the agenda, just to refresh your memories
 9 and case you want to address them. But there was the topic of
 10 inadequate funding for advisory committees, inadequate
 11 representation on advisory committees, non-alignment of seasons
 12 and bag limits, the regional council role in interagency
 13 coordination for specific projects. 25 (D) (West) moose also
 14 came up.

15

16 MR. PEARSON: David, when you mentioned
 17 advisories, are you referring to the State advisories?

18

19 MR. JAMES: In what I just read to you?

20

21 MR. PEARSON: Yes.

22

23 MR. JAMES: Yeah, inadequate funding and
 24 representation relative to advisory committees. Yeah.

25

26 MR. PEARSON: Mr. Chairman, I think that would
 27 be a pretty important topic maybe for us to discuss and put in
 28 the agenda. A lot of us have discussed that we don't think the
 29 local communities could support a Federal advisory committee
 30 and a State advisory committee and everybody's talked about
 31 maybe using them both, utilizing them together. And a thought
 32 of that would be maybe if we could get a little Federal funding
 33 help prop up the State on theirs and then we would share
 34 equal time in discussion on topics between the State and the
 35 Federal issues. And I'd like to put that in the agenda and
 36 have some discussion on that.

37

38 MR. FLIRIS: Mr. Chairman, I agree with Mike
 39 and I think that would be an adequate topic to take up before
 40 public testimony because it's something that we can do under
 41 the charter which says that we should provide a public forum
 42 and I think it falls under that category. But it isn't
 43 something -- well, it may be something that we need additional
 44 public comment about, but I think we could go quite a ways with
 45 on our own. I guess my feelings are that one of our biggest
 46 responsibilities is providing a forum and encouraging local and
 47 regional participation which is something that we're doing to a
 48 certain extent here, but we're not going to be able to do an

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adequate job by having meetings like this twice a year with nine people here. It's impossible to get all the public out to a meeting like this. I think we need to explore other ways to get the grass roots public involved back in the villages, to get that information out where we can deal with it. And I think Mike's suggestion that we make suggestions to the Secretary to fund the existing advisory committees would help us in that respect.

8

9 MR. LEE TITUS: Any more things you want to discuss, add to the agenda? Does anybody out in the audience have anything that they'd like to discuss on the agenda? (Pause) Hearing none, I guess we'll have to reshuffle, get all this stuff somewhere -- put them all somewhere in a time frame. Do you have any recommendations on them? Are we just going to run through them just like that right now or....

16

17 MR. JAMES: You have an option. The council could begin on that list as we just laid it out or, if you wish, break for a brief recess and we could reshuffle it in some order that might make more sense.

21

22 MR. LEE TITUS: Yeah, because a lot of the....

23

24 MR. PEARSON: A lot of it overlaps.

25

26 MR. LEE TITUS: Yeah, yeah. Some of them we were waiting to discuss, you know, after we hear....

28

29 MR. PEARSON: From yesterday.

30

31 MR. LEE TITUS:from the public. And I guess we can take a short break and do that right now.

33

34 (Off record)

35 (On record)

36

37 MR. LEE TITUS: Call the meeting back to order. The next item of discussion is 810 and Steve brought the reports that were made earlier on BLM mining.

40

41 MR. JAMES: Yeah, I just need to correct something, some information I put out yesterday that wasn't correct. I made brief mention of the 810 process. It came up during one of the BLM representatives' presentation. And I stated that all of the analyses relative to, for instance, proposed mining operations would come before the council; that you're a part of the process. Well, I was corrected and come find out it's only those developments that are judged to

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have some significant impact on subsistence use. If they reach that level during the analysis, then, the council will be made aware of them. It was pointed out to me that in many instances when an agency, let's say BLM, is going through these, they may in fact call it to your attention even if it doesn't fit that rigid criteria. But it's not in regulation. They're not required to do it, again, unless they -- at whatever step in their process, when they arrive at a conclusion that it's, you know, going to be a significant impact, then, they are required to inform you of what's going on. Now, BLM representative -- did I get that right, more or less, that time? Or John Hiscock called that to my attention, so....

12

13 MR. LEE TITUS: Okay.

14

15 MR. CHARLIE TITUS: That means they'll let us know if they're going to build a dam?

17

18 MR. JAMES: Basically, yeah, I think so. Thank you.

20

21 MR. LEE TITUS: Steve Kovach.

22

23 MR. STEVE KOVACH: Thank you, Mr. Chair. I had a very deliberate reason for wanting to go last after all the agencies had presented their points of view to the council here. That, and I also felt it was more important for the local land managers and agency people to address you yesterday. But as the day grew long and everybody grew weary and you were not with a lot of stuff, that we felt it was best just to go ahead and delay it. Also, the reason I wanted to go last is our perspective in Anchorage is a little different. When you're from Tetlin National Wildlife Refuge or Yukon Charlie River's preserve or something like that, your perspective is pretty narrow. You're looking at your part of the world and what influences that. In Anchorage, we look at the entire state, so our perspective is a little different.

37

38 What I want to do, as you see, you've got five pages of notes from yesterday afternoon of concerns and issues and things like that. What I would like to do first off is to emphasize what Chris Smith from Fish & Game stated: that our number one responsibility is for the continuation of healthy and viable wildlife and fisheries populations so there is something to harvest tomorrow. And that's one of the things that you have to kind of keep in the backs of your minds is, well, the regulations are very complicated and under the dual management system which we have, it's an imperfect world and so we have to live with what we've got, unfortunately. As Chris

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stated, there's a number of differences. We know of at least sixty-three differences between State and Federal regulations today. If you compare the Fish & Game regulation book and the Federal book, there's at least sixty-three differences in there. It is complicated and we're hoping that you guys can help us figure out a way to make them less so.

6

7 We do have a lot of concerns over mixed land
8 status and this will probably not get any easier as time goes
9 on, unfortunately. We are in the process of looking at the
10 existing seasons and bag limits that we inherited basically on
11 July 1st, 1990. Not all of the seasons and bag limits in our
12 opinion are what is proper wildlife management. You heard of
13 one of those yesterday and that's the sheep regulations for the
14 Brooks Range. We are going to be continuing to look at these
15 regulations and try and determine a harvest regime that is both
16 conducive to long-term management of the sheep populations as
17 well as maintaining an opportunity for subsistence people to
18 harvest sheep. We do have a lack of detailed population
19 information in a lot of places and you're going to be
20 frustrated by that because we're going to tell you in some
21 cases, or in sometimes a lot of cases, we don't know exactly
22 how many caribou there are or moose or martens or whatever,
23 but our best estimates are..." and that's the best that we can
24 do a lot of times.

25

26

27 One of the Requests for Reconsideration that
28 you'll be taking up this afternoon, we are fortunate that we've
29 just completed a three-year study of lynx in that area, so we
30 know more about that population than we otherwise would have.
31 Harvest data is a very critical thing to all of us. Without
32 good and timely reporting of harvest information, it is
33 impossible for us to assess the magnitude of harvests by the
34 different user groups, where those harvests are occurring, when
35 they're occurring. And the bottom line on harvest reporting,
36 when people come to you requesting alternative permitting
37 systems or community bag limits or things like that, remember
38 that the bottom line for us when we're analyzing the resource
39 and the harvest and potential for changes in harvest based upon
40 a proposal, the bottom line is we need to know what - and that
41 includes what species, what sex, and preferably what age - is
42 being harvested, when it's being harvested, and where it's
43 being harvested. We don't care who is pulling the trigger. We
44 don't care about that. We want to know what community is doing
45 the harvesting, but beyond that we don't have a need to know
46 who's doing the harvesting and whatnot. It's nice as far as
47 backing permits and things like that to make sure we get good
48 reports back; all the permits are coming back. Sometimes there
49 is a need to have names or have a centralized person who is

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responsible for insuring that all the permits get back. So, these are things that you need to keep in mind and whatnot.

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3 The last thing are quota hunts. When you see a hunt that has a quota attached to it, that means we're concerned. That's the first sign that, biologically, we have some concerns that there is or may not be enough animals to satisfy the demand for those animals. And this will be another RFR that will be brought to your attention this afternoon, is 25 (D) (West) moose. We have a quota of thirty on there. That's for very real reasons. We're really concerned about what's going on out there and whatnot. These are just kind of an overall thing to keep in mind. The Natural Resources shop which I'm in charge of in Anchorage is there to provide assistance to you whenever necessary. If we can't answer your questions, you know, with some biological answers, we'll find the person who does have the answers and get back to you and whatnot. That's all I wanted -- it's just kind of a wrap-up of regional concerns and issues from the agency perspectives and so on. Questions?

20

21 MR. CHARLIE TITUS: I have a question.

22

23 MR. KOVACH: Yes, Charlie.

24

25 MR. CHARLIE TITUS: How is your agency -- what's the system on counting moose? How do you count the moose in the area?

28

29 MR. KOVACH: It's pretty complicated. In this area, when we actually count moose we use a technique that's called the "Gas-Away Survey Technique." And that involves a lot of airplanes in the air at the same time counting very small, distinct geographic areas, separated by rivers, bridges, you know, just very discrete features that a pilot and observer from the air can discern from the air. And they have a very set pattern in which they fly and they count every moose that they see. We wait for proper snow conditions so that we can see the animals very clearly, proper weather conditions so it's safe to fly, and we attempt to classify every moose we see whether it's a calf of a year, a cow, a bull and, if it's a bull, what size of bull and we just do them in general lumpings of small, medium, and large, basically, because if, as you can imagine, you're flying a Super Cub, you can only go so slow and that fall out of the air....

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46 MR. CHARLIE TITUS: Um-hum.

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48 MR. KOVACH:and whatnot. We do have some

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pretty good information on 25 (D) (West) moose. The refuge there did a flight, a major census, November of last year. Unfortunately, it was very costly to us as we lost an aircraft and two lives in that census.

4

5 MR. CHARLIE TITUS: My concern was yesterday I was talking to some people about moose in the Yukon Flats area and one report said they had 600 and then in another area they had 1,500. So, that's 2,100 moose in such a large area. I was kind of alarmed if this was accurate. Wouldn't that tell us something, that the population is down or is that....

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12 MR. KOVACH: I would prefer to get into this this afternoon because we'll be talking about 25 (D) (West) moose specifically and I don't have my numbers in front of me. But, yeah, there is an ongoing population decline there and I can't remember when that high value was and what it was, but we'll have that this afternoon.

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19 MR. CHARLIE TITUS: All right. Thank you. I was just wondering.

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22 MR. KOVACH: Anybody else?

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24 MR. LEE TITUS: Any more questions? Anybody else have questions for Steve? Thank you, Steve.

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27 MR. KOVACH: Thank you very much, Mr. Chair.

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29 MR. LEE TITUS: At this time we're going to discuss Section 804 and customary and traditional use process. We'll put them together because they're both the same thing. Charlie, did you want to -- were there certain things that you wanted to....

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35 MR. CHARLIE TITUS: Yeah. I was wondering about the preference for subsistence use. Would you give us an explanation or what's the status within the Federal -- I mean, this is law. What do they want us to do?

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40 MR. GEORGE SHERROD: Okay. I'm George Sherrod. I'm the anthropologist assigned to this area with the Office of Subsistence Management in Anchorage. I'd like to say first that my participation in the C&T process has primarily been limited to the compilation of data, basically pulling together existing sources. I have not been involved in the process of the board and the staff committee actually establishing a process, and right now the process has not fully been developed. So, I can't provide a lot information on that.

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What I can do, if this is the wish of the board, is I can talk somewhat philosophically about some of the problems that have arisen regarding trying to implement the C&T process. And I would suggest at that point, if you have concerns about the process, given that we don't have one yet, or potential input, that that could be forwarded to the board. So, if it's your wish, I can talk philosophically, but I can't really deal with some of the specifics.

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MR. FLIRIS: I'd like to hear why, you know, it's such a difficult and slow process when a lot of people are interested in having this thing speeded up. And there's a lot of holes. We can look through the regulation books in areas that obviously have customary and traditional dependence on the resource and there's no determination made yet. So, how does the system work and why is it so slow?

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MR. SHERROD: Okay. The system, we haven't got one in place and so if you bear with me, I wasn't really prepared to give a -- I don't have all the material with me I should have, but I can talk in some generalities about it. As you know, set out within the regulations is a set of eight criteria that were designed in theory to provide the board and this council with sort of measures related to whether or not a community has subsistence C&T determinations on particular stocks and in particular areas. One of the problems that has confronted me as a researcher trying to apply these is that while these eight criteria do describe subsistence communities - the transmission of knowledge from generation to generation, the use of a wide number of resources as opposed to the use of just a few resources and some of the others - also apply to a lot of other communities. It's like saying that, you know, I've got two eyes, a nose, a mouth, ears, but so does a dog and a squirrel. So, it's been real difficult to try to use these criteria standing alone to enable the determination of whether a group is or is not a community; does or does not have C&T determination for use for a particular resource.

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There are also some other questions that I am sure that the board and staff committee have worked on. As I say, I'm not part of that process. But for your thoughts, level of use, we have no guidelines about levels of use. I mean, are we talking about half a community using a resource? Are we talking about all the community using just a few resources? I'm sure you're very familiar with the Division of Subsistence Research and the documenting of pounds per capita and so on as measures of use and dependency. We have no guideline at which point where you can decide this. You know, is it 100 pounds per person? Is that when you qualify? But at

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99, you don't? And it's those kinds of questions. The use of Federal lands is a question that has arisen. Do you have C&T determination if you use Federal lands, but if you don't use Federal lands even though you use the resources, do you fall out of that? Village "A" uses all the resources, has a low household income level, tremendous history of use, but happens to be situated in an area where there isn't a lot of Federal lands so, therefore, are they a subsistence community or are they not for Federal purposes?

9

10 I just came out of Nome and the big concern there has to do with musk ox, an introduced species. How do you deal with introduced species? How do you establish customary and traditional use of a species that has either just come into the area or has returned to an area after a long absence? Caribou on the Kenai Peninsula is applicable in which we have a population that's been reintroduced; it was there roughly 100 years ago. Grappling with that, can you establish that? Can you integrate introduced species? New communities. How do you deal with new communities that qualify as rural but may or may not have customary and traditional in that the community wasn't there in the past, so can it qualify? Or, will it qualify in the future if you decide that in 50 years, two generations established a tradition? So, if they sport hunt for 50 years, do then after 50 years can you put them into a C&T process? We're also dealing with the fact that we have - you know, understanding that the board adopted the existing C&T determinations - in some areas we have communities that have customary and traditional for ptarmigan and rabbit, but not moose. And yet one of our eight criteria talks about a broad range of resource use. So, it just -- and then, of course, a review of the process. You know, is it set in stone or is it something that basically we'll review time and time. Suppose the caribou's population shifts due to migration patterns? So, all of a sudden you've got a community that has had traditional use of a particular population in a particular for GMUs, most of these are broke out, and all of a sudden it doesn't come to that GMU any more, yet it's 50 miles down the road in another GMU. How do we integrate dealing with problems like that?

40

41 So, you can see there are a lot of really difficult questions relating to the implementation of the C&T process in an accurate and, I would say, fair manner. And I would like to say that one way to look at it in trying to deal with this is to provide the council here with sort of two methods on, I would say, the opposite end of the spectrum. One approach is to -- and maybe I should say, we realize that the first cut, of course, is you're rural or you're urban. And if

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you're urban, you're out. Then, within all the rural communities, there is the cut for the second measure of whether or not you have C&T determination or not. If you do, you're in; if you don't, you're out. Within groups that have C&T determinations, if resources become scarce in that you have the finite number of moose to go around four or five communities that have C&T determinations, then, you have to envelop an 804 process. And at that level, you decide between those qualified communities and users harvesting a particular stock which has the, shall we say, most just right or the longest tradition which means that there's another set of criteria used to allow the board and the council to decide who gets those moose. And in a case where we're talking about moose in 25 (D) (West) as an example where we've got three communities that were decided had priority over neighboring communities for a particular stock. That's an example of - even though I don't think it's fully gone into an 804 process - the types of problems that you'd have.

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19

One of the approaches that has been argued is to use the C&T process very -- to apply it in a very detailed manner and make this initial cut between qualified or, I should say, rural users; people that are not urban. And that is to go through each community in the state species by species and make that determination. Some of you have expressed concern about the time involved. An example, though, if you think about the fact that we've got 53 communities on the delta, the amount of time involved in trying to implement a process that goes to that detail, I mean, there just aren't enough researchers out there or probably enough dollars to look at -- I don't know whether you've got 50 or 20 resources for 53 communities, and that's just one small part of the state.

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33

The other sort of opposite end of the spectrum is to basically go under the assumption that maybe all rural residents qualify unless there's a clear example in which people feel they don't. Maybe active military personnel would be an example of people that the council or the board would feel very comfortable with eliminating. Then, within this sort of total body of qualified users, you use the 804 process when you have a resource crisis or shortage.

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MR. CHARLIE TITUS: That includes the fish, right?

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MR. SHERROD: Fish on Federal lands. It would include any resource that the Department of Interior, I guess, has decided that they have jurisdiction on.

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MR. CHARLIE TITUS: I think I have a concern that -- remember those -- yesterday he gave us a list of these rivers that are used that qualify for that particular -- that's right in the Federal jurisdiction and the Yukon River -- how many -- what's the population between the river, both rivers, of subsistence users on the main river? The tributaries and the main river. I don't know how they came up with the -- they're going to regulate on these rivers where nobody uses them. A very small population. I shouldn't say nobody. A very small population uses -- subsistence population use these rivers; whereas the big river where the moose subsistence users are, they restrict them. I just -- I don't know, I have a problem with that. Maybe a lot of us do at the present state. What's the approach we go by with trying to....

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MR. SHERROD: Well, I think that deals with, again, determinations of where ANILCA applies or not and is somewhat removed from this process or the 804 process. So, I really can't help you on that one. I see the dilemma, but I have no information that would help you on that.

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MR. ROACH: Excuse me, Mr. Chair, I'd like to direct a question to George. How far along the process are we now and how far into the future are we looking at a final outcome for determinations?

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MR. SHERROD: Well, I've only been with the Office of Subsistence Management for a year, so I, as I say, I have not been part of the system. Working on this process is at least two or more years long. Perhaps John Borbridge could provide more history. I know he's been in the trenches regarding how the staff committee and the board have been moving on it. So, it's a process that's been going on for a fair amount of time. And, as I say, I think part of the reason that it has not been finalized is that there are a number of different views about what is to be accomplished with the C&T process and just the critical questions.

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One of the problems I see, and again this is my opinion, with trying to apply it in this restrictive mode is the fact that you find yourself comparing communities that are tremendously different. You're comparing communities like Tatlin to Kodiak, you're comparing communities like Nenana to Kaktovik and, in theory, to apply it in a legal and just manner, they have to be consistent. And that's just a large area and a lot of cultural differences, economic differences to try to come up with some sort of benchmark. As I say the problem with the eight criteria is they say this is -- we agree that community "X" is a subsistence community and then you try

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to start comparing all the other communities to that. I think it's real problematic.

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Personally, I see more failure, I suspect, in trying to decide between communities that are more closely together, you know, along the lines I guess of the 804 process because I, as a researcher, just feel that based on the data that we have and, again, as Steve Kovach mentioned, you know, that we've got a lot of gaps in the biological data. We've got, I think, a lot more gaps in the information on some of these communities that in trying to apply the eight criteria, it's not unreasonable in some of these to say we have five of them we know nothing about. Does that answer your question? I'm sorry.

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MR. JAMES: Mr. Chair, I think George has done a good job here of laying out the basic framework here and some of the dilemma that's faced -- the problems that are faced. He talked about the first cut of rural determination, the next one is C&T, and then the third would be this 804 process. I have a couple of people with us in the audience, Mr. John Borbridge and Mr. John Hiscock, who have been involved with this intimately and it sounds to me like the council now is ready to start asking some questions. I wonder if we might ask either of both of you to join us here at the table, and it might be an appropriate time to talk about some of them.

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MR. JOHN BORBRIDGE: We'll join you if you promise not to ask about C&T.

29

30

MR. JAMES: Right.

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MR. BORBRIDGE: I was just assuring the speaker we come as friends.

34

35

MR. JOHN HISCOCK: Mr. Chairman, I can make a few comments based upon what George has already said and some of the questions I've heard if you'd like.

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MR. LEE TITUS: Go ahead.

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MR. HISCOCK: I think George did an excellent job of expressing some of the concerns that have been going through the minds of all of us, both the staff and the staff committee and the board itself, I believe. Making C&T determinations like making rural/non-rural determinations originally can pretty clearly be a rather contentious thing because the result is it's a determination that some groups of people qualify for use of a particular resource and others do

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not. So, I think the board and the staff committee, in part, has taken the time that they have in an effort to develop a process and an approach to this question that will be both legally defensible and fair to users.

4

5 When the decision was made to adopt the State determinations originally as a part of the Federal program, it was clear that there were questions in a lot of people's minds, the public had expressed to us in large part, about the adequacy and the efficiency of those determinations. And that's why the board has made comments all along that it has a desire to review those existing determinations and, where necessary and well thought out, change them so that they more adequately reflect the real situation. One reason that there's been something of a delay in the process is that there was a desire to have the regional councils up and running before proceeding too far along on these C&T determinations. The regulations spell out quite clearly that the regional councils have a part to play in the making of those determinations. So, that's one reason why there's been something of a slow process on this. Another, and I think a lot of George's comments go to it, is just a lot of these questions about what is the correct way to do it or not and, again, the effort there has been and is still to develop a process that will be legally defensible and fair to the users.

25

26 And, finally, one other thing that I'd point is that as between the various Federal agencies who are represented on the staff committee and the board, there's been a lot of discussion as to how to go about funding the actual work on the customary and traditional determinations; whether they'd be done by agency staff, whether they would be contracted out, various ways of approaching that. And I don't feel - and John can certainly comment on this as well - that that has been completely resolved at this point. There are at least two determinations in your region that have been talked about as having a very high priority on the list. Those are determinations in the upper Tanana area and determinations along the Parks Highway Corridor. And there has been some work begun by agency staff on that upper Tanana determination. There's been discussion about when will be a good time to bring that work before your council, and I would suspect that that would happen in the relatively near future.

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44 The Parks Highway situation, there actually has not been any work done on it as of yet, but it is acknowledged by both the staff committee and the board as having an extremely high priority in the overall list of determinations that need to be reviewed. And related to that, I would just

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say that the comments that have been received about one or another C&T determination in one part of the state being insufficient for one reason or another, it's not an isolated instance. There are many of them throughout the state, different parts of the state, related to different species that we've heard from people on. And I think one thing that's been concluded pretty readily is there just, at this point, is not the funding and/or the staff to do all of these determinations all at one time. So, there is a real need to prioritize which ones come first. And I think that's where this council and other councils can play a significant role right in the process at this point, is by providing recommendations to the board on what they consider to be problems with the existing C&T determinations, which ones in your region you might consider to need review sooner than others that are more important, and keep in mind that the other regional councils are, of course, doing the same thing in their regions as well. And with that said, I'd just ask John if he has additional....

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19

MR. BORBRIDGE: I agree with what both speakers my left have said and I thank you for the opportunity to sit beside them and say so. However, if you wish me to say more, I'll be glad to. I would like to back away from the specific issue of C&T in the legal sense because I feel that John Hascok has done his usual excellent job in approaching it from that sense. And, instead, I want to start with a paraphrase of a statement by the prime mover of Title 8, Chairman Udall who has said, in effect, that as to whatever the pace of the changes, if any, in the lifestyle of the subsistence user, that that should be a matter that should be up to them and not the land managers.

31

32

And so when we look at C&T, C&T within that context, looking at it that way with the objective of insuring continuation of a lifestyle, then it becomes a tool for achieving that. And there's always the question of: Are we going to take the C&T test and are we going to have eight criteria which implies here that we have eight criteria that are going to be applied very rigidly? And then the board member will say when a case, when a situation comes up before him, well, seven of these eight apply, one doesn't, and therefore this isn't a clear case of a customary and additional use of this species in this area or by this community. Or, are the eight criteria actually going to be eight characteristics which gives guidance to the board, the Federal Subsistence Board, so that the board can say in effect that this use complies with or it seems to coincide with most of these characteristics and I feel comfortable with the board members saying this is a clear use of a species in a particular

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area over a period of time so as to make it a customary and a traditional use?

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3 We've gone through the process and I next will describe to you in very general terms how we've proceeded because I feel, if anything, when you find that we have, as both speakers to my left have indicated, we have made various approaches; some of them we have changed and discarded. We have moved along a certain path and then maybe amended that. And what this clearly does is it says to you that we recognize that the determination of the customary and traditional process which, in effect, is largely going to guide us along the way toward the determination, the actual decisions as to who, what community, what area had use of what species in such a way as to give them a preference in that area. We have gone through several approaches and one approach which was discarded after being preliminarily considered at an early time would have given us a, oh, a calendar objective which would have enabled us to complete the C&T process around the year 2006. But, be assured, we did discard it. But I offer this as a precise example because John is right: we have not quite decided as to the issue of how we're going to finance all of this.

22

23 There have been discussions that we will gear up internally and address the C&T or it'll be a combination of doing it internally and also a contract basis. And we're in the midst of these discussions at the present time. And we have also considered, as I'd alluded to or mentioned earlier, should this be another hurdle that must be cleared by the subsistence users? As for these and other questions that we're brought in the midst of that we are not able to report today that we have concluded the whole process, it has engendered considerable debate and I say this in a very positive way. Everyone that's approaching this one has been very open-minded about this. We've looked at examples by the State and how they've approached it and how they have applied it, and we've looked at our Title 8 mandate which requires that we proceed with a little different mandate than the State has for this.

38

39 These statements are rather general because I wanted to give you a sense of where we are at the present time, some of the things that we have done with respect to customary and traditional uses, and we have, as indicated I'm sure, gone to look at statements made in the Congress during consideration of the legislation to give us some sense of customary and traditional uses. And we've also, as I indicated right at the outset, we've also backed away from it and asked ourselves: What is the intent of the whole process of the application of the customary and traditional process? What is the overall

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intention that we are to fulfill towards subsistence users? And I think it comes in part back to the statement that it is not we sitting here who are to make the decisions as to the continuation of the lifestyle or the changes in the lifestyle or if any changes or what their rate might be, but as the prime mover of Title 8 said that is the subsistence users who will be doing that.

7

8 So, as John had said when we had a number of
 9 Requests for Reconsideration as to those that clearly required
 10 customary and traditional finding as a part of the answer, we
 11 deferred attending to those with the anticipation that you on
 12 the council would be the ones that would be very much involved.
 13 In conclusion, I want to add this, too. That I think the
 14 whole process in terms of our overall interaction as staff, as
 15 staff committee, as board and council, is going to be a
 16 mutually educational one. This is not a process where the Feds
 17 are coming in and we are the sole experts in a number of areas
 18 anymore than the State could claim to be sole experts in a
 19 number of areas. What we're going to do, for example, is on
 20 the one hand we'll have the usual biological data and you've
 21 run into this before with respect to any number of decisions
 22 that have been made. And, additionally, we'll have the
 23 sociological or the other data as to users' activities. And
 24 then we are going to be hearing from you and you, in turn, will
 25 be bringing us information or statements from users in the
 26 various localities. And so we will have, in effect, the
 27 information that you will provide and you will have the
 28 biological data.

29

30 I think on the whole that most people in
 31 agencies tend to be much more comfortable with biological,
 32 scientific data and sometimes there is an effort to distinguish
 33 between that and what is sometimes referred to as the anecdotal
 34 type of information. But I want to assure you that what you
 35 will bring in is going to be very, very important. The
 36 educational process will be that in which we gain an added
 37 insight and a sensitivity as to what the data that you bring in
 38 means and how we equate it with biological and other data, and
 39 we're going to go through that process together. Hope this
 40 wasn't too long, but I wanted to share my observations on it.

41

42 MR. LEE TITUS: Thank you. Do you have any
 43 more questions?

44

45 MR. CHARLIE TITUS: One question here. Maybe
 46 I'm not educated enough on this particular bill, but this is
 47 public law and it's got down to this advisory board, this
 48 advisory council. And what our role is as far as C&T and

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subsistence goes, could you tell us what our role is now? What do you want from us as subsistence users?

2

3 MR. BORBRIDGE: Yes, I don't have -- and I'm
 4 just trying to distinguish. I think here with John and I both
 5 as members of the staff committee, we would probably make a
 6 joint effort to respond to that one simply because I see this
 7 effort of interaction with the, say, staff committee and the
 8 Board and the councils as something we've addressed in part in
 9 the -- what could be the organic documents that you're looking
 10 at today. We'll be in the process of developing how we
 11 interact. I think some of that is going to be something that
 12 we will, when it becomes necessary, make changes. See, right
 13 now we have the process where the issues will have been
 14 developed at their initial stages by staff. Very often, we've
 15 had involvement of staff by the agency in whose jurisdiction
 16 the particular issues are being addressed and then from there
 17 we've had involvement of the staff committee with the staff
 18 bringing up the work-up to the staff committee for its
 19 consideration. And then staff committee, in turn and very
 20 roughly, has then added further refinements and, ultimately,
 21 they have made recommendations to the Federal Subsistence
 22 Board. So, now what we're going to do is to work in the
 23 information so that the staff committee has the benefit both of
 24 the staff work and also the findings and recommendations of the
 25 councils, such as this council here.

26

27 MR. CHARLIE TITUS: Um-hum.

28

29 MR. HISCOCK: I would....

30

31 MR. LEE TITUS: John?

32

33 MR. HISCOCK:add a couple thoughts to that
 34 that might help in regard to your question. Again, right now
 35 the board is at the point of trying to reach a final conclusion
 36 on a prioritized list of how they will go through C&T
 37 determinations statewide; which one first, which one second,
 38 and so forth, and a refinement of the process beyond the eight
 39 criteria that are already established in regulation. So, I
 40 think the regional council at this point could certainly -- I
 41 think the regional council's participation, first of all, can
 42 be virtually as broad as the regional council desires it to be.
 43 If you have recommendations on priorities that C&T
 44 termination should address, the order in which they should
 45 be addressed, or the refined process, I'd recommend that you
 46 make those comments very soon here because it has taken a long
 47 time, but I think the board because of questions like yours is
 48 on the verge of reaching some conclusions as to those two

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things: the refined process and the order of priorities.

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2 Once it's decided which C&T determination is
 3 first on the list, it may help you a little bit to understand
 4 the regulatory process that that will need to go through.
 5 Whoever does the analysis of an area whether it's agency staff
 6 or whether it's contracted out, what they will do primarily is
 7 look at the existing data that's out there on who uses what,
 8 determine whether there's any added research necessary. So,
 9 they'll do that and they'll summarize it in some sort of a
 10 document. It's foreseen that they would then bring that
 11 information before the regional council both for the regional
 12 council's review of that initial analysis and comments that the
 13 regional council that's affected may have on it, and for any
 14 added input that you may have from personal knowledge or
 15 knowledge coming from local users in your area.

16

17 Once that's done, that summary analysis would
 18 be refined and edited and presented to the board for the board
 19 to make a determination in a proposed form. That would be
 20 published in the Federal Register essentially as a proposed
 21 rule-making. Yourselves, as the regional council, and any of
 22 the public would then have an opportunity to comment on that.
 23 Presumably, very possibly, there would be public meetings held
 24 at that as well. Once those public comments come in, then, the
 25 board would make a final decision on that particular C&T
 26 determination. So, I hope that maybe fills in some of the....

27

28 MR. CHARLIE TITUS: That fills in quite a bit.
 29 One of the things that it clarifies is that we make
 30 commendations on a particular species that we depend on, for
 31 instance. If we know what's declined in our area, we make a
 32 commendation to the board, right?

33

34 MR. HISCOCK: Yeah, I think that gets a little
 35 bit more into the Section 804 question which is allocation.
 36 And, certainly, any time that you feel that there's a problem
 37 with a wildlife population, that it's declined to some extent,
 38 becomes important for the board to know that so that the
 39 board can then make allocation decisions. And, of course, the
 40 first level of allocation decisions that they would make is
 41 potentially to exclude all but subsistence users on Federal
 42 public lands. If that still does not adequately protect the
 43 population, then, the board needs to consider how to allocate
 44 the resource as between the qualified subsistence users. And
 45 that, again, is where the board is going to look to the
 46 regional councils for their input on how to do that.

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48 There are three factors spelled out in the law

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that we have to stick by, but within those the regional council can have a lot of input.

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MR. BORBRIDGE: I think it might be helpful, too, to note that that comes under what I call the mutual educational process where we on the Federal side have to continually learn about the process, continually sensitize ourselves. Occasionally, we will be looking at an issue and we'll have public testimony or sometimes, as has occurred, we'll have a teleconference and then we will have comments possibly from several people. And people in bureaucracies, all of us, we tend to say, well, we've heard from three people in the village, let's say, but then sometimes as occurs one of the three people is a chief of one of the councils or villages, others were highly respected elders with various standings in the community, acknowledged experts, well-known in their area. But, see, these are things that we on the Federal side are not always aware of. There's no way in the world you can say, well, we just heard from three people when they're three people who have been pretty much delegated either by custom or by specific actions in the meeting with the council to deliver a message to the Federal people in a hearing or in a teleconference. And I think that's something that we need to continually be apprised of and to be made aware of; that numbers themselves and other usual indicators don't always tell the story about the authenticity and the accuracy of the data that we're receiving from people in the villages or the councils or other organizations.

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MR. FLIRIS: Mr. Chairman,....

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MR. LEE TITUS: Yes, Bill?

32

33

MR. FLIRIS:I've got a few comments. It seems as though the process could be simplified to some degree by looking at obvious cases. To me, when looking through the Begs book, there are some obvious holes in there that it would be easy to make a determination on, at least for specific communities. Maybe it wouldn't be an easy thing to come up with the total picture of all the possible users that might have a subsistence use on a particular resource, but it would be easy to define certain communities that, without a doubt, have a subsistence on that particular resource. And what I think is frustrating is that the whole thing is slowed down by this need to gather data which I appreciate the legal consequences of it, but it seems to me that the advisory committees have already done a lot of work to identify subsistence use areas, what we call subsistence use areas. And, basically, what it was was an attempt to gather local

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information from users where they hunted, where they fished, where they trapped, and to define it basically by game management units if that, you know, was applicable.

3

4 Sometimes the game management units are too
5 big. But, basically, I think there's work done already on
6 record that defines use areas around a lot of the villages in
7 Alaska that would at least facilitate having a customary and
8 traditional use determination made, for instance, on caribou in
9 20 (F) for the village of Tanana. That's obvious. And it
10 seems to me that that sort of determination could be made, put
11 through the public process, and if there are contentions that
12 arise, then, those could be dealt with. But I would submit
13 that those contentions would be less obvious than does
14 Tanana -- do they have a subsistence use of the caribou in 20
15 (F). And I think that these C&T determinations are going to
16 have to be modified with time anyway. They're going to change.
17 Like, for instance, talking about new species moving into an
18 area or species moving out of an area, or new populations
19 coming into an area, it's going to have to be kind of open-ended
20 anyway. But why not go ahead with the process and get some of
21 these obvious things cleared up, is my question. And speed it
22 up where it's necessary to have that determination made. Is
23 that a possibility?

24

25 MR. ROACH: Excuse me, Mr. Chairman?

26

27 MR. LEE TITUS: Yes, Jeff?

28

29 MR. ROACH: One of the problems that we seem to
30 be having that were addressed yesterday was the area of non-
31 determination. Those areas where residents from anywhere in
32 the state can come to an area where no determination is made
33 and utilize that resource just because they're considered a
34 rural resident somewhere in the state. In the interim, one of
35 the ideas that I had would be to define areas that are
36 currently "no determination" as local areas. Say a community
37 such as my community of Tok can utilize Federal lands within a
38 certain radius of Tok until a determination is made and
39 included in the regulations. A hundred miles. Is there any
40 subsistence use outside of a radius of 100 miles of Tok? That
41 would be a more fair system in the interim than this current
42 "no determination" where anyone in the state can come and
43 harvest a population that is important to a local area.

44

45 MR. HISCOCK: That has, indeed, been discussed,
46 what type of thing. And, again and in response to what Bill
47 said also, if you have ideas like that, I'd just encourage you
48 to recommend them. Some of what came up in the discussions of

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that type of an idea - and it was discussed on the basis of where there is a "no determination" - maybe a solution for the time being rather than waiting to do the complete review would be, say, everyone within that unit is qualified rather than all rural residents of the state or possibly all rural residents in that unit and adjacent units. But what was recognized right away is no matter what you do, there are going to be some problems with it because you're always going to end up with a community right on the edge of that area you qualify that maybe should have been included or not.

10

11

So, I just share that to share some of the discussion and thought that has gone into this and I think like John said we've spent considerable time battling these things around. Again, though, if you feel that that's a good recommendation for a particular determination you have in an area, you certainly can make that recommendation directly to the board.

18

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MR. ROACH: Mr. Chairman?

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MR. LEE TITUS: Jeff?

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23

MR. ROACH: Could we, as the council, discuss a recommendation of that type right now and maybe put together a recommendation, present it before the board, or is it too early in our process to go ahead and make such a recommendation? I know that the board would like to get started on their priorities of customary and traditional, but I think that this, basing it on the community itself with a radius, then does not restrict users who might be adjacent communities, as John mentioned, because the local people will have all Federal lands within their area. So, they're not restricted in any way other than by distance of use. I don't see subsistence use outside of, an example, 100 mile radius. I just don't see subsistence use outside of that area. You get outside of 100 miles, you're talking about aircraft, some other means of transportation that I don't feel fits within that subsistence criteria. Maybe I'm wrong in that decision, but that's my decision.

39

40

MR. PEARSON: Mr. Chairman, I have some of the same thoughts that Jeff has in an area that pertains to where I'm from, but I think that it's a little bit early because I wouldn't ask other members of this council without some review of the facts to support me in a motion to the Federal Subsistence Board that they take another look at this area or speed them up or anything else. So, I think we're both thinking the same thing, but I think that we need to get some more information before -- so I know what you're talking about

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and you know what I'm talking about.

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2 MR. FLIRIS: Mr. Chairman?

3

4 MR. LEE TITUS: Yes, Bill.

5

6 MR. FLIRIS: Yeah, I agree with Jeff's concept
 there, in general, and the idea that it's an interim measure is
 good because it speeds up a little bit of the process and it
 takes care of the more obvious cases, you know. But I also
 agree with Mike that we need to go back to our communities and
 make sure that we're not eliminating some use outside of, say,
 100 mile radius. I don't know if 100 miles is necessarily the
 right number there, but it's a good step or it indicates our
 philosophy that, if we share that philosophy, there are some
 immediate steps that could be taken to clear up some of these
 issues. That's what I think is important.

17

18 MR. GUSTAFSON: Mr. Chairman, I would like to
 comment on that. In the future where you have a population
 that's been depleted in one area, but you're still a
 subsistence user, you might have to go to another area to
 satisfy that subsistence. You know, it might be 100 miles
 away, it might be right exactly 100 miles, you might go 150
 miles; you're still qualified as a subsistence user. But there
 are exceptions to the rule, like the military like we discussed
 before prior to this meeting. But there are exceptions that
 could happen. You'd really want to look at it first before
 making any type of determination like that.

29

30 MR. FLIRIS: Mr. Chairman, that just made me
 think of something that I was skipping altogether. And you're
 right, there's an issue out there that would be affected and
 that has to do with people who lived in a rural community who,
 for whatever reasons, have moved to an urban area that still
 want to go back to their homes and hunt and fish when they had
 the opportunity. And that's a difficult one right there to
 deal with on that issue, so....

38

39 MR. GUSTAFSON: Well, Mr. Chairman, that would
 fall under this 804 under No. 2, local residency, and identify
 who is a local resident. You know, there are people that live
 in Fairbanks that have lived somewhere else, but would they be
 required to stay there to establish residency before going
 back? Things like that. There are exceptions to that. There
 are unique conditions in Alaska and people do travel around
 Alaska a lot and you don't want to exclude them. But we still
 want to be in compliance with this 804.

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MR. LEE TITUS: I have just a comment to make on the idea of setting a radius zone for subsistence purposes. I have heard stories from old people about hard times or famines. Sometimes in our areas there was no moose in the wintertime and my grandma and grandfathers would tell me stories about those times where they had to walk over 100 miles in the winter to find moose, or where they'd follow one moose for at least two weeks, dragging their family with them every day in the snow. When we're talking about subsistence issues, it's something that I -- it really gets into me. My forefathers, if it wasn't for what they said and what they did, we wouldn't have to be here today. The way they lived, the things that they did was natural; they were the true meaning of subsistence. You get an invasion of the gold miners and the Western culture. They see what we were doing. And when we spearheaded the movement for subsistence, then the Western culture jumped on board and that's where it's really complicated to get a true definition. I'd just like to leave it like that for right now. Are there any more questions?

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MR. CHARLIE TITUS: Mr. Chairman?

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MR. LEE TITUS: Yeah?

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MR. CHARLIE TITUS: I agree with Jeff and -- or Mike and Bill that it's too early to make any kind of recommendations on any particular area, for that matter. I'm too new to say what Tok needs; I don't know. I'm miles and miles away from Tok. I don't know who does subsistence living here, so I can't make a determination or recommendation of how they're going to live, unless I see pure documentation or some kind of data to say, okay, maybe this is what they need or it's not going to interfere with somebody else. Fine. But until then, I don't think I could right now. Thank you, Mr. Chairman.

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MR. LEE TITUS: Thanks, Charlie.

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MR. FLIRIS: Mr. Chairman,....

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MR. LEE TITUS: Yes, Bill.

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MR. FLIRIS: One more comment. I'm just beginning to appreciate the complexity of the situation, but at the same time beginning to realize, too, that we can't back away from it. We're the ones, probably, most capable of solving the problem that all of these managers have been sitting around for quite awhile. So, we have to stick with it. But, for instance, in the use of caribou in 20 (F), I'll bring

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that up again because I'm familiar with it, in this pipeline Dalton Highway Corridor, there's a need apparently for a C&T determination done there. That affects my community because we have a subsistence use of those caribou, but there's no C&T determination for that. But, on the other hand, if you've got a few hundred caribou across the highway, everybody in Fort Greeley runs up there to get a few of them. And, you know, that's what the C&T determinations are designed to prevent.

8
9 So, somehow or the other, we've got to grapple with all of these issues and realize that people do travel around quite a bit, but attempt I think to come up with some areas that we can make recommendations to the board that these areas obviously do have a subsistence use of these resources and these areas should be recognized as soon as possible and let the process go on as to how other areas fit into that picture. There may be a lot of discussion about it, but I think some areas would fit in right away without too much trouble.

19
20 MR. LEE TITUS: Can that be accomplished on an advisory board level?

22
23 MR. FLIRIS: Well, I think that's....

24
25 MR. LEE TITUS: Through a....

26
27 MR. FLIRIS: Yeah, it all....

28
29 MR. LEE TITUS:proposal? Through a proposal? Get the different surrounding villages, you know, to have a representative from each village that surrounds your area and put that into proposal form?

33
34 MR. FLIRIS: Um-hum (affirmative). To me, it all ties in with the need to maintain contact with these advisory committees because there's nobody here from Rampart or Manley right now....

38
39 MR. LEE TITUS: Um-hum.

40
41 MR. FLIRIS:from my advisory committee, and we need to go back and get that information and find out what those uses are and then get right back to this process. And in order to do that, we need to keep these advisory committees on their feet and functioning well which is another responsibility that I think that we have to mention to the board and to the Secretary.

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MR. LEE TITUS: Any more questions before we
break for lunch? I'd like to thank you folks for....oh, what's
that?

3

MR. JAMES: Oh, I'm a little slow on the draw
here today, but what Bill is signaling is there is a sign-in
sheet and we ask that all of you in the audience who are here
today, please, to fill in your name and address there.

8

MR. LEE TITUS: We'll convene at 1:00 for
public testimony.

11

(Off record)

(On record)

14

MR. LEE TITUS: At this time before we take
public testimony, there is one more item on the agenda that
we're going to discuss and that's the appointment of the SRC
which is the Subsistence Regional Board -- Subsistence Resource
Commissioners. This council has to come up with a seat to sit
on the Wrangell St. Elias Subsistence Resource Commission and
another seat on the Denali Park Subsistence Resource
Commission. So, right now we're open to....

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MR. PEARSON: Mr. Chairman,....

25

MR. LEE TITUS: Yes.

27

MR. PEARSON:I believe that our
coordinator, David, said that John had something he wanted to
bring forth?

31

MR. JAMES: Yeah, John....

33

MR. PEARSON: Hiscock? Right there?

35

MR. HISCOCK: Mr. Chairman, there's just a
couple of points that I wanted to add a little extra
information on and clarify. One thing that I didn't mention
yesterday that I think you should be aware of is the
appointments that you make to the two will be for three-year
terms; however, I think you also need to know clearly that the
seats that you appoint to both of those Subsistence Resource
Commissions sit at your pleasure. In other words, if you were
to decide after appointing someone that you wanted to change
that person before the end of the three-year term, you have the
authority to do that as well. So, I wanted to make that clear.
And I think, again, Hollis Twitchel has described the
situation at Denali I think very well.

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1 The situation at Tok, I want to just revisit
 2 that for a minute because I've been informed that the list of
 3 local advisory committees that we were reading off of is
 4 somewhat dated and that there is a newer one. And so there may
 5 be a couple of additional people there, there may be a couple
 6 of the people that were on that current list who no longer sit
 7 on that local advisory committee for the Upper Tanana. One
 8 thing I want to clarify, also, is that Mr. Ensminger is,
 9 indeed, eligible for appointment. He resides outside of your
 10 region, but what the law states is that he needs to sit on a
 11 local advisory committee in your region which he does, indeed,
 12 sit on and the Park also considers him eligible within the Park
 13 for subsistence uses. So, that's a correction on a point that
 14 was made yesterday. If you have any questions or anything, I'd
 15 be happy to....

16

17

MR. LEE TITUS: Yes. One of the points that I
 18 stated yesterday concerning this was these names came under a
 19 State charter. These names are reflective of the position of
 20 the State. Okay? As far as subsistence in our region is
 21 concerned, like I stated yesterday, none of the
 22 representative's names from Northway or Tetlin who sits on the
 23 Forty Mile Regional Commission is not on there. That's because
 24 they don't have a permit to hunt in the Park. And before that
 25 can be addressed, I have a problem with selecting a
 26 commissioner at this time.

27

28

MR. HISCOCK: One thing you may want to do in
 29 that regard is if you feel or certain members of the council
 30 feel that those people who are on the local advisory committee
 31 from Tetlin or Northway may well be eligible in the Park, you
 32 may want to defer your decision on that appointment, contact
 33 those people, and have them visit with the superintendent of
 34 the Park to acquire a permit. Once they have that, if they
 35 were granted a permit, they would of course be eligible for
 36 your appointment to the Subsistence Resource Commission. So,
 37 that's up to you. That is an avenue you could pursue. Again,
 38 the only thing that I think we'd encourage as the Federal
 39 agency responsible for these commissions is that we get those
 40 seats filled as soon as we can.

41

42

MR. PEARSON: Mr. Chairman, can you tell us
 43 when our next meeting is going to be, in light of if we wanted
 44 table these appointments until then or whether we could do
 45 through a public poll maybe through our coordinator on a
 46 telephone basis as soon as we had some more up to date
 47 information on who we'd like to serve on these commissions? I
 48 just feel that we don't have a real good selection of names. I

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mean, when are we scheduled to meet next or could we do it after we had some more information on a telephone poll or something like that?

3

4

MR. JAMES: The next meeting will be in February.

6

7

MR. PEARSON: In February. Would it cripple the Subsistence Resource Commissions if they didn't hear of an appointment from us before February?

10

11

MR. HISCOCK: I can answer that generally and then I'd ask the two Park representatives to respond, as well. I think by virtue of the fact that you appoint only one member to each of those commissions, it's unlikely that your deferring your appointments until February will have an effect on the function of those commissions. Although, the Denali Commission has one appointee from Southcentral which they've also deferred on. Now, that still only means that there are two seats that would be empty for the time being and that wouldn't keep the Commission from meeting, but we never know which commission members might make it to a given meeting or not, so....

22

23

MR. PEARSON: Sure. Well, would you still have Frank Ensminger sit in on your meetings until February or can Pat O'Connor? I mean, right now they serve in those capacities. Are you going to dismiss them until our decision or wait until our appointment?

28

29

MR. HISCOCK: The policy on that to this point has been to allow those State Region Council appointees to continue to sit until replaced by the Federal Regional Council appointees. But it is an issue that comes up because their attendance at those meetings as of now is Federally funded and the question has arisen whether or not that's appropriate. But I would say, yes, they will continue to sit.

36

37

MR. PEARSON: I mean I'd love to be able to give you a definite yes, but I just don't feel that we have the information before us, you know, a full list of names and know who would like to serve. I might as well go eenie, meenie, minie, moe down that list of names that we were given yesterday.

43

44

MR. HISCOCK: I'd like to, just if it's okay with the council, give Hollis Twitchell and Russ Gallipeau an opportunity to add to what I've just said if they do have anything to add to that.

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MR. HOLLIS TWITCHELL: As you recall from the discussion yesterday, there are two people from what was the former Interior Region that are currently designees for the Denali SRC. Steve Eluska is from the Western Interior Region, so he couldn't be an active appointee from this region. The Park would certainly entertain having Pat, who is within the Eastern Region, to continue to serve until you come forth with your official nominee. In the interim, we would need to let Steve Eluska know that he is no longer an appointee to the SRC. So, that action would need to be officially taken. Otherwise, we would end up with holding an SRC meeting with an extra SRC member. The Southcentral Region, as you recall, will be appointing two members to the SRC and if they hold a meeting and take action before our next SRC meeting, we would then end up in a situation where we would have an extra member present at the meeting.

16

17 MR. PEARSON: Mr. Chairman,....

18

19 MR. LEE TITUS: Yes.

20

21 MR. PEARSON:I'd like to ask Hollis, you came forward, I believe, with only one name yesterday and that was Mikki Collins?

24

25 MR. TWITCHELL: That's correct. As far as a candidate that would have all the requirements for sitting on the SRC by a regional council appointee. You should also be aware that we are reviewing the road corridor permittees who lost their 1344 permits, their subsistence use permits. And it's unknown at this time how many of those people may be eligible for other subsistence uses which....

32

33 MR. PEARSON: Which they've already applied for, yes

35

36 MR. TWITCHELL:in case if they can show that use, they may be reissued subsistence use permits. And, certainly, Pat O'Connor is one of those candidates in that situation. So, he may very well be able to demonstrate and receive a subsistence use permit which, again, would put him in standing as far as an appointee from this region.

42

43 MR. PEARSON: Well, Mr. Chairman, Hollis, is there anybody else? I mean, do you think you could go back or check at Lake Minchumina or any of the other villages, communities that you could come up with any more names? I mean not that I have a problem with -- I'd just like to be able to have a selection. One name just doesn't -- I mean, that

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doesn't seem practical that there's only one person to select from....

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MR. TWITCHELL: Sure.

4

5

MR. PEARSON:out of a vast area.

6

7

MR. TWITCHELL: After contact with the Minchumina chairman, only one name was brought forth as an interested and eligible candidate.

10

11

MR. PEARSON: Um-hum.

12

13

MR. TWITCHELL: From the Middle Nenana Fish & Game Advisory Committee, there are two people who sit on that commission that had subsistence use permits before and that would be Pat O'Connor and Harold Eastwood. So, those two candidates, if they can show subsistence use, then would be issued permits. So, your pool of candidates could possibly be Harold Eastwood, Pat O'Connor, and Mikki Collins.

20

21

MR. PEARSON: All right. Thank you very much.

22

23

MR. RUSS GALLIPEAU: Mr. Chairman, from Wainwright St. Elias National Park, we will follow through with what you've asked. We would ask, though, that at the next meeting of the regional council, that you attempt to make that appointment. And we would ask that you would forward those names to us of whoever is on that local advisory committee. We'll also try and achieve those names, but we will need you from those committees, Tetlin and Northway, to get those folks to come in and talk to the superintendent so we can try and do a quick analysis of their eligibility for hunting privileges inside the Park. So, we do have a meeting scheduled for this November. It's possible that two seats will be vacant because, remember, Southeast Regional Council is meeting at the same time as this; they also are electing a new person to the Subsistence Resource Commission. So, there's a possibility that there would be two vacancies during that next meeting. But we can defer to your next meeting; that's fine with the Park. We just ask that it be resolved at the next meeting and we'll provide you with whatever input you need between now and then, and the review of those permittees.

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MR. CHARLIE TITUS: Mr. Chairman?

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46

MR. LEE TITUS: Yes, Charlie.

47

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MR. CHARLIE TITUS: You also said yesterday

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that the Starr family had applied for permits.

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MR. TWITCHELL: That's correct, two members.

3

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MR. CHARLIE TITUS: And you have Percy Dike and his two sons that have permits already?

6

7

MR. TWITCHELL: That's correct.

8

9

MR. CHARLIE TITUS: Well, there's eleven members of....

11

12

MR. TWITCHELL: Percy is already on the SRC. He was appointed by the Secretary of the Interior.

14

15

MR. CHARLIE TITUS: Um-hum.

16

17

MR. PEARSON: What about his two sons, Hollis? Would they be eligible, though, to serve on that, also?

19

20

MR. TWITCHELL: They would be if they were members of the local Fish & Game advisory committee.

22

23

MR. PEARSON: Oh, yeah. I can't remember....

24

25

MR. CHARLIE TITUS: I think just Senior was....

26

27

MR. PEARSON: On the Nenana/Minto Advisory Committee, yeah. All right. But what I think would be really important is that we get this information on these new applicants and find out who's interested in it and what their background is and then -- so we have the information when we come to meet next time to make nominations to sit on these Subsistence Resource Commissions and take a vote on it.

34

35

MR. LEE TITUS: Do you want to put that into a motion?

37

38

MR. PEARSON: I'll make a motion that we table for the time being until our next meeting in February the Denali and St. Elias Resource Commission appointments from the Eastern Interior Subsistence Regional Advisory Council.

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MR. ROACH: I'll second that.

44

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MR. LEE TITUS: It's been moved and seconded. Discussion?

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MR. ROACH: I have a point, Mr. Chairman,....

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1 MR. LEE TITUS: Yes.

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3 MR. ROACH:that I would like to make.
 Rather than sending or trying to get in touch with these people
 individually, can we have our -- task our secretary with
 sending a correspondence to each one of the regional
 advisory -- local advisory councils and have them come up with
 their list of names and the information for those people so
 that the local advisory committee is doing their presentation
 to us with names?

11

12 MR. LEE TITUS: You want to add that to the
 motion or....

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15 MR. PEARSON: No, just as a comment.

16

17 MR. LEE TITUS: Well, just as....

18

19 MR. ROACH: Just as a comment.

20

21 MR. LEE TITUS: Oh, just as a comment? Oh,
 okay. Any more under discussion?

23

24 MR. JAMES: Since it's discussion, I'll call to
 your attention now, you all will be receiving correspondence
 soon, as soon as I do it, for the Western Interior Council.
 And they wish to enter into some sort of a dialogue with you
 folks and the Southcentral Council and with the Denali SRC
 about the question of reapportioning those appointments. They
 are feeling left out at this point for reasons that, I believe,
 Hollis touched on yesterday. All of that may also figure into
 your deliberations that sounds like you'll get around to in
 February. I just wanted to call your attention to it.

34

35 MR. LEE TITUS: Any more under discussions?

36

37 MR. FLIRIS: I just had a question. Are all of
 the people that are assigned to these SRCs, do they all have to
 be on advisory committees or just the ones that we appoint?

40

41 MR. HISCOCK: Just the regional council
 appointees are subject to those requirements and that is
 written right into Section 808 of ANILCA.

44

45 MR. FLIRIS: Is there a particular reason why
 that was done?

47

48 MR. HISCOCK: I would have to look back at the

49

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legislative history again, but I imagine that it was directly related to wanting to insure that at least some of the appointees were definitively users of the Park area and involved in the advisory system in some way. I don't know if either of you have anything to add to that.

5

6 MR. TWITCHELL: I think that is important since the State appointees and the Secretary of Interior appointees can come from a fairly wide realm and arena. So, it's important to maintain that tie or dependence or use of the resource locally.

11

12 MR. PEARSON: So they have to be a member of the local Fish & Game advisory committee with the State and they have to be a permit-holder for the Park, also?

15

16 MR. HISCOCK: Permit-holder or a resident of a resident-zoned community.

18

19 MR. PEARSON: All right.

20

21 MR. HISCOCK: And I would emphasize that I think the intent was to get someone who really does use those resources....

24

25 MR. PEARSON: Sure.

26

27 MR. HISCOCK:in the Park.

28

29 MR. PEARSON: Sure.

30

31 MR. HISCOCK: There are some people in those resident-zoned communities who may be on a local advisory committee but don't really make use of the Park area. The other thing I'd add is in addition to being a member of a local advisory committee, the appointee can be someone who is a member of this council.

37

38 MR. FLIRIS: The only thing that occurred to me is Percy is already an appointee from the Secretary of the Interior; he also happens to be a member of an advisory committee. It'd be fortunate for us if we could -- his term is about to expire -- if we could appoint Percy and that would free up some other people for the Secretary to take over. I know Paul Starr in Tanana is really concerned with the uses in that area and he has a permit and goes up there a lot. And I haven't talked to him about this, but I'd like to talk to him and see if he's interested in somehow getting involved in it. But maybe at the next meeting, we can resolve some of these

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problems.

1
2 MR. PEARSON: Well, I think everybody that
comes up with any names should run them through David James....

4
5 MR. FLIRIS: Yeah.

6
7 MR. PEARSON:and then he can compile a
list and we can come up with a history on these people and what
their interests are in the Parks and then we could make an
educated decision.

11
12 MR. FLIRIS: Um-hum.

13
14 MR. LEE TITUS: Any more under discussion?

15
16 MR. PEARSON: I just had one on -- Hollis, you
said -- I just want to make sure for the record we don't make a
mistake here. You said that there was -- what was the
gentleman's name from Telida, was it?

20
21 MR. TWITCHELL: Steve Eluska.

22
23 MR. PEARSON: Right. And what was the deal on
that one again, so we aren't making a mistake here, or do we
have to do something to....

26
27 MR. TWITCHELL: With the Southcentral Region
planning on appointing two appointees as the charter calls for,
that would end up with -- and if they execute that nominee,
that would be ten SRC members who could be sitting at our next
SRC meeting which will occur sometime in late November. In
which case, we would have an extra person....

33
34 MR. PEARSON: Right.

35
36 MR. TWITCHELL:on the commission. So, it
might be a pertinent action for some notification to be given
to Steve Eluska to let him know that he's no longer an active
member.

40
41 MR. PEARSON: Would the chairman of the Denali
Subsistence Resource Commission do that?

43
44 MR. HISCOCK: We've had a similar situation to
that on another commission so far and the way that -- you could
certainly enter into that if you want to, but the way that we
handled that other situation is to have the superintendent of
the Park area deliver a letter to that member thanking them for

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their service and explaining the situation....

1

2 MR. PEARSON: All right.

3

4 MR. HISCOCK:to them. So, I would....

5

6 MR. PEARSON: I just wanted to make sure that
we weren't missing something that we should do. But that does
sound like the most appropriate action.

9

10 MR. TWITCHELL: Since his nominee was -- an
appointment was made from an interior region, I think there is
also a pertinence for the new body, either the Eastern Interior
or the Western Interior Region, to be the notifying source.

14

15 MR. PEARSON: I see. So that's....

16

17 MR. TWITCHELL: That would be my preference.

18

19 MR. PEARSON:what you were getting at.

That....

21

22 MR. TWITCHELL: If we had been an interior
appointee, I think that would be appropriate for the
superintendent to make the notification. Since he was
appointed by another source, I think it would be pertinent for
the appointing source to make the notification. And we
certainly would follow up with a letter thanking him because he
has been a constructive and contributing member and we
certainly appreciate his contributions.

30

31 MR. PEARSON: Well, we'll let the Western
Interior -- I don't know how you want to handle it, but I just
wanted to make sure that we weren't missing something there and
whether we should deal with it or maybe David James has an idea
of that or....

36

37 MR. JAMES: I'll get in contact with the
secretary of the Western Council and let him know what needs to
be done. That's me; I'm just joking.

40

41 MR. PEARSON: I just -- you know, somebody
needs to do it and I don't know....

43

44 MR. JAMES: It will be taken care of.

45

46 MR. TWITCHELL: If this council prefers the
Park to be the notifying source, we'd be happy to do that as
well.

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1 MR. LEE TITUS: Anything else. The question's
 2 been called for. All in favor of the motion, signify by saying
 3 aye.

4
 5 COUNCIL: Aye.
 6

7 MR. LEE TITUS: Opposed? SRC is tabled for the
 8 next meeting in February.

9
 10 MR. PEARSON: Mr. Chairman....
 11

12 MR. LEE TITUS: Yeah?
 13

14 MR. PEARSON: I have got one thing to finish up
 15 that we were discussing before lunch. We were in a discussion
 16 of subsistence and non-subsistence areas. We were hearing
 17 there was a problem down at Tetlin and Tok and Northway, and I
 18 feel we have a problem down at Denali. What I would like to
 19 see is, I don't know what's going on at Tok and Northway and
 20 Tetlin and they don't know what's happening up at McKinley
 21 Village, but I would like to bring my case to the rest of the
 22 members of the council and educate them to what's happening and
 23 then if maybe the people from Northway and Tetlin and that can
 24 do also.

25
 26 Then, at our next council's meeting, we can be
 27 more informed because over here under graph - what's it
 28 called? - No. 7 it says -- whoops, No. 6, it says, "Make
 29 recommendations or deletions of customary and traditional use
 30 of subsistence resources." And I think if people have a
 31 problem with either non-subsistence or a subsistence area that
 32 we all get educated about it and then we can make some
 33 decisions at our next meeting about it. I mean we talked about
 34 this I think about twice or three times so far in the last day
 35 and a half, and I don't want to see it go away; I just think
 36 that we need to be more informed for our next meeting on it.
 37 It's one of our duties.

38
 39 MR. LEE TITUS: It was advertised earlier that
 40 public comment period was going to begin at one. So, we can
 41 discuss that after.

42
 43 MR. PEARSON: Oh, there's really no need for
 44 discussion or whatever.

45
 46 MR. LEE TITUS: Um-hum.
 47

48 MR. PEARSON: I just want to see it put on the
 49
 50

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next meeting's agenda....

1

2

MR. LEE TITUS: Oh, okay.

3

4

MR. PEARSON:and so, you know.

5

6

MR. LEE TITUS: Yeah, we'll....

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MR. PEARSON: I don't want it forgotten, is

all.

10

11

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14

MR. PEARSON: Sure, by all means.

15

16

17

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20

MR. PEARSON: Sure.

21

22

MR. LEE TITUS:for public comments.

23

24

MR. PEARSON: No problem.

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We were glad to hunt. We had people also from
Heaver and Birch Creek who took time from their activities to

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come down and to testify. And what we are looking for from the council is support in a proposal. I was looking through this earlier and I got a little misled, but I guess it's all straightened out now. I guess this came out before the -- or after all the action that the board took. And what we're looking for from you guys is support in a proposal for a village to -- for this February hunt. Let's see here; I lost my train of thought here. And with the harvest reporting, the villages are working with the CATG and ensuring that all the harvest reports are all completed and submitted in a timely fashion for the board's information. So, I guess in summary, what we're looking from you guys is support for Stevens Village with their proposal to keep things as the board decided in August; that is, to have the usual hunt but also they added on a February hunt. And that hunt won't occur if the 30 moose have been gotten by the three communities. We've been working with Mr. Dick Pospahala and he was telling me earlier that he just signed off on some correspondence to the board. Thank you.

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How many moose?

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Way?

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MR. PEARSON: How many villages was that for

MR. FRANK: That was the village of Beaver, Birch Creek, and Stevens Village.

MR. PEARSON: Three villages?

MR. FRANK: Yes.

MR. PEARSON: For 30 moose?

MR. FRANK: Thirty moose, yes. Yes?

MR. FLIRIS: And the limit is 30 moose and you want a February season, or you were granted a February season?

MR. FRANK: Yes. Yes, sir.

MR. FLIRIS: And you need our support in what way?

MR. FRANK: In a proposal. I think it's already pretty much in writing, but we'd like just a proposal from here and then we'll take it back before the board to get in their regs.

MR. FLIRIS: Okay. So, it isn't completely done yet? They need some....

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1 MR. FRANK: Yeah, the Request for
 Reconsideration was granted. All the technicalities, I'm not
 too familiar with, but maybe Mr. Pospahala....

4
 5 MR. LEE TITUS: This has all been published in
 the Federal Register, right?

7
 8 MR. DICK POSPAHALA: You want me to clarify
 what?

10
 11 MR. FRANK: Yeah. Mr. Pospahala will help.

12
 13 MR. LEE TITUS: Okay.

14
 15 MR. POSPAHALA: Excuse me. I think I can
 clarify that. I haven't gone back and checked the records.
 But my name is Dick Pospahala. I'm with the Fish & Wildlife
 Service in the Federal Subsistence Management Program. I think
 what happened is that the board took action on the Stevens
 Village Request for Reconsideration on August 10th. What
 happened is that when our proposed rule-making was published,
 that change in regulations that the board approved on August
 20th was not reflected in the proposed rule for the '94 and '95
 season.

25
 26 What Oscar is interested in doing is assuring
 that a proposal is forwarded and approved by this council to
 assure that that season as it's approved for the '93-'94 season
 once again occurs in the package that goes forward for the '94-
 '95 season. So, the way the proposed rule is out now, it would
 require that a proposal be forwarded in the form of the season
 as it exists for this year.

33
 34 MR. FLIRIS: So somebody needs to submit a
 formal proposal to that effect?

36
 37 MR. POSPAHALA: I assume that Oscar is in the
 process of doing that anyway.

39
 40 MR. FRANK: Yes.

41
 42 MR. POSPAHALA: But they would want your
 concurrence and support.

44
 45 MR. CHARLIE TITUS: When would we....

46
 47 MR. FLIRIS: Yeah, when would we have a chance
 to review that proposal?

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1 MR. CHARLIE TITUS: Probably February, huh?
2
3 MR. FLIRIS: In February?
4
5 MR. POSPAHALA: Yeah.
6
7 MR. PEARSON: Would that be too late? It
8 wouldn't be too late, then, huh?
9
10 MR. JAMES: No, not at all. That's part of
11 the....
12
13 MR. CHARLIE TITUS: Oscar, you're saying in the
14 proposal, it wasn't there already; you're just adding it?
15
16 MR. FRANK: When Stevens Village did their
17 Request for Reconsideration, the season that's for '93-'94 was
18 only through December and they wanted that changed to add on
19 February.
20
21 MR. CHARLIE TITUS: Every year you'll have to
22 put in the same proposal?
23
24 MR. FRANK: I....
25
26 MR. POSPAHALA: The problem is that the
27 proposed rule that's out for review and public submission on
28 proposals at this point in time is based upon the 1993-94
29 regulations, generally, as they were passed by the Federal
30 Board in April.
31
32 MR. CHARLIE TITUS: Um-hum.
33
34 MR. POSPAHALA: They took action on the Stevens
35 Village request much later than that, on August 10th. As a
36 result of that, the actions that the board took on August 10th
37 are not reflected in the proposed rule that's out for public
38 review and comment. I really don't think it's a major problem
39 since the board has already taken action on it mid season, but
40 it would be convenient to have a proposal in the response
41 period between now and, when is it, in November that the
42 comment period expires. Simply ask that those regulations be
43 modified to provide for that February season as it occurred
44 this year.
45
46 MR. LEE TITUS: For the board, there's a little
47 action on that in the Federal Register. It's dated June 1st,
48 1993. Over on the first page on "Analysis of Requests for
49
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Reconsideration and Board Response." It just stated that the Board took the following actions: (1) Closed public lands to moose harvest by hunters who are not residents of Stevens Village, Beaver, or Birch Creek. And they lengthened the Federal Subsistence moose season and authorized a harvest permitting system enabling hunters living in Stevens Village, Beaver or Birch Creek to designate other residents of those Villages to harvest moose on the former's behalf. Questions? (Pause) So, you're going to -- you're in the process of writing the resolution?

10

11

MR. FRANK: Yes, I'm working with....

12

13

MR. LEE TITUS: Or proposal.

14

15

this....

MR. FRANK:the people from Stevens on

17

18

MR. LEE TITUS: Okay.

19

20

council.

MR. FRANK:and then we'll give them to the

22

23

MR. LEE TITUS: All right. Thank you, Oscar.

24

25

the council.

MR. FRANK: Thank you, Mr. Chairman, members of

27

28

Yes, sir?

MR. LEE TITUS: Anybody have any more comments?

30

31

MR. PAT O'CONNOR: Chairman, members of the Board. My name is Pat O'Connor from McKinley Village View, I guess they call it. I don't -- and I was one of the people -- and I'd like to read -- was issued a subsistence permit at one time and this is a letter, a short letter. It states, "Dear Pat, beginning in 1981 we issued subsistence use permits to the local rural residents who had customary and traditional subsistence use of the Park resources. The Secretary of Interior has accepted current State subsistence laws to confirm with the requirements of ANILCA and the National Park Service must follow the State law in this area.

42

43

The first step in the definition of the requirement of ANILCA states that the State has made a determination as to which communities are rural. This is based on the State definition of rural as a community or area in which non-commercial use of fish and wildlife for personal or family consumption as a principal characteristic of the economy

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of the area. The game units from Anchorage to Fairbanks with two exceptions have been designated as non-rural; therefore, residents in these areas are not eligible for subsistence hunting privileges. We are therefore required by State law to revoke your permit given to the individual who resides in non-rural areas. Your residency is within Unit 20 and your permit is now void." Okay.

7

8 To go in a little more in that, we went down
 9 and we approached the State Fish & Game Board. Why we were
 10 non-rural, we never did figure out. There's a little stretch
 11 of road in there. But they changed our designation to rural.
 12 We thought it was all taken care of. No place in this letter
 13 did it say that we had to establish a customary and traditional
 14 use. That, I felt, was proved when we got our permits. We had
 15 to go through quite a ritual to get these permits; you know,
 16 prove that we used the land previously before it was ever added
 17 to the Parks. We had to have, I think, at least three people
 18 writing letters for us. And so we went home figuring, well,
 19 that was it. Then, the chairman of the board, Fish & Game
 20 Board, asked a member from the Park Service, Lou Waller, is
 21 this all that's required for us to get our permits back. We're
 22 dealing with probably a dozen people. Is this all that's
 23 required to get our permits back? And he said, "As far as I
 24 know, yes." Well, then, as soon as we got out of town, no
 25 permits. And we have had this run-around for -- around and
 26 around and around. And last year, the year before, we were
 27 assured we'd have our permits back. We've already proved we
 28 had customary and traditional use of these lands way before the
 29 Park moved in there. But, anyway, what I'm trying to do is get
 30 this all -- this letter was written in '87. We haven't gotten
 31 any place since then except "yeah, we'll take care of your
 32 problems" is the only reply we got.

33

34 Now, I could go into the whole story of what
 35 all we went through and you can probably see it right here, and
 36 we're still sitting here with no permits. This was one of the
 37 problems. Right now, I'm on the Denali Subsistence Resource
 38 Council, but I have no valid permit. So, you know, this is the
 39 question that was asked just today here: Do I qualify? Well,
 40 gally, I don't and there's nobody in the area that qualifies.
 41 Mike?

42

43 MR. PEARSON: Pat, would you tell them also
 44 about the time that we went before the joint boards and they
 45 were short on the fish board and also the little story about
 46 the fish, how they did the subsistence counts? I mean, some --
 47 mean, it's been a long road and to come so close so many
 48 times to be shot down.

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1 MR. O'CONNOR: That one, yeah, that one really
 2 gets to you. They had a joint board meeting with our issue
 3 brought up and there's four members from the fish board and I
 4 think there's seven from the game board. But, anyway, for a
 5 proposal to pass it takes a quorum from each board. If I
 6 remember right, four members was a quorum. So, one man -- and
 7 we had a vote I think of nine-to-one or something like that in
 8 our favor, but yet we lost because there was not a quorum from
 9 the fish board that voted on our proposal. So, you know,
 10 that's the kind of deals we've been getting pretty much all
 11 along. Just like if you looked in the changes last year. Fish
 12 & Game, they run us a little corridor down from Fairbanks clear
 13 down to our area to include us in it. It's Mile 216 to I think
 14 they extend it to Rex Bridge now which is two-seventy-
 15 something, and run that clear down and this is non-urban. I
 16 mean, we're -- and we don't even have power. We can't even run
 17 deep-freeze let alone -- and yet we're non-rural at one time;
 18 we got that taken care of. Now, we're urban. We don't have
 19 schools, we don't have a gas station, we don't have a
 20 restaurant, and they call us a community. All we've got is the
 21 firehall and the community club. No place in this regulation
 22 and it ever say -- or the names -- these weren't issued to a
 23 community. They were issued -- these permits were issued to
 24 individuals and here we sit. They keep saying, well, you have
 25 have a community -- your community has to have customary and
 26 traditional use. These permits weren't issued to McKinley View
 27 community or -- it's individuals. A dozen individuals in
 28 here.

29

30

I think a prime example, a man that's lived
 31 here since 1947, 48, raised a family. The way the set up is
 32 right now, he for years and years lives on a little lake and
 33 every hunting season he would sit there until his moose comes
 34 by and he'd shoot his moose. Well, two years ago, the way the
 35 regulations ended up, he stood there and he watched his moose
 36 come by, but he could not shoot it. Yet, a young fellow down
 37 the road who happened to be on the lower side of Mile 216 comes
 38 up, shoots the moose and loaded it into his pickup. Yet, this
 39 man that's spent all his life living there and that was his way
 40 of getting moose; that's customary and traditional. Not
 41 anymore. We've got a big valley -- not a big, a small valley,
 42 Anert River Valley which is our backyard, you can't even hunt
 43 it. It's an area, as far as I'm concerned, is managed for
 44 pretty much trophy hunt. You cannot -- the only way you can go
 45 there is horses or airplanes or walk. And I don't know how
 46 many people -- and you've got to pack a 50-inch bull out if you
 47 walk in and not too many people's going to do that.
 48 Caribou's been closed, been closed off and on. I've watched

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this valley open and close, open and close for hunting. It doesn't do the local people any good to live there. I don't know how much more we want to go into it. I mean....

3

4 MR. PEARSON: Well, you could point out that you're surrounded by subsistence areas.

6

7 MR. O'CONNOR: There we go again. My backyard is just a little small piece of land in there. Ahtna land surrounds most of our area. On one side is the Park and the other side is the Yanert closed -- or, well, just will be closed. It's a special use area where you can go with horses. So, really, we cannot hunt in our area. So, if you look in your book, the game books, you'll see the exclusion of Mile 216 to 239, I think is in the books now, for moose and caribou. Caribou has never been an issue in Unit 20 because it closed about 1973 so that the caribou herd would build up in the Park. They figured hunting pressure was the downfall of it. The caribou hasn't been hunted in the Park for years, I don't think. There's less caribou right now than there was in 1972. But that's always....(pause) Any more questions? I've got more....

22

23 MR. PEARSON: Pat, so you say you've been fighting this since 1987, so that's been six years now. And then I believe John said it could be another three or four years. I mean, like how old is Harold Eastwood, one of the permit-holders?

28

29 MR. O'CONNOR: Seventy-two years old.

30

31 MR. PEARSON: Yeah. So, my point of view is I think they've been run around for six years now. I mean, how much longer does it take? I mean, Harold can't live forever or he can't hunt forever. I just -- I think it's gone on long enough. I mean, I've -- Pat and I have been sharing this same problem for many a year and they've come so close. And it's just like he said about that strip that they call the Fairbanks-Denali Non-subsistence Area. That doesn't even begin to hold water. I mean McKinley Village has absolutely nothing in common with Fairbanks. I mean like he says, they don't even have commercial electricity. They're surrounded by other subsistence use areas. I feel that they've really been walked over on this and I plan to get with Pat and we're going to put together a package that'll give you, you know, all the information and I really feel this council needs to do whatever they can do to help support on this here. And I plan on getting all the information and then see if we can't lend some help on this. Pat, how many years ago were we told it was a

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No. 3 priority?

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MR. O'CONNOR: I don't know.

3

4

MR. PEARSON: But, anyhow, we were told No. 3 and therefore led to believe that it would be soon in being heard and it's been quite a few years already.

7

8

MR. O'CONNOR: I believe the Subsistence Council has met and heard other communities' problems and acted on them, but I don't know why we're still excluded. I guess we're still No. 3.

12

13

MR. LEE TITUS: Excuse me, you're talking about the 20 (C) on that?

15

16

MR. O'CONNOR: It'd be 20 (A) I believe in there.

18

19

MR. LEE TITUS: Twenty....

20

21

MR. O'CONNOR: We're hunting in 20 (C), I believe, so....

23

24

MR. LEE TITUS: Twenty and (C). Okay.

25

26

MR. O'CONNOR: Live in 20 (A). We hunt in....

27

28

MR. LEE TITUS: The permit that you had was for 20 (C).

30

31

MR. O'CONNOR: Twenty (C) and 13. Bold River was part of the drainage which puts you in a complete different -- we live right on the boundaries.

34

35

MR. PEARSON: Yeah.

36

37

MR. O'CONNOR: Twenty (A) is a very small piece of land where we live, so nobody hunts in 20 (A). Well, there's no way you can; there's nothing open to hunting. It's either got to be 20 (C) or 13, both of which we hunt in.

41

42

MR. LEE TITUS: Okay.

43

44

MR. PEARSON: If the river was just on the other side of your house, you'd have it made, you know.

46

47

MR. O'CONNOR: Yeah.

48

49

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MR. JAMES: Perhaps the Chair would like to request Hollis Twitchell to come forward and explain why it is the Park Service cannot issue a permit and what it would take to allow them to issue a permit.

4

MR. TWITCHELL: Initially, the permits were issued to individuals who applied in 1980, 1981. People submitted applications in which they identified species that they utilized as subsistence resources on the Park lands. They were asked to demonstrate a pattern, show a pattern of personal or family use of resources on those lands. The Park then took that information and made a determination of whether those individuals had subsistence use of the Park lands and for those species. Based on that, permits were issued to altogether about sixteen individuals within this road corridor area. Then, during the ensuing years, they continued to engage in their subsistence activities up until a point when that non-rural determination was made in 1988. That instigated, as Pat read, a revoking of their permits because of the non-rural status. That was then reversed a year later, in which time the Joint board, Fish & Game Board, made the determination of no use of moose and caribou in GMU 20 (C) for road corridor 216 through 239. Since most all of the individuals who were authorized permits had specified use of moose and caribou, that, in turn, created the situation where the Park was not prepared to reissue their permits. There were individuals who had identified other use of resources beyond moose and caribou such as trapping activities, timber harvest and such. Those individuals were reissued permits back in 1989.

29

So, that's a brief history of what has occurred. Our position now is I've inquired with the users and asked them to come forth again and try to demonstrate what sort of other uses may have been utilized of Park resources during the early periods of 1980 and before. And Pat is in the process of submitting further documentation to show the full extent of what resources and where he utilized those resources and, based on that, we will make a re-evaluation on whether we can reissue his permit for subsistence use activities. If that should happen, he, of course, will still have to abide by the community and geographic area determinations that have been made. So by being able to reissue Pat a permit, he still would be excluded from use of moose and caribou in GMU 20 (C) and also in 13 (E). If you refer to your regulation booklet in 13 (E), that same road corridor area does not have C&T for use in that area as well.

46

So, it's a really unfortunate situation that Pat and the other twelve permit-holders are in. The Park

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Service test was on an individual basis. Pat and these other individuals could show C&T for those species; it's because of the area and the community C&T determinations that excludes them from utilizing that resource. So, there are some problems with the area and community process that determine C&T because there are individuals within those areas that have demonstrated customary and traditional use of those species. But the Park Service as such cannot overrule or change those C&T determinations and make exceptions for individuals such as Pat and the others. So, that is an issue that might be addressed as to how individuals within these geographic areas who have demonstrated C&T are excluded from use of those resources. But these are issues and just....

13

14 MR. LEE TITUS: Yes?

15

16 MR. GUSTAFSON: Mr. Chairman?

17

18 MR. LEE TITUS: Yes.

19

20 MR. GUSTAFSON: Mr. Twitchell, I noticed that there were like eight different items for requirements for that C&T earlier as mentioned. And what are those?

23

24 MR. TWITCHELL: For demonstrating C&T?

25

26 MR. GUSTAFSON: Yes.

27

28 MR. TWITCHELL: If you refer to the regulations....

30

31 MR. LEE TITUS: It's here, this one right here.

32

33 MR. GUSTAFSON: And did he have -- how many of these requirements did he meet, I mean, besides....(pause)

35

36 MR. LEE TITUS: Eight requirements. It's these eight requirements right here, right?

38

39 MR. GUSTAFSON: What page is that?

40

41 MR. LEE TITUS: It's page ROD 20 and 21. This one here that....(pause)

43

44 MR. PEARSON: Mr. Chairman, while James is looking that over, I was -- well, Hollis, when you refer to C&T findings, are you referring to the State's....

47

48 MR. TWITCHELL: That's correct.

49

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1 MR. PEARSON:study?

2

3 MR. TWITCHELL: That's correct because we, of
4 course, were in the situation where the State was determining
5 C&T for geographic and area determinations. And so we were
6 held to those determinations.

7

8 MR. PEARSON: I believe Pat has pointed out in
9 the past that there were a lot of discrepancies in those
10 figures. Is the Federal people planning on doing their own C&T
11 findings in this area or are they just going to stay, going
12 with the figures from the State on that? Because I think
13 that's a lot of the problem right there.

14

15 MR. TWITCHELL: Yeah. It will undergo a full
16 review and all aspects of demographic and use from individuals
17 within those areas will be assessed.

18

19 MR. PEARSON: All right.

20

21 MR. TWITCHELL: The situation is such that
22 these twelve candidates may not represent a significant portion
23 of demonstrate that whole -- that that particular community or
24 area has a dependence on moose and caribou and, as such, they
25 may not represent the largest segment of the community or the
26 area.

27

28 MR. PEARSON: See, I was -- a lot of these
29 members may not realize when you say the report of the
30 customary and traditional that you're referring to the State --
31 it was a State study and not a Federal study and I don't know
32 if those figures have ever changed in the booklet. As far as I
33 know, they haven't. And they've been pointed out many a time
34 that there was wrong figures. And we won't debate those now
35 and I'll turn it back over to James, but I just wanted to
36 clarify for these members that we were talking about a State
37 study.

38

39 MR. TWITCHELL: That's correct.

40

41 MR. GUSTAFSON: But what I can't understand, I
42 mean, how long does the process go before, you know, this is
43 adjudicated in here?

44

45 MR. TWITCHELL: I would hope as soon as
46 possible. Both the Denali SRC has been supportive of the
47 appeal and also the Park administration is supportive of the
48 appeal. We all look forward to that review happening as

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expediently as possible.

1

2 MR. GUSTAFSON: Given what type of time frame,
3 though?

4

5 MR. TWITCHELL: That will be a decision made by
6 the Federal Subsistence Board and through their establishing a
7 priority as to when this hearing and this review will happen.

8

9 MR. LEE TITUS: So, you'll make a
10 recommendation to the Federal Subsistence Board, right?

11

12 MR. TWITCHELL: The recommendation has already
13 been made and the appeal is pending and the Federal Subsistence
14 Board, as such, has been notified of that. The issue and the
15 question at hand is: How quickly will the Federal Subsistence
16 Board hear this case? And that's going to be determined by how
17 they establish their priorities for review.

18

19 MR. LEE TITUS: Okay. Yeah. In light of that,
20 one of the problems that -- when Federal management took over,
21 what they did in a lot of cases to make things easier was to
22 adopt State regulations. And I have a problem with adopting
23 State regulations concerning subsistence on public lands
24 because, I don't know, I just have a problem with the State
25 subsistence regulations. They're too broad and I'd like to see
26 more control on these public lands by subsistence users.

27

28 MR. TWITCHELL: I believe that there will be
29 other individuals and other situations in this state within
30 areas that have negative C&T determinations that may, indeed,
31 have a personal or a family customary and traditional use. So,
32 the issue still remains. There's no provision currently to
33 provide for those individuals who may get caught within an area
34 that has a negative C&T determination.

35

36 MR. CHARLIE TITUS: Mr. Chairman?

37

38 MR. LEE TITUS: Charlie?

39

40 MR. CHARLIE TITUS: This is the only appeal,
41 the only case in the whole state?

42

43 MR. TWITCHELL: I'm not familiar with the cases
44 that may be similar to this elsewhere in the state. It
45 certainly is an issue at Denali.

46

47 MR. CHARLIE TITUS: It seems like this is one
48 case that would affect not only this, but some other regional

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area because....

1

2 MR. PEARSON: I'm sure it does.

3

4 MR. CHARLIE TITUS:I can't see where it
would be isolated. Seeing that the state is so broad, we have
five different regions, so, I don't know, maybe it's....

7

8 MR. TWITCHELL: The last point....

9

10 MR. CHARLIE TITUS: I think what Lee is
referring to is that the State on one hand doesn't recognize
subsistence users. Every -- they don't recognize that Natives
are subsistence users. Everybody is subsistence users,
according to the State; where the Federal, right, they do
recognize subsistence. I always have a problem with that
myself because I just can't understand why the Federal
government recognizes us as subsistence users and the State
doesn't recognize us at all. We're having -- I don't know
what -- I've served on two different boards and I really get
all fired up and mixed up and really can't focus on our goal.
I don't know if our goal to point right back to where we
started from or -- I just....

23

24 MR. LEE TITUS: Yes?

25

26 MR. CHARLIE TITUS: It's a hard decision for
any of us being on this council. I mean, a hard position to be
in. You don't understand what I'm trying to say. It's not an
easy task serving on this council when you have two different
sides.

31

32 MR. LEE TITUS: Bill?

33

34 MR. CHARLIE TITUS: So, you'll have to bear
with us and try to make the best recommendations and try to see
our point. Understand what I'm trying to say? Okay.

37

38 MR. LEE TITUS: Thanks, Charlie. Bill?

39

40 MR. FLIRIS: Mr. Chairman, to educate me a
little bit, I think part of the problem that maybe all of us
have understanding why some of these things happen is because
they don't seem to make much sense. To me, I've been through
that area where you live a few times, driving down to
Anchorage. It seems pretty rural to me. Why that area would
ever be considered to be non-rural, I don't know. But that's
basically what set this off, isn't it, in that the Feds have
gone ahead and accepted the determinations that the State has

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made as far as what's rural and what's non-rural and what areas have customary and traditional uses and at this point it needs to be reversed. Is that the message that I'm getting, is that the Subsistence Board would have to reverse a decision that was made originally by the State?

5

6 MR. O'CONNOR: I can probably add somewhat how that come about, is the fact that when the State done their survey, they included the Park headquarters which is a compound where I think there's -- well, I don't know how many people; quite a few people living there. Most of these people, or a good portion of them, all of them work year-round. A good portion of them, two members in the family work for the Park and so they've got a real high income. The other thing is that most of these people are there for about five years and move on. So, how long is this community -- and they was lumped in with our community and that's -- if you'll go through the figures on it, that's where it shot us down, is that kind of thing. None of them will eat meat hardly. You know, I mean, there's no hunters in the whole bunch because -- or just about. Where might be one or two occasionally, but -- so, really, that's where we took the beating, is because they lumped us in. Well, we went -- and I think Elizabeth there, Andrews, and we talked and they changed figures which was good, but then when they had -- when they made us urban again, they used the same old figures. So, we're back to where we started as far as Fish & Game goes.

27

28 MR. PEARSON: What Pat's saying, when they changed the figures they eliminated the McKinley or Denali Park Headquarters from....

31

32 MR. O'CONNOR: Yeah.

33

34 MR. PEARSON:being the rural classification, along with Clear Air Force Base. They said that those communities didn't meet the qualifications.

37

38 MR. FLIRIS: Um-hum.

39

40 MR. PEARSON: But then they didn't change the figures when they redid it. They were still using the same figures used in the income and length of residency on the information there. So, basically, the State's been -- excuse me, I don't mean to offend anybody, but has been using bad figures and the Park Service has been, you know, led down this road of bad figures and have been sticking by that. And that, I think, is a direct result of their permits not having been returned to them.

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1 MR. ROACH: Just a comment.
2
3 MR. LEE TITUS: Okay. Go ahead, Jeff.
4
5 MR. ROACH: Maybe we're kind of laying the
6 issue in a different light. From my understanding, it's the
7 Federal Subsistence Board is the one that has to make the
8 determination. It's not a Park Service issue.
9
10 MR. PEARSON: Right.
11
12 MR. ROACH: And maybe we should continue to
13 focus on the fact that it's the board that we're going to have
14 to make our presentation to if we want to assist....
15
16 MR. PEARSON: That's -- yeah, exactly.
17
18 MR. ROACH:these people, these users.
19
20 MR. FLIRIS: Yeah, and that's what I want to
21 know, is what kind of a determination does the board have to
22 make and are they making it for one person at a time or are
23 they making it for the entire area that's concerned? Is that
24 what's being requested?
25
26 MR. TWITCHELL: Their determinations are all
27 area- or community-made for C&T.
28
29 MR. FLIRIS: Um-hum.
30
31 MR. TWITCHELL: They do not make determinations
32 on an individual basis.
33
34 MR. FLIRIS: Okay.
35
36 MR. TWITCHELL: So, it'll have to be a review
37 of the C&T for that road corridor area 216 through 239.
38
39 MR. FLIRIS: Two-sixteen through 239.
40
41 MR. TWITCHELL: That's correct. And then based
42 on that, the board would make a review and assessment and
43 determine whether moose and caribou were used by that area.
44
45 MR. O'CONNOR: One flaw in that, 239 is the
46 Park entrance. The boundary of the Park is 231. So, why it
47 runs to 239, I have no idea, but that is actually in the Park,
48 six miles or so, several miles.
49
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1 MR. FLIRIS: And that's where the headquarters
2s?

3
4 MR. O'CONNOR: Well, that's near three miles
5 into the Park. Now, I'm not sure where that part lays, how it
6 lays. But the boundary of the Park is Mile 231.

7
8 MR. FLIRIS: But if it was just 231, would that
9 exclude the group of people that are Park employees that I
10 believe you're talking about? How do you feel about those
11 people having subsistence rights?

12
13 MR. O'CONNOR: Well, I don't think any of them
14 qualify, honestly, because most of them, like I say, their
15 average length of time is five years there. Five to six years.
16 And, again, most of them is -- it's definitely a year-round
17 work. They've got all the amenities. They've even got a dish
18 TV, you know, here. We don't even have TVs let alone a dish.

19
20 MR. PEARSON: Don't you -- I find it strange
21 that these permits were issued on an individual basis and now
22 they're kind of being denied on a community basis. Is there
23 any way of getting around that?

24
25 MR. TWITCHELL: They were issued on an
26 individual basis as the fact that they did not reside in a
27 resident zone and, as such, each individual has to come in and
28 demonstrate either a personal dependence or a family dependence
29 on those resources. So, it was an individual test for
30 eligibility. Back at that time, in the early eighties, there
31 was -- the State was not making customary and traditional
32 determinations for species. So, as such, they were authorized
33 those species that were currently open at that time. It was a
34 combined sport season, is what it was. There was really no
35 difference between subsistence season and bag limits and sport
36 seasons. So, as such, they could hunt moose which was open in
37 20 (C). Up until about 1974, the State closed caribou in 20
38 (C) because of Denali's herd's status and so that was closed
39 off for subsistence or sport hunting in 20 (C) from that time
40 on.

41
42 MR. CHARLIE TITUS: This -- excuse me,
43 Mr. Chairman.

44
45 MR. LEE TITUS: Um-hum.

46
47 MR. CHARLIE TITUS: So, this appeal that was --
48 was just passed they could do it. What that means is that

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St. Elias National Park -- that means the same for the people that applied for there, too? Or, for instance, I'm getting back to the same thing we got into yesterday, I guess, with Tanacross and the people apply who have customary and traditional in the Park.

5

MR. TWITCHELL: If they can show that they've utilized Park resources....

8

MR. CHARLIE TITUS: If we could do this, we recommend that if you have a change there, we'd have to recommend for that?

12

MR. TWITCHELL: Well, the Federal board would be the entity that would be making the customary and traditional determinations for species in the Wrangell St. Elias area for those GMUs or those communities or areas. So, whatever the determinations would prevail there would determine what species Wrangell St. Elias subsistence users could participate in.

20

MR. CHARLIE TITUS: So, this appeal would affect both Parks, then, wouldn't it? Or just -- yeah, that isn't an isolated appeal.

24

MR. TWITCHELL: It wouldn't affect Wrangell St. Elias unless they had species determinations that....

27

MR. CHARLIE TITUS: I mean, on the whole as a, you know -- you can't tell me that -- I don't know, maybe you can tell me anything. I just don't see where you'll make a decision on one Park that wouldn't affect the other Park.

32

MR. TWITCHELL: They'll base it....

34

MR. CHARLIE TITUS: Are they separate?

36

MR. TWITCHELL: Well, each individual would apply to the Park that they participate in subsistence activities and if they could show a dependence on the resource, then, they would be issued an individual or a family household permit. So, that would determine their eligibility to go onto the Park lands to harvest resources. What wildlife resources they harvest would depend on what the Federal seasons and bag limits and what were open for that harvest.

45

MR. PEARSON: I think he didn't -- Charlie didn't quest -- it'd be on an individual basis, Charlie, so what decision that they made for, say, Pat O'Connor in Denali

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would not affect St. Elias. But if somebody in St. Elias could prove their dependency upon the resource down there, that they could put in for a permit and, you know, yes, maybe accept it, or, no, it may not be.

4

5 MR. CHARLIE TITUS: Yeah, that was the
6 question.

7

8 MR. PEARSON: Yeah.

9

10 MR. TWITCHELL: Yes, they can.

11

12 MR. PEARSON: But it doesn't -- just because,
13 you know, say, they give somebody in Denali a permit, it
14 doesn't mean that somebody in St. Elias is going to get a
15 permit.

16

17 MR. CHARLIE TITUS: Yeah.

18

19 MR. JAMES: Mr. Chair, I'd like to refocus for
20 a moment in Mr. O'Connor's situation. I could envision the
21 council getting involved in this almost same discussion in the
22 future, maybe the next meeting or maybe the meeting after when
23 the board has decided it's going to be addressing his specific
24 issue. Okay. At that time, the council will have an
25 opportunity to provide their input into that C&T determination
26 thing. But that's not what's happening right now. As I see
27 it, the only thing you're in a position to influence right now
28 is how soon they address the C&T problem along the Parks
29 Highway. Okay? And that's how I see it. So, it's sort of a
30 two-step thing. First of all, it's got to be elevated high
31 enough on the priority list so that, you know, it gets taken
32 care of soon. Then, next, it will go into the actual process
33 of trying to determine whether they're going to -- you know,
34 whether it'll be favorable or unfavorable to Mr. O'Connor. I'd
35 suggest that the council, you know, again if you want to
36 exercise your prerogative, you could prioritize this and some
37 other issues and perhaps try to influence the board in setting
38 their priority schedule.

39

40 MR. PEARSON: That's exactly what I was coming
41 around to.

42

43 MR. LEE TITUS: Yes?

44

45 MR. STEVE LEAPHART: Mr. Chairman, excuse me.
46 It's my understanding that this issue is going to be taken up
47 at the October meeting. Is that right, Pat?

48

49

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1 MR. O'CONNOR: We got a letter stating that
2 they would consider it.

3 MR. PEARSON: We were told yesterday three to
4 four years by Mr. Hiscock here. And, so, you were saying this
5 October?

6
7 MR. LEAPHART: I have a copy of a letter from
8 the Chairman of the Federal Subsistence Board to Pat O'Connor
9 that said this issue will be taken up at the October meeting of
10 the Federal Subsistence Board. So, I don't know; I don't know
11 if that's still on the schedule or not. But if that's, in
12 fact, the case, maybe Mr. Pospahala can clarify that.

13
14 MR. PEARSON: Sure.

15
16 MR. LEAPHART: The time may be ripe for this
17 regional council to address this issue with respect to
18 recommendations to the board.

19
20 MR. PEARSON: I was just hoping that this
21 council would have more time to gather information to make a
22 decision.

23
24 MR. LEE TITUS: Yes?

25
26 MR. FLIRIS: Mr. Chairman, it seems like one of
27 those situations where you've got people that are being abused
28 by the system. It's really ridiculous reading the regulations
29 here to realize that as a resident of Tanana I have subsistence
30 use in the Park and he doesn't and he lives right next to the
31 Park. You know, for me to get over there and use it for
32 subsistence would be almost impossible. I know there are a few
33 residents of Tanana that do and we appreciate being able to
34 continue to do that, but it's just ridiculous when the people
35 in the areas like him are considered non-rural and not able to
36 participate. And I don't know what the council can do about
37 that directly, but at least I feel strongly that we ought to
38 state our opinion that people who live in rural areas and next
39 to a subsistence resource ought to be able to utilize that
40 resource. And I don't know what the mechanism is going to be
41 exactly for ensuring that they can use it, but it's obviously
42 not a crowded area where you've got to worry about the impact
43 of these people that have been there for a long time and they
44 just want to continue to do what they've been doing for years.

45
46 That's philosophically where I stand and I
47 would recommend -- personally, I feel that we ought to
48 recommend that the Subsistence Board look at their issue right
49

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away and find a way to allow them to have their permits back.

1
2 MR. LEE TITUS: Thank you, Bill. In light of
3 that, as far as getting permits to Park -- a lot of the people
4 that I talked to, especially in the Tetlin and Northway area, I
5 talked to them about obtaining a permit, a subsistence permit
6 to use in St. Elias National Park for hunting purposes. And
7 they feel that's an insult to them to have to prove to the
8 Federal government that they have been traditionally using
9 subsistence, or cultural, in the Park. They don't think they
10 have to prove to anybody that they historically used that Park.
11 That's why a lot of them are just really quiet about it. A
12 lot of them don't even want to -- they're just so fed up with
13 the rules and regulations. There are so many of them that it
14 just -- they just don't care anymore. They'd just rather just
15 go on continuing living like they've always been living and not
16 even deal with regulations. And I think it's like that
17 throughout the whole state in all the communities. Any more
18 questions? Charlie?

19
20 MR. CHARLIE TITUS: Mr. Chairman, since this is
21 public testimony, maybe I'll have my own say in it. I don't
22 know, I think I agree with Lee. If you were to tell me to
23 prove that I use resources on the Minto Flats, I would think
24 you were crazy. I don't know how you're going to tell a man, a
25 family of Native identity, the People, "Prove to me that you've
26 lived here for thousands of years, that you hunt off this
27 land." I think that's, again, going a little too far
28 especially if they're telling their own Native people that -- I
29 don't know, I can see Mr. O'Connor's position, too, on the
30 other side of that. But I think in some places we're going a
31 little too far. You're restricting a man who was probably born
32 on this particular land, this area, and hunting in his
33 backyard. I'm not all in favor of the concept of that because
34 I guess I just -- I know that the Natives should have
35 preference and I believed that for years, but I don't hunt in
36 his area. It's a different area and I don't see very few
37 Natives hunt in that area. Maybe there's a small population in
38 the Cantwell area. But does he prove that he has the rights
39 there? I believe he does.

40
41 MR. O'CONNOR: One little....

42
43 MR. LEE TITUS: Yes.

44
45 MR. O'CONNOR:bit of information there. I
46 mean, Hollis has reported his. I mean, the Bold River which is
47 one of our areas, the Kantishna Hills and what they call the
48 Stamped Area which is all added lands to the Park, the total

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harvest of moose was two the year before last. I don't know what the harvest was last year. But two moose were taken in that whole area, areas that used to be utilized by local residents. Because of regulations nowadays, nobody hunts there. Nobody hardly.

5

6 MR. PEARSON: Mr. Chairman, I'd like to hear what Richard has to say about -- I can't -- I'm sorry, I can't pronounce your last name, but....

9

10 MR. POSPAHALA: I can barely pronounce it.

11

12 MR. PEARSON: But if this is true that they're planning on looking at this area in an October meeting, it might save some debate here.

15

16 MR. POSPAHALA: Yeah. I can tell you that is a bit of a misstatement. What they are going to do, and I think consistent with the letter that he's already received, is that they are going to provide him an additional opportunity if he wishes to address the board. But there has not been, nor will there be between now and the end of this month, a commitment made for the board to make a final decision in the request that he brought forward several years ago. I think you have to appreciate the fact that in order to keep from doing these determinations over and over again, the agencies that are represented on the board and the board itself is trying to take a very careful and thorough look at this entire problem. And it turns out that the one that involves this general area in Game Management Units 12, 13, and parts of 20 and all, is a very complex and complicated situation and it's one that we've already invested substantial effort in and I think we all realize that there will be considerably more effort required before it's finally resolved.

34

35 They would like to end up with a set of decisions in that whole situation that will serve the subsistence users well and will last for a period of time, as well, in essentially an unchallenged manner. And that's what we're all trying to achieve there. I don't want to leave anybody with the idea that it's likely, though, that the board will make a decision in this manner on the 26th of October when they do meet because that's very unlikely.

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44 MR. PEARSON: And then do you think the Federal Subsistence Board will come back to this council for input on this decision?

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48 MR. POSPAHALA: Absolutely. As I see it,

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that's a requirement of -- if it's not, I've been misreading it for some time. I think it's very clear that will be done, yes.

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MR. PEARSON: Right.

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MR. POSPAHALA: Okay.

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MR. PEARSON: Well, Mr. Chairman, I'd like to make a motion that the Eastern Interior Subsistence Regional Advisory Council petition the Federal Subsistence Board in a speedy determination on this Mt. McKinley Village Subsistence/non-subsistence classification in regards to the permit to hunt in the preserve. All I'm asking is that this Council -- I think, you know, this has been going on since '87 or '88 and I think it's time that the Subsistence Board look at it and reviews it.

17

18

MR. LEE TITUS: So, your motion will make them....

20

21

MR. PEARSON: Yeah, just ask....

22

23

MR. LEE TITUS:put it on....

24

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MR. PEARSON:the Federal Subsistence Board hopefully soon look at this area here.

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MR. LEE TITUS: The motion is on the floor.

28

29

MR. FLIRIS: Seconded.

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MR. LEE TITUS: Seconded by Bill. Any other under discussion? Hearing none, all in favor of the motion, say aye.

34

35

COUNCIL: Aye.

36

37

MR. LEE TITUS: Opposed? (Pause) So, we're going to get them to discuss it at their next meeting, right?

38

39

MR. PEARSON: Yeah, we request that the Federal Subsistence Board review this as soon as possible; that we think it's been going on long enough.

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MR. LEE TITUS: Okay. Percy?

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MR. PERCY HERBERT: My name is Percy Herbert, from Fort Yukon, and a subsistence user. All I'd like this

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council to do is address the commercial fishermen which are creating problems for the subsistence users because I'd like to see an intent to limit the commercial fishermen of how many fish they can catch and I'd like to limit the length of the net which is five mile nets they are using. I'd like to cut it down to a mile. And the falcon (ph) people and that, I think that's got to be changed, too. Also, it's -- I'm doing this because I did a little background check upon commercial fishing. Back in 1968, it was a hundred thousand dollar industry, total industry, in Alaska. In 1988 -- now it's a billion dollar industry which I think it's kind of raping the Alaskan coast. Since 1988, they've been making a billion dollars a year on fish. I think there's got to be some kind of a limit on how much they catch because the resource they are catching has got a limit, too. So, that's one issue I'd like to be addressed. And I'd like to have another issue: the intent to stop aerial hunting for moose. Thanks.

17

18

MR. LEE TITUS: Thank you.

19

20

MR. PEARSON: Well, I have a couple questions.

21

22

MR. LEE TITUS: Yeah.

23

24

MR. PEARSON: Now, then, you say you want to cut the nets down from five miles to one mile length.

26

27

MR. HERBERT: Right.

28

29

MR. PEARSON: And where would they be using these nets? I live in the mountains; you'll have to -- I'm not....

32

33

MR. HERBERT: They use them all over the Alaskan coast, you know.

35

36

MR. PEARSON: All on the coast?

37

38

MR. HERBERT: Yeah. Right in between Kodiak and False Pass and all in the Bristol Bay area and all along the Yukon mouth. Every tributary to it, you know, the Yukon-Kuskokwim, all them areas.

42

43

MR. PEARSON: So, basically, they're catching all these fish before they can get back into the river....

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MR. HERBERT: Right.

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MR. PEARSON:and you're afraid for the

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species of fish?

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2 MR. HERBERT: Right. And subsistence users are
3 getting the blame when the commercial are doing all the....

4

5 MR. PEARSON: The damage.

6

7 MR. HERBERT: Doing all the damage, yeah.

8

9 MR. PEARSON: Right. I hear you.

10

11 MR. HERBERT: Um-hum.

12

13 MR. PEARSON: And then what was your last part
14 about the aerial moose hunting?

15

16 MR. HERBERT: Well, the reason I want to stop
17 that aerial moose hunting is because what it's creating, it's
18 creating a lot of wanton waste and a lot of people have told me
19 that they've seen people coming from -- at the airport and all
20 they see is just horns. You know, I'd like that addressed,
21 do.

22

23 MR. PEARSON: Oh, but you're not saying that
24 they're flying over and shooting them from the air; they're
25 just flying in, hunting with airplanes. Is that correct?

26

27 MR. HERBERT: Correct. And what they're doing
28 they're just leaving the meat behind and all they're doing
29 just taking the horns. So, I'd like that changed. Thanks.

30

31 MR. GUSTAFSON: Mr. Chairman?

32

33 MR. LEE TITUS: Yes.

34

35 MR. GUSTAFSON: On addressing this issue that's
36 come up, I've asked this before about, what it boils down to is
37 navigable waters. And the only way we could -- the way it's
38 been told to me, is the only way we could do that is under the
39 authority of Section 805, that we can make a recommendation to
40 the Secretary of the Interior to include navigable waters for
41 fisheries.

42

43 MR. HERBERT: Um-hum.

44

45 MR. GUSTAFSON: That was to be the only way to
46 address that issue.

47

48 MR. HERBERT: Um-hum. Okay.

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1 MR. GUSTAFSON: I know that it doesn't make
 2 sense that subsistence fishing is excluded. At this point, we
 3 don't have any authority over that unless you go through due
 4 process and make a recommendation.

5
 6 MR. HERBERT: Um-hum. Well, I'd like you guys
 7 to make a recommendation or something.

8
 9 MR. GUSTAFSON: But our board, our advisory
 10 Council could make a recommendation and we do intend to.

11
 12 MR. HERBERT: Okay. Thanks.

13
 14 MR. CHARLIE TITUS: Mr. Chairman, on the same
 15 issue, we never had a place on the agenda to discuss this
 16 fishing. I would like to see it on the agenda or maybe -- we
 17 didn't think about putting it on the agenda. I mean, I
 18 remember that....

19
 20 MR. ROACH: We have navigable waters already on
 21 the agenda. I think we....

22
 23 MR. CHARLIE TITUS: Oh, oh.

24
 25 MR. ROACH:covered that pretty well under
 26 that....

27
 28 MR. CHARLIE TITUS: Well, we should go to it
 29 then, huh?

30
 31 (General laughter)

32
 33 MR. JAMES: We'll still get there.

34
 35 MR. CHARLIE TITUS: I'm sorry, Mr. Chairman.
 36 I'm corrected. Thank you.

37
 38 MS. JULIE ROBERTS: My name is Julie Roberts
 39 and I'm from Tanana, and I thank you guys for taking this time
 40 to take public comments. I have a lot of concerns for the
 41 Village of Tanana. We're right on the Yukon River and we are
 42 impacted directly by the Dalton Highway and the Yukon River and
 43 the Tanana River by the boats that come down the river in the
 44 all time to go down to the Nowitna to hunt. In the last 20
 45 years, I've seen the increase in the boats to twenty, thirty
 46 thousand dollar outfits that go down the river. And I'm sure
 47 you know a lot of them go up the Koyukuk River, also, but, you
 48 know, they do go directly to the Nowitna. And the moose that's

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been coming out of that area, I have real concern for the data on the research methods that the Fish & Wildlife Service use on how many moose is actually coming out of that area and how much of that meat is actually being salvaged out of that area. The problem starts in the urban area of Fairbanks when they travel up the Dalton Highway, and I'd like to see some sort of a limit as to how much access is used for the Dalton Highway to get to the Yukon River bridge to bring their outfits down the river. It's not going to get any better; it's going to get worse. You know, there needs to be a limit on how much moose is going to be taken out of those areas. A lot of the guys who live in Tanana have a real hard time getting a moose because we're surrounded by a lot of State land in our village there. We don't really have -- you know, we're not really right next to any kind of public lands, Federal lands, and so they have a real hard time, you know, getting their meat for the winter.

16

17

Some of the other things I have is -- I don't see anywhere in the regulations there where it states that the people who have the most direct need for the resources should have the ability to have the first access to that resource. I think it's needed and I think it should be brought out. We're right on the boundary of the Western and the Eastern Regional Council, and I don't know how much impact the Western Council is going to have on the Nowitna for the people who live in Tanana. I don't know how much communications is going to, you know, be communicated between the two councils. And so that's another concern that I really have. Another suggestion I have is the location of your meetings, your regional meetings. I think they should be held in the communities that -- where you can get some input from the local subsistence users rather than like having myself have to come to here to Fairbanks to come to the meeting. You know, I think there should be meetings held down in the Tok area or maybe the Fort Yukon area or wherever. You know, they should go directly to the villages where the subsistence users actually live. So, those are some of the concerns that I have right off-hand, and I'd like to thank you.

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MR. LEE TITUS: Thank you, Julie.

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MR. FLIRIS: Mr. Chairman?

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MR. LEE TITUS: Yes, Bill?

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MR. FLIRIS: I'd like to comment a little further along the lines that Julie was talking about of the concerns over moose hunters. It's not something that's easy to solve when you look at land status maps; it's a checkerboard sort of thing. But I feel it's important to mention the

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general concerns of subsistence users regardless of land status and I think that most of the people on this council understand that subsistence uses really doesn't have anything to do with land status. It has to do with what you need to do in your local areas to make a living for yourself. And one of the problems that's really evident out in Tanana is the impact of sport hunting in that area. I think I mentioned yesterday it's like watching an invading army come down the river, a very well-equipped army. And when they go back, it's obvious how much success that they've had because, really, they have nothing else to do for the week or ten days vacation that they've taken but hunt moose. And it's not consistent with subsistence use patterns in the month of September because during that period of time, local people are doing a lot of different things to get prepared for winter, and moose hunting is just one of them. They have limited opportunities, actually, to moose hunt even though they live right in the area. They've got to do some fishing, they've got a lot of firewood to put up, they've got dog teams to take care of with bedding, and there's just a multitude of chores that go on. And also in our area, people tend to hunt later in the season than the sport hunting occurs. And it would seem at first glance that that's not a conflict, but actually it is when the sport hunters have gone out into the woods and pretty much taken the best bulls out of the area in a pretty intensive hunt. Before local people feel that it's right to go hunting, and mainly having to do with preservation of the meat, they tend to hunt later on in the season. So far in 20 (F) in the area that 28m in, 20 (F), the Federal Subsistence Board has granted us an extra ten days hunting period on Federal lands from what the State has allowed us and that's been beneficial. And I still think that it's possible that they should add another five days on to that time because people tend to hunt all the way to the end of the month to get the moose that they need.

34

35

And I think it's important to look at those harvest patterns in all of these communities and find out when people, the real subsistence users, are actually harvesting the game and align the seasons with that harvest pattern as much as possible in order to get accurate reporting. You can't expect people to report game that they're harvesting against the law, but it'd be foolish to say that the harvest doesn't go on. Everybody knows it does go on. It's the only thing that people have for food, so they go ahead and do that. The issue of sport hunters not using all the meat, I hear that every year. It's a continuing concern with boats coming back loaded down with antlers, but not much meat and it's not real clear to people where that meat went. In some cases, I'm sure the meat was flown out from another village down river. In the case of

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hunting on the Koyukuk River or the Nowitna, maybe they went down to Galena and had the meat flown out. But it's a case in the villages where we have people there that would be happy with a moose head if somebody wanted to give it to them, and they see these boats going by where a lot of people don't even bother to take the ribs and the backbone with them. They find evidence of this later on in the fall where meat's been cached under the hide and stuff like that. There was a lot of bone there and they didn't want to remove it. And I think there needs to be more enforcement efforts along those lines to insure that all the edible portions of the meat are removed if these sport hunters are going to be out there taking that game. And if not, if they don't want to take it all the way back home, they could at least bring it to the village and make it available to people. I think that would go a ways to alleviate some of the concerns that people have with sport hunting impact. But it is a situation every year where people are constantly -- well, they're in a bad mood, let's just put it that way. They're in a bad mood when all of these sport hunters come down through there. You never see these people the rest of the year; they don't really do anything to benefit the communities. Basically, they're just out there to take the team from the land and leave again, and it's a situation that doesn't go down well with the subsistence user in a local area. I see that, especially when people in that area don't get all the moose they need anyway to go through the winter. So, I just wanted to mention that. I guess the main thrust of what I'm saying is to look at harvest patterns in the village and try to come up with seasons that reflect honestly the harvest patterns that are occurring there with subsistence users. I think that would help a lot.

31

32 MR. LEE TITUS: Thank you, Bill. I guess we'll
33 take a fifteen-minute break right now. We'll come back at a
34 quarter after.

35

36 (Off record)

37 (On record)

38

39 MR. LEE TITUS: At this time, David will make
40 introduction.

41

42 MR. JAMES: Dick Pospahala has already
43 addressed the group here a couple times already. He really
44 hasn't had a chance to do much else. He introduced himself as
45 working with the Subsistence Management Program. Actually, he
46 directs the whole thing and it might be appropriate if Dick
47 would like to say a few words that will help us perhaps.

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MR. POSPAHALA: Thank you, David. As David indicated, I'm with the Fish & Wildlife Service portion of the Federal Subsistence Program that works directly with the Interagency staff committee who tries to support the Federal Subsistence Board in their efforts to conduct this very new program. I'd like to welcome the members of this council to the Federal program. Establishing the ten regional advisory councils basically represents the last major step in bringing the full scope of the Federal program on board. It's taken us something on the order of three years to get this far into this process, but it presents some exciting new opportunities for us in terms of doing the best job that we can to fairly administer Title 8 of ANILCA in the way that we, in concert with the State of Alaska and the local rural residents in the State of Alaska, feel that the statute was intended to operate. I and my staff look forward to working with you in this program and even though we do have, in most cases, somewhat limited resources, I would hope that in your discussions with our staff yesterday you were left with the impression that they take very seriously their responsibilities to assist you in every way that they can in providing information for your deliberations and involvement in this program. And, once again, I'd like to welcome you to the Federal program and I'll look forward to personally and on behalf of the other agencies and my staff as well, look forward to working with you as well. Thank you.

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26

MR. LEE TITUS: Thank you, Dick. At this time, we'll take more testimony because I know there are some people that have other things to do this evening and won't be available for the 7:00 time period that we have for testimony this evening. So, at this time, I'd like to reopen the floor for additional public comments.

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MR. STEVE GINNIS: Mr. Chairman, my name is Steve Ginnis. I'm the chief of the Native village of Fort Yukon and there are a few issues that I would like to discuss with you here. One thing I'd like to ask for from the council is that they provide us with their agendas and that type of information because we do have a couple of people here from the Yukon Flats that represent us on this council and we haven't -- at this particular meeting, we didn't get any information. So, I'd appreciate it if you would provide that information to us. One thing I'd like to request is a review of the moose management plan in 25 (D). I'm getting very, very concerned about the management of that resource in the Yukon Flats area. And when I see -- just recently when I came in from Fort Yukon here, I noticed a guy that was getting on the airplane with five antlers and no meat. Now, you know, when you let that kind of activity continue, I think we may very well find

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ourselves in the position like we do with the fish. So, I respectfully would like to ask your help in trying to address this problem in the Yukon Flats area.

3

4 The other thing I wanted to talk about was the fall chum fish. I know it's not -- it's something that's being debated, but I think sooner or later, you folks are going to end up dealing with this issue. And in our particular case, we're some 800 miles up the Yukon River and this closure that took place on September the 3rd, we were the ones that got hurt the most, unfortunately. We're paying a penalty for somebody else's management of this resource and it's very, very disappointing that there's no other recourse other than lawsuits and talking to various managers and so forth and so on in trying to address this problem. You know, when this thing, this closure took place, the fish hadn't even arrived in Fort Yukon and we were shut down. And then an injunction was done by TCC; that didn't go too far. And, you know, it's really disappointing that my people have to be paying a penalty over this whole closure. And that's what it really comes down to: that we truly are subsistence users. We have one commercial fisherman up in Fort Yukon. In fact, I just recently talked to him. He said he might as well just sell his license because it's not doing him any good. Right now he just does subsistence fishing. So, I hope that some of these issues are addressed. The moose management thing I'm talking about, we recently had a village council meeting and that's one of the things that the council directed me to do, is to do what I can to have a review done of the moose management plan in the Yukon Flats, both on the north and south side of the Yukon River. On the south side of the Yukon River, we have the permit hunt area there and my latest information is that, you know, we're having a decline and I want to know why. Why is that happening? If there is, then, where does that put us, those people that actually subsist off of this resource? So, I'd appreciate your help with that as much as possible. With that, I thank you very much.

37

38 MR. LEE TITUS: Okay.

39

40 MR. JAMES: Question, Steve. Could you give me a mailing address for your organization, for the tribal council and whatever, so I can make sure you get on the mailing list?

43

44 MR. GINNIS: Sure. P.O. Box 382, Fort Yukon, 99740. Office number is 662-2556.

46

47 MR. JAMES: Thank you.

48

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MR. LEE TITUS: Are there any more comments or testimony?

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MR. GILBERT VENT: Thank you, Mr. Chairman. My name is Gilbert Vent and I'm from Huslia River, Huslia, Alaska; originally on the Koyukuk River. I'd just like to express my concerns there about the board members and what they're trying to do. As we all know, as subsistence users, we've been -- probably you've heard these testimonies for years and years and they've stated the same thing. What I see is that we're having a great deal of lack of communication. You've probably all heard these testimonies from way back and then now I'm on the next generation and I'm saying something about it. And all I can say is we're having a terrible lack of communication on these matters, you know. We just have -- it's something for the board to work on. I know we're all having a problem with our moose hunting season. As a subsistence hunter, I like to hunt at a certain time, certain time of the year; it all depends on the weather so I can get the meat ready for what I'm supposed to do with it, you know. I have to make dry meat and whatever for subsistence use. I can't -- but I have to go by the regulations and get a ticket and hunt when they say to hunt. That's very difficult to do for what I see because of the time period, it's got to be under a certain time for subsistence use. And I'm seeing all these hunters, you know, you're hearing testimony on hunters and, basically, that was a problem from way back, too, also, and we're still trying to deal with it. And we're getting more and more moose taken and now we're having a problem with the population. So, what we're doing now is we're dealing with the wolves. We've got to cut down on the wolves so we'll have more moose for more hunters. You see, that's where our communication has got to start. We can't substitute. It's very important that you keep the population in a cycle; all animals go in cycles. That's something that I learned when I was growing up and it's something that this board ought to understand. There are times when they're low and there's times when they're high, and that's very important. You can't substitute where -- I'm sort of against wolf hunting, aerial wolf hunting. I like trapping them and, you know, but it's this -- we're having a lack of communication with -- it's not basically you guys; it's probably somebody else. You know, it just goes on and on. What we need to do is communicate more to get an understanding. That's just my -- what I have to say about that, basically.

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Someone brought something up about fishing earlier, and I see all these things here -- I see these things here about, you know, we're having a lack of fish and now we're getting down on subsistence fishing. And then we'll -- before,

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earlier this summer, we'll have to cut down on commercial fishing. It's just all cut-downs and cut-downs. And I read on this paper where the basic problem was coming from, was probably on the False Pass area. We've got -- they just cleaned out the whole fish that's coming up -- supposed to come up the Yukon. You know, that's where -- lack of communication again. It's very important that we understand all these -- understand these situations in order to deal with it, deal with it properly. Thank you.

9

10 MR. LEE TITUS: Thank you, Gilbert. Any
 11 questions? Yeah, Bill?

12

13 MR. FLIRIS: Mr. Chairman, Gilbert, I know
 14 you're in the -- you're actually in the Western Regional
 15 Council's area up there on the Koyukuk River, but I was just
 16 curious to know something about the moose hunting impacts in
 17 your area because I think it's probably similar to the area
 18 around Tanana. And I'm sure that a lot of the moose hunters
 19 that go by Tanana are headed for your area. I just wondered
 20 how that impact affects people's ability to get their
 21 subsistence moose these days in Huslia.

22

23 MR. VENT: Well, this is -- you're giving me a
 24 question that's hard to explain here. I'm just basically
 25 saying that our methods is what's causing the problems we're
 26 having here, you know, the methods we're doing. We've got
 27 -- now we've got hunters that's going everywhere in the
 28 state. It's not only the problem in one area; it's a statewide
 29 problem. We have way too much hunters for the whole -- for the
 30 population of the animals.

31

32 MR. FLIRIS: One thing that I heard about was
 33 that you guys had a guided hunt operation up there by a
 34 Fairbanks guide where he brought people in and I think he
 35 employed some local residents around Huslia. How did that work
 36 out? Did that turn out to be a good deal in that area? Were
 37 people happy with that or was that an impact that they -- do
 38 you have any feelings for that?

39

40 MR. VENT: Well, that service went through the
 41 study and the way I see it, it could be a good idea where you
 42 control the whole area, you know, and then you have a better
 43 count on things besides -- you see, they're right there helping
 44 them hunt instead of people just going back and forth and we
 45 don't know what's going where, you know. Basically, the
 46 problem I see here is the area, the villages in the area, have
 47 kind of communication of who's going where and who's doing
 48 what. You know, we have -- that's a problem we're having now

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is people hunting in all areas on the river and we don't know who's getting what. And all we can go by is by what Fish & Game says and what the moose count is, you know. But, personally, I think that would be a good idea the way it's set up where they have guided hunts through each village. That way you control that area; it's independently controlled. You know, it's not just -- I suppose they'll still get hunters going out and going by themselves, also, you know. Does that answer your question?

9

10 MR. FLIRIS: Yeah, that's kind of what I was trying to get a feel for because it seemed to me like the impact of that guided hunt might have been -- it's still a sport hunting thing, you know, but at least it was done as far as I could understand with the permission of the village elders and it occurred in an area where it didn't have an impact on normal subsistence patterns and a lot of the meat was left behind, as far as I understand it. It stayed in the village to benefit people in the village. Was that the case for that? (Pause) It sounded to me like sort of a solution to some of the problems with sport hunting where people are often out for trophies and they're not that concerned with all of the meat, but the villagers need all the meat. I just wondered if there were some good points and it seems like you're saying that it was.

25

26 MR. VENT: What I'm saying is there will be -- you're getting an accurate account of what's going on because, basically, the guides have to fill the forms out for what they catch. Right? You know, it's pretty well watching that part, probably. But the problem we're having is, like you said, of people going in and then coming out without us knowing what's going on. That's our main problem, what I see here. It's not -- I'm not saying that it's good or bad. The population of animals we have to watch. That's where we need the communication between you, the board, and the residents of the areas. You see, we have this statewide, so it's not just one area. It affects the whole area. It affects the State of Alaska.

39

40 MR. FLIRIS: Thanks. Thanks, Gilbert.

41

42 MR. CHARLIE TITUS: Mr. Chairman, can I comment on this? It seems to me that we're hearing from the public on control. I think we have a problem controlling the hunt in different areas and you can tell me all day about hunters and over-hunting a specific area. I was born and raised in the Minto Flats and I remember the times when we had -- there was great competition over the resources there because of the

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nearness to the flats, the accessibility. You could hop in your boat and get there within a couple hours or jump in your car and take off and you'll be right in the midst of Minto Flats area. For a while there in the last ten years ago, it was really getting bad. We couldn't go -- we couldn't hunt. People were really having a lot of problems, especially the Minto residents. We didn't have our annual moose supply and the wolf from the river was really rough, too, till the Tier II System came in and now that it's working, I see the wolf population came back into that area. And, also -- but it still never helped the taking of wanton waste. That's what I call the big game hunters. It's still there. And one of the hard things about it is controlling these people. I think that's a problem all over this state. I think that's where it has to be shared personnel to try to cut down on some of these illegal takes. I think there is, whether we like it or not. Whether we like it or not, we have to face it. I know they're always talking about budget cuts and how big the big game industry is to this state for the economy. But, still, we still have our obligation to the resources, the animals out there. They can only take so much. Where like the gentleman said, in a few years there, we'll have a fish crisis and then we'll have a moose and caribou crisis. So, I think something has to be done by law enforcement. I never thought it'd be the day I'd say this, that we need more law enforcement. But it's coming to the day where I think we have to be concerned about it. I don't know, maybe we should address this at some point.

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MR. THOMAS: Mr. Chairman,....

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MR. LEE TITUS: Yes?

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MR. THOMAS:I'm from the Yukon Flats and we're having the same problem there, too. Hunters coming up there. I, myself, have seen a big -- I figured he's about a five-, six-year old bull laying there on the beach with no head. I know a Native wouldn't do that because whenever Natives kill, they take it. There ain't even enough left for a dog to eat after a Native leaves a kill site. And I think that's a major problem throughout Alaska and there needs to be a stop to it, otherwise we won't have a moose population for younger generations to have that experience to hunt and live off the land like we do right now.

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MR. LEE TITUS: Anybody else have any more comments? Yes?

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MS. ANNE RUGGLES: Thank you, Mr. Chair. This is probably more in the form of a question than it is a

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comment. My name is Anne Ruggles, I am on the Alaska Board of Game. I am here to learn. What you do will certainly impact what I am able to do what I can do on the Board of Game. And what we do certainly impacts what you do. We do have similar concerns and similar frustrations. I've heard a lot of the frustrations expressed here that we've had on the Board of Game. And I know that many of the actions we've taken have certainly in the past and will probably in the future make your job a whole lot more difficult and actions you take are going to have an impact on our ability to do our job. One of the things that -- I've not been on the Board of Game for but about six months now. One of the things, though, that I've picked up on already and I've seen it here, I'm beginning to pick up on here, too, is that the perception certainly of our actions and the Board of Game and I think actions here will depend on how one defines how the individual listening or reading defines "sport hunter" and, by contrast, "subsistence user." I've heard -- both words are used all the time by everybody, but I'm not sure everybody -- I know certainly on the Board of Game we don't mean the same thing when we use those words and it's confusing to me, as a member of the Board of Game, and I know the public in trying to interpret actions that we've taken. I'm not sure we all agree on what makes one person a sport hunter or a subsistence user. The Board of Game certainly does not use these terms in a consistent manner. I would be willing to bet that they're probably not going to be used consistently here. I would -- it would certainly help me a whole lot as a member of the Board of Game in making future decisions and in listening to people who come to us to testify to hear a brief discussion of what you folks mean by those two terms when you use them. And if you have the time and the inclination, I'd appreciate listening to you guys debate it back and forth. Thank you.

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MR. CHARLIE TITUS: Go ahead.

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MR. LEE TITUS: Bill?

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MR. FLIRIS: Yeah, I'll bite that one off.

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(General laughter)

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MR. FLIRIS: I think it's a very pertinent question and I'm glad she brought it up. To me, I think the whole issue revolves around reasonable access. If you can go out in the field or out on the river or whatever the case may be and get some of that resource and take it home, put it on the plate, put it in the freezer, whatever the case may be, and use that to feed your family, without going to an extent where

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you're traveling a great distance away and using resources that cost a lot of money like airplanes and big boats that are loaded down with equipment, that sort of thing, if you can go out and get that moose and bring it home and feed your family with it, then, that's subsistence. And I don't care if it happens in downtown Fairbanks; it's still subsistence. But that's not the system we're dealing with, but to me that's subsistence. You've got people that travel hundreds of miles into areas that they never frequent the rest of the year, you never see them in that area, and use those resources and spend a lot of money to get that resource back and are doing things uncharacteristic of other subsistence activities, for instance, spending a period of time doing nothing but hunting, I'd say that person is involved in sport hunting. And I know there's a lot of gray areas involved, but I think that for the most part you could easily define subsistence uses and sport uses.

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And another thing to me, personally, I feel that income doesn't enter into it at all. I don't care if you're well-to-do and you live out in the village; you've still got a right to use the resources around you. There's a number of examples of people that do quite well out in the villages, but who's going to tell them -- who's going to tell Sidney Huntington that he's not a resource subsistence user? Who's going to tell Harold Esmailka that he's not? You know? So, I think penalizing people because of their income doesn't make much sense. They're not the greatest percentage of subsistence users, anyway. So, to me, that's my definition.

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MR. PEARSON: I'll reiterate on what Bill said, that it seems to me like we were talking earlier about they were saying the military from Fort Greely because they were classified as rural was going all the way up on the Haul Road under subsistence pretense and going great lengths for caribou hunting. I -- from a personal standpoint, if the effort exceeds the resource -- I mean, they could have stopped in Fairbanks and bought meat cheaper than what they can go up the Haul Road and haul that home. And, you're right, and then when you say that people that -- I see this happening in this Tier III down in Nelchina. I was talking to Elizabeth Andrews yesterday. That's getting to be like Liars Poker anymore. I know I look over those names of people that have got those permits and they asked me where somewhere is down there and yet they claim they spent over twenty-one days a year down there and they haven't even been down ten miles on the Denali Highway ever. That's not subsistence. I mean, they obviously don't spend -- they're not spending the time that they say they are in this particular instance on Tier II and that's not -- you have to use the area more than just show up in a fancy

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airplane, a boat or a track rig or whatever and say I'm a subsistence hunter. And I believe there's people living in Fairbanks that are subsistence hunters and users. Just because of where you live doesn't make you a non-subsistence or a subsistence user.

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6 MR. FLIRIS: I'd like to hear somebody else.
I'm really interested. I'm very interested.

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9 MR. CHARLIE TITUS: I don't know, I might have
10-- I don't know, you can't tell these guys that -- yeah, I
guess I have a hard time identifying the subsistence users.
It's so damn broad. For instance, like Bill said, I can't tell
my brother who works up on the North Slope, probably makes
fifty, sixty thousand dollars a year, and goes out and hunts on
the Minto Flats, I can't tell him you're not a subsistence
user. He was born there. I can't go and tell him, hey, you
can't do that. He's my brother. How do you distinguish that?
11 And then on the other reason, I can't tell this guy or this
guy from Fairbanks who's a doctor that can fly out to your
place he's a subsistence hunter. I can't tell that to Bruce
here. So, on the other hand, you understand how hard it is for
us to determine what the heck is a -- I know if I live out on
the land and give up all that I'm used to, then, maybe like
when I can say I'm a true subsistence hunter. But I was
born -- also born into a subsistence family and my children are
half-subsistence now as they are. So, it's really a tough one
for me. I don't know. I could argue all day with anybody
about it and probably still never come to an agreement.

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30 MR. LEE TITUS: I'll just make a brief comment
about it. A situation that occurred in the Northway area a
couple years ago that was brought up yesterday on the Mentasta
and Nelchina caribou herd: When the herd first came into our
area, the State opened a subsistence caribou hunt and we had an
influx of people from Fairbanks, Fort Greely, Anchorage, all
along the highway down to our area to subsistence caribou hunt.
31 I mean, the airport -- when you pull into Northway Junction,
the village is about eleven miles off the highway. There's an
airport, a lodge about seven miles off the highway down the
same road. And all along the highway north and south of the
junction is Native corporation lands and when the State opened
the subsistence caribou hunt, it was like a circus and it
really had a negative impact on the local community to see
people coming in there with two or three snow machines on the
back of a trailer coming down there to subsistence caribou
hunt. I mean, they were going across corporation lands, they
were running across Native allotments. A guy got so mad -- one
old man got so mad, he just went out there and just blocked off

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the snow machine trail that everybody else used because of that. And there were a couple incidents where those couple of snow machines went through the ice chasing caribou. And a lot of that has a negative impact on a subsistence hunt. We have to look at regulations to cut down on the broad impact that it has on a community. I just brought that up because I know there are some State officials here and that's one of the concerns that the people in my community have.

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MR. ADAMS: Yeah, with regard to what Bill said on, you know, he thinks -- gave some comment like sport hunters, you know, have big outfits and everything and they travel a long distance to get their moose. And I know people that work year-round and they set this certain time and date, you know, September, to saving money all year and then they -- like from Fort Yukon or something and they go hundreds of miles from Fort Yukon to get their moose. And, you know, they've got nice big outfits, you know, 'cause you've got to have a good outfit to be able to go hundreds of miles and get your moose and then bring it back and, you know, have a good trip on the way. I mean, they're still subsistence users. And I, for myself, this fall wasn't too good over in the Yukon Flats for me. I spent thousands of dollars and three weeks out on the river to get my moose. So, still, I'm a subsistence user. It doesn't matter what I spend to get my moose, but I'm going to get it.

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MR. FLIRIS: I guess to me it would -- after while it would be counter-productive to go after moose consistently on a basis where you're spending more money than the meat is actually worth....

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MR. ADAMS: Well,....

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MR. FLIRIS:if you could replace it from some other source.

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MR. ADAMS: Well, something to add to that too was....

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MR. FLIRIS: I mean, it could happen....

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MR. ADAMS:all the places I used to hunt, used to go right there, maybe fifty miles to get my moose, you know, stay there and, you know, camp there and get my -- you know, eventually my moose comes through there. But now there's these big old inboards with campers on them and generators going on top the bank there and, you know, lights hanging in the willows all over and somebody I've never seen in

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my life there. You know? So, it's getting so that I spend more and more to get out there and get our moose....

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MR. FLIRIS: Yeah.

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MR. ADAMS:because there's all these other people there now.

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MR. FLIRIS: You know, I can see traveling some distances under -- I mean, definitely on the river up in your knocker. It doesn't take long to go a couple hundred miles and it doesn't really take that much gas. And you can do it around here by driving on the highway of a relatively little expense. And I think that fits under the realm of subsistence uses. But there are a lot of efforts that are made that are way beyond that in the amount of expense that people go to. And I think that another good point is that the, if I'm not mistaken, the eight criteria that they use to judge customary and additional uses specifies that you have to have a broad range of use that's in the area that you're using for subsistence, not that you just do one activity there like go and hunt a moose every September, but that in that area around where you live you also do a lot of other subsistence activities. Is that correct on that eight criteria that they....

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MR. JAMES: Yes.

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MR. FLIRIS: Yeah. And I think that's -- there's a lot of wisdom involved in that, in that sure there's times when you don't get a moose as easily as you did in years before and you have to put out a lot of extra effort to get that moose and you're not happy with that situation, usually. And if it goes on for too many years, you look for some other alternative because it just isn't cost-effective anymore. And I think that's -- you know, that's what a true subsistence user does, is he uses efforts that's commensurate with the value of what he's trying to do there. He can't waste his time. But I think a sport hunter is more involved in going out and shooting animals for recreation and it's a different thing. The foremost goal for a sport hunter is not necessarily to feed his family; it's to go out and enjoy as a form of recreation and hopefully harvest the largest specimen that you can find out there in the woods, too, you know, in a trophy sense of the word. And that, again, is something that I don't see a lot of subsistence users trying to do. To me, it's unnatural that the largest bull is the one that's the most sought after. He's the one that's supposed to be doing all the breeding; he's proved himself and yet....

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MR. CHARLIE TITUS: Question, Bill. Are you implying that we have to give up our lifestyle?

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MR. FLIRIS: (Shakes head "no.")

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MR. CHARLIE TITUS: I don't think I'd give up -- I wouldn't try to find something else that I wanted to hunt for subsist-....

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MR. FLIRIS: No, no, I'm not saying that at all. I'm just characterizing a sport user differently than a subsistence user, is what I'm trying to do.

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MR. CHARLIE TITUS: No, I wouldn't try to tell you the subsistence man has to look for some other resources than to hunt.

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MR. FLIRIS: No. I think you would after while if it was counter-productive, if he had to travel so far to get a moose that it....

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MR. CHARLIE TITUS: It'll be forcing the family to be on welfare or some....

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MR. FLIRIS: No.

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MR. CHARLIE TITUS: -- for that matter. You're going in that direction.

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MR. FLIRIS: Yeah, that would totally....

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MR. CHARLIE TITUS: Yeah, he's going to have to give up his lifestyle because there's lack of resources, lack of moose out there. He's not saying he -- sure, if that was his traditional way to do things, I mean, if he wanted to get his moose and culturally it was expected of him, he'll pay -- if he wanted to go out there and get his moose, he'll pay more for the gas or some other way to go try and get it. If he can't do that, I don't know what other resources you have out there.

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MR. THOMAS: When you live in the bush, too, you can't run down to Fred Meyer and, you know, pick up a slab of meat either, you know. You've got to get what you can get sometimes, you know. You know how it is, Bill, when you live in the woods?

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MR. FLIRIS: Yeah, I know. Yeah, I -- but the interesting point that you brought up is the cultural

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significance of it which is something that I hadn't focused on. But I -- and I agree that subsistence is a cultural thing, too, and moose has a meaning beyond just protein. But what my contention is, is this -- is that subsistence is based on access and need and that at some point if you have to go so far to find a moose -- like when things are plentiful, you hunt as close as possible, right?

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8 MR. CHARLIE TITUS: Not till -- you're going to....

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11 MR. FLIRIS: But when things get thin, you start looking further and further away for it, you know. And at some point, you're going to say, well, you know, it's not worth....

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16 MR. CHARLIE TITUS: And then you get back to the fish.

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19 MR. FLIRIS:the effort any more to go that far.

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22 MR. CHARLIE TITUS: Then you get back to the fish question. I'm going to have to haul in meat to....

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25 MR. FLIRIS: Well, maybe you're going to eat more fish that year than meat because it's just, you know,....

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28 MR. GUSTAFSON: I can see your problem here and the main problem is sport hunting versus subsistence and which has priority. Of course, we know according to Title 8 we do have priority. And it's going to come down to maybe causing hard feelings elsewhere. But what comes first? I mean, subsistence. I mean, it boils down to that.

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35 MR. FLIRIS: Right. And then the effort. Like what Anne pointed out is how do you define accurately which is subsistence use and which is a sport use and that's where the debate is. And it's not clear even to us. It's a whole bunch of subsistence users here who all consider themselves to be subsistence users. I can see that she was right in asking that question because it's not even really clear to us exactly where you would draw the line in certain instances. But it's a good exercise, I think, to....

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45 MR. GUSTAFSON: In a lot of cases it is like the only thing they have to base it on right now is geography. Right?

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MR. FLIRIS: Um-hum (affirmative).

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MR. GUSTAFSON: Whether you're in an urban area or not, you know. And most sport hunters are from....

MR. FLIRIS: Right.

MR. GUSTAFSON:the urban areas.

MR. FLIRIS: Yeah. But then we get into these efforts to decide which is a rural area and which isn't and there's a lot of controversy there. You know, it's riddled with controversy. But, anyway, that was -- for the time being, I'll stick with my idea that -- I'm still convinced that a subsistence user is after meat for reasons of economy and culture - definitely "and culture" - and that a sport hunter has maybe a different focus in what he's trying to accomplish.

MR. LEE TITUS: Well, are you still thoroughly confused?

MS. RUGGLES: At least I know I have company.

MR. LEE TITUS: Yeah, one of the problems is that when the Federal adopted the State regulations, both the sport and the subsistence hunters were all hunting at the same time, except for the winter hunts. I'm not sure. Well, it's different in different areas.

MR. FLIRIS: For some of the Tier II type hunts.

MR. LEE TITUS: Yeah.

MR. FLIRIS: Yeah.

MR. LEE TITUS: Is there any more under public testimony? If not, we'll go on back to the agenda. The Requests for Reconsideration. There was a little -- a piece of paper that was handed out yesterday in your packets.

MR. JAMES: Mr. Chair, yeah, you don't know how fortunate you were; that was just one piece of paper. Because now Steve Kovach is going to introduce at this time more pieces of paper and try to guide us -- the council through a consideration of a fairly complicated process.

MR. LEE TITUS: Yes, David?

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3 MR. JAMES: Excuse me. Steve, if you don't
4 mind, maybe I'll set the table here.

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6 MR. KOVACH: Be my guest.

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8 MR. JAMES: You may recall yesterday I
9 introduced this motion. Just to refresh your memory, this
10 Request for Reconsideration is the final administrative step
11 for this regulatory process. The RFR is what any person can do
12 for any organization to appeal to the Federal Subsistence Board
13 to reconsider a final ruling that they have already made. In
14 other words, you're asking them to go back and change their
15 mind. And that's what these are basically all about. Enough
16 said. I'll turn it over to Steve.

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18 MR. KOVACH: I thought you were going to do
19 more than that. In the packet that's been handed out to you,
20 you have a total of five Requests for Reconsideration that are
21 all submitted by the Department of Fish & Game. We're only
22 going to address three of those this afternoon due to various
23 assorted reasons which I'm still unclear of myself,
24 unfortunately. So the first one we're going to address is 93-
25 20 and it deals with 25 (D) (West) moose and it should be the
26 second one in your packet, about the third or fourth page in I
27 believe.

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29 MR. ROACH: Excuse me, Mr. Chair. It states
30 the -- that's just a highlight of it, right? You're not trying
31 to....

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33 MR. KOVACH: Right. Correct. You can blame
34 your coordinator for that.

35
36 MR. ROACH: All right. Thank you.

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38 MR. JAMES: Thank you, Steve.

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40 MR. PEARSON: 93-10 you said?

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42 MR. KOVACH: Yes.

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44 MR. PEARSON: Got it.

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46 MR. KOVACH: Okay. This Request for
47 Reconsideration raises three basic issues, the first of which
48 concerns differing permitting requirements; the second requests
49 the elimination of the closure of Federal public lands within
50 this portion of the subunit; and the third one deals with
51 differing season dates. I'm going to try and step through this

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as best I can. If I lose somebody, please holler. The State regulations presently requires a hunter to have a Tier II permit. Up to 125 of these permits are issued. The Federal Hunt requires a Federal registration permit. That's the first of the differences. The RFR requests that or contends that hunting should be all carried out under the Tier II permit system. As you all know, Tier II permits are not limited to those three communities of Stevens Village, Beaver, and Birch Creek which currently have C&T under the Federal program. The Federal Subsistence Board closed all Federal public lands within this portion of the subunit last year to everyone who hunts moose in that area based upon requests from local residents last year who cite competition as their primary reason. This was a pretty tough decision by the board, based upon the fact that the maximum reported harvest by local users in any one year was twenty-seven and the average reported harvest by non-local hunters was three. At that point in time, the annual quota was thirty-five. However, the board was persuaded by arguments of local people and they found that even though there was a quota of thirty-five moose at that point in time - the quota has now been changed to thirty - and that with the possible issuance of 125 Tier II permits many of which would or possibly would be distributed to people outside of those three communities, the board decided to close Federal public lands in that area to people who were not a resident of those three communities. The RFR contends that the mixed land status and the lack of good land status maps makes it virtually impossible for a hunter, whether they be under a Federal registration permit or Tier II permit, to determine where they can legally hunt. Admittedly, land status is quite confusing as you've heard a number of times before.

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32 The RFR correctly cites differing season dates.
 33 Currently the State seasons are August 25th through
 34 September 25th, December 1 through 10, and February 18 through
 35 28. The Federal seasons are, again, the same: August 25 to
 36 September 25 - and this is where the differences begin -
 37 Federal season reopens on November 1st and runs through
 38 December 20th and based upon the board's meeting on the 10th of
 39 August of this year, there will be a February 1 through 20 hunt
 40 provided that all the permits are accounted for by the end of
 41 December, the thirty permits issued, and we have not reached
 42 the harvest goals for thirty animals. The board created these
 43 extended -- they extended November-December season based upon
 44 requests from local users last year. That was a proposal
 45 presented to the board that they decided on in April.

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47 As a little bit of background to the status of
 48 those in this area: This is one population of moose that we

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are very, very concerned about. We have a lack of really hard data here. We have some information; we wish it was better. The first survey was conducted in 1983. The density of moose at that point in time was approximately 8.3 -- or one moose per eight and a quarter square miles. In 1986, we did another survey. The density dropped to half of that: about four moose per square mile. In 1992 which is actually our best data....

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8 MR. MARK BERTRAM: Steve, I think you just misquoted that a little bit.

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11 MR. KOVACH: What did I do, Mark?

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13 MR. BERTRAM: Yeah, it's four square miles per moose.

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16 MR. KOVACH: I'm sorry. Thank you. Four square miles per moose. Thank you very much. I can't keep these numbers straight. So as you see, the density in moose went up. In 1992, it went back down and it went back to about seven and three quarter square miles per moose. So, you can see the 1992 density is roughly the same as the 1983 density. The current population is estimated at 600 animals or slightly less and this trend is declining, as I pointed out. The habitat available in this area should support the densities of moose that are comparable in other portions of the Interior such as on the Kanuti Refuge or other areas where we are finding moose densities as high as one moose for every two square miles. The current quota of thirty bull moose is the absolute maximum harvest that this population can sustain and remain healthy. Any additional harvest of either sex is likely to magnify this downward trend that we've been recording. We have not yet agreed - we being the professional biologists for both the State and the Feds - as to what the minimum density should be for this population and still be healthy. However, we are apparently rapidly approaching that point should this decline continue or become worse, in fact. Keeping in mind the mandate to ensure healthy, viable populations, timely reporting of the harvest and not exceeding the quota are very critical to this population.

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41 The board will be taking this up at their meeting at the end of this month and they are hopeful that this council will come to the meeting with some sort of a commendation. The RFR does bring up some very valid points with respect to land status and those problems. We do have some land status maps here available for the council to review if they so wish. As far as the technical aspects of it, that's all I have. Ready for questions at this point.

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1 MR. THOMAS: How is the moose population north
2 of the Yukon River?

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4 MR. KOVACH: I'm going to ask the refuge
5 biologist to come up here and help me. Mark? Because he has
6 more of the local knowledge than I do.

7
8 MR. BERTRAM: Yeah, my name is Mark Bertram.

9
10 COURT REPORTER: If you could maybe share the
11 mike.

12
13 MR. KOVACH: Certainly.

14
15 COURT REPORTER: Thank you.

16
17 MR. BERTRAM: My name is Mark Bertram and I'm
18 the wildlife biologist on the Yukon Flats Refuge staff and I
19 guess I'm curious exactly what area north of the Yukon River
20 you're....

21
22 MR. THOMAS: Well, north of the Yukon but in
23 the flats like from the north banks of the Yukon or the
24 Porcupine drainage of the Yukon up on the Flat River, Sheenjek,
25 Glen.

26
27 MR. BERTRAM: Generally,....

28
29 MR. THOMAS: All of the drainages up there.

30
31 MR. BERTRAM: Generally, the densities on that
32 part of the refuge are higher. It's about -- it's like one
33 moose every two square miles. So, it's generally -- in
34 comparison, overall, the densities on the western part of the
35 refuge are about five times smaller than those on the eastern
36 side of the refuge or on the Black River country. So, in spite
37 of the fact that there is a lot sport hunting as we both know
38 up that Porcupine River, the densities in that area seem to be
39 higher than they are on western side. And that is based on
40 similar surveys like those done on the western side. There was
41 a survey done in 1985 and 1989 and we're going to be doing a
42 survey this year on the eastern side of the refuge.

43
44 MR. THOMAS: That's in November, huh?

45
46 MR. BERTRAM: That's November.

47
48 MR. THOMAS: You're going to do that?

49
50

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1 MR. BERTRAM: Right.

2

3 MR. THOMAS: How's the bear population? You
4 guys don't count those, huh?

5

6 MR. BERTRAM: No, we don't. There's not really
7 a good method to go out and do that, so that's something
8 that....

9

10 MR. THOMAS: Like -- well, let me tell you
11 about the bears. This spring I was out there in the fish camp
12 this spring and within about a, I'd say maybe a twenty-mile
13 area, I seen six big boar grizzlies. I mean they're, you know,
14 1000 pounds or better. And I feel that they're putting a dent
15 in the moose population themselves, and the blackies also....

16

17 MR. BERTRAM: Right.

18

19 MR. THOMAS:for killing the moose calves,
20 you know.

21

22 MR. BERTRAM: There's no doubt that predation
23 by wolves and bears is having an impact.

24

25 MR. THOMAS: In the last maybe three years I've
26 seen an increase -- 'cause I'm out in the woods all the time.
27 You know, every chance I get, I go out there, and I see these
28 bears, you know, and just in the last maybe three years they're
29 increasing.

30

31 MR. BERTRAM: We....

32

33 MR. THOMAS: And hardly anybody hunts them up
34 here because they don't use them for food, the old stink bear,
35 you know. Nobody wants them.

36

37 MR. BERTRAM: We did some other background
38 information regarding your bringing up predators. Bob
39 Stevenson with Fish & Game, in cooperation with us, conducted a
40 wolf census over the eastern and western parts of the Yukon
41 Flats last year and the densities of wolves were typical of
42 other areas in Interior Alaska and I guess the number that I
43 would leave with you is that in the western part of the Yukon
44 Flats based on the population that we knew which was 603 moose
45 and really our best guess of what we thought there were for
46 numbers of wolves, there was a ratio of 15 moose for every
47 wolf; a 15-to-1 ratio. And that ratio compared with other
48 areas around Interior Alaska -- let's compare it with an area

49

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with a high amount of moose like around Galena, for instance. That same ratio around Galena would be 30 to 40 moose per wolf. So, that's kind of how the ratio differs between the numbers of wolves and the numbers of moose. That's why I think maybe the low density situation is kind of magnified here because that ratio is much, much smaller on the western side of the Yukon Flats.

7

8

MR. GUSTAFSON: Mr. Chair?

9

10

MR. LEE TITUS: Yes?

11

12

MR. GUSTAFSON: What effect would like snow depth have on that, too, with the wolves?

14

15

MR. BERTRAM: Well, that has a major factor. You know, snow and the weather conditions, you know, if the wolves have, you know, access. You know, if they get that gaze in the springtime, then, they have easy access on top of the snow.

20

21

MR. GUSTAFSON: So, what was the year before? How much of a decline?

23

24

MR. BERTRAM: The year -- I guess I don't follow you.

26

27

MR. GUSTAFSON: The year before, you know, when you did the study. I mean....

29

30

MR. BERTRAM: The year before we did the moose census or we did the wolves?

32

33

MR. GUSTAFSON: Well, the last study. What was the percentage of decline there or dip, trend, or....

35

36

MR. BERTRAM: Well, I guess there was a decline between the '86 and the 1992 census from -- what were the numbers again? A decline of one moose every 4.2 square miles to one moose every 7.7 square miles. So, it basically doubled, excuse me, it halved. Yeah. It was somewhat cyclic between '83, '86, and '92. It was down, it came up slightly and it went back down. But I guess what I'd like to leave you with is that the level that it's at, that little influx there, is not really that big of a jump up because we're already at an extremely low level when it's compared to other areas around the Interior. The Kanuti Refuge, for instance, would be more comparable to the eastern Yukon Flats that I mentioned earlier where there was slightly higher populations.

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1 MR. CHARLIE TITUS: Today, you don't think
2 there's a threat to this moose population, do you?

3
4 MR. BERTRAM: Do we think there's a threat?

5
6 MR. CHARLIE TITUS: Um-hum (affirmative).

7
8 MR. BERTRAM: All I can say is that the
9 decline -- there seems to be a decline and we really don't know
10 enough about the herd to know how far down it's going to go
11 before it, you know -- really don't have any information there.

12
13 MR. CHARLIE TITUS: You said one for -- one
14 moose per -- 15 moose per wolf?

15
16 MR. BERTRAM: Yeah, 15 moose per wolf.

17
18 MR. CHARLIE TITUS: That's your professional
19 guess.

20
21 MR. BERTRAM: Yeah, well, it was a very broad
22 survey. It was conducted over -- I don't know if Bob's here.
23 It was conducted over about a week of flying. We covered
24 about, you know, eight to ten thousand square miles. So, it
25 was based a lot on track counts, on visual observations of
26 wolves and some backtracking to get ideas of how large some of
27 those packs were. It was also based on information from local
28 people on the wolves that they'd seen in the area around their
29 community.

30
31 MR. CHARLIE TITUS: Do they -- another
32 question. Do you have any statistics on sport hunters or fly-
33 ing hunters that hunt in this area?

34
35 MR. BERTRAM: No, I don't. I sure don't.

36
37 MR. CHARLIE TITUS: I imagine -- I don't know
38 what's the take -- the population take of Fort Yukon area....

39
40 MR. BERTRAM: Are you talking about the harvest
41 of wolves or moose?

42
43 MR. CHARLIE TITUS: No, the harvest of moose is
44 what I'm talking about. I mean, do you think the resident
45 population of hunters is a factor in the decline of the moose?

46
47 MR. BERTRAM: Are you talking about the western
48 half of the refuge?

49
50

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1 MR. CHARLIE TITUS: I'm talking wherever the
 2 decline is....
 3
 4 MR. BERTRAM: In the western half.
 5
 6 MR. CHARLIE TITUS: Right.
 7
 8 MR. BERTRAM: Well, the western half is not
 9 open for sport hunting.
 10
 11 MR. CHARLIE TITUS: That's in the Tier II
 12 you're talking about, right?
 13
 14 MR. BERTRAM: Right, right. This is both
 15 of....
 16
 17 MR. CHARLIE TITUS: Oh, I thought we were
 18 referring to the Sheenjek River, the 25 (A) area.
 19
 20 MR. BERTRAM: No, it's 25 (D) (West).
 21
 22 MR. CHARLIE TITUS: Oh.
 23
 24 MR. BERTRAM: The area of the decline is
 25 between just down river from Fort Yukon down towards Stevens
 26 Village.
 27
 28 MR. CHARLIE TITUS: Oh, okay. All right.
 29
 30 MR. KOVACH: Remember, also, that the refuge
 31 bands themselves are closed to outside hunters. The only place
 32 that a person outside those three villages that was awarded a
 33 Tier II permit would be on State lands, Native lands, things
 34 like that along the river itself.
 35
 36 MR. LEE TITUS: Yes?
 37
 38 MR. CHRIS SMITH: I just wanted to mention that
 39 the Fish & Game records - for the record, my name is Chris
 40 Smith - indicate that less than two moose per year under the
 41 State's Tier II system after the McDowell ruling when the State
 42 had to issue permits to anyone in the State to hunt there and
 43 quite a few permits were issued to residents from outside of
 44 those three villages. There were less than two moose each year
 45 that were reported taken in that area by people other than
 46 residents of Beaver, Stevens, or Birch Creek.
 47
 48 MR. LEE TITUS: Bill?
 49
 50

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1 MR. FLIRIS: So, the State Tier II system
2 impact has been relatively low. But how many permits were
3 actually issued for Tier II hunting?

4
5 MR. SMITH: I think it was 125 this year; last
6 year there was about 90. Ninety-eight.

7
8 MR. FLIRIS: Ninety-eight? So....

9
10 MR. SMITH: But most of those particular --
11 like last year, 66 went to hunters who were not residents of
12 Beaver, Stevens, or Birch Creek, but very few of those people
13 actually hunted there.

14
15 MR. FLIRIS: Has there been any conferencing
16 between the State and the Feds as to what the total moose
17 harvest should be in the combined hunts?

18
19 MR. KOVACH: Right. The quota of 30 is the
20 total harvest.

21
22 MR. FLIRIS: That's it?

23
24 MR. KOVACH: Right, that's both Tier II and
25 Federal permits. That's the total hunt.

26
27 MR. FLIRIS: So, you want us to stop when 30
28 moose are harvested, period, no matter how?

29
30 MR. KOVACH: Absolutely.

31
32 MR. THOMAS: So, then, do you think the moose
33 population north I was just talking about, is that stable or is
34 increasing or decreasing like north of the Yukon?

35
36 MR. BERTRAM: It seems to be stable on the
37 eastern side north of the Yukon, yes.

38
39 MR. THOMAS: Okay.

40
41 MR. BERTRAM: It seems to be stable. All our
42 recent surveys indicate that.

43
44 MR. THOMAS: But it's decreasing on the
45 west....

46
47 MR. BERTRAM: Slightly decreasing on the
48 western side and it's at a much lower level on the western
49

50

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side.

1

2 MR. KOVACH: I need to apologize. I forgot a
 3 couple of points that I'm sure will help clear up a few of the
 4 question marks I'm seeing on some of the members' faces here.
 5 What the Department of Fish & Game is asking for in the RFR is
 6 to eliminate the Federal registration ticket and have all
 7 hunters under a Tier II tag, reopen the Federal public lands
 8 within that area, and align the Federal seasons with the
 9 current State seasons. And I think I forgot to specify all
 10 those and that may clarify some of the questions I'm seeing on
 11 some of the members' faces here.

12

13 MR. LEE TITUS: Was that what the State wanted?

14

15 MR. KOVACH: Right. This is what the State is,
 16 in fact, requesting.

17

18 MR. LEE TITUS: Okay. Do you have....

19

20 MR. BERTRAM: As an explanation, I think we can
 21 say that the decline is related to both predation by wolves and
 22 bears and harvest by people. You know, those are probably some
 23 of the major controlling factors, but we really don't know what
 24 proportion is responsible for which.

25

26 MR. LEE TITUS: Jeff?

27

28 MR. ROACH: Mr. Chair.

29

30 MR. LEE TITUS: Yeah.

31

32 MR. ROACH: One of the things that I see as a
 33 benefit of this Request for Reconsideration is the fact that
 34 we've talked about how the regulations are so complex that
 35 nobody can understand them and people are inadvertently or out
 36 of disregard, basically, are not within the law. And if this
 37 Request for Reconsideration does not up the amount of take and
 38 we're limited to 30 animals, the only thing that I can see as a
 39 detriment is the fact that there may be more moose harvested by
 40 residents outside of those three villages that are now hunting.
 41 But that's only on Federal lands. There are still people that
 42 can hunt. Correct me if I'm wrong. There are still people
 43 that use that Tier II hunt in that area on State lands.

44

45 MR. KOVACH: Correct.

46

47 MR. ROACH: So, those people are going to still
 48 hunt there whether they are hunting on State land or Federal

49

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land. I don't think that opening the amount of Federal land in that area is going to encourage more Tier II people from outside of the area to come in and hunt that area. I think the people that are using it now to hunt on the Tier II system are going to be the ones that are going to be using it in the future. I don't think that it's going to -- just by opening that amount of Federal lands it's going to increase the amount of outside people coming in. I think the benefits definitely outweigh the possible, very slim, possible detriments with this Request for Reconsideration.

10

11 MR. JAMES: Mr. Chair, I might add to what Jeff said, too, to help clarify this. I hope I'm clarifying it and not confusing them. But the amount of people that come in from outside the area are limited by the Tier II process, also, because they are excluded by definition. You know, there's that restriction for sport hunting.

17

18 MR. CHARLIE TITUS: What do the people that live in this area -- do they have any say? How do we make a recommendation like Stevens Village or Beaver....

21

22 MR. ROACH: Mr. Chair?

23

24 MR. CHARLIE TITUS: We can't....

25

26 MR. LEE TITUS: Yeah.

27

28 MR. ROACH: We do have a resident from Beaver here that can give us an idea of what the residents of that area think and that's why we were appointed to this board and we kind of represent our areas.

32

33 MR. CHARLIE TITUS: Maybe I should -- I don't know if we truly understand the -- they want to open up this area all to Tier II? Or what's that? This area, huh?

36

37 MR. JAMES: Yeah.

38

39 MR. CHARLIE TITUS: Yeah, I know that is....

40

41 MR. BERTRAM: Here's another diagram. It'll help you. It shows the Yukon Flats. I don't think everybody can see this, but 25 (D) (West) is on this half of the Yukon Flats Refuge basically between Birch Creek south down to Stevens Village. So, we're talking about the area on the river right down through here, just below Fort Yukon and down towards Stevens Village. The area that we studied to come up with our estimate of the moose density in that area is outlined in

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yellow here and it covers the main river corridor, that wide buffer, up into the surrounding hills. The reason we census the surrounding hills is because there is movement back and forth, as you know, by bulls and cows to the river during the year. So, we wanted to make sure that we counted the entire moose population using the river corridor here.

6

7

MR. ADAMS: Is there some kind of study that you do in the springtime on the cows and their calves and then check on them like in the fall and get a count on survival rate through the summer and then again late in the winter after the snow and the cold and the wolves....

12

13

MR. BERTRAM: One count that's real helpful in the springtime is to do a twinning survey where you go out and you count the cows and you count how many cows had twins. You do this, you know, several days after calving. We haven't been able to do this on the western part of the flats. I should say, first of all, we haven't really tried, but I should also say that we would have a lot of difficulty finding a large enough sample size because you need to be able to go out and find about 50 cows in order to get a large enough sample size to determine how healthy the herd is. And I think we'd have a real difficulty finding that many cows with a moose density that's as low as it is there.

25

26

MR. ADAMS: How many moose do you have tagged over there right now with collars and stuff?

28

29

MR. BERTRAM: We don't have any current line harvest now.

31

32

MR. ADAMS: Not even one?

33

34

MR. BERTRAM: We did back in the mid eighties; we had a telemetry study. Otherwise we would use those to find them.

37

38

MR. ADAMS: Yeah, I've seen them.

39

40

MR. BERTRAM: Yeah.

41

42

MR. JAMES: Mr. Chair, I wonder if it would be helpful to have Steve restate what the issue is here, what the state is asking to have changed. And, secondly, is there a staff position yet? Is the analysis complete on this yet or is it still in the preliminary stage?

47

48

MR. KOVACH: The first part, issues: There are

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three issues here. The first is, currently, there is a State Tier II permit and a Federal registration permit. What the State is asking for is return the entire hunt back over to a Tier II permit. Remember, you have to apply for a Tier II permit before you can even have a chance of getting one. A Federal registration ticket, all you've got to do is show up and we give you one when we're in town, basically. The second point: Currently, Federal public lands within 25 (D) (West) are closed for moose hunting unless you're a resident of Stevens Village, Beaver, Birch Creek. The State is asking that closure be lifted so anyone with a Tier II moose tag could go in and hunt. Remember, the board enacted this closure based upon requests by local residents a year ago. Lastly, there is a discrepancy between the seasons, between what Fish & Game has and what is in the Federal regulation. The first hunt period we've already gone through, so that one is a moot point. The next hunt period for the State is December 1 through 10, but on the Federal side, it's November 1 through December 20. And, lastly, there is a February 18 to 28 State hunt and the Federal Board has adopted a February 1 through 20 hunt, provided we haven't reached the 30 bull moose quota and harvest reporting has been up to date. Those are the three issues.

22

23

With regard to Dave's second question as to whether or not there's a staff position on this yet, the answer is no. When we came to Fairbanks, we weren't aware of the fact that we were going to bring this Request for Reconsideration to your attention. We were told late yesterday and we've been scrambling ever since to pull information together to try and give you a presentation here. Hopefully, in the future, we will be better prepared; you will receive information packets long before the council convenes so you have had a chance to read information and get familiar with what's going on.

33

34

MR. ROACH: Mr. Chair, question.

35

36

MR. LEE TITUS: Yes.

37

38

MR. ROACH: Did 30 animals get taken last year or the year before?

40

41

MR. BERTRAM: We don't -- we've had very little return, I guess, on the harvest tickets so we don't know. It was either six or seven were officially harvested on Federal lands last year.

45

46

MR. ROACH: Mr. Chair?

47

48

MR. LEE TITUS: Yeah?

49

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1 MR. ROACH: So, what you're saying is that even
2 though you have a 30-moose limit, you don't know officially how
3 many were taken. I understand that. Is the Tier II system --
4 Has that been more....

5
6 MR. BERTRAM: It's possible....

7
8 MR. ROACH:well reported?

9
10 MR. BERTRAM: It's about the same. It was
11 either the Feds had six and the State had seven reported or
12 vice versa; I forget which, but it was about the same.

13
14 MR. KOVACH: In an effort to improve reporting
15 this year, what we've done is we've gone to a more liberal
16 Federal registration permit so that if you went to the village
17 chief and got your permit and then you got hurt or sick or
18 something like that, you could reassign your permit to your
19 neighbor to go out and get your moose for you. We've
20 liberalized that. We've tried to make reporting more efficient
21 by returning the tickets back to the village chief.
22 Additionally, our office has established a cooperative
23 agreement with the Council of Athabascan Tribal Governments to
24 facilitate reporting of harvest. So, we've been trying some
25 new and different things to try and make reporting easier, more
26 accurate and more timely. I have not heard of any harvests
27 that occurred during the first hunt period at all, so,
28 unfortunately, I can't answer that.

29
30 MR. LEE TITUS: Excuse me. Is there anybody
31 from the State that would like to address this issue?

32
33 MR. SMITH: Mr. Chairman, for the record again,
34 my name is Chris Smith. I guess I'd be happy to try to answer
35 any questions that you have and I think Steve....

36
37 MR. LEE TITUS: Okay.

38
39 MR. SMITH:has explained what the issue
40 is.

41
42 MR. LEE TITUS: Let's go back to the first one
43 that you mentioned, the first issue that you mentioned.

44
45 MR. KOVACH: Okay. The first issue is
46 offering permit requirements. There is -- under the Federal
47 program if you're going to hunt on the refuge lands, you need a
48 Federal registration permit; otherwise, the only other way you

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could hunt is to have them then assigned to a State Tier II permit. It's only valid off of Federal public lands which means select -- Native-selected Native lands, allotments that have been conveyed to State lands and in the river corridor itself below knee-high water. The request is to eliminate the requirement for a Federal registration permit and have all hunting conducted under State Tier II permits.

7

8

MR. ROACH: Mr. Chair?

9

10

MR. LEE TITUS: Jeff?

11

12

MR. ROACH: If the system does not report -- or if the main problem with the system is not reporting, could that be because there are currently two permits required to hunt in the area? In anybody's opinion, wouldn't it seem simpler to report on one permit rather than to have to obtain two permits on the area and then report on both of those permits, whether you were successful or unsuccessful on either one?

20

21

MR. KOVACH: Logically thinking, yes. But, remember, in the past we had virtually no reporting even when it was just the Tier II tag. You know, reporting out of this area has been historically very, very low. That's why we don't know very well what the actual harvest is. We have heard people state that the harvest may be as many as 60 or 70 moose a year. But like I said, only -- the maximum reported harvest by local users is 27; that only occurred once.

29

30

MR. LEE TITUS: Under the Tier II system, when people apply for a Tier II permit, who goes through and reviews these permits and makes a decision on if they can or cannot hunt in these areas?

34

35

MR. SMITH: The Tier II permit applications are reviewed by our subsistence section in Anchorage and they score each application based upon a ranking system that the Board of Game set up where you get a certain number of points for the number of years you've hunted, a certain number of points for whether you live within the hunt area or how far away you are, and a certain number of points for what alternative resources you have available to you.

43

44

MR. LEE TITUS: The reason I ask is I know in the Minto Game Management Unit they have a Tier II system and in the Fairbanks Daily News-Miner, they printed out names of all the people that have either been denied or who applied for a Tier II system in that area. And under State regulations,

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only the residents of Nenana and Minto can apply for those permits. In the Daily News-Miner, when the lists came out, we have lists of people from Fairbanks, Anchorage, and all elsewhere who were able to hunt down there.

4

5 MR. SMITH: Mr. Chairman, the people from --
 6 any resident of the state can apply for a Tier II permit. The
 7 difference between the State and the Federal regulations is
 8 that for the Federal hunt, only people from Minto or Nenana can
 9 obtain Federal permits to hunt on Federal public lands in the
 10 Minto Management Area. And that's the way that the State hunt
 11 worked before the McDowell case and only people from Minto and
 12 Nenana could hunt. But after the McDowell case, then any
 13 resident of the state could apply for those permits. Because
 14 the number -- or the total points you get, a large percentage
 15 of that, is based on how far you live away from the hunt area.
 16 People who live in Minto or in Nenana get the maximum number
 17 of 7 points for residence and they would get more points than
 18 someone from Fairbanks and many more points than someone from
 19 Anchorage. The total number of people who apply -- for
 20 example, in the case of Minto, if we issued 200 permits for the
 21 Minto hunt, if 200 people in Minto and Nenana applied for those
 22 200 permits, then I could all but guarantee that every one of
 23 those permits would go to people from Minto and Nenana. But if
 24 only 50 people from Minto and Nenana applied, then, the other
 25 150 permits would go to people who might live much farther
 26 away. And, in fact, we had a real difference in two years --
 27 in the past two years. In the year before this one, there were
 28 very relatively few people from Minto and Nenana who applied
 29 for permits and many of those permits went to people from
 30 Fairbanks or even as far away as Anchorage. This year, people
 31 in Minto and Nenana, many more people applied so the majority
 32 of those permits did go to those two villages. And the same
 33 thing in -- the situation exists to some extent in 25 (D).
 34 This year -- or last year, for example, no one in Birch Creek
 35 applied for a State Tier II permit. Well, that meant there
 36 were that many more permits out of the 125 the State issued
 37 that could end up going to somebody that lived in Fairbanks or
 38 Juneau or wherever. Whereas if 125 people from Beaver,
 39 Stevens, and Birch Creek had all applied for permits, then, all
 40 of the State permits would have gone to the people in those
 41 three villages.

42

43

MR. LEE TITUS: Charlie?

44

45

MR. CHARLIE TITUS: Can I get back on this a
 46 little bit? I remember when we were sitting on the Nenana-
 47 Minto advisory committee. At first the Minto residents and the
 48 Nenana residents weren't aware of the system. They weren't

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educated enough in the system to understand it. I remember we were going through it and trying to determine who had the most points and when we went home, we didn't tell the people that this has to be so because you will be giving up your permits to somebody else in Fairbanks. So, the next year we made the effort to -- we told every one in the village that was eligible to apply for these Tier II permits to do so. So, that's part of the reason that the number went up.

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MR. SMITH: I see.

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MR. CHARLIE TITUS: I can see where -- and I think this is not really the role of the advisory committees; it should have been the responsibility of the Department to educate the people in those areas of why the Tier II system was in existence. Because what happened is the other -- I don't know how they did it, but they just went -- I don't know if they put it in a big bowl and pulled their name or whatever the rest of the people -- but the residents thought that, oh, we're the ones that -- they only issued 150 permits; we'll automatically get it. Oh, I don't know. But they thought that if they didn't apply that they'll just be given to somebody on a lottery basis. That's what they're understanding was. But -- and then -- I don't know. I don't know, I have all kinds of good things about it and also the bad things about. I know it'd help the population of the moose somewhat, but....

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MR. LEE TITUS: So, the request from the State to have only a Tier II permit in 25 (D) (West)....

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MR. KOVACH: Correct.

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MR. LEE TITUS:for State and Federal lands?

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MR. KOVACH: Correct.

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MR. FLIRIS: Mr. Chairman?

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MR. LEE TITUS: Yes.

40

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MR. FLIRIS: It seems to me like it sets a bad precedent for us to let the State apply their Tier II system to Federal lands. What's to stop them from doing that every time there's a difference in the regulations? I think that where there's a problem with the moose population, that the hunt should be strictly a subsistence hunt. And the Tier II system, in my estimation, is not a subsistence system; it's a lottery system. It gives everybody an opportunity to get involved and

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it seems to me that the Federal system guarantees basically that local residents have the opportunity harvest those 30 moose and that's the way it should be. If the State system doesn't guarantee that, then I don't support the State system because of that.

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MR. LEE TITUS: Jeff?

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MR. ROACH: I agree with some of what you're saying, Bill; however, by doing this, you're not excluding Tier 10 people from hunting in that area. I mean, you're just excluding them from hunting on Federal lands in that area. They can still hunt in that area; they're just not able to hunt on the Federal lands.

14

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MR. FLIRIS: Right.

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MR. ROACH: And that's where I see that it's complicating the system by adding two permits for one area that people are probably not going to apply for it or go in and get the permits if they have to go get two of them. So, in essence, it has no effect if you have two permits.

22

23

MR. FLIRIS: But basically....

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MR. ROACH: It reduces the effectiveness of the permit system.

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MR. FLIRIS: But the Federal permit is a give-away, right? You go in and get it.

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MR. ROACH: Right. But it's only for Federal lands.

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MR. FLIRIS: Right. Why don't we ask the State to give up their management to the Federal regime? Ours is better.

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(General laughter)

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MR. GUSTAFSON: Mr. Chairman?

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MR. FLIRIS: We're giving the permits away. Here, you've got to fill out this lengthy questionnaire to get a State one.

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MR. GUSTAFSON: Well, yeah. Doesn't this Tier 47 system defeat this Section 804? I mean, here we have Section 804, it's preference for subsistence use and, here,

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we're going to give it away. You know, I mean, I don't understand that why -- I mean they're giving away -- I don't want to cause any bad feelings, but here we have this law in effect and here we want to disregard it. I don't understand that. At least we have some means to guarantee even if a moose population is down or whatever game you have, at least you have a means of control. I mean, at least you're setting some sort of guidelines that you'll have control over a little bit.

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MR. ROACH: Mr. Chairman?

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MR. LEE TITUS: Yes, Jeff?

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MR. ROACH: I'd like to address this to the gentlemen. Correct me if I'm wrong, if people go in on the Tier II system into that area and take those 30 moose on this first State hunt, then the Federal permit hunt is not going to happen. Is that correct?

18

19

MR. KOVACH: Okay. Remember, the August-September season....

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22

MR. ROACH: Right.

23

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MR. KOVACH: ...is identical for both State and Federal, so it's open at the same time throughout the area. So, if all 30 moose were killed in that August through September season, then, yes, the later seasons would not, in fact, occur because the whole hunt would be closed at that point in time.

30

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MR. ROACH: But that hasn't happened yet. Is that correct?

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MR. KOVACH: Right.

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MR. LEE TITUS: In our area we have -- it's really hard to explain to our elders in our community because we have the same situation in our area where the State has their hunt and the Federal have their hunt and the Federal lands in our area is all blocks and sections and then it just narrows down to a little square in one area way down the river where that's inaccessible, only by boat. And the State hunt and the Federal are both the same like it is up in that area; the only thing ours is not as early as theirs. Ours is only from September 1st to the 15th and that's for both Federal and State and we have to apply for both the Federal and State harvest tickets. But in the winter season it's difficult when it comes to caribou hunting or moose hunting because you tell

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the elders that tomorrow is moose hunting, you can go hunt moose, and they go "oh, boy," and then you say, no, you can't unless you're on Federal lands and that's never -- you know, you've got to go out of the village there to do that. And I don't see why this would be a problem -- I don't know what causes the problem for both. It defines -- like up in our area, the only people that can apply for those Federal permits are the residents of Northway and Tetlin. And as far as 25 (D) is concerned, the only people who can apply for those permits are the people from that area. Do I understand that right?

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MR. SMITH: (Nods head "yes.")

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MR. KOVACH: (Nods head "yes.")

14

15

MR. CHARLIE TITUS: Mr. Chairman? One of the things, too, on the Tier system I forgot to mention, if you didn't reply to the -- send in your tag at the end of the season, you weren't eligible for the next year's Tier II system. So, again, maybe that's part of the reason why your reporting is so low in there because they -- would that be a factor?

22

23

MR. SMITH: Mr. Chairman, Charlie, I don't think that is a factor in the non-reporting in 25 (D). I think the major problem there is that the system that we've used, the permit system and the use of paper to keep track of things, is something that is not part of the culture of people in the Yukon Flats. And it's not something that people are accustomed to doing and I think that's the main reason why the reports are not filled out and sent back. And in some cases, the State has not followed up in trying to remind people or contact people to send in reports as much as possible.

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34

MR. LEE TITUS: I'd just like to say, one of the things that are -- communications. You have two different seasons, okay. In issuing these permits, do you go out there to the village and tell them that this permit is for this season? Because I know some people that got a Tier II permit for fall moose hunt and they never got a moose, and they say they're going to keep their permit till the winter season opens. And do you issue two different permits for two different seasons?

43

44

MR. SMITH: No. The permit that we issue is -- we issue one permit even if there's a fall season and then like in 25 (D) (West) we have the August and September season and then December and then February, and that one permit is good through the whole time period.

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1 MR. LEE TITUS: Okay.

2

3 MR. SMITH: And that may also contribute to
4 some of the low reporting, because somebody gets a permit in
5 July and then six months later it could have been used for a
6 fire-starter or something. You know, who knows where that
7 piece of paper wound up in that six months' time.

8

9 MR. LEE TITUS: So, you wouldn't get an actual
10 harvest report till March or something like that, right?

11

12 MR. SMITH: Yeah.

13

14 MR. LEE TITUS: If you issue one in July,
15 you'll never get an actual harvest report till March in 25 (D)?

16

17 MR. SMITH: Right. If someone either has not
18 hunted at all or else hunted and didn't kill a moose. If you
19 kill a moose, then, you're supposed to fill out the card right
20 away and send it in.

21

22 MR. LEE TITUS: Right. Like what I'm saying is
23 that a lot of the local residents that never got a moose this
24 fall, you know, they'll hold on to their permits and if they
25 get one in February, then, they'll fill it out and send it in.
26 That's when you'll get your harvest reports. Charlie?

27

28 MR. CHARLIE TITUS: Mr. Chairman, like Jeff
29 here, I'm having a hard time trying to accept this because, I
30 don't know, in a way, you told these people up there "we don't
31 recognize subsistence; we don't recognize your preference on
32 subsistence." Yet, you're saying, "okay, hey, we want to move
33 something in your area and control you." I can't support it
34 mainly because there's three Indian communities in that area
35 and they're all 99% Indian people and subsistence users; yet,
36 you don't give them preference. The State doesn't give them
37 preference on anything and then the Federal government does,
38 according to law. So, I can't see where you're going to want
39 to come back in and say, "hey, give us a piece of this" after
40 you're telling these people off or trying to -- I don't know.
41 In light of that, I....

42

43 MR. ROACH: Mr. Chair?

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45 MR. LEE TITUS: Jeff?

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47 MR. ROACH: Does this require for us to forward
48 this to the board with our recommendations or does it require a

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motion?

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MR. JAMES: (Nods head "yes.")

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MR. ROACH: Okay.

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MR. JAMES: Yes, it does. The board is asking for a recommendation.

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MR. ROACH: Mr. Chairman, another question is, they will decide on this in October unless -- even if they don't get a recommendation from us?

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MR. KOVACH: That's correct. They are going to be expecting the chairman or a representative of this council to attend the meeting at the end of this month and provide a recommendation or comment or something.

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MR. ROACH: So, we do have to act one way or the other on this request, and all the remainder of the requests. I would like to make a motion, Mr. Chairman, that we accept the Request for Reconsideration and forward it to the Board with our support.

23

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MR. LEE TITUS: The motion's been made to support RFR 93-10. Do I hear a second? (Pause) No second. We'll have to go another route. Go ahead.

27

28

MR. KOVACH: Mr. Chairman, it may be easier for the council to take this one piece at a time.

30

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MR. LEE TITUS: Yeah, that's just what I was going to -- I wanted to go over this section by section and kind of get a consensus on the three major issues. And after we get a -- if we can get a consensus on the three major issues, maybe we can address the 93-10 as a whole. The first issue is the permit system. I'll just give my little comment. From my past experience in dealing with Tier II system and the Federal harvest system, I don't have any problems with that, you know. I mean, I live in an area where if I want to go Moose hunting, I have to get two different moose harvest tickets just for, like I said earlier, my area. And I don't think it's that much of a burden on the people living up in that area, you know. Oscar, do you know if the people up there -- what's their feeling on the Tier II permit system plus the Federal harvest tickets? Go ahead, just....

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MR. FRANK: Okay. When we spoke to the people -- my name is Oscar and I work for the Subregion of

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Tanana Chiefs. And when I talked to the people in Stevens Village, primarily Randy May who is the chief, and a couple of the council members in Beaver and in Stevens -- excuse me, Birch Creek. They were comfortable with the Federal hunt. They want assurance that they'll be able to continue to hunt, the opportunity to hunt out there because it's something they've always done. As for hunting under Tier II, I don't know. They may not be as comfortable. I mean, if you go out there to a village and say you're going to hunt, but you need to fill out a Tier II application, my personal opinion is they may not be comfortable with that. I want to talk after to our council members and our chiefs and get their input and I'm sure that they'll provide input at the Federal Subsistence Board when they meet on this. I'd also be interested to see what the staff recommendation will be to the Federal Subsistence Board, what these guys are going to -- the Federal staff per se, what their recommendation on that -- what their, you know, the recommendation.

18

19

MR. LEE TITUS: Are you familiar with this?

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MR. FRANK: No, I just read it.

22

23

MR. LEE TITUS: Oh, okay. So, you don't think they'll be very happy with a permit system?

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25

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MR. FRANK: I talked to Dave Lacey who works for Dinyee Corporation. He has been in contact with Stevens Village. He wasn't too comfortable with it. First, what we need to do is we need to get back and talk to those councils and take this Request for Reconsideration before them. When I do that, I'd like information on what the Federal people have to say, what their recommendation will be to the Federal Subsistence Board and so we can have a better reply to them. The bottom line is that they want to continue to hunt out there. My own opinion is that they're not too comfortable under the State system. But that one is -- I don't know. Now, the -- with the harvest, the villages agreed to provide that information to the CATG. I just heard that, so I don't know, I haven't heard any problems yet.

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MR. LEE TITUS: Under the State Tier II system that's now in place, was that -- that must have been acted on by an advisory board, right? How was the Tier II system in that area put in place?

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MR. SMITH: Before the McDowell court ruling in 1989, the State had a hunt that worked very much like the Federal hunt does now. We issued permits to people only in the

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three villages, Beaver, Birch Creek and Stevens. And anyone from those villages who wanted a permit could get one. There was no limit on the number, but at that time, the quota was 35 Bulls. And the hunt worked that way for several years until the Supreme Court said we couldn't do that anymore; we had to allow, under State law, we had to at least allow anyone in the State a chance to apply. And then once the Court did that, we didn't have any choice under the State law except to go with the Tier II hunt which still does provide some preference for the people in those three villages. And, as I said earlier, if enough people from those local villages applied, then, all the permits would go to them. But if they don't, then people from other places can get them. But as far as the local advisory committee goes, I don't know that -- that committee has not been very active and I don't know whether they have taken a position one way or the other on that Tier II State hunt.

16

17 MR. LEE TITUS: Yeah, it'll be hard for me to make a decision on that without input from the people living in that -- you know, who's going to be affected by that.

20

21 MR. ROACH: Mr. Chairman, I agree with you that it's going to be tough to make a decision on that case, but we do have to make a decision, however, I think at this meeting. Does everybody at the council agree that we have to make a decision one way or the other at this meeting?

26

27 MR. PEARSON: I think we should.

28

29 MR. ROACH: We should make it? Okay.

30

31 MS. PETRUSKA: Do we have to make a decision today? Because I'd like to take this back home and tell my people about it.

34

35 MR. ROACH: I agree, but the Federal board....

36

37 MS. PETRUSKA: Because this is brand new to me. I didn't know anything about this, this piece of paper.

39

40 MR. ROACH: I agree, but the Federal board is going to meet in how long?

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43 MR. JAMES: October 26th.

44

45 MR. ROACH: It's going to meet in a few weeks, 46....

47

48 MR. THOMAS: How about -- is it possible for us

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to have a teleconference with these three villages sometime in like next week or something? Because I can't make a decision on these without knowing what these people want.

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4 MR. LEE TITUS: Bill?

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6 MR. FLIRIS: I don't have a problem with a decision. I'm not in favor of it. I don't think....

8

9 (General laughter)

10

11 MR. FLIRIS: I don't think I'm going to change my opinion. I'm just letting you know that, that I'll probably vote against supporting this because I'm not in favor of any of the decisions that the State has made since McDowell and I believe that the Federal system is here because of those errant decisions and that we shouldn't allow the State to co-op the Federal system by putting their Tier II system into a Federal area. I think the Federal permits are the only ones guaranteeing use to genuine subsistence users and the State system doesn't do that. And I don't feel any trouble at all denying, in my mind, the State the opportunity to do that. I realize what Jeff is pointing out is true, those people will continue to hunt there anyway. That's -- and this may simplify the system, but to me the simplest system is the permit system that the State (sic) has. That is the easiest for local users to go and get a permit and this Tier II system in Tanana, we had a lot of problems with that one, big forms to fill out and stuff. People just didn't do it. They felt....

29

30 MR. PEARSON: Did you find a lot of abuse on it?

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33 MR. FLIRIS: They felt insulted that they had to fill out a form that size to go hunting, you know, for anything.

36

37 MR. PEARSON: Bill?

38

39 MR. FLIRIS: Hmm?

40

41 MR. PEARSON: Was there abuse on that,....

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43 MR. FLIRIS: Abuse?

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45 MR. PEARSON:on the Tier II?

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47 MR. FLIRIS: Well, there wasn't any -- there were -- yeah, I mean, people didn't fill out the forms, people

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didn't ask for permits.

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2 MR. PEARSON: Were they falsely filling them
3 out? Because that's -- I see the -- on hunts I know of and I
4 see the names in the paper, I go how could these people get
5 such high points when the locals can't even compete against
6 the....

7

8 MR. FLIRIS: Well, yeah, the first time they
9 had it, there were a lot of people that got permits from out of
10 town because local people didn't fill out -- it's just like
11 Charlie was saying there, they didn't know what they were
12 supposed to do. But the local people, there's no question that
13 they were qualified for the Tier II hunt. They just didn't
14 bother to fill out the forms.

15

16 MR. PEARSON: Well,....

17

18 MR. FLIRIS: They were too difficult.

19

20 MR. PEARSON: I won't get us off the subject,
21 then.

22

23 MR. CHARLIE TITUS: Mr. Chairman, I feel the
24 same way that Bill does. I don't support it. And I remember
25 this Tier II system, we had a lot of debate on that in our
26 committee, our Minto-Nenana, when they were first bringing the
27 Tier II system across us. I think our hands were tied at that
28 time because of the McDowell decision and all that. We wanted
29 control, have a little bit of control over the Minto Flats,
30 because we're residents. We had no other alternative than to
31 accept it because it was our livelihood. And if we make the
32 best use of it that we can, that's where it stands today. I'm
33 not saying it's the best system. There's a lot of holes in it,
34 of course, but at that time that was the best route we could go
35 according to our decision to accept it. We supported it
36 because we had no alternative.

37

38 MR. JAMES: Mr. Chairman, there was a question
39 asked a short while ago by Clifford and I've been sitting here
40 thinking about it, and I don't know what to tell you. I think
41 what you were asking is, is it possible to teleconference and
42 make a decision later through teleconference.

43

44 MR. ADAMS: Before the board gathers in end of
45 October.

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47 MR. JAMES: And that would include taking a
48 vote and that sort of thing, right, have a motion and....

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1 MR. ADAMS: Yeah.

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3 MR. JAMES: If that's what you're asking....

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5 MR. ADAMS: Get the three villages, you know,
6 getting opinions from....

7

8 MR. JAMES: Well, instinctively, I think there
9 might be a problem with that. I don't know if that really
10 fills the spirit and intent of having a public meeting. I'm
11 not an expert on that, I don't know, but I think there could be
12 a problem with that. Certainly, a teleconference would be a
13 way that the council could get together later and assimilate
14 information or viewpoints, you know, for instance, from Beaver.
15 That would be an excellent way to get that. But then when it
16 comes time to make a decision on that and take action, I'm not
17 sure. I wouldn't encourage you to do it until I can find out
18 what was possible.

19

20 MS. PETRUSKA: Could we get the State to pay
21 for it?

22

23 (General laughter)

24

25 MR. CHARLIE TITUS: Mr. Chairman?

26

27 MR. LEE TITUS: Charlie?

28

29 MR. CHARLIE TITUS: I think Vince Matthews had
30 a question or comment. Did you?

31

32 MR. VINCE MATTHEWS: If I may?

33

34 MR. LEE TITUS: Sure.

35

36 MR. MATTHEWS: Mr. Chairman, as individuals, I
37 think the council needs to look at -- the Chair did mention one
38 facet of this reconsideration, one aspect of it which is permit
39 system. There is another component of that and then, as an
40 individual, you may want to explore the historic level of moose
41 in that area; I'm not familiar with that. You'd also want to
42 look at the reasoning why the board, the Federal Subsistence
43 Board, had a different season than the State. They're coupled
44 together here. Does that make sense? Because the
45 consideration that I see in front of the council is, one, to
46 align the seasons, two, to have the State permit systems across
47 Federal lands. And you would have to ask your council - I do
48 not know many of your staff - can you amend the

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reconsideration, take components of it and adopt it and then draft other parts or do you have to take it entirely? Hopefully, I did not muddy the waters with that, but us over here nodding our heads back and forth, that's what we've been doing. Thank you.

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MR. GUSTAFSON: Mr. Chairman,....

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8

MR. LEE TITUS: Thank you, Vince.

9

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MR. GUSTAFSON:I do agree with Mr. Titus here and Bill Fliris over there. I'm not for it. I'm on the -- because under Section 804, it's contrary having the State do that to it. They're disregarding Section 804 which is the public law. And it's directly -- it's not in compliance. And another thing is problems, future problems down the -- and the problems would be people missing out on applying for permits and having somebody else get them elsewhere and then having hard feelings over that, having outsiders come in. And that's just contrary to preference for local use.

20

21

MR. JAMES: I'd like to get something clarified here because my own understanding is muddled, I guess. But is the Tier II application process based on Section 804 or is it not? Could somebody clarify that?

25

26

MR. SMITH: I can clarify that for you. The State Tier II process, although the criteria are very similar to 804, the State is not bound by ANILCA, including Section 804. That is a Federal law. The State Tier II system is conducted under the State's subsistence law and, fundamentally, that's why we're all sitting here in this mess, is because the State has one law, the Federal government has a separate law, and they're based on different things. So, that explains that.

34

35

MR. FLIRIS: Yeah, as far as I'm concerned this whole effort by the State just is effectively saying to the Federal government, take all your stuff and pack it back to Washington, you know, we don't need it. That's why we're here, because the State is the one that's out of compliance, as far as I'm concerned, with public law. ANILCA is the law of the land. The State of Alaska is out of compliance with it and the only way we're going to get them back into compliance is to refuse to go along with their system which isn't meeting the demands of ANILCA. And it's unfortunate in the sense that it leads to a lot of confusion. Things aren't going to get any simpler; they're just going to get more confused. But if we bow into the State every time they say, well, you guys are doing one thing and we're doing another and we want you to stop

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that and go back to what we're doing, you know, they've won the battle. We're doing what they want us to do: allow non-local people in there which should be a subsistence hunt. It should be a subsistence hunt. And, to me, that's local Stevens Village, Beaver, that area, those are the people that should be the only people allowed to harvest that game when there's a problem with that population. They need them.

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MR. LEE TITUS: Yes, Jeff?

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MR. CHARLIE TITUS: Mr. Chairman, I ask....

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MR. LEE TITUS: Charlie, excuse me. Charlie, excuse me, Jeff had his hand raised first.

14

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MR. CHARLIE TITUS: Okay. Excuse me, Jeff.

16

17

MR. ROACH: Just a point I wanted to make. I tend to agree that the State has problems and that's why we're here. I understand that completely. What I was hoping that we would do with this was to simplify the system. Right now, the way I understand it, the -- under the present system, we're not meeting that maximum possible take so that, in effect, Section 804 does not really apply because we are not limiting anybody. We're still meeting the subsistence requirement, plus there's a harvest under the Tier II system that is occurring. And I can be corrected if I'm wrong, but that's the way I understand it.

28

29

MR. FLIRIS: Your feelings are basically that it would be simpler to be under the Tier II system?

31

32

MR. ROACH: My feelings are it would be simpler to be under the Tier II system in this particular case and as long as the -- that we're not limiting subsistence users, then, I think the simplest system is always the best.

36

37

MR. FLIRIS: And you don't see the problem maybe of having this -- say the board went along with this idea, of having this apply to other situations that are similar to other locations in the state?

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42

MR. ROACH: Not unless we agree to it, because that's what level we're at. We can do that.

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MR. LEE TITUS: I wonder if there is -- is it -- we're going to meet again this evening after seven. I wonder if it's possible for you guys to get in contact with our village chief and get something -- see how they feel on

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the State permit system and the Federal....

1

2 MR. PEARSON: I think that's a good idea.

3

4 MR. LEE TITUS: Do you think you can get a hold
5 of somebody in Beaver and ask them how they....

6

7 MS. PETRUSKA: Yes.

8

9 MR. LEE TITUS: And then if we get a report
10 back from the village, we can maybe like continue on with this
11 discussion later on this evening.

12

13

14 MR. PEARSON: I think that's a good suggestion.

15

16 MR. CHARLIE TITUS: One thing, Mr. Chairman.
17 Is this the only request similar in the whole of Alaska and all
18 the other, nine other districts or....

19

20 MR. KOVACH: I'm sorry, I don't....

21

22 MR. CHARLIE TITUS: Did they have any other
23 requests similar to this in the other districts?

24

25 MR. KOVACH: Yes, there are -- when Fish & Game
26 submitted their package of the Requests for Reconsideration,
27 there was a total of fifteen in that package that touched on
28 most of the ten regions. So, you are not the only council
29 struggling with this. Unfortunately, it happened so -- the
30 timing was such that we couldn't get prepared enough to get
31 materials out to you folks.

32

33 MR. CHARLIE TITUS: Too bad we couldn't see the
34 other council's....

35

36 MR. GUSTAFSON: Mr. Chairman,....

37

38 MR. LEE TITUS: Yes?

39

40 MR. GUSTAFSON:let's take, for instance as
41 an example, if we did and problems come up down the line, what
42 would we do then? And another point is, we still have to look
43 out for like -- most people that are representing their areas
44 will have to look out for their people and if they're hurt in
45 the long run and we made that mistake, we'll have to look at
46 that. And with this Tier II system, you open up the
47 possibility of having future problems. I must reiterate that,
48 that at least we'll have some control with the Federal than

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with the State. And with this Section 804 that gives us the preference to do that, even if there is a Tier II in that area. We still have a little bit more control of our preference for subsistence use.

4

5

MR. LEE TITUS: Yes, David?

6

7

MR. JAMES: One other option that the council does have is, you know, to take a vote at this time on a motion in the opposite direction, to not accept it. I'm not sure that that's clear in everybody's mind. I mean, we've had one attempt to accept it. So, I'll leave that up to the council. If you wish to get more information, that's fine, we can work that in.

14

15

MR. LEE TITUS: I think we can get -- if we can get more information, we can accept parts of it and deny parts of it.

18

19

MS. PETRUSKA: When did you guys come up with this brilliant idea? The conference was last summer, you know. For us, it was a couple months ago.

22

23

MR. LEE TITUS: Yes, Oscar?

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25

MR. FRANK: Yes, Mr. Chairman, I just have one question. When this goes before the board, I'm sure they'll look at all different kinds of testimony argued at the council and certainly our villages. What I haven't heard yet, as I mentioned, is if the staff has any -- what their recommendation will be on this. I just want to relay that back to our villages.

32

33

MR. KOVACH: As far as the staff position, none has been crafted as of yet. To partially answer your question, Fish & Game submitted these on, I believe it was July 30th, the last possible date an RFR could be submitted and it came right before a board meeting was scheduled to address some other Requests for Reconsideration, so it was delayed that one time as there wasn't enough time available to review these and come to some decisions and recommendations for the Federal board. The staff committee only just met to discuss these two weeks ago and it was at that point in time, the staff committee looked at which RFRs were affecting which regional councils, to say and determine which regional councils had not yet met, and requested those of us who were at the meeting to take these to the regional councils for their consideration. It's kind of eleventh hour type stuff and we do apologize, unfortunately.

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MR. LEE TITUS: Yes.

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MR. SMITH: Yes. Mr. Chairman, since this process is gearing up -- I mean, that certainly contributed to the delay and the kind of lack of notice. I mean, again, out of respect for Selina's request which is certainly legitimate, I can tell you that in the future any Requests for Reconsideration that comes out of my office will go to all of you at the same time that it goes to the Federal government.

9

10

MR. LEE TITUS: Thank you.

11

12

MR. CHARLIE TITUS: Just one thing. You said Galena had a request for the Tier II system? Did you say Galena had a request for Tier II?

15

16

MR. SMITH: No, no, Selina.

17

18

MR. CHARLIE TITUS: Oh.

19

20

MR. SMITH: Selina, not Galena.

21

22

MR. CHARLIE TITUS: I'm sorry, Selina.

23

24

MR. ROACH: Mr. Chairman?

25

26

MR. LEE TITUS: Yes?

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28

MR. ROACH: I'd like to request that we adjourn for dinner at this time.

30

31

MR. CHARLIE TITUS: I'll second that.

32

33

MR. LEE TITUS: Okay. Motion has been made to request to adjourn for dinner.

35

36

MR. FLIRIS: That's a positive motion.

37

38

MR. LEE TITUS: All in favor, say aye.

39

40

COUNCIL: Aye.

41

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MR. LEE TITUS: Opposed? We'll reconvene at 7:30.

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(Off record)

46

(On record)

47

48

MR. LEE TITUS: We were talking about the RFR

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93-10. Maybe you can refresh the memories of council here.

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MR. KOVACH: Certainly, Mr. Chair. This RFR is dealing with 25 (D) (West) moose and there are three issues contained within this RFR for the council to make a decision on. The first is concerning a difference of permits. The State system requires a Tier II permit and the Tier II permit is valid only within the river corridor on Native-select and conveyed lands, conveyed Native allotments and State lands. Under the Federal program, you need a Federal registration permit and that is only good on the Federal public lands within the area. The Federal registration permits are limited to residents of either Stevens Village, Birch Creek or Beaver. The harvest quota is 30 moose, or 30 bull moose, excuse me, and there are 30 Federal registration permits. The quota is for all hunters. So, when 30 bull moose have been harvested, the season will be closed. The second issue within the RFR is to reopen Federal public lands to all hunters. Currently, Federal public lands within the refuge are closed to all moose hunters with the exception of residents from the three communities. And, again, to hunt on those Federal public lands you have to have a Federal registration permit. So, the logic train here goes -- convert back to all Tier II permits, reopen all of the lands within the sub area to all hunters. The last issue is season dates. There is a difference in the season dates. The first season has already come and gone. Those dates were identical between the two systems. The remaining State seasons are December 1 through December 10, and February 18 through 28. The remaining Federal seasons are November 1st through December 20, and February 1st through February 20th. The Federal board added the February season at its August 10th meeting at the request of local users in the area, but they made that February season contingent upon two facts: one, that the harvest quota of 30 moose had not been achieved; and, two, that all permits that had been distributed for the first two hunts were fully accounted for, the number of permits to each of the communities and how many moose had been harvested by each of those communities. For example, Stevens Village had ten permits; they harvested five moose. Obviously, there's five permits still available. Again, we're very concerned about this moose population. That's why the harvest is limited to bulls only. Does that help?

42

43

MR. LEE TITUS: Okay.

44

45

MR. PEARSON: Mr. Chairman, I'd like to hear if we heard any correspondence from back at the villages that this is affecting, if anybody was able to contact them.

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MR. LEE TITUS: I believe Selina....

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2 MS. PETRUSKA: Yes. I spoke to about five
different people from home that said no, they did not want this
opened up to the rest of the world.

5
6 MR. LEE TITUS: The State Tier II?

7
8 MS. PETRUSKA: Yes. They said no because
there's a lot of people at home that had a hard time getting
moose this year. And you're saying that there's not enough
moose for us to get. You're saying that you only issue out 30
permits. Is that just for Beaver or for all three communities?

13
14 MR. KOVACH: That's for all three communities.
The option of the Federal board....

16
17 MS. PETRUSKA: Why do you want to open it up to
the rest of the state, then?

19
20 MR. KOVACH: I'm sorry?

21
22 MS. PETRUSKA: Why do you want it opened to the
rest of the state, then, if there's not enough moose for just
us? It doesn't make any sense.

25
26 MR. KOVACH: I'm just the messenger here,
Selina.

28
29 MS. PETRUSKA: That doesn't make any sense. I
mean, get real.

31
32 MR. LEE TITUS: Jeff?

33
34 MR. ROACH: Just -- thanks for Selina's
question. The Tier II system doesn't necessarily do that. As
long as the people from those communities use the permit, then
that won't happen. But it sounds to me like the people are not
going to use the permits if they're available. Is that your
understanding as well, Cliff, that the Tier II system does not
meet the requirements of the people there?

41
42 MR. ADAMS: Well, I was commenting on this
earlier, but about -- somebody brought up earlier about, you
know, let's make fire with this. You know what I mean? And I
live back there. I'm originally from Beaver and, I mean, I
know people who like to go out and hunt and, I mean, they go
what's this in the mail," you know. It doesn't mean anything
to them. You know what I mean? And maybe they go out and get

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their moose. Maybe they're getting their 30 quota, but then if you don't get your 29 cent stamp in the mail, you don't know. Right? So, I think that the people do get their quota from living there the last 30 years. And I think there's no reason to open up any more land or open any Tier II permits because of the low moose population and maybe right now -- I haven't been here for a few years; maybe right now the people aren't getting their moose. And this will -- if you not open it up, this will give the people later in the season, the next two seasons coming, to get their moose without, you know, spending dollars that they don't have and stuff like that. So, in my opinion, I'm against it, too.

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13

MR. THOMAS: Mr. Chairman,....

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15

MR. LEE TITUS: Yes.

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MR. THOMAS:I can't see, you know, why they want to open it up when already the moose population is low and why do they want to open it up to the public when it's already low for their own area of people there? I can't see that, you know. It's hard for me to see that, you know, when the moose population is low and then they want to put more people there. What is it going to do, then? It's going to deplete the herd that's already there that's already low. So, yes-- you know, it's hard for me, in my mind, to see that, you know. That's what I've got to say.

27

28

MR. LEE TITUS: Yes?

29

30

MR. PEARSON: Mr. Chairman, if I could iterate on this -- go ahead.

32

33

MR. SMITH: Mr. Chairman, just to clarify the State's intent with this proposal, it was not to increase the number of hunters, certainly not to increase the number of moose that were taken because the quota is going to be the same no matter how many people are hunting. Our interest was primarily in simplifying the regulations and coming with a uniform system that would apply to all of the lands that are out there because it's very difficult for people to know whether they're hunting on State land, private land, or Federal public lands.

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MR. PEARSON: No, go ahead.

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MR. LEE TITUS: Bill?

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MR. FLIRIS: I think I've got a lot of sympathy

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for the idea of simplifying the system. In the short term, that would be the best thing we could do, but in the long term I feel responsible that the State should have the burden on them to simplify the system by coming in compliance with public law and whatever method that we have use to insure that, I think we should take it till it gets to the point where the legislators agree that there's a problem there to be solved and that they can't put it off any longer and they're going to have to do something about bringing the State back into compliance with ANILCA. And, to me, this is a thinly veiled attempt on the State to take over management on all of the lands available out there again and I don't think it should be allowed. I think the Federal system -- the Federal system to me is a just system for a subsistence user because it guarantees the subsistence user his rights to a priority when there are low populations and it simplifies -- in this particular case, at least, it simplifies getting a permit to go out for a small number of moose. And I think the reporting requirements that the Feds have established through the village councils is more effective than what the State has ever had. And I don't think the Tier II system was designed to improve upon reporting, necessarily; it was just designed to provide access to all Alaskans. And I think we'd be making a mistake by letting the State get away with this attempt to circumvent the Federal system when it's just starting to improve opportunities for people. I know it's not that simple. I know there are a lot of other things going on with private land and where the people are actually hunting the moose and that people are in violation of the law, but being in violation of the law for a subsistence user is nothing new. So, I don't see how that's a big threat. So, I'm still not in favor of it.

31

32 MR. CHARLIE TITUS: Mr. Chairman, are we supposed to make a decision -- I mean, a recommendation on this?

35

36 MR. LEE TITUS: (Nods head "yes.")

37

38 MR. CHARLIE TITUS: It looks like we're going around and -- I don't see where it's going to....

40

41 MR. PEARSON: I think we're all in agreement.

42

43 MR. CHARLIE TITUS: Yeah, this committee.

44

45 MR. LEE TITUS: Yeah. Just to move things forward, we need some form of a motion to reject the Tier II system and go with the Federal permits. I believe that's what I'm hearing.

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1 MR. FLIRIS: I think if we make a motion, we
2 have to make a motion to adopt it and then vote. We don't?

3

4 MR. ROACH: Excuse me, Mr. Chairman?

5

6 MR. LEE TITUS: Yeah.

7

8 MR. ROACH: Go ahead, David. Maybe you can
9 explain it better than I can.

10

11 MR. JAMES: Well, the way I understand it, what
12 the board would like to know is whether you support this RFR or
13 not.

14

15 MR. FLIRIS: Do we have to make a motion to....

16

17 MR. PEARSON: In the State, they asked for a
18 motion to be made in a positive manner like so you'd make a
19 motion to support this and then vote it down. Or can he make a
20 motion to say that, no, we do not support this? Do you have a
21 preference on how the motion is made?

22

23 MR. JAMES: Do I have a preference? No, I do
24 not have a preference. I think as long as the motion is
25 clearly stating what your intent is, it will serve the purpose.
26 The board may, indeed, like to have further clarification of
27 why you do not support it, that would be very appropriate, and
28 those are just the reasons that I hear going around the table.

29

30 MR. PEARSON: Whip a motion on us, Bill.

31

32 MR. GUSTAFSON: Mr. Chairman, I do make a
33 motion that we do not considerate it and reject it, the Request
34 for Reconsideration of the Federal -- of this RFR 93-10 and our
35 reasons are that it doesn't comply with this Section 804 and
36 pertaining to preference of subsistence rights and use.

37

38 MR. ROACH: I'll second the motion.

39

40 MR. LEE TITUS: The motion's been made and
41 seconded. Discussion? This here is for the whole thing,
42 right, all three sections?

43

44 MR. PEARSON: No, just for....

45

46 MR. LEE TITUS: Or just the 93-10.

47

48 MR. JAMES: Right.

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1 MR. LEE TITUS: But there's three sections in
2 93-10, so we're rejecting all three?

3
4 MR. PEARSON: Right.

5
6 MR. LEE TITUS: Okay.

7
8 MR. PEARSON: Call for the question.

9
10 MR. LEE TITUS: The question's been called for.
11 All in favor, signify by saying aye.

12
13 COUNCIL: Aye.

14
15 MR. LEE TITUS: Opposed? (Pause) Which one is
16 the next one?

17
18 MR. KOVACH: The next RFR that we will take up
19 93-17 and we'll skip over No. 13. This RFR again submitted
20 by the Department of Fish & Game is dealing with lynx in units
21 12 and 20 (E). There are two issues raised in this RFR: The
22 first is requesting a delay in the opening of the trapping
23 season from the 1st of November to delay it to the 1st of
24 December. The second issue being raised by this RFR is a
25 request that the Federal board adopt a tracking of harvest
26 strategy that is currently employed by the State for adjusting
27 the seasons of lynx. What I'd like to do is start off with a
28 very quick, broad overview of lynxology and I can provide
29 more detail on any aspect that you desire. I'd like to first
30 start off by mentioning that the Tetlin National Wildlife
31 Refuge and St. Elias National Park and Preserve and Alaska
32 Department of Fish & Game just recently completed a three-year
33 study of lynx in Unit 12. This cooperative effort was delving
34 into basic numbers, how the areas is used, movements, food
35 habits, things like this. As I'm sure you all I'm sure are
36 aware, lynx are cyclic in their abundance and they are
37 typically associated with the abundance of snowshoe hares.
38 Throughout North America, these cycles average anywhere from
39 eight to eleven years between peaks or between valleys. In the
40 Unit 12 and 20 (E) areas, these cycles appear to be
41 approximately every ten years. When lynx are tied to hare
42 abundance, the peak of their numbers tend to occur one to two
43 years following that in the peak in the hare populations.
44 Studies have demonstrated that trapping is an additive
45 mortality source rather than a compensatory mortality source.

46
47 On the Kenai Peninsula, a study that was
48 conducted during the seventies and the eighties demonstrated

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that when the trapping season was not curtailed in any way, it resulted in the lynx population undergoing a steeper decline than it probably otherwise would have and it did not recover ten years later when the hare population did recover. It remained at a very low level. The lynx population in Unit 12 we know peaked two years ago during the winter of '91, '92. We strongly believe that the same is true for Unit 20. Figure 1 that was handed out to you, if you look in the upper right-hand corner there it says "Fig. 1," it shows the number of lynx that have been sealed from the '84, '85 trapping season through the '92, '93 trapping season as well as the proportion of kittens and adults within the harvest each year. Figures 2 and 3 break out these data for Units 12 and 20 (E) respectively.

13

14

You'll note that the '92, '93 harvest in Unit 12 is higher than it was the previous year. While we were surprised by this finding, we believe it was attributable to a phenomenon that is associated with lynx: as their populations begin to decline, their rate of daily movement increases dramatically. The more an animal moves, the higher the probability of encounter with a trap. And as the decline phase of this population continues, the mobility of these animals increases. We expect to see a substantial decline in the harvest rates this winter. A point of interest: For the period of 1984-85, from that harvest season through '90, '91, rural residents reported taking 95% of the total harvest. Only 5% was taken by non-rural residents and we believe the vast majority of this was incidental. This is based upon the fact that a person from Palmer reported one lynx one time or, you know, observations like that. So, the rate of harvest by non-rural residents is largely insignificant to the total take.

31

32

The second issue of this: The tracking harvest strategy. Studies have shown that the reported catch of lynx does, in fact, reflect the trends in status of lynx populations. The actual amplitude of the highs and depth of the cycles is not as accurate, however, but they do track very nicely. Based upon these studies done in Alaska and Canada, the Alaska Department of Fish & Game adopted a strategy for all road-accessible areas for lynx. This includes units 6, 7, 11, 10, 13, 14, 15, 16, 20 and 25 (C). Of course, the only three of these that are of concern to this region are 12 and 20 and 25 (C). The strategy basically establishes a maximum time frame in which trapping can occur and during the summer the sealing records are evaluated from the previous winter and they're evaluated with respect to the known status of where the lynx population is within their cycle. An emergency order is then issued to readjust the trapping seasons if that is, in fact, determined necessary. On June 30th, 1993, Alaska Fish &

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Game issued Emergency Order HQ-0193 which changed the trapping season from 1 November to 20 February to 1 December to 31 January. I might add the Federal season currently is 3 November to 31 January.

4

5 While harvest tracking strategy is probably the most responsive way to appropriately adjust trapping seasons, it would be very difficult, but not impossible but a real pain administratively, to incorporate this into the current Federal framework of establishing seasons and bags. As I explained, the analysis is done in the summer; the Federal board meets in the springtime, generally April, to establish seasons and bag limits. A side note that I want you to be aware of: Currently, all lynx hunting and trapping seasons in the Federal regulations have the exact same dates; they're all aligned. This RFR originally requested that the hunting season for lynx also be delayed, but this was withdrawn by Fish & Game. If this council wishes to endorse changing the trapping season, units 12 and 20 (E) will be the only units where the hunting and trapping seasons have different dates in the entire Federal regulation book. And this, we are a little bit concerned, could be a base source of confusion. When we asked why Fish & Game wanted to not include hunting in their RFR, they said it was just an oversight and they only wanted to address the trapping. Questions?

25

26 MR. LEE TITUS: Charlie?

27

28 MR. CHARLIE TITUS: Do they still practice hunting with rifles on these cats?

30

31 MR. KOVACH: It does occur. It's very limited and incidental, but it does occur. The vast majority of the cats that are harvested, the method of take reported is snaring and trapping.

35

36 MR. CHARLIE TITUS: If they find a -- they said 95%. These were tagged lynx, huh?

38

39 MR. KOVACH: No, what it is, is these are the number of pelts that were sealed by Fish & Game or their representatives. That's what it is.

42

43 MR. CHARLIE TITUS: In that area, there's a high take of subsistence trappers?

45

46 MR. KOVACH: Very high. The preliminary data that we have -- and we're still sorting through this, that's why everything is marked "draft" because we have discrepancies

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in numbers that we haven't been able to resolve yet. These numbers probably will not change dramatically, but because we're uncertain, we're labeling it "draft" at this point in time. Of the communities -- the residences that were reported by people who sealed lynx in this time period, Tok has the largest number of trappers, followed by Northway which has about half that number, and half of that is then followed by Eagle. All the rest of the communities have numbers of trappers ranging from one to six individuals, basically.

9

10 MR. CHARLIE TITUS: Mr. Chairman, aren't we going down the same thing that we -- are we getting into the same thing? I know I respect the resources, the animal takes in any area of Alaska or any -- because I guess in a way I'm a little conservative like a lot of Native people tend to be. But then, too, are we going to take the same stand we did on the last one on this? I don't know, it's -- the other thing I have, do these....

18

19 MR. PEARSON: Does anybody have any input from the trappers of that area? I know when our State advisory committee looked at shortening the season, the majority was in favor of it, as I recall, and I was wondering if the local trappers down there would be in favor or not.

24

25 MR. KOVACH: Mr. Chair?

26

27 MR. LEE TITUS: Yes.

28

29 MR. KOVACH: I'd like to ask the refuge manager from Tetlin to come up and help address these questions, please.

32

33 MS. SUE MATTHEWS: Thank you, Mr. Chair, members of the council. We just found out about this ourselves just a couple of days ago about this RFR, as I was telling you, Selina. But, fortunately, I had a refuge information technician who has been with me here for these past two days and when we considered the impacts of what this proposing on the local trappers of which she is one out of Northway, I asked Sherry Morundy (ph) how she felt about this and how the local trappers would feel. And she said that she didn't feel that it would affect them if it were the month of November that was removed because they like to track later on in the season; and that the pelt prices were down, and so people aren't hitting lynx as much. And that was her input to me.

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47 On the biological side of it, we had a big lynx study that's been going on and we are seeing in the snowshoe

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hare tracks that the snowshoe hare population has crashed and that there were several of our radio-collared lynx that were found dead and that were starving. And so, in fact, we can document pretty carefully that that's exactly where we are in the stage of the lynx population cycles and that, biologically, it appears that if this population is starting back down again, if there's any way to minimize the swing of this by shortening the season, that it probably would pay off in the end; that trappers would benefit later on if things were shortened at this point.

10

11 I might say that unfortunately Ruth Gronquist from Steese White Mountain was not able to stay tonight and wanted me to relay to you that, biologically, they didn't have any problems with this recommendation as well. And she wished that they had some refuge information technicians from BLM that could provide some feedback. Certainly, Mr. Titus can talk about any other Northway people, but as far as Tok is concerned I haven't had an opportunity to be able to go before the advisory committee which actually met last night.

20

21 MR. LEE TITUS: Thank you, Sue. The hunting regulations that you're proposing, is this only for one species or is this going to be for all furbearers?

24

25 MR. KOVACH: It's just for lynx. That's all this request is addressing, is lynx.

27

28 MR. LEE TITUS: The reason I'm asking is what happens if you set a trap -- a snare for a fox in October or whatever and you catch a lynx?

31

32 MR. KOVACH: It happens, as you well know. The only thing that I'm aware of is that when Fish & Game has done species-only restrictions like this is that they have done news releases, you know, informing trappers that this is what's happened and requesting that when you are doing sets for other species, whether it be fox or marten or whatever, that you reduce using techniques that are also attractive towards lynx. Incidental catches, if you're a trapper, you know that happens all the time. I can't speak for Fish & Game as to what they would do if you accidentally caught a lynx at the wrong time of year. I know as far as the refuge and the Park is concerned, they would love to have the information.

44

45 MR. PEARSON: Also, Mr. Chairman, doesn't -- I know out where I trap, I have a hard time getting across the rivers in November. So, a lot of the times I can't get out to the trapline till about the third week of November. So, if you

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had to cut a season down and because of fur quality, definitely November is the month to do it.

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MS. MATTHEWS: Exactly. And that was the comment that Sherry made, was that a lot of times they wait until December and usually more into January where the pelts are lighter colored and then are much more valuable and sought after by the fur buyers. So, she was very specific that as long as it was the month of November, she felt that that wouldn't have a severe effect and that if it, in fact, helped the situation later on, that it was okay.

11

12

MR. LEE TITUS: You had a question?

13

MR. ADAMS: Yeah. Well, being in the fur business myself, haven't the people in the past -- recent two, three years cut down on lynx trapping, I mean, because of the market value? And do you have any idea on that? I mean I know all about incidental catch; I mean I catch them in muskrat traps sometimes.

19

20

MR. KOVACH: Okay. As you can see from the first graph that I gave you that the harvest has risen dramatically since the '89 and '90 season. I did look at catch in relation to fur price and there's no relationship at all between catch rate and fur price. In fact, it's exactly the opposite. Back in '84 and '85, the prices of fur were reasonably high compared to now and almost a reverse of the catch: as prices fell, catch went up. So, there doesn't appear to be a relationship of price against catch. It appears to be purely a function of population abundance out there. I might add that I did look at the harvest in relation to month of reported take. In the month of November, the counts were approximately 16% of the total take. December is the largest with 40%, followed by January with 35%, February accounting for less than 10% of the take. And that was -- I selected data only from those years where the season was only open for those four months so I wouldn't influence the data that I was looking on.

38

39

MR. CHARLIE TITUS: Mr. Chairman. Suppose the population came back up? Would we have to change this back?

41

42

MR. KOVACH: That's exactly what will happen. Like I said, the cycle in this area tends to be on ten-year intervals and we're expecting the next peak in this population to occur in the year 2001, basically, is when we're expecting the next peak in the population. As the population crashes, studies have shown - and like I said on the Kenai Peninsula it was aptly demonstrated - when you didn't cut back the trapping

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season, it caused a worse population decline than would have otherwise occurred and the population stayed depressed. So, by throttling back on the trapping season, you ease up on the number of animals that are going to be trapped. And trapping, like I say, it is an additive mortality source. Just because the population is crashing, you've got animals starving to death, moving out and things like that, trapping still adds to the overall mortality rate. It doesn't take the place of starvation mortality.

9

10 MR. CHARLIE TITUS: Mr. Chairman?

11

12 MR. LEE TITUS: Charlie.

13

14 MR. CHARLIE TITUS: I don't have any problem with that if it's not going to hurt the residents economically. But if it's going to help the population of the lynx species, I don't have anything against it. But it -- are we going back to the same thing? I forget which -- if there's justification to support it because it's animal life out there. Whether we like it or not, that's the way the eco-system runs. If we support it a little -- maybe it's against whatever we have against the State - or I do - I still think this thing should be shared with the Feds. It's crossing -- after all, you never know where the boundaries are. They have no -- lynx don't have any prejudice of where they go; they cross both boundaries. I'm just making a statement, Mr. Chairman. Thank you.

27

28 MR. LEE TITUS: Yes, Bill?

29

30 MR. FLIRIS: So, you basically concur with the State's findings on this? Is that....

32

33 MR. KOVACH: As far as the season goes, yes.

34

35 MR. FLIRIS: That it should be restricted?

36

37 MR. KOVACH: Right, yeah. And, remember, the State has already restricted their season through an emergency....

40

41 MR. FLIRIS: Right.

42

43 MR. KOVACH:release.

44

45 MR. FLIRIS: The Federal season was originally aligned with State season and then they're just asking the Feds to follow suit?

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MR. KOVACH: Correct.

1
2 MR. FLIRIS: Yeah, I don't have a problem with
3 it, either, but one thing I wanted to ask you a question just
4 out of curiosity. I was looking at these graphs and I was just
5 wondering why the harvest on kittens and adults seem to be
6 mirror images of each other. Is there a reason for that?

7
8 MR. KOVACH: If you add them together, it adds
9 up to 100%. So, that's why as one goes down, the other goes
10 up. That's why you see that mirror....

11
12 MR. FLIRIS: Oh, okay.

13
14 MR. KOVACH:type of response there. One
15 of the things that we do look at is the proportion of kittens
16 and adults within the catch. Unfortunately, this is kind of a
17 real rough gauge the way it's currently done because the age of
18 the animal is no longer collected on sealing records. The
19 general rule of thumb: if the total pelt length is 35 inches or
20 less, then it's classified a kitten; if it's 36 inches or more,
21 it's classified as an adult. As you all know, pelts stretch
22 and shrink and so on. So, it's kind of a rule of thumb. It's
23 not deadly accurate. It's just basic. It gives us a basic
24 idea of the proportion of juveniles to adults within the
25 harvest and as populations crash, that kitten component will
26 literally disappear out of the harvest because the litter sizes
27 go down, the survival rate drops to near nothing. And kittens
28 are always much more susceptible to trapping than adults. On
29 the Kenai Peninsula, they were five times more susceptible to
30 trapping than adults.

31
32 MR. FLIRIS: Yeah. I don't know, to me this
33 isn't similar to the previous one at all, unless we were to
34 hear some local concerns that this was a bunch of hogwash or
35 something, but I don't see that, you know, if there were a
36 bunch of local people contesting this. I'd say I'm in favor to
37 go along with it.

38
39 MR. PEARSON: I'd like to make a motion that we
40 support RFR 93-17, especially in the light appearing from Sue
41 back from the area that's affected that they wouldn't object to
42 this and that there was a minimal catch that was during the
43 month of November.

44
45 MR. LEE TITUS: The motion is on the floor.

46
47 MR. CHARLIE TITUS: Mr. Chairman, make sure it
48 isn't permanent.

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1 MR. PEARSON: Oh, yeah.
2
3 MR. LEE TITUS: Do I hear a second?
4
5 MR. FLIRIS: Second.
6
7 MR. LEE TITUS: Seconded. The motion to adopt
8 93-17, RFR 93-17, has been moved and seconded. Any more
9 discussion?
10
11 MR. ROACH: Mr. Chairman?
12
13 MR. LEE TITUS: Yes, Jeff?
14
15 MR. ROACH: I'd like a clarification on the
16 State's tracking harvest strategy. If we forward this to adopt
17 that tracking harvest strategy, what does that entail?
18
19 MR. KOVACH: What that would do is it would
20 force the Federal board to meet sometime during the summer and
21 have a meeting during the summertime because all the sealing
22 records are not available and computerized until very late in
23 the springtime or beginning of June, in that time period. And
24 we wouldn't even have the data available for analysis until
25 sometime in June to look at what the sealing records indicate
26 as far as numbers of animals, adult-to-kitten ratios and things
27 like that, prepare a recommendation for the board, have it sent
28 to the regional councils for consideration; then it goes to the
29 staff committee and then the Federal board would meet and hear
30 the recommendations from the regional councils and make a
31 ruling. Then, what they would have to do basically is issue
32 the equivalent of an emergency order, changing the season and
33 bag limit that would already be on the books at that point in
34 time. So, even though you would have your regulation booklet
35 in your hand, the season and bag limit may not be reflective
36 and you would have to look for press releases and things like
37 that to see if it got changed. That's why I was saying, it's
38 not possible, but it's incredibly awkward and tough to work
39 with. But it's not impossible, it just makes our lives really
40 tough.
41
42 MR. LEE TITUS: Jeff?
43
44 MR. ROACH: Does the Federal Subsistence Board,
45 does it meet in the summer now? Does it have regularly
46 scheduled meetings in the summer?
47
48 MR. JAMES: It met this summer.
49
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1 MR. KOVACH: It's met the last two summers only
 2 because in-season actions or emergency actions were requested
 3 of the board. So, it has met the last two summers only because
 4 people have requested a meeting. Basically, what this would do
 5 is it would almost virtually set on a guaranteed summer
 6 meeting, is what it would do.

7
 8 MR. LEE TITUS: Any more discussion?

9
 10 MR. PEARSON: Call for the question.

11
 12 MR. LEE TITUS: The question's been called for.
 13 All in favor of adopting 93-17 signify by saying aye.

14
 15 COUNCIL: Aye.

16
 17 MR. LEE TITUS: Opposed? (Pause) Thank you,
 18 aye.

19
 20 MS. MATTHEWS: You're welcome. Mr. Titus?
 21 Charlie Titus, to address your concern about this not being
 22 permanent, I guess you would be encouraged to -- this council
 23 itself can create proposals that it could submit to the Federal
 24 Board that would change this later on if you felt it needed to
 25 be changed after the year or so. You can watch this carefully
 26 yourselves and make sure it isn't permanent, if that's the
 27 concern.

28
 29 MR. PEARSON: Charlie, in the year 2001, we can
 30 turn this around.

31
 32 MR. KOVACH: Okay. The last one. The very
 33 next one, RFR 93-18. We'll get through this yet, folks.

34
 35 MR. PEARSON: Before 2001.

36
 37 MR. KOVACH: Okay. This Request for
 38 reconsideration is dealing with subsistence fisheries -
 39 something different here - on the Kantishna and Toklat Rivers.
 40 What you have following the RFR is a one-page summary analysis
 41 from the technical staff. Attached to that is a figure from
 42 the Catalog of Waters for Spawning Anadromous Fisheries and it
 43 shows the upper part of the Toklat River. Again, another
 44 two-part request. The first part is to close the Toklat River
 45 all subsistence fishing from August 15th through May 15th;
 46 the second issue is to close the Kantishna River to subsistence
 47 fishing for chum salmon from the mouth of the Toklat River to
 48 its confluence with the Tanana River from August 15th through

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December 31st. The RFR basically states that the primary purpose of this is to protect the depressed chum salmon fisheries. Remember, this was RFR was submitted long before the September 3rd closure of the chum fishery.

4

5 There was a great deal of concern expressed within the RFR dealing with habitat impacts arising from fishermen walking and driving in spawning beds of spawning fish. The only Federal public lands with relation to the Toklat River drainage are contained within the Denali National Park and Preserve and that's what's depicted in the figure there. The border of the preserve is that heavy dotted line across the very bottom of the page there. As you can see, above or downstream from that line are markers indicating that chum salmon, sockeye salmon, and chinook salmon breed in areas occurring downstream and outside of the Park. The Park does have some records of chum salmon spawning inside the Park; however, these occurrences are very rare and sporadic.

18

19 The Park heavily regulates off-road activities and there is currently no authorized use of off-road vehicles off of the Park road or in the Toklat or Kantishna Rivers. So, this part of the RFR is kind of a moot point as this impact that is feared by the State does not, in fact, occur or could occur. Additionally, the State of Alaska itself requires a permit to operate a motorized vehicle within anadromous fish streams, and to our knowledge, none of have been issued for this area. For the Kantishna River from the mouth of the Toklat down to its confluence with the Tanana, it is already closed to the taking of chum salmon from August 15th through December 31st by Federal regulation. So, they're already asking for something that already exists in regulations. Basically, the staff recommendation is to take no action because none is needed. Questions?

34

35 MR. CHARLIE TITUS: I don't think anybody in the last couple years -- I don't think anyone is actually doing any fishing on the Toklat River anyhow.

38

39 MR. KOVACH: Correct.

40

41 MR. CHARLIE TITUS: And I don't think that they ever have, for that matter. Maybe just for a change of diet. Because I, as a fact, know some people that trap up there and does Bill and I don't think -- maybe the Corys, but I don't know if they even use fish for dogs or consumption. But to that -- I don't think it's a mainstay of their diet, anyway. Who's to say, but I just -- but, by knowing him, I don't think he does it in a big way. He doesn't have 40, 50 dogs or that

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big of a family to make a difference. So, I don't think that we have to -- we should take no action on it.

2
3
4 MR. PEARSON: But your recommendation is no
5 action, right?

6
7 MR. KOVACH: Correct.

8
9 MR. PEARSON: Mr. Chair,....

10 MR. BILL CALDWELL: Could I clarify just one
11 thing? If he's stating that under the current State
12 regulations, the Kantishna is closed to subsistence fishing
13 from the mouth of the Toklat to the Tanana, then, that's
14 incorrect. So, the State's petition is based on an incorrect
15 statement at last spring's Fish Board meeting. They re-
16 established the subsistence fishing on the Kantishna with a
17 27000 quota chum, a cap on it. So, there is a subsistence
18 fishery that's authorized under State regulations on the
19 Kantishna. I mean, I agree with the idea of rejecting -- or
20 ignoring it, but it's not correct that there's not a
21 subsistence fishery on the Kantishna. And Keith Shields is
22 here with the State's Commercial Fishery Division and he can
23 confirm that.

24
25 MR. KOVACH: Mr. Chair, if I misspoke, I
26 apologize, but what I meant to say if I didn't was that under
27 Federal regulations, the Kantishna is closed to subsistence
28 fishing.

29
30 MR. LEE TITUS: Bill?

31
32 MR. FLIRIS: Mr. Chairman, yeah, I believe Bill
33 Caldwell is right in what he said, but it doesn't apply to the
34 beds yet. They haven't done that. But the Yukon River
35 Drainage Fishermen's Association and the Department of Fish &
36 Game worked out a plan last year to provide 2,000 fish to the
37 families up on the Kantishna, the Cory families in particular
38 were up there, but things didn't work out as planned because we
39 had to shut down everything this year. But I guess there is no
40 reason for action, but I would just like to state that this is
41 a real critical area and whatever efforts can be taken in the
42 future to protect that spawning area, that one particular
43 spawning area there, has caused a lot of trouble to the
44 subsistence and commercial fishermen throughout the Yukon
45 Drainage trying to get the fish back up in there and do
46 everything to protect them. And I don't know what the State's
47 intent is here exactly; maybe they think that you should keep
48 some of those Park bears and eagles out of there, too. I don't

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know. But it's really an important area and we're hopeful that this year there will be enough fish returned there to meet the spawning requirements. So, I guess in the case that there isn't any violation of those spawning grounds going on as is, we can leave it be, but it's an important area.

5

6 MR. CHARLIE TITUS: I was -- Mr. Chairman, if I may. I was going to back up what he said about a real touchy issue. The whole state -- one time they had a hearing on commercial fisheries over in Bethel and I was representing, being out of Minto, on this very issue, this Toklat. Golly, I had to run out of that committee because I testified for keeping it open and they were saying that you're shutting us down and I said -- the commercial fisheries, so I had to -- I came out of that one. So, I don't -- to me, it's where -- the really fine line is drawn between commercial fisheries and subsistence, another touchy issue. So I would rather leave it alone.

18

19 MR. LEE TITUS: This here is only pertaining to
20 the Kantishna and....

21

22 MR. PEARSON: Toklat and the Federal....

23

24 MR. LEE TITUS: Toklat. Under the Federal
25 part?

26

27 MR. JAMES: Well, yeah, here's -- I would encourage -- maybe if Keith Shultz would like to say a few words on the subject. He is with Fisheries.

30

31 MR. KEITH SHULTZ: My name is Keith Shultz. I'm the Upper Yukon Area Management biologist with the Division of Commercial Fish, Alaska Department of Fish & Game. And Bill summarized it pretty well as far as the part I've been working with. The Yukon River Drainage Fishermen's Association, there were several meetings at individual villages and then there was an annual meeting of the YRDFA in Emonak which they drafted a proposal and petitioned the board, the proposal of the Toklat River fall chum salmon rebuilding management plan. But there were a number of things that that management plan called for and one of them was that they'd re-establish the subsistence fisheries in the Kantishna River from the confluence of Toklat down to the mouth or down to the Tanana River of 2,000 fish, but it continued the subsistence fisheries closure in the Toklat River drainage itself. So, that's -- the current regulations that are in the books are that a limited subsistence fisheries in the Kantishna or a portion of the Kantishna River and then the continuation of the total closure

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in the Toklat River drainage itself.

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2 MR. PEARSON: Mr. Chairman, when I refer to
3 this, I'm not referring to Keith, but one day I get a phone
4 call from the Department of Fish in town here and says that
5 they have a proposed date to close this, the subsistence, but
6 don't worry about it, it's not coming around any time soon.
7 Well, about three days later, I get a proposal booklet and here
8 it is proposed by the department. And I thought that was being
9 pretty sneaky, I mean, and I'm not -- it wasn't Keith by any
10 means. But here's somebody that calls me up and says, yeah,
11 some day down the line we might propose this and it's in the
12 regulations -- I mean, a proposal booklet right now. And so,
13 yeah, I've been kind of watching this deal here and all the
14 happenings on the Toklat and the Kantishna and, I don't know, I
15 first thought there were some dealings from way back when on it.

16

17 MR. SHULTZ: Mr. Chairman, I really don't know
18 what the history is behind the State's proposal here. This is
19 a fairly -- prior to the board action in March of 1993, that
20 was the regulation. And then in March of 1993, the Board of
21 Fisheries did change it to the description I gave it.

22

23 MR. PEARSON: Um-hum.

24

25 MR. SHULTZ: So, my first inclination would be
26 that this proposal came out of the old regulations and I don't
27 know if this is -- since March of 1993, this is the regulation
28 that the State has in their regulation book right now.

29

30 MR. PEARSON: Yeah, but was it not -- let's
31 see, how many years ago was it closed to subsistence fishing?
32 Five? Six? Maybe Bill knows.

33

34 MR. SHULTZ: Nineteen-....

35

36 MR. CALDWELL: February, 1990.

37

38 MR. SHULTZ: 1991?

39

40 MR. PEARSON: Ninety?

41

42 MR. FLIRIS: Mr. Chairman?

43

44 MR. LEE TITUS: Yeah.

45

46 MR. FLIRIS: Was that when you got the call
47 back then, in '90, when that originally happened?

48

49

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MR. PEARSON: I'm trying to -- boy, time passes fast, but it could be '90.

2

3

MR. FLIRIS: Yeah.

4

MR. PEARSON: If I had to guess, I'd say it had been a few more years than that, but I guess it was maybe '90.

7

MR. FLIRIS: Yeah, I think it was a pretty hasty effort once they decided that they were going to do it. They -- if I remember right, it was kind of a surprise. Barely had time to deal with it in the advisory committees. But, anyway, I just wanted to ask you, Keith, are there some protection measures that aren't being met up there that the State's nervous about that you know about that -- that's not why this came about?

16

17

MR. SHULTZ: Mr. Chairman. No, I don't believe so. I think the State is in the process of trying to establish that as a critical habitat area and that requires legislative action and we are in that process of trying to get that. So, I mean, we're making -- I think your point earlier on as far as the Toklat spawning grounds has been an area that's been identified by the Department as a depressed stock and we've been trying to do what we can to preserve the spawning grounds and trying to get more fish to get that stock rebuilt.

26

27

MR. LEE TITUS: So, currently, under Federal law it's closed to subsistence, right? Currently.

29

30

MR. KOVACH: The Kantishna is.

31

32

MR. LEE TITUS: The Kantishna. Okay.

33

34

MR. KOVACH: And, remember, there's only a small piece of that within Denali Park which is the only waters that are addressed by this program.

37

38

MR. PEARSON: Does that affect anybody?

39

40

MR. KOVACH: Not to our knowledge.

41

42

MR. PEARSON: That's kind of what I assumed when you say it's inside Denali National Park.

44

45

MR. LEE TITUS: There's only a small part of the Kantishna River that's in the Denali Park?

47

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MR. KOVACH: Right. Just the very upper

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portion of the river and, according to the State's atlas or catalog of spawning areas, all the known spawning areas - this is a '92 document - were located downstream from the Park. Like I say, the Park does have a few scattered record of spawning chums inside the Park, but they are very -- the numbers are very small and they're very sporadic as far as when they occur and it may be a one-year or three-year absence and then maybe two years and a four-year -- you know, it's just a very sporadic kind of occurrence.

9

10 MR. LEE TITUS: David?

11

12 MR. JAMES: Mr. Chair. Keith, is there any new information to update that atlas that Steve just referred to?

13

14
15 MR. SHULTZ: Mr. Chairman. The anadromous stream catalog is a continuing, involving document that gets updated on a fairly regular basis and I'm not aware of any additions to that stream catalog since 1992 on the Toklat River itself.

16

17 MR. JAMES: Thank you.

18

19 MR. LEE TITUS: Bill?

20

21 MR. FLIRIS: Yeah. Mr. Chairman, I don't know if we're going to just take no action on this or what, but in the way of comments along this line, it might be helpful for the Subsistence Board to realize that Yukon River Drainage Fishermen's Association represents all of the users on the Yukon River - subsistence, commercial, sport, personal use, whatever - and that they do have a cooperative agreement with the Fish & Game Department to manage the fishery on the Yukon River. And so their recommendations should be taken seriously by the Subsistence Board especially for critical habitat and things like that. I think it's a fair assumption to say that they do a good job of representing subsistence uses on the Yukon. It's the only group, actually, that represents all the users on the Yukon for the entire drainage.

22

23 MR. LEE TITUS: Yes?

24

25 MR. JAMES: Mr. Chair, John Hiscock might be able to say something for the Park Service.

26

27 MR. HISCOCK: I just want to make sure that some of the areas under consideration here are clear because I've heard some confusing statements. On the Kantishna River the area that the State is asking to be closed down on the

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Kantishna River, there are no Federal public lands associated with that. The upper portion of the Kantishna River that extends into the Denali National Park is not the subject of the State's proposal. The Toklat River is the only river in the State's proposal that includes some public lands; those are within Denali National Park. A small stretch of the Toklat River where the Park biologists, again, have reported on the basis, actually, of a winter trip by a dog musher in the area that there were a couple of spawned out chum salmon found in that area. The Park has done numerous over-flights to determine whether or not there are chum spawning areas in the Toklat River and within the Park and they've had negative results on those. There are not chum spawning areas in that area that we're aware of. And, also, importantly which has already been mentioned, there are no subsistence uses on that particular stretch of the river. So, those are the reasons, again, that I think the staff has reached the conclusion that there isn't any action necessary on that State Request for reconsideration; it only, really, for purposes of this program related to that small stretch of the Toklat River.

20

21 MR. LEE TITUS: Any more questions?

22

23 MR. CHARLIE TITUS: Need a motion.

24

25 MR. PEARSON: I'd make a motion that we take no action on RF 93-18, isn't it? Yeah, 93-18.

26

27 MR. CHARLIE TITUS: I second the motion,
28 ~~Mr.~~ Chairman.

29

30 MR. LEE TITUS: The motion has been made and
31 seconded to take no action on RFR 93-18. Any more discussion?
32 Hearing none, all in favor of taking no action on 93-17 (sic),
33 signify by saying aye.

34

35 COUNCIL: Aye.

36

37 MR. LEE TITUS: Opposed? (Pause) Thank you.

38

39 MR. KOVACH: Thank you very much, Mr. Chair.
40 That's it for the RFRs, fortunately.

41

42 MR. LEE TITUS: At this time, I would like if
43 there's anybody that'd like to make public testimony or
44 comment, they can now do so. (Pause) Okay. Hearing none,
45 now, we'll get on to the next item which is navigable waters.

46

47 MR. GUSTAFSON: Mr. Chair?

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1 MR. LEE TITUS: Yes.

2

3 MR. GUSTAFSON: I would like to have somebody
with a little bit of expertise explain about navigable waters
and how it pertains to subsistence use so we can all have a
better understanding of where we stand, where people stand in
the State of Alaska.

8

9 MR. ROACH: Mr. Chair?

10

11 MR. LEE TITUS: Yes, Jeff.

12

13 MR. ROACH: Mr. Chairman, if no one is present
to present navigable waters to us at this time, I would like to
request that we table this discussion until our next meeting
when somebody -- we can have somebody come and give us a
presentation on navigable waters and how it affects subsistence
resources.

19

20 MR. FLIRIS: Mr. Chairman, I think we have a
real good opportunity to have somebody speak on navigable
waters. Bill Caldwell is here with Alaska Legal Services and
he understands a lot of legal implications of that issue and
can give us a brief rundown on where we stand I think. If
you'd be willing to do that, Bill.

26

27 MR. CHARLIE TITUS: Mr. Chairman, maybe if he
knows anything, could he give us a brief history about the
navigable waters and how Title 8 -- what's the State's
definition of navigable waters and what's -- a lot of time we
have a hard time interpreting what they say about navigable
waters. And how does it relate to subsistence or subsistence
lifestyle? See, we can't -- what is hard for the older people
to understand why are they shut off from the river that they
always fished on for generations and suddenly somebody has the
authority to say, no, you can't take your -- have your food
anymore. It's just -- you can't tell that to an elderly person
without him understanding it. You might as well just shoot
him.

40

41 MR. CALDWELL: Well, I can appreciate the
frustration and I'm not sure if anybody can completely
understand how a statute that was designed to protect
subsistence uses of fish and wildlife doesn't apply to fish.
But that's the result of the Federal secretaries, the Secretary
of the Interior and Secretary of Agriculture's interpretation
of the definition of public lands in ANILCA. In ANILCA, public
lands are defined as lands, waters, and interests therein, the

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title to which is in the United States. When the Federal government initially assumed subsistence management on July 1, 1990, they took the initial determination which at that time was pretty much expressly for political reasons, but they didn't want to assume fisheries management right away because they hoped the State would be able to regain management. And, as you know, since that time we went through two regular sessions and two special sessions of the Alaska legislature and the State never did regain management. But meanwhile in the permanent regulations, their initial interpretation of the public lands definition has become more or less, you know, put into permanent law. So, that now the ANILCA priority does not apply to navigable waters and the theory behind that is that the State under something called the Equal Footing Doctrine and the Submerged Lands Act, when Alaska became a state, it acquired title to those submerged lands underlying all navigable waters and that includes the territorial sea, the three mile limit off the coast. The question, though, is who has title to the waters or interests therein and that issue is being litigated in Federal court.

20

21

There are a number of lawsuits pending in Federal court brought on behalf of subsistence users around the State arguing that the Federal government's restrictive approach to the public lands definition is illegal and that the ANILCA priority should apply to all fisheries occurring in navigable waters by reason of two interests that the Federal government holds in those waters. One of those interests is something called the "navigational servitude." And even though the states were given title to the lands underlying navigable waters, the United States holds a servitude, an easement, that the government has absolute regulatory authority over these navigable waters for purposes of commerce and navigation and a couple of other things, international defense and so forth. But, anyway, that's an interest that it's asserted. The United States does own in these waters and therefore they should be covered by ANILCA.

37

38

Secondly, there's something called the Federal Reserve Water Rights Doctrine which arises out of an Indian law concept in which the Supreme Court way back at the turn of the century held that Indian reservations that were created by Congress implicitly carried with them a reservation of all water necessary to fulfill the treaty purposes between the United States and the Indian tribes. And then later on the Supreme Court extended that doctrine to apply to any reservation of Federal public lands. So when ANILCA -- if you've read through all of the Federal lands that are designated as the Conservation System Units in ANILCA, in

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virtually every Fish & Wildlife refuge, in virtually every national park and preserve, and the two BLM areas, the Steese/White Mountains National area, one of the specific purposes of each of these Federal Conservation System Units is to preserve a sufficient quality and quantity of water and to preserve fish and wildlife habitat which also involves water.

6

7

So, under the Federal Reserve Rights Doctrine, these plaintiffs in Federal court are arguing that's an interest in water which brings at least some of the navigable waters within the jurisdiction of the Federal government. So, those are the two arguments that are being made. Meanwhile, some of these same Federal court plaintiffs this past summer petitioned the Secretary of the Interior and the Secretary of Agriculture to reconsider their determination, and that petition is now pending. When Secretary Babbit was here in August, he told a meeting in Dillingham that he had read the petition and thought it had a lot of merit, but that's the last official word or action that we've heard. As of this moment, ANILCA still doesn't apply, at least by the interpretation of the Federal regulations to navigable waters and, I guess to that extent, your jurisdiction doesn't apply to those waters. I'm sure that was thoroughly confusing, but that's the way it is.

24

25

MR. LEE TITUS: I understand. Jeff?

26

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MR. ROACH: I believe Bill Knauer has a comment that he'd like to make at this time.

29

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MR. LEE TITUS: Bill.

31

32

MR. KNAUER: Thank you, Mr. Chairman. You were asking specifically about the Federal jurisdiction and Mr. Caldwell did quote very closely, almost exactly, from ANILCA Section 102 which is the definition section and it says the term land means lands, waters, and interests therein. That's the first part. The second part then says the term Federal land means lands, the title to which is in the United States after the date of enactment. And when this program was established, one of the things that was examined was whether or not the title to these navigable waters was in the hands of the Federal government. And, as you know, in 1959 in the Statehood Act, the title to waters that were not previously withdrawn was passed to the State of Alaska. So, that is why currently the Federal government is not managing on most of the navigable waters unless they were specifically withdrawn beforehand. And Mr. Caldwell is correct: this is currently in litigation and also in petition before Secretary Babbit.

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1 MR. LEE TITUS: Thank you.

2

3 MR. GUSTAFSON: Mr. Chairman. Would this --
4 Asking Mr. Knauer about Section 807 now. Would this be through
5 Section 807 if they did do this? (General laughter) Yeah,
6 they're already over there. Would that be Section 807,
7 judicial enforcement, then, of Title 8 there? I mean, how
8 would that apply if the State -- from what has happened
9 previously, you know, this summer with the issues of
10 subsistence fishing? Anybody that's aggrieved or anybody
11 that's aggrieved by a failure of the State or the Federal
12 government to provide the priority of subsistence has a way to
13 bring forth a protest. And I was wondering with our board or
14 subsistence council, we have a method as you pointed our
15 earlier to me that, as my awareness here of Section 805, that
16 we were created by the Section 805 and we can make a
17 recommendation pertaining to this navigable waters for
18 fisheries to the Secretary of Interior recommending that these
19 waters be applicable to subsistence uses.

20

21 MR. KNAUER: You're correct, 805 does provide
22 you the authority to provide recommendations to the Secretary
23 on regulations, policies, management plans, and other matters
24 relating to subsistence uses of fish and wildlife within the
25 region. That does provide you that authority. As far as
26 Section 807, as Mr. Caldwell stated and I don't know whether
27 that is the case or not, but the matter of navigable waters is
28 currently under litigation before Judge Holland.

29

30 MR. GUSTAFSON: Well, it boils down to if we
31 make -- we can still make recommendations and I think we should
32 because from the past record, it hasn't been so good.
33 Something has to be done.

34

35 MR. LEE TITUS: Go ahead.

36

37 MR. BORBRIDGE: Yes, Mr. Chairman, as
38 additional background, as we appreciate, subsistence was a very
39 important element in consideration in consideration of the
40 Alaska Native Claims Settlement Act prior to and throughout all
41 of 1971. And each of the bills that arose there were specific
42 provisions for subsistence; however, in the final days of 1971,
43 the last Senate Bill had somewhat detailed provisions for
44 subsistence. The House Bill did not. The House provision
45 prevailed in the Conference Committee which produced the final
46 lands claim act and the House maintained that there was
47 sufficient authority in the Secretary of Interior who, working
48 with cooperatively with the governor of the State of Alaska,

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they had sufficient authority to protect the subsistence rights of the Alaska Natives. That was a clear intent right from the beginning to the end of ANCSA. However, when the House prevailed in its position that there not be detailed subsistence provisions because existing law would allow and enable the Federal government to work with the State to protect the subsistence rights, in fact, as we know from history, why, that did not occur. The protection was inadequate. And, thus, out of that frustration came Title 8 and the prime mover of Title 8 was then Chairman of the House Interior and Insular Affairs Committee, Chairman Morris Udall. And he stated that Title 8 was derivative of ANCSA; that ANCSA had in it the implicit and very specific promises to protect the Native subsistence rights. And that promise was not lived up to. But, again, the chairman said that Title 8 was derivative of and had its roots in ANCSA. In effect, what Title 8 was seeking to do was to fulfill the unfulfilled promises as pertained to Native subsistence rights in ANCSA.

18

19

And now jumping from there to the meeting in Dillingham, the Secretary not only stated - I'm paraphrasing here - that he found the petitions submitted to him to be persuasive, he stated when he arose to address the meeting of Native representatives that he had read it from cover to cover the previous night prior to the day he was speaking. He stated it was inconceivable - inconceivable - that Title 8 would have addressed subsistence hunting and not Native subsistence fisheries. He also appeared to promise, as I recall, to have some kind of an answer, to have an answer this month, October. He didn't say when in October. And, of course, at earlier times our representatives, legal and otherwise, submitted on behalf of Native subsistence users the fact that 60% of the total subsistence resources taken by the Natives were taken from the waters which would now be declared to be navigable under State jurisdiction and the consequence of that, as you know of course, would be -- the preference under Title 8 would be lost under that jurisdiction.

37

38

So, it's a mix of all of these things. I just wanted to bring these things to your attention because Native people see ANCSA as a deal in which the Natives agreed to accept title to so many acres. They agreed to the extinguishment of title to so many acres on the Federal side. Of course, there was payment of compensation and there was also the implicit promise to protect Native subsistence rights. And I think that what I'm suggesting to you is that the question about navigable waters is a legal issue, but I think as a non-lawyer it tends to be so narrowly focused on that we sometimes end up having lawyers debating about definitions. And I'd like

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to bring to you, as I have sought to do tonight, the bigger picture of what is involved, and navigable waters is a part of that effort of the exercise by Native people of their subsistence rights. I hope this has helped and I haven't (inaudible - simultaneous laughter).

5

6

MR. LEE TITUS: Thank you. Yes.

7

8

MR. CHARLIE TITUS: Yes. Mr. Chairman, I didn't mean to be so frank when I said that you shoot them. What I meant is they're taking his lifestyle. You already know we're beginning to see the end of our language and the end of the way we eat, dress. Our lifestyle is also changing. But to our grandfathers, it's not. To him, he still respects his beliefs. And to take his fish away, that's -- you might as well tell him that's the end of your life now. And I just can't go on and do that and I just don't know where or how anybody could justify doing that. The State, as a matter of fact. I just couldn't -- it just doesn't focus in my mind, me being an Indian and a subsistence user and grew up with my grandfather's beliefs. I just -- that's where the State and me have a totally different idea on subsistence and where I could get my fish.

23

24

MR. BORBRIDGE: I will respond, if I may to the statements of how we feel about subsistence, the importance of it to us as a lifestyle. It's natural that we have to deal with the number of issues that together spell out the rights and the harvest numbers and so on. But I think it's good to have people like you and other members remind us what it is we're working on, the very real thing that is -- the phrase I use so often and fellow Feds have heard it many times, from some immemorial, there's just no beginning time to mark when we first began to be subsistence users.

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MR. LEE TITUS: Thank you. Bill?

36

37

MR. FLIRIS: Mr. Chairman, I kind of agree with what Jim was talking about in that we should make our concerns known to the Secretary concerning the failure of the subsistence uses on the rivers, the fall chums this year, and how severely that affected all of the subsistence users on the river and how we don't know what the solution to that problem is because, obviously, there's a lot at play out there. But the thing that stands out to me is that if the Federal government has a concern for subsistence even though it doesn't have jurisdiction over navigable waters, there is a lot of things that the Federal government could do to demonstrate that concern even prior to being given authority by a judge to take

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over a jurisdiction. And one of the things that comes to mind is research projects and another thing that comes into play there is the fact that we're currently involved with negotiations with Canada for the same resource and the Federal Government has the authority to conduct those negotiations; the State doesn't. So, there is an interest there that the Government has. And if we're going to get this run back on its feet again, there's a lot of research projects that need to be done out there, a lot of in-season monitoring equipment that needs to be provided to assure that we don't have another tragedy like this year. So, I favor coming up with some kind of resolution or statement in our annual report that we'd appreciate the Secretary's attention to that idea and that it is a subsistence use and we feel that the Secretary ought to bring some effort to bear on a solution to that problem.

15

16 MR. JAMES: The annual report is a cycle that's
17 on -- dictates about the middle of next month.

18

19 MR. LEE TITUS: November.

20

21 MR. JAMES: And I can't explain why, but that's
22 what I was told. I might remind you, in our discussion
23 yesterday, though, we talked about annual reports and they come
24 in all sizes and shapes, and they can be letter length or
25 longer.

26 MR. FLIRIS: Is that the appropriate place to
27 put a concern like this?

28

29 MR. JAMES: It strikes me that it is, indeed.

30

31 MR. FLIRIS: I'd welcome a motion from Jim.

32

33 MR. GUSTAFSON: Okay. Mr. Chairman, I move
34 that included in our annual report we would make a
35 commendation, or the council would recommend to the Secretary
36 of Interior as stated by in public law, Section 805 in
37 particular, include applicable or applicable navigable waters
38 for fisheries for subsistence use.

39

40 MR. PEARSON: I'll second that.

41

42 MR. LEE TITUS: It's been moved and seconded.
43 Question -- oh, go ahead.

44

45 MR. JAMES: Discussion. I want to make sure
46 that I have this motion. You want to make a recommendation
47 that navigable waters be included within the Federal
48 Subsistence Management Program?

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1 MR. GUSTAFSON: Yes. And that would be under
the authority given by public law, Title 8, Section 805, I
believe, which is this regional advisory council's authority.

4
5 MR. JAMES: I believe Bill Knauer had another
suggestion, what other actions that might be....

7
8 MR. KNAUER: It's just an alternative.

9
10 MR. LEE TITUS: Just an alternative?

11
12 MR. JAMES: Would you like to suggest that to
the....

14
15 MR. KNAUER: Excuse me. I was saying to
Mr. James that including a recommendation in an annual report
is only one option. You can submit a separate recommendation
if you wish or you could include it in the annual report.
Another way.

20
21 MR. PEARSON: I think we're going to have
something to put in the annual report.

23
24 MR. BORBRIDGE: Mr. Chairman, just a matter I'd
refer to you, did I hear both Secretaries included because of
their joint jurisdiction over Federal subsistence regulations?

27
28 MR. LEE TITUS: So, this request would be to
the Secretary of Interior and the Secretary of Agriculture.
Right?

31
32 MR. GUSTAFSON: Yes.

33
34 MR. LEE TITUS: Okay. Any more....

35
36 MR. PEARSON: Call for the question.

37
38 MR. LEE TITUS: The question has been called
for. All in favor, signify by saying aye.

40
41 COUNCIL: Aye.

42
43 MR. LEE TITUS: Opposed? (Pause) I'm glad
we've got something in our annual...(laughter) Next is the
local advisory committee.

46
47 MR. PEARSON: Yeah, Mr. Chairman, I believe
that was my shpiel there. What my thoughts on that was, and I

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think I talked to Bill and a few other members here in brief about it, is that in a lot of communities and villages that we're not going to be able to support a Federal advisory committee and a separate State advisory committee, I think the business of both of them is going to have to be addressed at the same meetings. I mean, I don't think in the area that I represent down the road there that you could drum up enough people to sit on both advisories and get something done and yet it seems like there's not a Federal advisory committee system in place yet. There's this regional one, but not on a local level. And we're using the State one as right now and, hey, I'll be the first one to admit that as chairman of our advisory committee, we didn't always take up Federal discussion because we didn't have the time to do so and I figured since we had -- the State was paying for it and supporting us, we took care of the State issues first. But I think now we may have to have more meetings per year and take care of State and Federal issues at our meeting. And I think that the Federal subsistence should support the State on these advisory committee levels on the local. And that's where we get, as Bill White uses the term, "grassroots," get all our information and feedback and that's who it affects. And I don't know how it'd do, how it'd work, but as we all know that we've lost our State regional coordinator. And if the Federal subsistence was wanting to help us out on this deal, that's what I think we need, is we need a coordinator to keep these State advisory committees going or we need to go to maybe having the Federal run the advisory committees and the State ride piggyback for a couple of years. Switch it around. But somebody's got to support these advisory committees at home. Without some support, they're going to fall down the tube. I just guarantee it. It's hard enough to keep I believe it was 13 Interior advisory committees alive before. If we don't have any support of somebody to help us organize our meetings and our travel per diem when we go to the State and such as this, they'll fall flat on their face, guaranteed.

36

37

MR. CHARLIE TITUS: Mr. Chairman, I agree with Mike that we should make a recommendation because we're leaving out a lot of good input from lots of good people out there. There are some people that made a lot of wise suggestions in the past and input into Fish & Game in their areas. For instance, like Royce Purington, he did a lot of work on these councils. He made a lot of good decisions and he did a lot of homework on this and I think people like that should have input into what we're doing here.

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MR. PEARSON: Maybe we could get Bill Knauer or somebody from the Federal that would give us an idea of how we

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could put this in the proper perspective. I mean, what we're saying I believe is good and just, but I think we need somebody to explain to us how we could put it in terms that would make sense to the subsistence people that it could actually work. Said a mouthful, huh? Come on, don't be bashful.

5

6 MR. KNAUER: Mr. Chair, this committee can make recommendations of any nature related to subsistence on Federal Lands and, as Mike has suggested, these local advisory committees do provide part of the contact and local forum and opinions that are necessary for this council to obtain the information they need. This council may make any sort of recommendation related to those local advisory committees as they see fit, recognizing of course that the Federal budget is not totally bottomless and especially in this era of reinventing government and reducing budgets. There certainly are some constraints to be considered. But you would have many options to recommend; in some cases, a Federal local advisory committee, additional monetary support, possibly support of personnel to a local advisory committee. There are many different types of options that you might think about.

21

22 MR. PEARSON: Bill, which would be, from where you're sitting, more practical? Would it be better to enact a Federal advisory committee system? Now, there's nothing cheap about that. Or would it make more sense to the Federal people to use the State one that's already enacted and working. But -- and no disrespect to the State people, but I see it's starting to fail with us losing the regional coordinators and that. I mean, it's going to make it tougher to operate. Would it be better to set up a whole new Federal system or would it be better to ask for some support to work the State system?

32

33 MR. KNAUER: You have already mentioned that in many areas, it would be very difficult to obtain additional people. I think you've seen small communities where the same people, because of their skill and willingness and expertise, serve on many different boards or local committees and councils and it's sometimes difficult to find additional people. Also, a system of Federal local advisory committees would be extremely expensive, there's no doubt about that. As far as which is better, I'm afraid I can't make that choice one way or the other. That is a recommendation that you folks would have to say. It would be very expensive, there's no doubt about that.

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46 MR. PEARSON: Do you think that in our recommendation it would be totally out of line -- just something along the lines of we recommend that the Federal

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Subsistence to help support a local advisory system and let it lie at that, whether it be a Federal or it'd be at a State system?

3

4 MR. KNAUER: I think that the decision as to what type of recommendation you make would be up to you as a group.

7

8 MR. PEARSON: But do you agree there's a need for a local -- I mean, I don't want to get you....

10

11 MR. KNAUER: There is definitely a need for a local system and, in fact, it is recognized in our regulations that they are one major source of input to this regional council. That's right in our regulations.

15

16 MR. PEARSON: Go ahead.

17

18 MR. HISCOCK: I think everything Bill has said is very good and one thing that he just referred to that I thought it might be of use to the council here and possibly take a look at, it's under one of the tabs in your book. I'm not certain which tab it is, but it's Subpart A, B, and C of the Federal regulations which would be this Programmatic Administrative portion of the regulations. Maybe Dave....

25

26 MR. PEARSON: Is it Part 4, you say, of the Federal Register, did you say?

28

29 MR. JAMES: It is in the binder.

30

31 MR. HISCOCK: It's the Federal Register publication with a date of May 29th, 1992 on the cover page. Okay? You should have this one as well; it's just under a different tab, I believe. It's under Tab 8.

35

36 MR. PEARSON: Yeah.

37

38 MR. HISCOCK: Okay. And then if you turn to page 22955, at the top of the second column and it's Section 402 titled, "Local Advisory Committee," that section reads: "The board shall establish such Federal advisory committees within each region as necessary at such time that it is determined after notice and hearing and consultation with the State that the existing State Fish & Game advisory committees are not adequately provide advice to and assist the particular regional council in carrying out its function as set forth in Section .11 of these regulations." What that means, essentially, is that the Secretary of the Interior and the

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Secretary of Agriculture made the decision when they promulgated these regulations to use the State local advisory committees unless they're insufficient for your purposes as Regional councils. So, I don't think there's anyone who has suggested to this point that any of those local advisory committees need to be replaced by Federal advisory committees. And that's where you play a large part; is if you feel any given local advisory committee is not sufficient for your purposes in carrying out your responsibilities under Title 8 Subsistence needs, then you should recommend that to the board, certainly, that the local advisory committee be replaced.

11

12 I know part of the issue you've brought up
13 -- but given all of that, how do we make the existing local
14 advisory committees function in such a way that they can
15 contribute to the program in its current state. And, again,
16 I'll just go back to what Bill has said already that also,
17 certainly, can be the subject of any recommendations you'd like
18 to make and those might be, you know, about the various things
19 you've talked about: funding and how to organize the meetings.
20 I think there's probably good reason to try to arrive at some
21 type of agreements with the State, of course, who has the
22 responsibility for administering those local advisory
23 committees to come to agreement with the State between the
24 Board and the State as to how that might be accomplished.

25

26 So, I'm sure the board would be interested in
27 hearing whatever you have to offer in that way. And it was
28 also pointed out by Sue Matthews, this topic was also discussed
29 in the Environmental Impact Statement prior to these
30 regulations and at that time, as I recall, and we've got the
31 section here, the conclusion was essentially that, on the
32 whole, the State local advisory committees were felt to be
33 sufficient; that there might be some problems in some areas,
34 but on the whole, they were felt to be sufficient.

35

36 MR. PEARSON: So, the recommendation now -- I'm
37 not very good at this on the fly of the night here, but
38 something along the lines to the Secretary of Interior and
39 Agriculture and this Federal Board of Subsistence that they
40 help with some support to the Alaska State advisory committee
41 at, where the needs are not being met, set up Federal advisory
42 committees to help supply input to this council. And don't ask
43 me to repeat that.

44

45 MR. LEE TITUS: Bill?

46

47 MR. FLIRIS: I just had a thought that maybe we
48 ought to just limit our viewpoint to the advisory committees in

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our area that we need....

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MR. PEARSON: That's real good.

3

4

MR. FLIRIS:to satisfy our obligation to meet with the charter here. Provide a public forum. I really don't see how we can do that without them.

7

8

MR. PEARSON: Well, what you're saying, Bill, we don't be making this a statewide....

10

11

MR. FLIRIS: Yeah.

12

13

MR. PEARSON:deal, just....

14

15

MR. FLIRIS: Maybe other areas aren't having this problem. I don't know.

17

18

MR. PEARSON: Yeah, right. Just say limit this to the Eastern Interior....

20

21

MR. FLIRIS: We can only speak for ourselves, I suppose, in that sense.

23

24

MR. PEARSON: Yeah.

25

26

MR. FLIRIS: One other thing that I'd like to bring up is I never understood in the beginning what -- the advisory committees didn't exist prior to ANILCA, if I'm correct. They were set up by the State to come into compliance with ANILCA. Isn't that true?

31

32

MR. JAMES: That's not true. The advisory committee system was in place. It was expanded somewhat at the time of ANILCA.

35

36

MR. FLIRIS: When did that originate?

37

38

MR. JAMES: Perhaps one of the Fish & Game representatives could date it. I don't know.

40

41

MR. SMITH: The seventies.

42

43

MR. JAMES: It's been around a long time.

44

45

MR. FLIRIS: It has?

46

47

MR. PEARSON: Yeah, our advisory committee is 40 or even -- or so old.

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1 MR. FLIRIS: Um-hum.

2

3 MR. JAMES: The regional council system was
4nstituted by ANILCA.

5

6 MR. FLIRIS: Okay. Right. Well, anyway, so
7ar as subsistence uses are concerned, I question what the use
8of the Fairbanks advisory committee is and why it needs to be
9unded.

10

11 MR. PEARSON: I think James could answer that.
12e were having that discussion earlier about how we felt that
13here was subsistence users that....

14

15 MR. GUSTAFSON: Oh, yeah. In fact, it's pretty
16unique in various communities. A lot of people that live here
17in Fairbanks, such as myself, we have participated in
18subsistence use before. Some people are -- I, myself, have
19belonged to -- I have lived out in a village and I have roots
20back into a village and I'm enrolled in another corporation.
21And there's other people like me that are transitional at times
22and then there's other people -- there's just so many people, a
23wide variety of instances where people have traditionally lived
24here and used subsistence resources, even though it is an urban
25area. Before if you lived outside the city limits or a
26borough -- before the borough....

27

28 MR. PEARSON: Well, James and I had discussed
29earlier that we felt that there was people that lived in the
30Fairbanks area that were truly, say, subsistence users.

31

32 MR. FLIRIS: Yeah, I agree with you, but....

33

34 MR. PEARSON: And, therefore, their needs
35should be represented.

36

37 MR. FLIRIS: They should be, but,
38unfortunately, I don't think any of them were on the Fairbanks
39advisory committee. There's a lot of resentment in Tanana
40against a lot of the performance of the Fairbanks advisory
41committee in the past who were shooting down subsistence
42initiatives for no better reason than that they were totally
43against subsistence use, so far as we could determine. And
44that was -- you know, in a perfect world, I think there should
45be representation here for subsistence users, but....

46

47 MR. GUSTAFSON: But by def-....

48

49

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MR. FLIRIS:by definition, there are no subsistence users here according to Federal law. So, that's why I brought it up. And, in fact, the previous Fairbanks advisory committee -- if I could use any term other than meddling, I don't know what it would be, in sticking to -- paying attention to issues that had nothing to do with Fairbanks, but going all over the state and shutting down subsistence -- voting against subsistence initiatives for, you know....

9

10 MR. PEARSON: Well,....

11

12 MR. FLIRIS: That's a bone that....

13

14 MR. PEARSON: Yeah.

15

16 MR. FLIRIS:I had to pick. But, anyway, I wanted to bring it up.

17

18 MR. PEARSON: But I agree, I would amend my motion to incorporate what you had to say about limiting this to our area here. I mean, I'm not one of those that believes we're going to tell the rest of the state how to do their business.

23

24 MR. FLIRIS: Right. But I'd sure like to hear from Eagle and I'd like to hear from Yukon Flats advisory committee. This incident tonight with this SRC, we probably would have had some advice from that advisory committee beforehand, before we went into it, and it would have been a lot simpler to deal with I think if we would have had that information from them and we could avoid a lot of pitfalls and make business easier for ourselves and everybody if we keep in touch with those advisory committees. But like Mike points out, I think they're going to be less and less effective as the funds from the State go down. I don't know, maybe I shouldn't say that. Maybe it'll be just fine, but I....

36

37 MR. PEARSON: I can't help but....

38

39 MR. FLIRIS:don't think so.

40

41 MR. GUSTAFSON: Mr. Chair? Well, it was mentioned earlier that -- I think it was yesterday that the communication between groups is a must, it doesn't matter who was from, between Federal and State advisory councils. And we have to utilize -- and some of our resources are limited. People from various villages, they have a lot of wealth of information. You just can't toss it away because you want to

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go State or Federal. You've got to use both resources and you have to use it wisely. You have to be able to utilize these people because they're not going to be around all the time. There's new people coming into the villages, but the older people, they do know with accuracy about the issues at hand and we have to use them. We have to be able to integrate them into....

7

8

MR. PEARSON: Communication.

9

10

MR. GUSTAFSON: Right.

11

12

floor?

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Bill's

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MR. FLIRIS: Amendment?

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MR. FLIRIS: That's a mouthful.

MR. PEARSON:recommends to the Secretary of the Interior and the Secretary of Agriculture and the Federal Subsistence Board for some support in either the State Advisory system in our area or the creation of a Federal Advisory committee system to give support to our council. Did I leave something out?

MR. ROACH: I'll second that motion.

MR. LEE TITUS: Discussion?

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1 MR. GUSTAFSON: Mr. Chairman, would this also
2 include the possibility of a joint type venture, then, or....

3
4 MR. PEARSON: Sure. I agree. That's what I
5 was really looking for.

6
7 MR. FLIRIS: Is it possible that, David, you
8 could work up some of these recommendations and submit them to
9 us again, the language exactly? I think a lot of us have
10 problems trying to incorporate all the....

11
12 MR. JAMES: I would have been willing to say
13 yes up until this one. (General laughter) We should discuss
14 it some more. Just an opinion. What you're saying sounds an
15 awful lot alike what's already written in here.

16
17 MR. PEARSON: Written in where?

18
19 MR. FLIRIS: In where?

20
21 MR. JAMES: In the regulations. You know, they
22 may say, well, yeah, we've already made provision for that.
23 You have a problem? I think what you're concerned about here
24 is the likelihood of a serious problem developing. You
25 envision that in the lack of funding, the lack of a State
26 regional coordinator, this imminent collapse - I'm sorry if I'm
27 being facetious - of the existing State Fish & Game Advisory
28 Committee.

29
30 MR. PEARSON: Right.

31
32 MR. JAMES: Everybody here seems to be in
33 general agreement that you can foresee some serious problems.

34
35 MR. PEARSON: Right.

36
37 MR. JAMES: You might -- I'm just thinking now,
38 you might want to use some language, you know, that would
39 address that and what you're trying to do is avoid a problem.
40 Why sit around and wait until, you know, you've got no
41 communications and you see a problem? You're trying to
42 anticipate a problem and to avoid serious consequences from
43 that problem.

44
45 MR. PEARSON: And then what you said, and then
46 refer to this here under "Local Advisory Committees." Would
47 that be also good?

48
49
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MR. JAMES: Yes.

1

2

MR. PEARSON: It's getting late.

3

4

MR. ROACH: Mr. Chairman, are we looking for more specific language basically to include in the recommendation that the board and the secretaries for our area establish a regional coordinator for the advisory councils or committees and provide funding for meetings?

9

MR. JAMES: Possibly. Another thought is to point out -- I think it's obvious that you have an existing advisory committee system even if it is limping....

13

14

MR. PEARSON: Under the State.

15

16

MR. JAMES: Under the State. Okay. It has State funding. If the Federal government was to supplement that the way they used to until recently, you know, then you have two agencies funding it. If you were to establish Federal advisory committees, I think it's highly unlikely that the State would be inclined to provide any money to support that system. It might be a more efficient use of dollars, you know, State and Federal, to shore up the existing system. I wonder if that might carry a little bit of weight, also.

25

26

MR. PEARSON: Right.

27

28

MR. FLIRIS: Yeah, that's a real pertinent point.

30

MR. PEARSON: I'm just not wording it right, but we all agree on the same concept here.

32

33

MR. FLIRIS: Right. No, I think David's got it right on. It's exactly....

35

36

MR. PEARSON: Yeah.

37

38

MR. FLIRIS:to the point. What we're trying to get across is that we need that system to function for both sides of the issue so that we could have the meetings and have all the staff present that we need from both the State and the Federal to make some of these decisions.

43

44

MR. PEARSON: And then it'd be easier to prop up the State's existing system instead of creating a whole new Federal advisory system.

47

48

MR. FLIRIS: Right.

49

50

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1 MR. JAMES: Perhaps a motion would be in order
 2 to craft a letter to address this issue with this as a basic
 3 outline and then I would be willing to work with your secretary
 4 here, Jim Gustafson. And together we can put this string of
 5 thoughts together.

6
 7 MR. PEARSON: I'll go along with that. So, how
 8 would we make a motion on that for us to vote? Would we make a
 9 motion that our regional coordinator, David James, and our
 10 secretary, James Gustafson, create a letter on this here?
 11 (General laughter)

12
 13 MR. LEE TITUS: Was your original motion
 14 seconded?

15
 16 MR. PEARSON: Yes.

17
 18 MR. FLIRIS: It was amended.

19
 20 MR. LEE TITUS: It was seconded. So, you'll
 21 have to....

22
 23 MR. PEARSON: Rescind mine?

24
 25 MR. LEE TITUS: Rescind your motion with a
 26 second to....

27
 28 MR. PEARSON: I'll rescind my motion.

29
 30 MR. ROACH: I'll second that.

31
 32 MR. JAMES: Okay. So, we're back to the....

33
 34 MR. PEARSON: Now we make a motion that -- is
 35 that what you want, Mr. Chairman, is a....

36
 37 MR. LEE TITUS: Right. Right.

38
 39 MR. PEARSON:motion? I'll make a motion
 40 that our regional coordinator, David James, and our secretary,
 41 James Gustafson, will create a letter on support of the State
 42 Advisory committee system for our area or creation of a Federal
 43 Advisory system. But our preference would be to prop up the
 44 State -- existing State system.

45
 46 MR. ROACH: And I'll second that.

47
 48 MR. LEE TITUS: It's been moved and seconded.

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Discussion.

1
2 MR. GUSTAFSON: Mr. Chairman, make sure we word
3 in that "joint."
4
5 MR. PEARSON: Oh, right. Yes, yes.
6
7 MR. LEE TITUS: Right. A joint local advisory
8 plus Federal -- was that what....
9
10 MR. PEARSON: A joint effort -- a joint....
11
12 MR. LEE TITUS: State/Federal advisory board.
13
14 MR. PEARSON: Yeah, yeah, a committee.
15
16 MR. LEE TITUS: Committee.
17
18 MR. ROACH: Mr. Chairman? I believe that,
19 Jim -- excuse me. Jim, you can do that when you draft the
20 letter.
21
22 MR. PEARSON: Sure.
23
24 MR. ROACH: We don't need to include it in the
25 motion, but you can....
26
27 MR. GUSTAFSON: Oh, okay.
28
29 MR. PEARSON: I'd call for the question,
30 Mr. Chairman. I think there's been enough discussion.
31
32 MR. LEE TITUS: The question's been called for.
33 All in favor, say aye.
34
35 COUNCIL: Aye.
36
37 MR. LEE TITUS: Opposed?
38
39 MR. PEARSON: Can we take a short recess,
40 Mr. Chairman?
41
42 MR. LEE TITUS: Ten minutes.
43
44 MR. PEARSON: Ten minutes.
45
46 MR. CHARLIE TITUS: Mr. Chairman, before we
47 take -- what is in the annual report? What do we have to put
48 there? What do we have to deal with?
49
50

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1 MR. LEE TITUS: We're going to discuss that.
2
3 MR. PEARSON: Yeah, that's what we're going to
4 discuss.
5
6 MR. JAMES: That's the last thing we've got to
7 do.
8
9 MR. PEARSON: What was the first thing when we
10 asked for it?
11
12 MR. CHARLIE TITUS: We're going to....
13
14 MR. PEARSON: Yeah, the navigable waters.
15
16 MR. FLIRIS: The navigable waters. Well, all
17 of our actions go into the annual report, don't they? I mean,
18 basically? No? Subsistence concerns that we think are the
19 most important go in there.
20
21 (Off record)
22 (On record)
23
24 MR. LEE TITUS: The next item on the agenda is
25 the annual report. In the Regional Advisory Council Charter on
26 6.6 in the fourth -- it says to prepare and submit to the
27 Federal Subsistence Board an annual report containing the
28 following: (A) an identification of current and anticipated
29 subsistence use of fish and wildlife populations within the
30 region; (B) an evaluation of current and anticipated
31 subsistence needs for the fish and wildlife populations within
32 the region; (C) a recommended strategy for the management of
33 fish and wildlife populations within the region to accommodate
34 subsistence uses and needs; and (D) recommendations concerning
35 policies, standards, guidelines, and regulations to implement
36 the strategy. Do you need to....
37
38 MR. JAMES: Yeah, I can add something to that.
39 First of all, keep in mind that some of the annual reports
40 that came out of the old State Regional Council system were,
41 you know, an inch thick. The outline that you just talked
42 about there, the guidelines, are especially appropriate to an
43 in-depth analysis. At this short an hour, you know, I think
44 the council would be, you know, justified in using considerable
45 leeway and not have to use those as real strict guidelines as
46 how you compose a short report which I think is what you're
47 looking at here. So, as it was pointed out to me once by
48 someone else on the staff, the language in this is fairly vague
49
50

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and it does leave you a lot of flexibility. So, my suggestion to the council is to use that, use, you know, your own judgment and flex that flexibility just as much as you like. Keep in mind that time is short.

4
5 MR. LEE TITUS: Yeah, the minutes of the
meeting will be in that annual report, right?

7
8 MR. JAMES: Not necessarily, no. That wasn't
the primary intent of the annual report.

10
11 MR. LEE TITUS: So, we'll have to include in
the minutes the actions that the council took at a meeting,
right?

14
15 MR. JAMES: The minutes will include, yes, all
the actions. Yes. Did I answer your question?

17
18 MR. LEE TITUS: No.

19
20 MR. PEARSON: I think he was asking was the
minutes of this council's meeting going to be in this letter to
the -- I mean, in this annual report and your reply was no.

23
24 MR. JAMES: Not necessarily.

25
26 MR. PEARSON: Not necessarily.

27
28 MR. JAMES: Not necessarily.

29
30 MR. PEARSON: But we definitely want to reflect
on our conversation and discussion on navigable waters.

32
33 MR. LEE TITUS: What were the motions -- I
mean, the requests to the Secretary of Agriculture and Interior
on the different motions that were made, right, will be in
there?

37
38 MR. JAMES: Yes. It would be very appropriate
to simply go through the actions of today, pick out those main
issues, and we could incorporate them into the annual report.
In fact, this last item of business, just before the break, we
could also include that in the annual report, either verbatim
or perhaps more appropriately a short version and make
reference to a more detailed letter. That's what I mean by
flexibility.

46
47 MR. PEARSON: I think that would be a great
idea, to put that in about the advisory support in that letter

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to the Secretaries.

1

2

MR. JAMES: So far, then, we've got the advisory committee recommendation, then there's the navigable waters issue recommendation. Those are two items there that could go into the annual report. And any of these other issues that have come up for discussion or action would be....

7

8

MR. LEE TITUS: Would the SR -- what were they?

9

10

MR. PEARSON: SR....

11

12

MR. LEE TITUS: RFRs. The action that our Council took on the RFRs be included in the annual report?

14

15

MR. JAMES: I would suggest maybe to the extent that they involve a main issue, but just as a report on these, it's sort of a routine regulatory action. But they may or may not automatically, you know, be appropriate for your annual report.

20

21

MR. PEARSON: I don't....

22

23

MR. JAMES: That's up to you.

24

25

MR. PEARSON: I personally don't think that the RFRs need to be reflected in our letter, but I wonder if, Mr. Chairman, we could maybe hit on some of this problem that we discussed with Pat O'Connor earlier because it's going to be coming up again. That maybe the Federal people need to be doing their own more modern subsistence studies because from what I see times are changing fast and if the Federal is basically basing their information on the State and the State's information now is outdated and, therefore, we're going to run into problems like this in a lot of places. And all the information that they have to go on -- Hollis Twitchell told me that that Park corridor has grown 433% in the last -- I forget how many years, but it's very few years. So, I think that I would like to see in our letter here something mentioned about that we think the Federal Subsistence people need to be doing some subsistence studies on the uses. I think that's an important thing.

42

43

MR. JAMES: Relative to the C&T determinations?

44

45

MR. PEARSON: Right, and -- but then also that we know on -- well, like we were discussing Northway and Tetlin and Tok, and I would like to see a Federal study down there on those moose over the past and things like that. Have all that

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information available. I think it's going to have to happen.
And use by....

2

3 MR. JAMES: So, you're talking about....

4

5 MR. PEARSON: And use by the people, though. I
mean,....

7

8 MR. JAMES:research relative to C&T
determinations and biological baseline data, both? Are you
talking about....

11

12 MR. PEARSON: No, let's just go C- -- I would
just settle for C&T, customary and traditional use by the
people.

15 MR. JAMES: Okay. I -- at this point, I
probably need more direction from the council exactly what....

17

18 MR. PEARSON: Sure. Mr. Chairman, but that's
all I was thinking is that somewhere down the line, I think
that we're going to need more C&T subsistence studies done by
the Federal because, for one, the State -- I don't know why
they're riding piggyback on them; and then, second, their
reports are going to be outdated.

24

25 MR. JAMES: So, you want to call attention to a
widespread problem of the need for updated C&T determinations?

27

28 MR. PEARSON: Right. For Federal
determinations. And if we had to cite an example, the Mt.
Kinley Village area outside Denali National Park.

31

32 MR. JAMES: And the other example as I recall
discussed was this Tok, Tetlin, Northway thing relative to
the....

35

36 MR. PEARSON: Right, as to....

37

38 MR. JAMES:Wrangell St.....

39

40 MR. PEARSON: Yeah, right. Exactly. Again, I
don't mean to say that -- we'll speak for our area. I mean,
I'm just one, though. I mean if nobody else feels that this
ought to be in the letter, then, so be it.

44

45 MR. FLIRIS: No. I feel like it should be.
It's just -- Mr. Chairman?

47

48 MR. LEE TITUS: Um-hum.

49

50

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1 MR. FLIRIS: These requests are so broad, you
 know. I mean, we could sit here and fool around all day just
 on identifying current and anticipated subsistence uses. This
 annual report -- I remember Royce Purington, that used to be
 his baby. He used to work on those things for months on his
 computer and finally bring in a draft of it, you know, and we'd
 go over it and it was a big deal. But at this point for us
 just beginning like this, I don't see how we could put too much
 into it. We're just barely getting used to learning how we
 function here together and stuff so I....

11

12 MR. PEARSON: Well, I think this letter so far
 would deal with what we've discussed so far.

14

15 MR. FLIRIS: Yeah. Basically, what we've done
 is -- the navigable waters issue is good being in there and the
 C&T determinations are definitely something that we can see as
 a problem that needs to be expedited. The concern there is --
 we might mention Jeff's motion to look at some of these local
 areas and make determinations that are easy to make quickly,
 you know, instead of trying to get all of the data available
 for an area before making any determination at all. Some
 determinations could be made quickly for uses that are obvious.
 And the advisory committee thing, that would be plenty, I
 think. I mean, I don't know, I just can't think anymore at
 this point.

27

28 MR. PEARSON: Yeah, this is what we've dealt
 with.

30

31 MR. GUSTAFSON: Mr. Chairman? Mr. Chairman?
 That has to do -- we also have to include the SRC appointments,
 too, you know. That was one of the first things we went over.

34

35 MR. FLIRIS: Right.

36

37 MR. GUSTAFSON: Include that in there and what
 else....

39

40 MR. LEE TITUS: Is the council going to have an
 opportunity for a draft annual report?

42

43 MR. JAMES: That sounds more like an order than
 a question. (General laughter)

45

46 MR. PEARSON: We're getting highfalutin now.
 We want drafts.

48

49 MR. JAMES: Certainly, yes.

49

50

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1 MR. LEE TITUS: I mean, if -- I mean just in
2 ease something that, you know, was not worded according to what
3 you were, you know, wanting to get out of it or, you know, put
4 into it or, you know,....

5
6 MR. PEARSON: I think it's a good idea. Royce.

7
8 MR. JAMES: Mr. Chairman, I do have a question,
9 though, relative to the SRC. Certainly, this council spent a
10 lot of time working on those. I'm just wondering now what is
11 the issue involved with the action that you took on SRCs and
12 that you feel needs to be addressed specifically in that annual
13 report? I guess as I'm trying to think at this hour and it's
14 not very successful, I don't see what -- I thought that you had
15 a satisfactory resolution to that problem. I mean, we were on
16 track with that. Is there some issue that I missed that needs
17 to be incorporated into this annual report?

18
19 MR. GUSTAFSON: Mr. Chairman, didn't we table
20 that until the next meeting?

21
22 MR. LEE TITUS: The SR- -- yeah, we tabled
23 that.

24
25 MR. GUSTAFSON: If I remember right. So,
26 that's all we have to do is do that.

27
28 MR. FLIRIS: But the reason that we tabled it
29 because we lacked sufficient candidates to pick from. We
30 didn't have -- there was the problem in Northway and Tetlin not
31 being included as users in the Park there and....

32
33 MR. PEARSON: In Denali, we only had one name.

34
35 MR. FLIRIS: Denali, we had one person to look
36 at as a possible candidate which....

37
38 MR. PEARSON: And it's nobody's fault.

39
40 MR. FLIRIS: Yeah.

41
42 MR. PEARSON: It's just short set-up that
43 I think I blame it on that, you know.

44
45 MR. FLIRIS: Yeah. I think there needs to be
46 some -- an effort made to get out there and find out who might
47 want to do this and have them submit some applications of
48 qualifications and whatnot and....

49
50

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1 MR. PEARSON: I wrote up a draft letter of
2 what.
3
4 MR. ROACH: Mr. Chairman?
5
6 MR. LEE TITUS: Jeff?
7
8 MR. ROACH: I agree with Bill that that has to
9 happen, but I don't think that that should be included in our
10 annual report just because it doesn't really state an action or
11 a need that we have that the annual report will address. I
12 think it's going to be addressed by those local advisory
13 committees sufficiently that it doesn't have to go to the
14 Secretary of Agriculture and Interior.
15
16 MR. PEARSON: Can we say that we didn't make a
17 decision on the SRC because....
18
19 MR. ROACH: Why?
20
21 MR. PEARSON: Because of lack of....
22
23 MR. LEE TITUS: Because it was recommended that
24 we select some....
25
26 MR. PEARSON: Solicit.
27
28 MR. LEE TITUS: Solicit two names at this
29 meeting.
30
31 MR. FLIRIS: We have to at some point, right?
32
33 MR. ROACH: But is that -- I mean, is that
34 something that the Secretary of Interior and the Secretary of
35 Agriculture need to know from us?
36
37 MR. JAMES: Yeah, I guess what I envision is
38 that if there is a problem that we can't solve through our
39 regular or existing process, those are the kinds that are
40 especially appropriate to raise up to a higher level.
41
42 MR. ROACH: And I think that this can be
43 solved.
44
45 MR. JAMES: But this one, I think we can solve
46. I am -- what I hear is that you folks want a complete list
47 and I guarantee you that I will work with John and his staff
48 and we will come up with a complete -- as complete as we can
49
50

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get it, and make contact with the advisory committees and some of these other suggestions which I wrote down and I can't remember right now. So....

3

4 MR. PEARSON: Well, I don't think it's
5 necessary that....

6

7 MR. JAMES: Okay.

8

9 MR. LEE TITUS: Jeff?

10

11 MR. ROACH: Mr. Chairman, the uses and needs,
12 maybe we should just state that we have not had time to
13 adequately address the identification of current and
14 anticipated uses and needs in the annual report and that that
15 information will be forthcoming from this council at a later
16 time.

17

18 MR. JAMES: Essentially explain the brevity of
19 your report at this time?

20

21 MR. ROACH: That's right.

22

23 MR. JAMES: Okay.

24

25 MR. LEE TITUS: Just to make our report a
26 little longer.

27

28 MR. PEARSON: Make it a little longer?
29 (General laughter)

30

31 MR. LEE TITUS: Anything else?

32

33 MR. JAMES: Unless somebody else has some other
34 suggestions, I am looking through my notes here and I haven't
35 picked up anything else at this moment.

36

37 MR. ROACH: I don't have any further
38 suggestions.

39

40 MR. LEE TITUS: Bill?

41

42 MR. JAMES: If you'd like I can just quickly
43 state: So, what we have for the annual report is basically the
44 navigable waters and fisheries issue; the advisory committee
45 issue; the C&T determination issue; and then an explanation for
46 the shortness of the report or lack of completeness or
47 whatever.

48

49

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MR. LEE TITUS: Yes?

1

2

MR. ROACH: The next item on the agenda is determining the time and place for our next meeting and I would like to ask the question: How much leeway do we have in selecting the time for that meeting? That's part of a question. And my statement is that I believe that Fairbanks is a good place for the meetings to occur. In some ways I like the idea of the meetings traveling around to the rural areas; however, we have so many rural villages and communities and we only have two meetings, a minimum of two meetings a year. It would take the next 20 years or more to get to -- around to those villages, to all those villages. And if somebody wants to come from Fort Yukon to a meeting that we might schedule in Eagle, they would have to fly from Fort Yukon to Fairbanks and then Fairbanks to Eagle. Fairbanks is such a centrally located area for all of the region and it's a hub of transportation. I believe that Fairbanks should continue to be our location for meetings.

19

20

MR. FLIRIS: I agree with that and especially if the Secretary takes seriously our recommendations about the advisory committees. The advisory committee meetings will take place on the local level and provide that forum that we're supposed to provide there. And I agree with what Jeff said in general. For purposes of the regional council, Fairbanks is probably the most convenient and best place to do it.

27

28

MR. PEARSON: Mr. Chairman, I believe it was Julie Roberts from Tanana that suggested that we rotate them. There's definitely merit there, but I have no problem either way.

32

33

MR. LEE TITUS: I think that's not a decision that we have to make. You know, I mean, we don't have to make a decision to say that we're going to meet in Fairbanks, you know,

37

38

MR. PEARSON: Every time.

39

40

MR. LEE TITUS:every time, you know. I think that there are certain issues that's going to come up in the future that don't affect us. People here in Fairbanks or like -- we might have to even have it in Anchorage, you know. We don't know. We don't know.

45

46

MR. PEARSON: Or if we had a big fish issue that affected Nenana,

48

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1 MR. LEE TITUS: Yeah.
2
3 MR. PEARSON:maybe we'd want to have the
4 meeting in Nenana, but....
5
6 MR. FLIRIS: Yeah.
7
8 MR. PEARSON:I mean, it doesn't matter to
9 me. I can see merits to both sides of the question.
10
11 MR. ROACH: And then I guess I wanted an answer
12 for the time.
13
14 MR. LEE TITUS: Um-hum.
15
16 MR. ROACH: February is -- was stated as being
17 the month.
18
19 MR. JAMES: What would work best for the staff
20 the first week in February. If that doesn't work for the
21 Council, then I think we're obligated to honor the council's
22 needs. But what we're hoping to provide for these meetings is
23 continuity of staff presence and support. And if it isn't in
24 the first week of February, then our good friend over here,
25 Bill Knauer, is going to be running around like a chicken with
26 his head cut off. So, I'd just ask you to take that into
27 consideration, but if it's an impossibility, we'll figure out
28 how to book around it.
29
30 MR. ROACH: Mr. Chairman, that would definitely
31 work out well for me. Was the length of the meeting a
32 question? I mean, is three days sufficient? I think it was
33 sufficient to cover the information that we needed to cover at
34 this time.
35
36 MR. PEARSON: It was two days.
37
38 MR. ROACH: All right. Two days. Two days.
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MR. LEE TITUS: How many days was it planned for, that February meeting?

2

3 MR. JAMES: We had planned that. I think
4ogically -- I suggest you'll be reviewing proposals and I
5suspect that the agenda will be fairly full. So, whereas you
6had essentially one long day today to do business, that may not
7be sufficient for next time. Perhaps two would, but I'm on
8thin ice. I really don't know how to predict that. Something
9to think about, the Western council decided they were going to
10try to compact everything. One reason might be that they chose
11to meet in Galena and the support services there are probably
12such that everybody will be eager to get business over with and
13leave. If you're in Fairbanks, you know, where you can shop
14all you drop, then more time and more leisurely pace may be
15required. So, it's -- a lot of that is up to you folks.

16

17 MR. LEE TITUS: Sue?

18

19 MS. MATTHEWS: Yeah. Because I'm concerned
20about the communication problem, I'd like to encourage you to
21explore the possibility of using the statewide teleconferencing
22capabilities. I know when I've lived in rural communities and
23the legislative committees have met, we were able to go to our
24local legislative information office and listen to the
25committee and also get piped in. It may make your meetings
26longer because you probably would have more people testifying,
27but it's -- in this age of telecommunications, it's something
28to consider.

29

30 MR. ROACH: That will be in place at that time
31because the legislature will be in session or is it in place
32all the time?

33

34 MS. MATTHEWS: I think it's in place all the
35time and I think, but I'm not sure, Jeff, I think the
36university may tap into that system as well and that's how they
37hold their teleconference classes. And that's why Sherry
38Grundy takes a class in the library in the school in Northway
39that's a teleconference course. But I don't know for sure how
40it works.

41

42 MR. TOM ELEY: That's correct, it is through
43the university and it's available throughout the year. There's
44also a system that's available from Alascom. It's available
45essentially in all the rural schools.

46

47 MS. MATTHEWS: That's what I'm thinking. It
48could be that each school's library is equipped where people

49

50

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could come and provide testimony.

1

2 MR. CRAIG FLEENER: You don't have to go to a
 3 public building. They can pipe you in from any public point.
 4 It can be from a telephone, 'cause I take four classes through
 5 teleconference myself and it's no problem. They can pipe you
 6 in from anywhere, any public building or any private home or
 7 anything.

8

9 MR. ELEY: Certainly if you had an issue that
 10 was affecting a particular village like tonight with Beaver,
 11 Birch Creek, and Stevens, it might be really good to just pipe
 12 those villages in for 15 or 20 minutes or a half an hour and
 13 you might not want....

14

15 MR. PEARSON: That'd be excellent.

16

17 MR. ROACH: Could we have the staff check into
 18 that and see if that would be a feasible option for us?

19

20 MR. JAMES: Yes.

21

22 MR. PEARSON: Mr. Chairman, I was just
 23 wondering in scheduling our next meeting if you could like --
 24 if we're going to plan a two-day meeting if it could be like a
 25 Thursday and a Friday so -- though I know there's other people
 26 here besides myself that, you know, need to be getting back to
 27 work, but if it was going to run over, then we could run over
 28 on a Saturday. You know, I mean, it would just -- I think it'd
 29 work out better that way for -- I know Bruce told me he was
 30 supposed to have been back to work tomorrow, but couldn't get
 31 out, you know, because the meeting ran late. So, I was just --
 32 you know, it's just one person's thought that if we were going
 33 to schedule a meeting, maybe it could run into the weekend and
 34 that way if it had to go over, it could maybe go over on
 35 Saturday. Probably the people -- staff don't appreciate that,
 36 but, I don't know, it's just a thought.

37

38 MR. ROACH: I think that Thursday and Friday,
 39 the 3rd and 4th, would meet our needs if that's agreeable with
 40 the staff needs.

41

42 MR. FLIRIS: Yeah, I'm not sure from my point
 43 of view. I've got to find out when the YR DFA meeting is, but I
 44 think it's at the end of February. I just can't remember right
 45 now, but it's probably tentative, too. But it sounds good
 46 otherwise.

47

48 MR. PEARSON: Does anybody know of any State
 49

50

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Fish & Game Board meeting that weekend?

1

2 MR. FLIRIS: I don't know.

3

4 MR. JAMES: I don't know.

5

6 MR. LEE TITUS: So, our tentative meeting date
7 will be February 3rd and 4th with additional days if need be
8 or....

9

10 MR. FLIRIS: I guess it's definitely tentative.
11 There's still three members that haven't heard anything about
12 it yet. So -- but it sounds good to me from....

13

14 MR. PEARSON: It sounds good to me.

15

16 MR. ROACH: I agree. It's good for me.

17

18 MR. GUSTAFSON: It's good for me, also.

19

20 MR. LEE TITUS: So, with that, we'll....

21

22 MR. JAMES: What about place?

23

24 MS. PETRUSKA: Fairbanks.

25

26 MR. JAMES: Did you decide on Fairbanks?

27

28 MR. LEE TITUS: Yeah.

29

30 MR. ROACH: I believe that Fairbanks was agreed
31 upon, at least for the next meeting.

32

33 MR. LEE TITUS: Anything else?

34

35 MR. PEARSON: When will we be receiving an
36 agenda on this next meeting? Well in advance or.... (General
37 laughter)

38

39 MR. JAMES: Yes, you will be....

40

41 MR. PEARSON: I'm not -- I wasn't picking on
42 anybody.

43

44 MR. JAMES: Yes. I'll do a better job next
45 time.

46

47 MR. PEARSON: No, I mean the only reason I was
48 thinking is if I could prepare and then also if we wanted to

49

50

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request the teleconference. Because like tonight, that would have been really good if we could have gotten directly from -- hear from the people that it pertained to.

3

4 MR. LEE TITUS: And more -- we'd like communication from the State, you know, like these, the RFRs that we were reviewing, you know. We'd need prior knowledge to make actions on those things and if there's anything that the State wanted to address at our next meeting, that that information be given....

10

11 MR. PEARSON: Do you want to make a motion to adjourn?

13

14 MR. ROACH: Excuse me, Mr. Chairman?

15

16 MR. LEE TITUS: Yes?

17

18 MR. ROACH: I'd like to make a motion that we adjourn the meeting.

20

21 MR. PEARSON: I'll second that.

22

23 MR. LEE TITUS: The motion's been made and seconded.

25

26 MR. PEARSON: Ask for the question.

27

28 MR. LEE TITUS: All in favor, say aye.

29

30 COUNCIL: Aye.

31

32 (Off record)

33

34 (END OF PROCEEDINGS)

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UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Elizabeth P. D'Amour, Notary Public in and for the State of Alaska and Reporter for R & R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 03 through 199 contain a full, true, and correct Transcript of the Eastern Interior Alaska Subsistence Regional Advisory Council meeting taken electronically by me on the 7th day of October, 1993, beginning at the hour of 9:00 o'clock a.m. at the Captain Bartlett Inn, Fairbanks, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability;

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

DATED at Fairbanks, Alaska, this 13th day of October, 1993.

Notary Public in and for Alaska
My Commission Expires: 05/12/94

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