

**EASTERN INTERIOR ALASKA
SUBSISTENCE REGIONAL ADVISORY COUNCIL**

**VOLUME II
PUBLIC MEETING
October 20, 1994
Tok Civic Center
8:30 o'clock a.m.
Tok, Alaska**

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COUNCIL MEMBERS PRESENT:

**LEE A. TITUS, CHAIRMAN
BILL FLIRIS, VICE CHAIRMAN
JEFFREY ROACH, SECRETARY
STEVEN GINNIS, MEMBER
RANDY MAYO, MEMBER
CHARLES MILLER, SR., MEMBER
SELINA PETRUSKA, MEMBER
JOHN STARR, JR., MEMBER
VINCE MATHEWS, COORDINATOR**

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PROCEEDINGS

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(On record; 8:30 o'clock a.m.)

MR. TITUS: The first item on the agenda is the National Park Service presentation of the Final Upper Tanana Region Customary and Traditional Use Eligibility Report.

MR. MATHEWS: Before we start, I just wanted to explain this map so you'll have time. This map, and there's a down-up version there, is a draft map of your region, Region 91. If you have time during the next couple of days to look at it to make sure we have the communities in the right location. We have landmarks on there that you think are important for subsistence uses and anything else on there that needs to be corrected or added. I would request that council members do it on their own maps or write them down and then I'll submit that to the people doing the map. Okay? And for the public, if you have additions, corrections, or whatever, do it on the large map there and then we will try to incorporate those. Thank you.

MR. TITUS: Please state your name.

MS. MELDRUM: My name is Janis Meldrum. I work for the National Park Service, Office of Subsistence in Anchorage. To pick up where we left off last evening in the discussion of the Upper Tanana Customary and Traditional Use Eligibility, there's three things, I think, that the council needs to try and deal with today in whatever manner you choose to do that. One is the orange paper that I'm sending around, is a -- we took a stab at trying to define community boundaries for these five Upper Tanana communities which is one issue that needs to be dealt with. Another is to discuss the final report and determine whether there's corrections or modifications that need to be made to that report; and, thirdly, is to discuss the proposed conclusions in the purple document and decide how the council wants to deal with review comments on that. We did not have the boundary issue specifically on the agenda, so I'm not sure where you'd like to fit that in.

MR. TITUS: Is it mandatory to have boundaries?

MS. MELDRUM: Well, depending on what the board's final decision is on these communities, if there's any differences between where one community can hunt versus another, then, people will have to know which community they're associated with. So, if you choose not to discuss that boundary issue, if the board feels it's mandatory to

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determine who resides in Tok versus Tanacross versus Dot Lake, then the decision will essentially be made without your input. Well, not without your input, but it will have to happen after the proposed rule is developed. So, you could wait and comment then if you choose to.

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6 MR. TITUS: Yeah. The reason I ask is that a lot of the people in these -- the outlying communities, even here in Tok, the Native communities are all inter-related and a lot of the people from Tanacross and here, in the moose hunting season, we're all together and we don't have no boundaries or nothing like that.

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13 MS. MELDRUM: Well, one option to you is to propose exactly how you would like to have the boundary structured, in the large area if that's what the council agrees to, that's possible to forward that to the board, as well. If you don't agree with what's on the paper there or the map that we laid out, if that doesn't seem to be workable, you can come up with your own proposal for the board.

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21 MR. TITUS: I think when you get into boundaries, you get into conflicts. Bill?

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24 MR. FLIRIS: Mr. Chairman, Janis, I'm having trouble having understanding the needs for these boundaries, too. What you want to do is set up certain areas where each village has subsistence opportunities and they don't have any opportunities outside of those areas? Is that what you're suggesting, or what's the reason for the boundaries?

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31 MS. MELDRUM: The boundaries would not define a community's subsistence use area. The boundary would just define who is considered to be a resident of what community. And the reason for that is if you used an example of just, say, that Tok had eligibility to hunt moose in Unit 11 but Tanacross did not have the eligibility to hunt moose in Unit 17, then people that reside somewhere between those communities would have to know whether they're considered part of Tanacross and then cannot hunt in Unit 11 or whether they're considered part of Tok and therefore can hunt in Unit 11.

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43 MR. FLIRIS: Okay. That makes it a little clearer to me. Is there any such thing as a village enrollment that exists now and that -- you know, and what's the possibility of like what Lee is suggesting, that people are inter-related, they move back and forth between villages? Maybe one year they're living in one and the next year they're living in

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another. How do you account for those kind of -- do you have to say -- does a person, an individual, have to say at some during the season I'm a resident of such-and-such a village in order to qualify to hunt in a certain area? I mean I can see a lot of problems developing by trying to fit people into one community or the other for those kind of reasons.

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7 MR. TITUS: Yes, Randy?

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9 MR. MAYO: Yeah. I'm from Stevens Village up on the Yukon Flats and I was looking at these boundaries and stuff and, you know, since -- I see in this paper here you're going to work on the C&T areas up there pretty soon. And as for us, traditionally, according to the elders, you know, I've talked to and stuff that, you know, back in the 1930s when we received the IRRA Charter, the elders mapped out the traditional use area and petitioned the Secretary of the Interior to put those traditional use lands into Federal Trust. And, you know, there's a whole history behind that, all the way up to the Alaska Native Land Claims. You know, we didn't want ANCSA, we didn't vote for it. You know, we just got forced along. There was a lot of pressure on us and as it ends up, you know, the Pipeline is trespassing on a good portion of our traditional lands there, almost running over the fish-camp site there, the bridge, you know. You know, those claims are still valid. They were ignored by the government. And this boundary I'm talking about, according to my elders, the Stevens Village people, that was their use area. They only went so far upriver or downriver or north or south because there are other traditional boundaries and this was out of respect, you know. A lot of villagers, they're inter-related and stuff and, you know, you can go out with somebody from that village, but it would be really -- even today, I respect those boundaries, you know. I don't go to no other village's area on my own and just move in and start doing what I want, you know. That'd be showing pretty poor manners on my part. So, you know, these boundaries, you know, that you come up with, is this coming from the people from these communities or....

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40 MS. MELDRUM: The local communities haven't had a chance to look at these yet. They've just been put together. So, this was the first time that it's been distributed for comment, so the local people's comments from these communities would have to come later on after the proposed rule is published.

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47 MR. TITUS: Steve?

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MR. GINNIS: Mr. Chairman, I have a concern about the -- you know, you keep talking about this public register and I have a real concern about that. You know, it seems to me that once it's printed, it's pretty hard to take out, although you might argue with me about that. I find that kind of hard to believe that once they're registered that, you know, there are still opportunities to comment on them and hopefully take some of these things off. My concern here is that, I don't know, you know, I'm not from this area and I can't speak on behalf of the people here, but proposed boundaries seem to -- I have a different thought on boundaries, you know, particularly at least from the area I come from; we all share the country and we all use that land up there. You know, whether you're from Chalkyitsik or Fort Yakon or wherever, we all use that country for our hunting and trapping and all the other activities we do on the land.

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17 So, I guess I'm just a little concerned that we're dealing with something here that's proposed without input from the people, the very people that it's going to affect. And I don't know how we could address that right now. It seems to me that the people in this area were not notified for some reason about the C&T and about these proposed boundaries, and it just seems to me that it would be more appropriate if we could get some comments from the local people before dealing with the issue. Thank you.

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27 MR. ROACH: Mr. Chairman, I'd like to address that just a little bit. I live here in Tok and I know that the notices for this C&T determination have been put up. In every building that I've gone to and public building in this town, I've seen those notices for at least two weeks, if not three weeks, on customary and traditional use and we've had advisory committee meetings in the community, as well, discussing these and when they would be brought before this council. I'm concerned as you are that, I mean, I'm looking out in the public and I see -- do I see anybody from the general public here that's not an agency representative? I don't. And that's a concern that I have. I mean, I've been here trying to get support for this, I've tried to talk to people, and I've got some comments, I've gotten many comments on the proposed boundaries.

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43 People know that the boundaries are going to be drawn. I mean, they -- most of the people that I've talked to understand that's going to happen. Most of the people understand -- that I've just talked to here in the community understand what the customary and traditional use is going to mean to them, and that includes people in Tanacross and, you

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know, several of the other outlying areas. People in Eagle, I've talked to them, even though this doesn't include Eagle. I mean, this is going to affect Eagle in the future. And, you know, I don't know how else to get public input. Now, maybe somebody here has a better idea of how we could do that, how we could go about getting public input in these things. Like I say, I go to the post office and everybody in this community and Tanacross comes to our post office and it's posted there. It's been posted there.

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10 MR. STARR: Mr. Chairman?

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12 MR. TITUS: Yes, John?

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14 MR. STARR: You know, our villages, for instance, on the Yukon River, our land down there, customary and traditional use land, before -- how the villages got there where it was easier for the people in years down when they moved into a village, it was easier for them for access for food. That's their tradition, customary and traditional use land. That's how them villages got in some places where it was easier for them to get food. And the villages are still there today. Years ago, they had Indian names; now they've got English names in them. And the villages are still there today and we're still using the same land for customary and traditional use land. And these boundaries, I don't know, I've got problems with that, too. So you've got -- and I thought I've got the same feeling that there -- we don't have public hearing from the villages. We're going to have problems with this. I'm going to have problems with it, too, putting the....(pause)

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32 MR. TITUS: Bill?

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34 MR. FLIRIS: Mr. Chairman. Yeah, I think in a way some of the uses in this area are similar to where John and I are in Tanana. It seems to me like the problem would be trying to assign an area to each one of these villages would, in effect, be saying to an individual that you would have to declare yourself from one of these areas or the other in order to use certain hunting and fishing areas. And if I'm getting the message correctly, there'd be a problem there because people would be moving around. It's similar in our area, you know. A guy might be living in Tanana through the summer and then all of a sudden he's gone. And you say, well, where did he go? Well, he's going to winter up in Huslia this year. He's staying up Huslia. And that's quite a ways off, but once he's in that area, traditionally, by the way people do things around there, he uses those resources like anybody else. He

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wouldn't say, well, you know, I'm from Tanana so I can't go hunting with you Huslia guys even though I'm living here. He -- you know, and so you'd have this problem, I think, with people having to constantly register which village or they were staying in in order to be able to use their subsistence rights. Am I getting that correct? That would be a problem, I think, around here whereas maybe in Tok itself people tend to stay put and once they, you know, they're in this town here, they might stay here and use consistently the same area. It might not be quite the problem. But within the Native community where everybody's interrelated and moving around, their relatives with everybody, they may not stay in their one community for that long a period of time. So, I'm wondering if this would be doing a disservice to that kind of village lifestyle by assigning these boundaries. If I'm wrong, I don't know, I may be way off track, but that's what I'm seeing.

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18 MR. STARR: That's my feeling, too.

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20 MR. TITUS: By looking at these, the proposed community boundaries, most of these were kind of just put together by the -- separating the Park Service, the Forest Service, and using the old unit boundaries, right?

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25 MS. MELDRUM: Well, the boundaries were described. It didn't matter where the Federal lands were in the case of describing those boundaries. But we tried to find some -- whether it be a traditional boundary for some reason or like, for instance, the Tetlin Corporation Lands where a boundary that seemed to be logical, we just selected areas that we thought were recognizable by people to identify where the community might end.

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34 MR. TITUS: Yeah. The reason I say that is I look at Northway's boundary and it seems like it's -- I can go into Federal hunting regulations and I'll find the same thing written in there.

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39 MS. MELDRUM: For a boundary for the community of Northway?

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42 MR. TITUS: Yeah.

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44 MS. MELDRUM: I'm not aware of that.

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46 MR. TITUS: I mean it's almost the same, yeah. Down here in "Justifications," it says that Northway lands are within the remainder of Unit 12, south of the

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Wrangell-St. Elias National Park and Preserve. Does that mean Northway residents cannot hunt in the National Park?

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3 MS. MELDRUM: No, these boundaries would only just show which community people that live along the highway are sort of out of the area where most people are congregated, who they're most closely associated with. So, if, for instance, under one of the proposed conclusions here that were written up, for instance, Dot Lake under these proposed conclusions would not be eligible to hunt moose in Unit 11, but they can hunt it in Unit 12. But Tanacross can hunt -- would be eligible to hunt moose in portions of Unit 11 and Unit 12. So, since those communities are very close together and there's differing eligibility determinations, the people that live along the highway or in areas off the highway between those communities wouldn't know whether they were eligible in Unit 11 or not because they wouldn't know whether they were associated with Dot Lake or Tanacross.

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19 MR. ROACH: Mr. Chairman?

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21 MR. TITUS: Yes, Jeff?

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23 MR. ROACH: Janis, it might a little more informative for the council here if you explain why we're using a community-base system.

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27 MS. MELDRUM: The regulations that were developed in 1992 for the Federal program under Subpart C, there's a section describing customary and traditional use determination process. And what the regulations say is that these determinations shall identify the specific community or area's use of specific fish stocks and wildlife populations. So, in this case we're looking at communities and what area they use.

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35 MR. ROACH: Mr. Chairman?

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37 MR. TITUS: Yes, Jeff?

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39 MR. ROACH: So, it's my understanding that the Federal Subsistence Board has already decided that they're going to use a system based on the community individuals live in and what we're trying to do is define where those communities are at this time?

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45 MS. MELDRUM: That's right.

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47 MR. TITUS: Okay. If we're going to go into the process of the boundary system, I think the facts should be

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made -- it should be brought out that it's not -- it's only used to determine residency, and only residency. Because I know when you get into set boundary systems, somewhere along the line in the future, you're going to start using that system in setting regulations on harvest and seasons, like you said earlier, that like if Northway -- we're using the proposed Northway boundary and right now you're saying that it's only used to determine the residents of Northway. Okay. Somewhere down the line, something is going to happen and they're going to say that you can only hunt within this area, and I don't want that to happen.

11

12 MR. GINNIS: Mr. Chairman, you know, if the intent of this proposed boundaries were for the purpose of identifying customary and traditional use areas, I'd have no problem with it. But if it's going to be used as a way to confine people to a certain area, then I have a problem with that. If I'm correct in my assumption, these villages out here, I'm sure, later-react with each other and they hunt in basically maybe in the same areas, and I think what you're proposing here would prevent them from doing that. That's the way I understand it.

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23 MS. MELDRUM: No, that....

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25 MR. GINNIS: And -- go ahead.

26

27 MS. MELDRUM: What's on this sheet here would only determine who is considered a resident of these five communities and then this proposed conclusion that we'll be discussing will actually define the area of use for those communities. So, they're actually two separate questions. And these boundaries are not intended to confine people to this area for hunting or fishing purposes.

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35 MR. FLIRIS: Mr. Chairman, Janis, I'm still missing -- I don't know, the separation here, I can understand setting community boundaries for purposes of identification. It would seem to me like similar to if you were looking for funding for schools. You have to assign a certain number of children to each school district and that's how much funding you get and maybe that changes later on in the picture, the kids move around, but that's how much funding you get. I can understand it in that scenario. But to me it seems like if somebody is a resident of Northway and lives within the boundaries that you assign them to, then, they're considered at some point to be a Northway resident. But if during the season, they happen to go down to Dot Lake for whatever reason - maybe they have relatives down there - and they're living down there in Dot

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Lake and they haven't made somebody aware that they are now a
Dot Lake resident, they would be refused a right to use
certain areas. I'm just saying this all hypothetically, you
know. But that's the problem that I see. Would that occur or
not? I mean, would you have to register which area, which
village you lived in and that would limit your hunting
opportunities to certain game management units, then? And if
you moved, wouldn't you have to immediately re-register
somehow or the other in order to have subsistence uses in
other game management areas?

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11 MS. MELDRUM: Well, another part of the regulation
says, and if any of the law enforcement officers want to step
up here and help, they are welcome to, I won't point to any of
them, but....

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16 MR. ROACH: Oh, you should.

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18 MS. MELDRUM: The regulations say that you're -- is
based on your primary permanent residence which is evidenced
by your driver's license -- where your driver's license says
you live, where you live most of the year, where you get your
mail, where you vote, and a lot of other factors. So, if
you're moving around, you have to have a primary permanent
residence declared and so you couldn't have one in two
different communities.

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27 MR. FLIRIS: But to me that seems like you're limiting
subsistence opportunities more than regular general hunting
opportunities. And for general hunting opportunities, all you
have to be is a resident of the State of Alaska to hunt
anywhere in Alaska. And I don't see how this is doing any
service to people for subsistence uses.

33

34 MS. MELDRUM: It could be viewed that way, but then
subsistence is given a priority over sport hunting practices.
So, theoretically, then, the subsistence user would have the
longer season or have "a" season where there might not be
enough animals to have both a sport and subsistence hunt.

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40 MR. FLIRIS: But only in the area that they're
assigned to, their village area?

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43 MS. MELDRUM: No, whatever is determined to be their
customary and traditional use area.

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46 MR. FLIRIS: Right.

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48 MS. MELDRUM: Not this area. But whatever the

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customary and traditional use area is decided....

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2 MR. FLIRIS: For this area. I mean, they go....

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4 MS. MELDRUM: For that community.

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6 MR. FLIRIS:together, right?

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8 MS. MELDRUM: Well, they do in the respect that if you
are from Northway, then, whatever customary and traditional
the area is defined for that community is where you get to
hunt....

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13 MR. FLIRIS: Right.

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15 MS. MELDRUM:or where you're eligible to hunt.

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17 MR. TITUS: So, the residents of Northway can hunt up
18 White River in Canada?

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20 MS. MELDRUM: In Canada?

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22 MR. TITUS: Yeah.

23

24 MS. MELDRUM: We don't have the ability to say
25 anything about that.

26

27 MR. MATHEWS: Mr. Chairman, maybe it would be
28 appropriate for Janis to go through an example, if she's
29 willing to, to show how a community, if the boundary was "X"
30 and if the C&T was determined to be positive, what would that
31 mean. Maybe this would be an appropriate time to kind of lay
32 out a little bit, if she's willing to do that.

33

34 MR. MAYO: You know, speaking of boundaries, earlier I
35 mentioned traditional boundaries, you know, these traditional
36 boundaries according to -- I always go on what my elders say,
37 you know. They're my teachers, you know. Western and Native
38 culture is different, you know. But as far as I'm concerned,
39 my elders are my professors, you know. They give me my
40 degree. And, you know, like say I'm from Stevens Village, but
41 I've got relatives in Beaver and Rampart, you know, and I've
42 got my own defined trapping area, but, you know, I won't go to
43 Beaver or Rampart and just set up camp, you know. I'll go out
44 with one of my relatives, you know, or if I go to Tanana and
45 somebody invites me to go out hunting with them, I'll go out
46 with them, you know. And, you know, like you take in
47 Unit 25(D) West, in my area, is one of the lowest moose
48 populations in the state, so right now it's only permit-hunt

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only, you know. Like in the event of the scarcity of a resource in an area, you know, that's -- what do you say about that, you know? I just wanted to throw that in there as a consideration in all of this, you know.

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5 MR. TITUS: So, you're going to do your -- what did you ask, Vince, for her to present an example of....

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8 MR. MATHEWS: Just so -- just to kind of help explain what the effect may have. Some of the determinations are for the whole unit and other determinations are for areas within and maybe that -- I was trying to get her to see if just an example may help explain what's going on here a little bit clearer.

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15 MS. MELDRUM: What I could do is use the existing customary and traditional use determinations that are in place right now that the Federal Board adopted from the State for Unit 12 because, hopefully, that will be an example that people are familiar with since they've been hunting under these regulations for several years. For instance, in Unit 12 for the Nelchina caribou herd, the existing customary and traditional use determination includes only residents of Northway of Tetlin. On the map behind this gentleman's head, I'll show you what the proposed boundaries for Northway and Tetlin would be. What's described on that paper that I gave you is drawn out on the map here, so let's take Northway as an example. The people that are within these -- this red boundary right here, anybody that lives in there would be considered part of the community of Northway, for instance. So, in Unit 12, where Tetlin and Northway are eligible to hunt Nelchina caribou which is this unit right here, then all those people in that area in red over there that I've described as being Northway can hunt Nelchina caribou in Unit 12, these lands.

35

36 MR. TITUS: All this is Tok, right?

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38 MS. MELDRUM: Um-hum (affirmative). Yeah, all the way beside this black boundary.

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41 MR. TITUS: So, all these -- this here is a road?

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43 MS. MELDRUM: Oh, I'm sorry. This is Unit 12 boundary, this red one here. So, it would be like this. It would be Unit 12.

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47 MR. STARR: And Dot Lake?

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MR. TITUS: So everybody can use it for hunting except Dot Lake, right?

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3 MS. MELDRUM: Well, in the current regulations, it says residents of Tetlin and Northway for Unit 12 Nelchina Caribou. So, Dot Lake, Tanacross, and Tok are not included in that. So, this particular C&T determination would not include those other communities. Hasn't it been true for the past few years that only Northway and Tetlin could hunt in the Tetlin Refuge?

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11 MR. TITUS: Right. But I was just getting confused because, you know, you said boundaries and you said this area.

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14 MS. MELDRUM: Well, the area defined in regulation is Unit 12,....

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17 MR. TITUS: Um-hum.

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19 MS. MELDRUM:but in reality since the Federal program only covers Federal lands, then the Tetlin Refuge is the only area....

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23 MR. TITUS: Oh, okay.

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25 MS. MELDRUM:that you can hunt.

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27 MR. TITUS: Okay.

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29 MS. MELDRUM: So, this is the hunt.

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31 MR. TITUS: Oh, okay.

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33 MS. MELDRUM: But those, the red area there that I showed as Northway, any of those people that reside in that red area there, that boundary which is described on your orange sheet, then those people would be eligible to hunt in the Tetlin Refuge under the existing regulations. Is that making it any clearer? (Pause) The other point I would like to make is that since we are only dealing with subsistence regulations in this forum, that the State general hunt regulations still apply to people, also. So, we're not dealing with those here; they'll still be open as they have been in the past, subject to whatever change is made at the game board meetings.

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46 MR. TITUS: Bill?

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48 MR. FLIRIS: Mr. Chairman, Janis, I don't know if -- I

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haven't got any answers to this because it's up to local people here to decide whether this good for them or not. But the only thing I can say to shed maybe some light on it is what we've done in our areas. Through the State Division of Subsistence, we've had some subsistence surveys out there and we've had a process with the advisory committee where we assigned our use areas, and the neighboring communities and advisory committees have done the same thing. And what you end up with is a lot of overlapping use areas. You know, they've come through and done surveys in each individual village and asked a lot of people: where do you trap, where do you hunt, where do you fish, where has your family hunted and fished in the past, where would you like to fish in the future? So on and so forth. And they made these maps with the areas from each community, and if you look at each community on these maps, you see these use areas overlapping to a large extent and that's part of what they used to determine the advisory committees' jurisdiction area. And the Tanana, Rampart, Manley advisory committee jurisdiction area actually extends quite a ways beyond the village of Tanana because some of our people go that far afield to use. So, it seems to me that to establish something like this for this area, maybe you need to do the same process: to go to each community and interview a lot of people to find out. And maybe that's already been done, I don't know, but that's the only way I can think of to finally come up with some idea about each community's use areas.

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28 MR. TITUS: Jeff?

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30 MR. ROACH: Excuse me. Mr. Chairman, I believe that this is a critical part of what we're going to be discussing later today. However, just being presented the information with the map being over there on the wall and not really having any opportunity to sit down and look at this and digest it, I think maybe we should move on, but I'd like to be able to come back and revisit this during this meeting sometime and just give us an opportunity to discuss it outside of sitting here at the table. If that would be all right.

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40 MR. TITUS: Yeah, we've got till noon. What was the other -- boundaries and what was the other one you were talking about?

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44 MS. MELDRUM: I think the next thing that it might be worthwhile to spend some time on is discussing any comments people might have about this final report and whether they see what additions or modifications need to be made to this. Because this was -- this is the document that was used to

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prepare the proposed conclusions for these communities, so it's important that people think that this represents them.

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3 And just for a few minutes to say again what's happened in this process: Last January a draft report similar to this was released to the local communities, some individuals, the Subsistence Resource Commission for Wrangell-St. Elias, the Upper Tanana Fish and Game Advisory Committee, the Southcentral and Eastern Interior Regional Councils and local and Fairbanks TCC groups. And we asked people for comments over a three-month period and we did receive quite a few comments on the draft report. And I took those comments and I incorporated them into this report which we're calling a final. We can still accept comments on it, but there was a period in which people did provide fairly extensive comments and those are reflected in this report. And a copy of those comments are with the council somewhere. I left them last evening.

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19 MR. ROACH: Mr. Chairman?

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21 MR. TITUS: Yes, Jeff?

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23 MR. ROACH: If I may. Randy brought up a point that we've heard some of the people in the local communities discussing concerning some of the information that's in here, and that was the fact of low population numbers in a given area and how that displaces users, even subsistence users. And I couldn't find anywhere where that was discussed in here, Janis. Was that taken into account?

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31 MS. MELDRUM: Where the information was available, we -- or I should say the biologists put together a summary of species-by-species or population status over the years and I tried to incorporate that under Factor 1 under each of the communities if there was perhaps a low moose density in an area for a number of years. I tried to say that to show why people might have moved elsewhere. And then there were some regulatory histories that were prepared and put in the Tok portion of the document to show how long seasons were open over the years because there's been some fairly significant changes in season length over time which would also indicate that population numbers were low in certain areas.

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44 MR. ROACH: If I may, Mr. Chairman. How does that look at current and future displacement? One of the -- I'll give you a specific case that was brought to my attention. People of Tanacross are concerned about the Fortymile caribou herd, the fact that there's a limited harvest, there's a quota

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system; even on the subsistence side, there's a quota. And if the migration pattern is such that the animals cross the Highway near Eagle rather than this end of the Taylor Highway which happens, varies from year to year, the Tanacross people have in the past then gone down to harvest parts of the Nelchina herd. And when we sat down and we looked at the eligibility determinations and then looked at the conclusions that came forth, we didn't see that addressed, and that was a concern. And, like I say, this is pretty late in the game to be noticing that, but you see those things come up. I mean, those things are brought out when you look at documents like this.

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13 MS. MELDRUM: Well, I don't think it's too late to bring out points like that. Those are exactly the kind of things that need to be discussed by the council, I think. In these proposed conclusions, what happened here was any information that people submitted as to where they harvested certain species and then the documentation that ADF&G came up with from their last 1987 and '88 study was used. We try -- the recommendations try and reflect those areas that people said they used or that ADF&G documented. But there isn't a great deal of flexibility beyond the areas that people said they used or ADF&G mapped as use areas in these recommendations. But that's something the council could address if they feel like that's necessary. So they essentially would not accommodate any future additional use areas under subsistence, although people could extend their hunts through State general hunts.

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30 MR. TITUS: I notice a lot of your data is based on harvest tickets and permits returned. I don't believe that either the Federal or the State system has an adequate harvest report in place as of now, as of today. I think if you're doing any kind of survey based on harvest and permit, I don't think you get an accurate -- accuracy in your counts of the resources out there. Because the State and the Federal system do not really understand what -- how the Natives feel about subsistence. You can come up with all different kinds of laws and regulations and everything, but it's just being ignored because it takes away from me what I've been taught by my elders. And I think it's like that statewide. That's how the subsistence users feel statewide; that, I mean, I walk around my village and I tell them we're going to talk about -- they say, "Where are you going?" I say, "I'm going to the subsistence meeting," and it doesn't phase them. I mean, it's been a controversy so long that the majority of the people are just fed up with it and what they're saying is just leave us alone, we'll just continue doing what we're doing. And you

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can write any kind of laws you want, but we'll continue to do what we're doing. And that's just the way most of the people feel in my village, is that if they come out and say something about how they feel, it'll just be ignored anyway by a piece of paper.

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6 MR. STARR: Mr. Chairman?

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8 MR. TITUS: John?

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10 MR. STARR: I've seen that happen down in Juneau when we went down there for a subsistence meeting. There was two of us, David Sam and I, we signed up to testify on the senate side. We were there for one week and they never called us one -- they never called us in one time. So, we were there one week for nothing, because it seemed like they didn't want to hear our comments or what we had to say. And you're breaking the pride and spirit of people when they can't be heard, and that's what he's talking about.

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20 MS. MELDRUM: The only thing I can -- I guess I can say to your comment is that the comments that did come in from the public, I tried to do the best that I could to incorporate them in here so that people would see what they had to say, not just what an agency study said.

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26 MR. TITUS: I believe we have a couple people that want to make comments. If you want to, please come up here to the mike and state your name. Fred?

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30 MR. JOHN: My name is Fred John, Jr. I'm from Mentasta. I look at the -- I thank you for -- thank the council for being up here and I could make my comments. The first thing I'd like to say is I read through the customary and traditional book for Dot Lake, Tetlin, Northway, Tanacross, and Tok, and I kind of find -- to my way of -- and the traditional elders, it's pretty limited. Mostly it's statistic and it doesn't really deal with true customary and traditional way of the Native people. And I see a lot of things that were left out, the funeral, you know, potlatches and memorial potlatches and those things. And what I see mostly is about the boundaries we were speaking about earlier. As far as I know back in the late forties, early fifties, the people from Tanacross used to come down to Mentasta and fish and hunt in the spring - the Denny families, the Jonathan families - and that was part of their hunting ground. And there were the Charlies from Northway; that was their traditional hunting ground because their family, some of their family came from there. And....I'm just going to ramble on.

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I was invited to come up here by -- I'm on the Southcentral Traditional Council. But I'm just going to -- I wasn't prepared today because I just found out yesterday to be here, so I'm just going to say what I have to say.

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5 Another thing is Dot Lake, their people, Doris Charles, came from Batzulnetas. Back in 1912, she moved up toward Tanacross and, traditionally, that area is her hunting ground. And Gene Henry, his sister -- his brother, came from that area, so from that point of view, their traditional and their customary hunting ground is in that area up just below Mentasta and all that area. Tana -- not Tanacross. Northway, the majority of the people came from Batzulnetas, Chisana, and Nabesna area and, for that reason, I don't see why they're not in that subsistence zone status. It seems like they automatically should be in there because of the traditional and customary hunting area, and I don't see them in there. We brought that up in our area down in -- when we were at the meeting in Glennallen. So, boundaries, I like the way you said it, the traditional boundary. We do have the traditional boundaries and we have relatives and extended family in every village. Mentasta is related a lot to Northway, Tanacross, and Dot Lake.

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24 Another thing I'd like to say is I believe since it's 25 traditional and customary, I believe meetings should be held 26 villages because of the traditional and customary status of 27 Native people. Non-Native have traditional and social status, 28 says in the law, not customary. They've got traditional 29 and social. Native have traditional and customary. So, most 30 of the meetings should be held in villages. It'd be 31 different -- like right here, I see more non-Native than 32 Native. And when we do hold a meeting in villages, a lot of 33 meetings in villages, I see it's a reverse. I see more Native 34 attend because a lot of Natives don't have no transportation 35 get out and attend meeting in kind of like a non-Native 36 town like Tok or Glennallen. So, what I would advise is that 37 we hold these council meetings in the villages instead of non- 38 Native communities. I'd just like to say that most of 39 these -- what I read in the book here, "The Customary and 40 Additional Use Eligibility," what's in there is good, there's 41 a lot of, you know, notes, but deeper down I think most 42 Native people they look at it and all they see is statistics; 43 they don't see customary and traditional readings from the 44 elders. And I don't know if they -- in my village, I don't 45 see them come in. So, most of the reports, it seems like they 46 just come out of the State and the Federal reports that they 47 give. Thank you very much.

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MR. MATHEWS: Mr. Chairman, I failed to inform you that -- he did mention it, but he is a representative of the Southcentral Regional Council which did meet, when, last week? The 6th and 7th. And they did not take action or make comments on the report in front of you. They decided to send Mr. Fred John here to participate. So, I would encourage you to keep him up near the table here so he can share concerns because that council also is in the same process with this and will also have to make comments and recommendations at their next meeting. So, I apologize for not doing that, but that's the reason Mr. John is here.

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MR. TITUS: Thank you. Thank you, Fred. Vince?

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MR. MATHEWS: One last thing. He did bring up something that I probably should re-emphasize so he can understand that also: As I mentioned last night, there will be a series of public meetings, face-to-face meetings with leaders of communities, meetings with tribal councils, et cetera, when the proposed rule comes out in this area. I'm not sure if that's going to go on in Southcentral; I'm not directly involved with that. There will be that avenue, but I just want to acknowledge that again; that when the proposed rule comes out, we'll be setting up a series of meetings throughout this area. Thank you.

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MR. TITUS: Thank you. Somebody else have -- okay.

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MR. JONATHAN: Morning. Council members and Chair, I'd like to thank you for bringing me up here. I'm Keith Jonathan, Tanacross, on the village council. And I've got some comments and some testimony on the book here, plus the Fortymile caribou herd. On the Fortymile caribou herd, the people from Tanacross used to hunt or have been hunting up around Northway area and when the season up the Fortymile opens, the people usually drive up there and wait for the caribou. But the fly-in people fly into the Molly Creek and burn the herd -- or keep the herd away from the road from reaching us. And by the time they get to the road, the season will be closed and we've got to get out of there and the only chance we got to get caribou is around Northway, driving up there. So, I just wanted to make that clear that we hunt up there and this book is excluding Tanacross out of hunting caribou in the Northway area. And I'd like to agree with what Ned said about people hunting and relatives in Mentasta and Northway area, and the boundaries that they're talking about will limit us and that, to me, wouldn't be traditional.

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And if I could, I'd like to clarify some of the things

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that's written down in this book, if I could get back to it or how could I get -- there's some stuff written in here that wasn't quite right like the Mansfield area people were born and raised in Kechumstuk or something like that. And the Mansfield people were there and then there was only about two or three people from Kechumstuk that made it to Mansfield. I think this was the other way around, the way it's written down. But there's a few things that I'd like to clarify in this book. That's all I have to say. Thank you.

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10 MR. TITUS: Thank you, Keith. Is there anybody else that would like to make comments or....

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13 MR. NED: Morning, Mr. Chair, board members. My name is Stanley Ned. I work with George Aska and Wildlife and Parks of Tanana Chiefs. I have a few concerns that I have on this boundary system that we're talking about here. I think we should be really careful when we start talking about boundaries. But one thing we don't have, the village input at all and that's forcing boundaries on them without their knowing about it. And what I think should happen is have the person that's talking about this boundary line, go out to the villages and hold a meeting to each one of the villages and explain the system to them and what -- the pros and the cons of it.

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26 And there's another thing that I have some concerns on, is that Tanacross is not able to hunt in Shady Lies (ph) for caribou whereas traditionally they did use Shady Lies as their hunting ground and now they're not able to do that; whereas Tok, Tok can go down and hunt in Shady Lies for caribou. And there's some concern that I have. And I think Tanacross should be able to hunt in Shady Lies for caribou. Those are the two main concerns that I have. There are some other ones, but you'll be hearing from me later.

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36 MR. TITUS: Thank you. Any more comments? We're back to you again. (Laughs)

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39 MR. ENTSMINGER: Good morning, members of the council, and thanks once again for coming to the area and listening to our input and whatnot. This is really a pretty complex issue and I know that you're going to be making some hard decisions here. It's really -- you know, it really involves people's way of life and where they're going to be able to hunt in the future and it's really something that a person shouldn't take lightly, for sure. And, you know, as is apparent in the document here, there actually isn't any hard boundaries even suggested in there as far as communities and whatnot, where

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one community stops and another starts and that type of thing. It's pretty difficult. We wrestled with it a little bit and nobody seemed to want to draw lines anywhere. When you start drawing lines, you start, you know, getting restricted. And I've read a good portion of what's in the document, certainly not all of it. It's pretty complex. It's broken down by communities and by species and, you know, if you go into each one of the different scenarios, it really gets pretty complex. But the general overall scope of the thing is kind of the way I'm seeing it, is they're trying to put everybody in a little box or, you know, relatively small area where they have, you know, customary C&T findings. And maybe that's the way it has to be, but I would urge the council to be, you know, just as broad as you can be in your determinations and, you know, I certainly wouldn't ask you to do something that didn't have the backing for it, didn't have the customary and traditional findings. But I know there are people that hunt certain populations of game that they can do right now. They have been doing it for years, but if some of these boundaries are incorporated to where a person has a positive C&T on this side of a mountain or this side of a river and not the other side, they're going to be excluded from places where they used to hunt. And I don't know, I would suggest that maybe even if there isn't a high enough percentage of the population that harvest a certain population of animals, there might be some allowance for the people that are still doing that there, you know, rather than just make a blanket yes or no determination on a C&T.

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29 There's just a lot of things in the documentation that, basically, it's a good starting point, but there's various problems that I can see that relates to the different communities just as some of the prior testimony said that, you know, a certain community used to hunt caribou in a certain place and according to the document, if it goes the way as it's written, that they won't be able to do that. You know, we've tried to keep everybody or as many of the communities on an equal basis as far as hunting opportunities in the area. Not to pit one community against the other community. Possibly, if I could just point out a few discrepancies that I saw in the manual, make note of it, I would be glad to do that at this time. Could I borrow your book, please? The way I kind of look at this whole scenario, we're kind of at a starting point here. We're going through the communities and we're looking at the different populations of animals that they hunted and, you know, you folks are going to be making our recommendations to the Federal Subsistence Board whether people have traditionally and customarily hunted a certain place for a certain species and making a positive or a

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negative determination. So, basically, you know, if there are communities that have hunted an area but they end up with a negative C&T, I mean, you know, right from the start, they're basically out of the -- you know, they're not in the equation anymore. And I don't know, I think especially from the start, a person should, you know, be as broad and try to include as many people that harvested a resource as possible. You know, there are built-in ways of eliminating people from hunting a resource. I mean, there's a lot of different ways that a person can get x'd out of hunting a resource, but it's really hard once you've been eliminated to get back in to hunt the resource.

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13 In many of the communities here, for instance, Dot Lake, Tanacross, Tetlin, Tok, and Northway, when it comes to caribou in Unit 13(C), everybody has a negative C&T determination there, or it's suggested that it's a negative use. Well, 13(C) -- has there been any maps provided for people to look at our area? Okay. All right. Unit -- there's a good portion of Unit 13(C) that is right adjacent to the highway. There's quite a number of people in the Upper Tanana area that get the State C&T subsistence caribou permits down there that, you know, right now are eligible to drive down there and hunt caribou. But here it's being suggested that all these communities have a negative C&T for hunting caribou down there. And this is one kind of a glaring thing that I don't know why it's that way. The 13(C) is the Nelchina caribou herd. For the, you know, Interior Alaska, it's one of -- you know, it's a fairly healthy caribou herd, although they do have to issue just a number of permits to hunt it. You know, this is the same caribou herd that migrates north and then ends up out on the Northway Flats and, at times, there's a mixture of Mentasta caribou. But -- so the biologists have to watch it very closely because the Mentasta caribou herd is very small and they don't want many Mentasta caribou being killed. They're trying to re-establish that herd. But when the percentage of caribou is, you know, largely favoring the Nelchina animals, then, they have a hunt which is in Unit 12. But, you know, the animals, the caribou that migrate, you know, to the Northway Flats, they pass through Unit 13(C) to get there. And, you know, all the other people that have these permits in various parts of the state are allowed to hunt down there and I suppose even if you have one of these Tier II permits, you can still go down there and hunt, but there certainly wouldn't be any kind of a preference system for those caribou if all these communities end up with a negative C&T for caribou there.

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48 There are some other things. I know one of the

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council members yesterday was kind of wondering why this whole process was -- the Upper Tanana was one of the first ones to, you know, start with this process and I know the residents of Tok for a long time have been real unhappy with the way some of the findings have been coming down. And I think we've been pressing the Federal Board to take up our area to look at it and see if we can't undo some of the discrepancies. Way back when the National Parks were created in Alaska, or initially, most of the communities in the Upper Tanana were left out as being one of the resident zone communities to hunt Wrangell-St. Elias National Park and Preserve. But a lot of the people who hunted down there kind of got up in arms and had meetings and kind of voiced their opinion and documented all the hunting and whatnot that's been done down there. And the community of Tok was then, along with the community of Gennallen and there was a couple other ones that were initially left out, but they were accepted as a resident zone community to hunt Wrangell-St. Elias. So, you know, people continued their hunting down there and fishing. But through a State C&T determination for -- and I might add it was when Tok had absolutely no input into the process, they lost their C&T determinations which kind of x'd them out of hunting in the park down there. Well, there's been a lot of documentation. Northway was also one of the communities that was not allowed to hunt the park, but there's a lot of past history and documentation that they have hunted the park. They're trying to get access back into the park and this C&T determination will largely, you know, make the difference whether they can hunt the park or not again.

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30 We have fought, you know, really long and hard to keep access to the park down there. It's an area that only C&T use is allowed. It's an area where Park Service restricts access. Even though a person might be able to hunt in an area down there, there's no aircraft that can be used; it has to be completely ground transportation. It has to be -- they'll let you use a horse, they'll let you walk in, they'll let you use a boat, any kind of ground transportation, but there's no use of aircraft. But I see that, you know, when the C&T determinations -- most of the communities that do have a "yes" determination for Unit 11, there's a little asterisk there and, you know, it's just a portion of Unit 11 that they're allowed to hunt. And, in most cases, it doesn't represent even a whole drainage or an area where you could feasibly go there and harvest animals. A couple of the glaring ones that I noticed was that caribou hunting which, by the way, is the Mentasta caribou herd and the park has actually completely closed all of the caribou hunting down there, even subsistence caribou hunting. But let's say at some point in the future

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that the herd finally built back up to the point where it could sustain the harvest, they're recommending that these communities can only hunt five miles along the corridor of the Nabesna Road. Well, most of the valleys down there, they run north and south and they run down into the park and there are trails that a person can take a horse or a three-wheeler or four-wheeler. And most people that do hunt there, they go by an all-terrain rig on these trails or a horse or something and they go up to the canyons in where the animals are and harvest an animal. With the five-mile corridor, I mean, if anything was past five miles off of the Nabesna Road, a person wouldn't be able to hunt it or legally kill it.

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13 You know, also, subsistence hunting is, you know, largely opportunistic. I mean, a person might, you know, go after caribou, but if you don't see a caribou and you see something else, a lot of times it's harvested. And most of the -- most all communities can maybe hunt, you know, a couple species, two or three species, but then some of the other species they don't have a C&T determination on. I mean, take -- I mean there's just a lot of really inconsistencies of what you can and you can't hunt. And it would take forever to look up all of these different scenarios and figure out what you can and can't hunt in all these different areas and whatnot. I don't know, I -- you know, the park, it's a little bit unique in the fact that there's only a certain number of resident zone communities that can hunt it to start with, plus they're limited on their access, the way that they can get in there. I know we've hunted a portion of the park in the south through the Rangells. We drive down with our truck and then we put in with a boat and hunt the Nizina and Chitistone River drainages for sheep which right now that's all we're technically allowed to hunt. But we go up these rivers and there's vast areas back there that are just completely unharvested. People -- you know, the access is so poor that people can't get there. There's animals dying of old age. You know, we're allowed one sheep which, you know, we harvest and we're not hurting the sheep population, we're not hunting in anybody else's -- we have never, ever in 13 years of hunting back there, we have never come across another hunter back there. But I know, you know, the way they have these lines marked out now that we're not going to be able to do that. We're going to lose a C&T on that and I just -- you know, there's no biological reason for it. I have a hard time swallowing, you know, a deal like this.

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46 Also, another thing, I noticed that Tanacross is the only community that has any positive C&T on grizzly bears which I think is good. I mean, you know, I don't understand

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why Tanacross has a positive C&T on grizzly bears and none of the other communities do. I went and I looked up the data and whatnot and it -- I believe it says something like from 1960 to, you know, fairly present-day that there's never been a recorded grizzly bear killed in Tanacross. I mean, there hasn't been one turned in as a sealing, you know, that was sealed. But there was, you know, several people that tried to harvest a grizzly bear in a number of years, I guess. And the community of Tok that harvests, you know, a certain amount of grizzly bears has a negative C&T on grizzly bears. I don't know, maybe they didn't kill them for food. I don't know, maybe that's why they have a negative determination. But I know my family -- and I realize that we're in the minority; most people do not kill a bear to eat. There's a lot of people that are not even interested in killing a bear. But our family kills a bear on an average of -- a grizzly bear on an average one every other year. We kill them in the fall when they're eating berries. They're delicious eating. They have a large amount of fat that can be rendered and used for any number of a variety of things. They're a very good, edible animal. But, like I say, I realize we're in the minority. There's probably very few people that do that. But when you make a blanket C&T of no -- you know, there's no C&T on grizzly bears, well, people like us are -- we don't, you know, we don't have that preference. I mean, we could probably still hunt one under a State law or whatever. But when you make a negative C&T, in essence, what you're doing is you're saying that local people, rural people, don't have a preference anymore and that you're actually competing with everybody else in the Lower 48 or even in a foreign country that wants to come and hunt an animal basically in your backyard. If a regulation says one every four years or something, then you can only hunt one every four years. If some Federal agency, certain, you know, land unit that Federal people might decide, well, they don't want any grizzly bears killed there and they're just going to close the season down, then there's no preference any more on something like that.

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38 So, I mean, I just see a lot of inconsistencies here and a lot of different particular communities that do hunt or have hunted in the past in areas that if the C&Ts go the way they go, they're not going to be able to do that. One other one I might point out is some of the communities, like, I don't know, Tok for one, I think there are others, too, they -- you know, the Federal hunt that they have on the Melchiana animals when they do come out on the Northway Flats, I believe Northway and, I don't know, I have to look it up here, but there's only a couple of communities in the Upper Tanana that would be able to hunt that under this C&T

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determination. I mean, all of these communities are in the Upper Tanana and when these caribou are over here, they have real good access to them and I don't understand why all the communities couldn't have a positive C&T on those caribou. Here, again, if there was -- if it was real competitive and there was only a certain number of animals that be taken, certainly, through the subsistence priority thing, they could make it to where if they only wanted a certain number of animals hunted, the community that has the priority, the longest use over the longest time, could hunt first and then if there's still an excess amount of animals, then they could let some of these other communities hunt. But if you don't have a positive C&T, there would be a lot of these hunts that -- I mean, even if there would be animals there that you could hunt, you wouldn't be able to hunt them. So I would just, you know, caution the council to not be restrictive because, in essence, you know, in most of the situations, it actually heightens the problem; it makes it worse. You know, if a person used to be able to go out here and hunt an animal and then he can't anymore, well, then, he's pushed back in to where he has to compete with everybody else. And, you know, there's a lot of scenarios. Another one is, you know, the use of the Fortymile country. They only have it to the Middle Fork, the river up there. Well, people drive -- some of them drive all the way to Eagle. They put their boats in and they go down the Yukon and they hunt the Charlie River area and those areas. Granted, there might not be a whole big mass of people that do that, but there are individuals that do that. And if they can't do that anymore, then, they get pushed into these already crowded areas to where they're forced to hunt. So, it makes it worse. And I know that you folks, you know, where your homes are, sooner or later, you're going to have to go through this same thing that we're going through right here and I just want you to be cautious of some of these things that we're faced with right now. So, I won't take up any more of your time. I appreciate you being here and listening to us. If you have any questions, I'd certainly be willing to try and answer them. I plan on being here the rest of the day, so I'll be available. So, thank you very much.

39

40 MR. TITUS: Thank you, Frank. At this time, we'll
take a 15-minute recess.

42

43 (Off record)

44 (On record)

45

46 MR. TITUS: We're going to call back to order.

47

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

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1 MR. TITUS: Yes?

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3 MR. ROACH: Maybe for the benefit of -- a reminder for
4s people who have been with the council for a while and for
5he new members who haven't heard this before, we might ask
6ince or, I mean, I could basically come out and tell you, we
7asked to be included in the process of this customary and
8raditional use eligibility and the conclusions at this point.
9What we decide here today is basically comments to develop
10he proposed rule. We're going to get another chance to look
11at this during our March meeting. That's when we're going to
12make our final decision. The reason -- there were a couple of
13reasons that I think we came up with the request to look at
14his right now. One of those was to see what the document
15said, get some public input and then change it before the
16proposed rule, or make our comments for changes before the
17proposed rule came out. Because some people feel that - and
18I've heard it here today - that the proposed rule, once the
19proposed rule comes out, that's almost like having a final
20draft. I mean, that's -- there's no change after that. The
21way the process is supposed to work, that's not the case.
22We're supposed to be able to take the public comments on the
23proposed rule. The public comment period is from
24December 23rd through February 17th. That's when the meetings
25are going to happen in these different communities. They're
26going to go out and they're going to get the public comment in
27person at those villages, at those communities that are
28involved in the process. Then, those public comments will
29come back to us along with any public testimony at that time
30on the proposed rule and then any information that we can
31gather from people who are interested in the C&T
32determination. And then we're going to make our final
33decision at the March meeting. And, Vince, or, Janis, if
34either of you, you know, can clarify that or if I've said
35something wrong, just let me know.

36

37 MR. TITUS: Vince?

38

39 MR. MATHEWS: Mr. Chairman, he's right-on there. This
40 your opportunity that you asked for to plug in before it
41went to the staff committee and he's totally correct with
42that. So, I just want to validate that and I have just one
43other item to cover, if you would let me.

44

45 MR. TITUS: Sure.

46

47 MR. MATHEWS: It's an administrative item. There is a
48sign-up sheet over on the table. We request people to sign in

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again, even though you signed in yesterday. We need to have a track of who's here at different parts of the meeting. So, it's over at the counter there, and especially those that testify. We need that for the court reporter to get the correct spellings and I'll -- your supervisors have been checking in to make sure you've been attending, so....

6

7

(General laughter)

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9

MR. TITUS: Okay. Back to the C&T eligibility report. We're going to go through -- which one is it? We're going to go through this one, community by community.

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MS. MELDRUM: I would suggest....

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MR. TITUS: Or the proposed conclusions?

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MS. MELDRUM: I would suggest this one.

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MR. TITUS: Okay. This one here. Vince?

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MR. MATHEWS: Mr. Chairman, it may be good -- I've talked to some people during the break that it may not be clear to public and council members how much local involvement has been involved in this process up to now. So, maybe before he goes step-by-step, Janis can kind of lay out in a little more detail some of the meetings that have transpired up to this point, because we do have new members here and different staff that might need to know that. Thank you.

29

30

MS. MELDRUM: At the end of January of this year, we released the draft report on the Upper Tanana customary and traditional use eligibility, just describing these areas in as much detail as we could from reports and harvest tickets that were available. And then in February and March, we met with the Southcentral Regional Advisory Council and with the Eastern Interior Regional Advisory Council in a meeting in Fairbanks and explained to them the process that we're going through. There were two meetings over that time period with the Upper Tanana-Fortymile Fish and Game Advisory Committee, both open to the public in this area so that people could -- we could explain this process and people could ask questions then or submit information if they chose to. And then the Pitkin National Wildlife Refuge went to each of the five communities, bringing copies of the ADF&G reports that we had used to prepare this draft and final report, and brought copies of the draft report to the communities and explained to them what the process was and what we would like to have from them in the way of comments. And then the Subsistence

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Resource Commission for Wrangell-St. Elias also met and discussed these documents and the customary and traditional use process for the Federal Government, as well, in a meeting that they had last spring.

4

5 MR. TITUS: Thank you. Steve?

6

7 MR. GINNIS: Mr. Chairman, I was just curious. As a follow-up to your previous villages -- your village visits, when are you planning on going back with these documents here to see if they're accurate and other additional comments to it?

12

13 MS. MELDRUM: After today, whatever comments come out of this council or whatever proposed conclusions you may want to draw by the end of this meeting, we'll go to the staff committee to the Federal Board where they'll make a recommendation, look at everything that comes in from the council, and look at this document that was prepared and they will make a recommendation to the Federal Subsistence Board on customary and traditional use eligibility for these five communities and that will go into the proposed rule. In the proposed rule there will not be a table like this, but it will look something similar to this. It will say Dot Lake has a positive C&T determination for caribou in Unit 11, 12, 20(D) and 20(E) and so forth. But the public involvement process will occur after that proposed rule is published. Then, we'll set up meetings with interested people and the communities in order to talk to them about what's in that proposed rule.

29

30 MR. TITUS: Thank you.

31

32 MS. MELDRUM: So, that would be probably January and early February that that would occur.

34

35 MR. TITUS: Thank you. Bill?

36

37 MR. FLIRIS: Mr. Chairman, Janis, I feel a little bit more clear on what we're doing here now after that break and talking to a few people, but I still have some concerns that there's a possibility if things aren't done carefully that a lot of people will be left out of the loop when this proposed rule is sent to the Subsistence Board. And from what I can understand about how the dynamics work around here, it's going to be necessary to get out into those villages and really make a big effort to get as much input as possible from people about their uses in this area. I don't feel like we're really in a good position right now to make much of a comment except to overview the process of how it's being done. I'm inclined

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in a way to want to assign a subcommittee here of the members of this board that are from this area to work in association with you and possibly with Tanana Chiefs to make sure that the people out in the villages are contacted and that all the necessary input is there before this thing goes through. Because this thing is already moving and there's a deadline -- there's a timetable. It's like a train that's going by and if we don't get on it, you're going to miss it. And I can see that a lot of people are already -- that are unaware or uncontacted and haven't had input, and that's my major concern at this point.

11

12 MR. TITUS: Thank you, Bill.

13

14 MS. MELDRUM: Well, during this open comment period, for 60 days after the proposed rule is published, there will be an opportunity for local communities to have their input into the process. I would highly suggest that you not establish a subcommittee to deal with this, but that the whole council deal with it because although you may not be specifically familiar with this area and not want to make comments specific to Dot Lake or Tanacross, whatever happens there is going to have an effect on what happens in your area and in other people's areas away from the Upper Tanana Region. So, I think it's important for everybody to be involved because a little ways down the road we're going to be discussing your area in a similar manner, but some things will have happened already that will limit, somewhat limit the eligibility determinations in the future. We have an open door right now which we will not continue to have in the future.

31

32 MR. FLIRIS: Yeah. I'm not suggesting that I want to back away from the process, but that we need a lot more information presented to us from local users before we can make our final comment. I certainly think that we, as an overall board, have to make a final decision on these things, but I'm not sure at this time that it's the appropriate time to be doing that. I think -- well, like you say, we're going to make comments again, but what I'm concerned with is in the meantime that the legwork is done out of these communities. You know, I'm not saying that you haven't done a lot of good work here already, but it's obvious to me that a lot of people are unaware of what's going on and they're going to have to be made aware and their opinions are going to have to be gathered in a short amount of time here. And I guess that's what -- you know, I'm concerned whether or not that they are going to be contacted and how that's going to be accomplished.

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MS. MELDRUM: If the council doesn't make some review comments that can be forwarded to the staff committee and Board for their meeting on the 4th of November, if you don't do that right now while you're all together, then any comments that come in will just be individual comments from people in these communities which they've always had the opportunity to do. So, if you don't make some review comments and forward them as a council before this meeting adjourns, you won't have the ability to do that until the proposed rule comes out and when you meet again next February or so because the council can't do things as independent members outside of your public forum.

12

13 MR. TITUS: Sue?

14

15 MS. MATTHEWS: Thank you, Mr. Chair. I'm Sue Matthews and I'm the refuge manager for the Tetlin National Wildlife Refuge. Our office is here in Tok and, of course, the refuge is out along the highway up to the border. Bill, I really appreciate your concern. Selina and I were talking about it earlier. And it's one of my big concerns to make sure that every local individual can get involved in this because it does affect their lives. As this process has been developing, the Tetlin Refuge staff made a big commitment to make sure that we went out to get local people involved. And public meetings don't work in villages, either. People have public meetings all the time. We're all public-meeting'd out. So, we've been trying some new ways to do it. We recently hired a refuge information technician, a person who lives in Northway, works in Northway and all of the other communities. Her name is Cherie Marunde and she's here. And we spend time going door to door and taking these documents to people and asking them how do they feel, helping them to understand these because they're not easy to understand. These documents are really difficult for me to even understand. So, we try to get village council agendas for their meetings. We try to get the corporation, the village corporation board meetings as well as holding workshops and open houses so that people can come in any time for a long extended time during the day or the evening. We still don't do enough, but we did a lot, and I was really pleased to see that two villages came in with some real extensive comments as this document was being put together. Dot Lake and Northway. So, we're starting to help people be able to figure out how to get their responses in.

44

45 We're making that same commitment in this next phase. Now that the purple document has come out, people need to make sure they understand the purple document and the conclusions. So we will again go back out and meet with

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people in any of their meetings, we will go from door to door, we will go to villages. Just because Cherie Marunde happens to work and live in Northway, she goes to Dot Lake. She's met with Dot Lake, with Tanacross. All of us have spent time out with the villages just for that same reason. We make this same commitment as this process continues. So, as far as the refuge is concerned, we're going to devote a lot of our time which isn't in our schedule, but now diverting other activities to make sure we spend an awful lot of time out with people and giving them an opportunity to come and provide comments back into the system. We give them forms that they can fill out. We help them communicate, we send faxes, whatever it takes. So, certainly, the Tetlin Refuge is making that commitment and I think some of the discussions that a lot of the other local Federal agencies that I've had here with Bureau of Land Management, with Wrangell-St. Elias Park, with Yukon-Charlie Park, is that all of us are making sure that we spend an awful lot of time to get that feedback.

18

19 All of that feedback gets funnelled to you, as well,
20 I understand; any kind of response that comes in to the
21 subsistence division then gets mailed to you so that you can
22 see it, so that you can understand what the Dot Lake residents
23 are saying, what the Northway people are saying. So I hope if
24 you have ideas about ways to make it work, let us know. We're
25 open to anything it takes and we make that commitment. It's
26 important. This has got to be one of the most important
27 issues for these people out here that we'll do what it takes.

28

29 MR. FLIRIS: Yeah, I think you are doing a good job.
30 It's obvious that -- but I just wonder if the people around
31 here really feel comfortable with this idea in general of
32 being limited to certain areas when they can look back in
33 their past, not that far, and see where their families have
34 moved around and used a lot of other different areas. And it
35 seems to me as though almost all of these communities interact
36 together and use this entire area to a great extent, if you
37 look not that far back in the past. And I'm a little
38 uncomfortable with this idea of these community boundaries.
39 I'm not sure how that fits into their lifestyles; it's the
40 comments that I've been hearing.

41

42 MS. MATTHEWS: I think that's why this has been a good
43 opportunity, to even just say how does this idea work, and be
44 able to present it to this board, to get that kind of feedback
45 from you all to say, no, it doesn't work, people move back and
46 forth. This is the beginning of those discussions. And based
47 on what happens with this group, it may be decided that they
48 don't want to pursue this any further. If they say we need

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something, somebody has to make a definition, then that is a big part of what we go to the villages with and say we have to come up with some definition or what's the definition you think is best? Who are the Dot Lake residents? Help us figure out -- if we have to make that decision, help us figure out how to make that decision.

6

7 MR. TITUS: Randy?

8

9 MR. MAYO: I just wanted to make a comment. You know, being newly appointed and stuff, I'm just beginning to see what's going on here and stuff. You know, I talked to a couple of residents from this area during the break and stuff and, you know, it's been mentioned before that, you know, I'm not from this area, so I'm just kind of going along the lines of what Bill just said, you know, that I don't feel comfortable with having to, you know, do what I'm supposed to do in my capacity, seeing where this comes from. You know, I asked earlier did these boundaries come from the local people, you know. And the way that -- you know, I notice in my community when somebody comes in and wants to get a meeting together and they bring a stack of papers and forms, you know, I don't even know what this "Summary of Staff Recommendations by Species," I can't make heads or tails of it, you know. You know, our traditional communication is oral, you know, and the westernized way is statistics, numbers, you know, all in something you can't even understand. It's maybe the way you're presenting your meeting, you know. You go to an elder's house or something and throw a questionnaire at him and the guy goes -- you know, it's something I can't hardly understand, you know. So, maybe that's something there that you might look at, you know.

32

33 MS. MATTHEWS: I appreciate that, and that's why we have a person going house to house and asking them and trying to explain it, and no forms, and we found that to be a much better way of getting people's information. For those hunting areas, they did spend extensive time with elders in trying to draw those maps for the use areas. Now, these boundaries are new and those are just trying to figure out who lives where, but as far as the use areas, I remember the workshops that we had in Dot Lake were real extensive for having people sit down and say where is it. And, I mean, those went on for a couple of days, didn't they, Chuck? So, you're right. That's the kind of exchange. It takes a lot of time and we're certainly willing to make that time available, and it's asking an awful lot of a villager to sit and spend the time. But I think that this is important enough that we need to do it.

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MR. TITUS: Thank you. Go ahead, Bill.

1

2 MR. FLIRIS: I wonder if sometimes, you know, it's
3 easy to get thinking along the lines that all these decisions
4 here are going to apply to our everyday lives wherever we are,
5 but in actuality these rules would only apply when the hunting
6 opportunities are limited to subsistence only and that there
7 was no sport hunting and no general hunt going on which is a
8 scenario that, really, nobody is familiar with. It hasn't
9 really happened in a lot of areas. So, in a way, it's an
10 opportunity for people to have an area on Federal land to hunt
11 and fish and whatever when there's not enough game to go
12 around for everybody in the state to be out there hunting
13 alongside of them, too. So, it's more of an opportunity than
14 a limiting thing in that sense. But I also wonder, has the
15 Federal staff people thought about what would be people's
16 tendencies in a scenario where there is less game, that little
17 game available? It would seem to me that the people in this
18 Upper Tanana area would be utilizing the whole area in an
19 effort to secure game if they possibly could because the game
20 populations would be so low that these limits that we're
21 setting on them arbitrarily here wouldn't even work then. And
22 wonder, you know, if any kind of limits in that kind of
23 scenario are appropriate. I mean the people would be looking
24 for food and they'd need to find it wherever it was available,
25 and that's what they would do unless they were prevented by
26 some authority from doing that.

27

28 So, you know, it all goes back to a philosophy, I
29 think, and I see like a lot of the Native people talk about
30 you're trying to mix apples with oranges here. And it's true.
31 This is a system that's being imposed from Outside whereas
32 the natural system doesn't really have any rules like that.
33 People would do what they naturally have to do. And so I'm
34 not -- you know, that's where we get back to all of these
35 community boundaries and so on. I really have difficulty
36 seeing how those things apply in those conditions.

37

38 MR. TITUS: Just a minute, Jeff. I'd like to respond,
39 make a comment on one thing that you stated earlier. You
40 stated earlier that these laws would apply only when the
41 resources were low and subsistence would have top priority.
42 That really sounds good, the way that's put, but in reality
43 there is the possibility that there is no subsistence hunt at
44 all. I'm talking about when the residents of Northway and
45 Tetlin did not have an opportunity to subsistence caribou
46 hunt. The people down in Unit 13(C) had the opportunity to
47 harvest those caribou, but the residents in Northway and
48 Tetlin did not have that opportunity because they said that

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there was more Mentasta than Nelchina in that herd. And it's really frustrating to me to come up with all these rules and regulations and say, yeah, we've got it and then somebody comes around and says that, nope, that's not the one you're looking for. So, saying that subsistence users have top priority doesn't really necessarily mean that the opportunity is always going to be there.

7

8 And another comment I was going to make on this, the reason that this council is really kind of holding back on this here is because yesterday is the first time that the new council member ever seen this. A lot of them never had a chance to read through it. And it's been like that -- when we had our first regional council meeting, a lot of things -- I didn't know what was going to happen. I didn't know -- I was just like these new council members; I didn't know where -- what was going to happen because we were going to the meeting without an agenda, we didn't know who was going to be there and all this kind of stuff. But I know they've got thousands of staff persons in Fairbanks and they've got thousands of staff persons in Anchorage, and I don't see why all these materials can't be mailed to the council members prior to the meeting so that they'll have an opportunity to review these and maybe discuss or call up somebody and talk about it. I think that there should be more communications between the council members and staff prior to any kind of meetings. I don't think any kind of materials like this [holds up "Proposed Conclusions on Customary and Traditional Use Eligibility for the Upper Tanana Region"] should be brought to any of us and tell us to make a decision on it the next day.

30

31 Did you want to go on with your -- do the community by community or how did you want to do it?

33

34 MS. MELDRUM: Yeah, that's what I would propose to do perhaps choose one of these communities, say Dot Lake, and I can show you on the map what the existing C&T determinations are and then what are proposed in this document, and if people that are knowledgeable about that community might be able to provide you comment on why they think these proposed conclusions are right or wrong. Maybe by example that might help people understand the process a little more and what the decisions are and that will give them a quick review if they haven't had a chance to read it.

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45 MR. TITUS: Okay. Yeah, we can just go down the community list. Dot Lake first, I guess.

47

48 MS. MELDRUM: Okay. In addition to this purple book,

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I think it would be good to have this pink sheet out, too, that you might want to look at. If anybody doesn't have one, I'll get one for you.

3

4 MR. TITUS: Is that the "Recommendations by Species"?

5

6 MS. MELDRUM: It's by community and it shows what the existing C&T determinations are now and what the proposed are. It's a little....

9

10 MR. TITUS: It's the same thing that's in the....

11

12 MS. MELDRUM: It's written up a little bit differently than that.

14

15 MR. TITUS: Thank you.

16

17 MS. MELDRUM: The first example I think I'd like to go through is the species for Dot Lake and the first one would be black bear. And the actual conclusion is on page 2-4 of the purple document, and I will explain to you what the existing determination is and then what we're proposing for black bear for the community of Dot Lake. Right now what's in the regulation for Dot Lake for black bear is a C&T determination that provides eligibility to hunt black bear in all of these units surrounding the community. So, Unit 11, 13(C), 12, 20(D) and 20(E). So, right now, actually everybody in the State is eligible to hunt in all of these units for black bear until we look at these communities and decide who -- which community specifically should be eligible to hunt for subsistence in these units. So, right now it's open. But the proposed conclusions in this purple book would now say that for black bear for Dot Lake the eligibility to hunt black bear would be extended to Units 12, 20(D) and 20(E). So, the community of Dot Lake can hunt black -- would be able to hunt black bear in this unit, in this unit, and in this unit. Now, recognizing that under the Federal program that the hunts that are open under the Federal system are on the colored lands. So, basically, right now Dot Lake can hunt this entire large area and the proposed area would include these two units, all the way up to the top there, and then all the way down here. So, it's a little bit less of an area than what we have right now in the regulation. But sport seasons would still apply in these areas as they do. Those would not change. These would just be Federal subsistence hunt eligibility determinations.

45

46 MR. TITUS: So, you're saying that this would only -- it would pertain to those units, but only on Federal lands, right?

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1 MS. MELDRUM: Right.

2

3 MR. MILLER: Excuse me, Janis. Where are the Federal
4 lands in that area?

5

6 MS. MELDRUM: In 20(D) no colored lands, no Federal
7 lands in Unit 20(D). So there would, in actuality, be no
8 Federal hunts for Dot Lake for black bear in Unit 20(D). In
9 Unit 20(E), these yellow lands are BLM and the green lands are
10 Yukon-Charlie Preserve, so on those colored lands Federal
11 hunts for subsistence, Dot Lake would be eligible to hunt
12 black bear in those areas. And then in Unit 12, the blue
13 lands are Tetlin Refuge, Federal lands, and the green and pink
14 are Wrangell-St. Elias National Park and Preserve, and
15 these -- now we're going to get complicated.

16

17 There are some other regulations that specifically
18 apply to Park and Preserve Lands here, particularly Park lands
19 that would not really allow Dot Lake to be eligible to hunt in
20 Unit 12 and Wrangell-St. Elias National Park unless they were
21 determined to be a resident zone community or individuals
22 obtained a permit from the park to hunt on these green lands,
23 green and pink lands in Unit 12. That's true now as well.

24

25 MR. TITUS: And where do you get your permits to hunt
26 those lands?

27

28 MS. MELDRUM: The permits would have to come from the
29 park superintendent out of the Copper Center or Glennallen
30 office.

31

32 MR. MILLER: So even if we're -- even with a positive
33 test for that, we'll still have to get a permit anyway to hunt?

34

35 MS. MELDRUM: That's right, in Wrangell-St. Elias, but
36 the other lands that's not true. It's only Wrangell-St. Elias
37 National Park lands that you would have to obtain a permit.

38

39 MR. MILLER: Do you have to get a permit for every
40 species you hunt in that area or is that just bear or....

41

42 MR. WELLS: It's an eligibility requirement. It just
43 determines that you're a local resident with a customary and
44 additional use that would apply for all species.

45

46 MR. MILLER: Who determines the eligibility?

47

48 MR. WELLS: The Park Service.

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1 MR. MILLER: Well, one more question. You can do that
2 now anyway, can't you?

3

4 MR. WELLS: Yeah. That rule has been in place since
5 1981.

6

7 MR. MILLER: Okay. So, I can go down and apply for a
8 permit now and go out and hunt if I do get accepted, and with
9 a positive C&T, I go through the same process, too?

10

11 MR. WELLS: Well, remember that what you'd be applying
12 for is an eligibility permit. It merely establishes that
13 you're eligible to hunt in the park. The C&T determinations
14 that Janis is talking about now would also apply as well. So,
15 as long as you have a positive C&T determination, you could
16 come to the park superintendent and if you could establish
17 that you or your family had a traditional or an established
18 pattern of use or history of use in the park, you or your
19 family could get an eligibility permit and then you would be
20 able to hunt.

21

22 MR. MILLER: Okay.

23

24 MR. WELLS: And the difference is because Tanacross is
25 not a resident zone community for the park. If you lived in
26 Tok which is a resident zone community, a resident of Tok, for
27 example, would not need to get that eligibility permit.

28

29 MR. MILLER: Okay. What's this resident zone area you
30 were just talking about?

31

32 MR. WELLS: You know, I'd be glad to talk to you
33 after. I don't know, Mr. Chairman, if you want to get on that
34 now or not. I'd be glad to explain it to you at a break or
35 whatever.

36

37 MR. TITUS: Yeah, we can do....

38

39 MR. WELLS: But if that's okay?

40

41 MR. TITUS: Yeah, that'd be fine.

42

43 MS. MELDRUM: If we move on to brown bear, the
44 situation changes a little bit in that for these same units,
45 Unit 11, 12, 13(C), 20(D), and 20(E), the only place Dot Lake
46 currently eligible to hunt under existing regulations is in
47 Unit 20(D) where there are no Federal lands again. So,
48 although they are eligible to hunt here, there's no Federal

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hunts anywhere in this unit, so they could only hunt on State -- under State general hunt regulations right now. Under the proposed conclusions in the purple document, Dot Lake would not be eligible to hunt brown bear or grizzly bear in any of these units. So, no Federal hunts would be -- Dot Lake would not be eligible to hunt on any Federal lands in these units.

7

8 Moving on to caribou, the current situation for Dot Lake is that in Unit 11 which is primarily Wrangell-St. Elias Park and Preserve, Dot Lake is currently not eligible to hunt in that unit. Under these proposed conclusions in Unit 11, Dot Lake would be eligible to hunt in a portion of Unit 11 which is the area adjacent to the Nabesna Road. For caribou in Unit 12, this area here, the -- well, let me step back one minute again. Under the proposed conclusions, Dot Lake would be eligible to hunt along the Nabesna Road, but where the Nabesna Road is in contact with Park lands, once again, the individuals or families would have to get a permit to hunt on Park lands. In Unit 12, the existing situation is Dot Lake is eligible to hunt for Fortymile caribou in Unit 12. That would include Tetlin Refuge lands and Wrangell-St. Elias, although once again the Park lands they would have to get a permit for. Under the proposed conclusions, Dot Lake would continue to be eligible to hunt on Federal lands in Unit 12 for caribou, any caribou that are in that unit where a hunt is open.

26

27 The existing situation in 13(C), Dot Lake is not eligible to hunt here under Federal subsistence regulations. Under the proposed conclusions, they would not be eligible to hunt in 13(C) again.

31

32 MR. ROACH: Excuse me, Janis. Excuse me, Mr. Chair, I may.

34

35 MR. TITUS: Um-hum.

36

37 MR. ROACH: How does that correspond with the conclusion on 2-10 that says negatives determinations in Unit 11 Mentasta herd and Unit 12 Nelchina herd and Unit 13(C) will be changed to positive determinations?

41

42 MS. MELDRUM: Well, the existing regulations are by unit and by herd which Mentasta and Nelchina were specifically named. The Federal regulations that we are proposing now would not name specific herds; it would just be caribou by unit so that people wouldn't have to show that they had a specific use of Mentasta caribou versus Nelchina caribou or Fortymile caribou. It's an area-specific determination by

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species. But there is a mistake here in that Unit 13(C), I said -- or the recommendations say that Unit 13(C) will be changed to a positive determination and that conclusion was made in error. In the white sheet that I passed out last evening that looks like this, it shows that change.

5

6 MR. ROACH: Okay.

7

8 MS. MELDRUM: The existing situation in Unit 20(D) where, again, there's no Federal lands, Dot Lake is eligible to hunt in 20(D) and under the proposed conclusions they would still be eligible to hunt in 20(D). The existing situation in Unit 20(E) is Dot Lake is eligible to hunt Fortymile caribou in Unit 20(E). The proposed conclusions would say that Dot Lake is eligible to hunt any caribou in Unit 20(E) in which there's a Federal hunt open in the Fortymile River drainage. So, up through this area which would include these BLM lands along the Taylor Highway and scattered along the river.

18

19 Is this a good way to proceed? Is this helping to explain the situation and what the decisions are or....

21

22 MR. MILLER: Maybe you can go a little more in-depth on how the decisions were made or came about because I have some problems with some of the decisions with this here.

25

26 MS. MELDRUM: Okay. To back up a little bit and look at the individual communities and how these conclusions were arrived at, there's a number of ways you could go about this. The eight factors that are contained in regulation are what we're given to use to evaluate these communities' use of the species in the area. And those factors are: Number one is a long-term consistent pattern of use; number two is a use pattern recurring in specific seasons of each year; the third one is method and means of harvest that are characterized by efficiency and economy of effort. Factor four is a consistent harvest near or reasonably accessible from the community or area. Number five is a means of handling, preparing, preserving, and storing traditional use by past generations. Number six is the handing down of knowledge of fishing and hunting skills, values and lore. Number seven is the harvest shared or distributed within a definable community of persons and number eight is reliance upon a wide diversity of fish and wildlife.

44

45 MR. MILLER: Excuse me, Janis. Did you guys take into consideration that before that became Federal park lands the people that used to hunt that area?

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MS. MELDRUM: Well, let me explain -- let me go through essentially the three factors that we relied on to come up with the recommendations as I explained to you for the first three species, and I think that will answer your question about the traditional or long-term areas and how they were looked at. Factor one is a very important one in that its definition is a long-term and consistent pattern of use. And if you look at Dot Lake and where the people from Dot Lake came from, our data says that 56% of the people in Dot Lake are from this local Upper Tanana area and they've got long-term use of this area from the present-day people through their ancestors, a long way back; that these people have hunted this area here. So, there's a good proportion of that community that seems to have a long-term and consistent use of resources in this area; 56% in fact. If you look at number eight which is the diversity of resources that are used, Dot Lake uses across twelve resource categories which is a fairly large number for this area. In comparison, Tanacross used ten, Tok used four, Tetlin eight, and Northway ten. So they use a very wide diversity of resources that are available in the area. In comparison to the -- well, let me step back for a minute and say that in the long-term consistent use under number one, Dot Lake has 56% of the people who seem to have this long-term consistent use. Tanacross, in comparison, has a much higher number of people. Somewhere about 90% of the people here have been in this area, born here, raised here, had ancestors living here and hunting here. Tetlin, by comparison, has between 90% and 100% of the people that have a long-term history of use in this area. And Northway is upwards of 60%. Tok is a little different in that respect in that the information seems to show that only about 33%, or about a third of this community, has been around for -- since about 1960, when that community was established around the 1950s and the information we have from 1960 seems to show that the population in Tok has changed quite a bit since 1960 when there was about 129 people there. But some long-term inhabitants of some of these other four communities have moved into Tok and kind of boosted the number of long-term residents in Tok to about 33% of that community. So, if you want to use numbers as your guide which we did in trying to preparing these recommendations, the lowest level of long-term consistent use that was accepted in these five communities was about 33% of the community.

43

44 When you look at this diversity of species under
 45 number eight which is another real key factor, and you see
 46 that Dot Lake uses about twelve different resource species,
 47 Tanacross ten, Tetlin eight, and Northway ten, and then you
 48 look at Tok and there's only -- they only seem to use four,

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you might -- that might suggest to you that this community is very different from the other four. But the way we looked at that is those 33% of this community that are long-term residents or inhabitants of this area, they use a diversity of species between ten and twelve which is very similar to these other communities. So, on that measure, for those 33% of this community, we accepted the fact that this community was -- did show a diversity of species use similar to others in the region and accepted that as being a legitimate subsistence activity and use.

10

11 So, all of these communities, after looking at just those two factors, all these communities seem to be subsistence use communities. Now, if you looked at a different area of the state, just to give you a comparison of a different area in the state and how these factors might be applied, for instance, the community of Seldovia only has -- and they're way down here on the Kenai, another community under consideration, only has about 36% of its population that's been around for any period of time. In comparison, the community of Hope which has been in existence since about 1900 but it has had a high degree of turnover in people - at one point in time the community was almost non-existent because people had moved out and then a whole bunch of new people moved in - they have a very small proportion or only about 11% of that community that's been around for 20 or 30 years which would be considered one generation. So, if you compared Hope down in the Kenai Peninsula with Tok, with 33% of the population being around a long time, 33 is a fairly substantial number. But in comparison to these other four communities that have greater than 50% of their population that's been around a long time and had a long-term use, it seems relatively small. But they were included regardless of that.

34

35 When you looked at the individual species that these communities used - and the species we looked at were the large mammals: brown bear, black bear, caribou, moose, sheep, and then for some communities goat and bison - if there was an indication that these communities had used those species, they were given eligibility to hunt that species in some area. If, on the other hand, there was an indication that a species had been harvested along ways back, maybe in people's ancestors' generations but not the current generations, then that lack of continuity between historic and contemporary practices sometimes dropped out some of these species such as black bear and brown bear. Those were the two key species that got -- that people were not given eligibility for, or sheep for the community of Tetlin is another example. Some of these species

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were ruled out on that measure.

1
2 So, in other words, in answer to your specific
3 question, if a community such as Dot Lake had hunted bear, for
4 instance, a long time back, generations before, but have not
5 seemed to hunt them in current generations, they were not
6 given the eligibility to hunt that species in the local area.

7
8 MR. MILLER: Okay. I think what I was trying to get
9 at was, in the park there, you know, that it had at one time
10 used to be hunted -- you know, we hunt caribou there and then
11 they were told that, you know, it was closed for some or other
12 reason and, you know, you couldn't hunt here no more. So, we
13 didn't hunt there no more. So, we're getting penalized for
14 doing what we were told because we weren't hunting there. Is
15 that what you're trying to say?

16
17 MS. MELDRUM: Essentially, if you -- if the ADF&G maps
18 which we reproduced for this report did not show that you
19 hunted in Wrangell-St. Elias, the area you're talking
20 about,....

21
22 MR. MILLER: Um-hum.

23
24 MS. MELDRUM:and if nobody from the community
25 said your map is wrong, we do hunt in Wrangell-St. Elias, and
26 gave us some examples of maybe who hunted or when they hunted,
27 we did not extend use into areas where we had no indication
28 that people had hunted in current times. So, in some cases,
29 the information I got from Dot Lake did show like particularly
30 for moose I believe it was that there was hunting that
31 occurred in the Batzulnetas area and along the Nabesna Road.
32 And so where they showed that, and it was very specific about
33 the families and there were some, I think, 15 families in fact
34 that claim they use this area, then they were given
35 eligibility for this area even though it wasn't on the
36 original map that we worked from. So, for the case of
37 caribou, I believe that there was no....

38
39 MR. MILLER: I think caribou made it. I think caribou
40 is on there.

41
42 MS. MELDRUM: Oh, did it?

43
44 MR. MILLER: Yeah, it's about five-mile.

45
46 MS. MELDRUM: What we did not do in this process was
47 if there were -- say if Dot Lake used this whole area here
48 long time ago, say at the turn of the century, but we didn't

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have any indication that that they used it fairly recently like in the past 20 or 30 years, we did not extend the eligibility for Dot Lake into this area unless they told us that this information that we had was wrong and why it was wrong. Does that help explain a bit? Help....

5

6 MR. MILLER: Yeah, a little bit.

7

8 MS. MELDRUM: So, I would suggest in these cases where if we're going through some species for a community - Dot Lake you seem to know a great deal about it - if there's an area that seems to be lacking, if we find the information in here that shows that there was some recent use and we overlooked it, we could modify these recommendations to include that or if there's new areas that have not been previously documented on the map or no information has been submitted, we'll need to try and document that use, where it was at, and how many people that involved; whether it was just one family or five families or how many that was. So, it'll take a little bit of work to do that.

20

21 MR. MILLER: Um-hum.

22

23 MR. TITUS: Bill?

24

25 MR. FLIRIS: Mr. Chairman, Janis. So, do you need to take into account all eight of these criteria for each determination for each species? And if you find a community lacking in one criteria, does that result in a negative finding? Do you need to have a positive finding for each of the eight criteria before you can give a C&T use for that species?

32

33 MS. MELDRUM: No, you do not. Under these proposed conclusions, factor one was very important, factor eight was important; the first one being long-term and consistent pattern of use and number eight being a diversity of resources used that are available in the local area. Another factor that was very important was a consistent harvest near or reasonably accessible to your community. In other words, if Dot Lake hunts over near Cantwell, that may not be considered reasonably accessible from that community since it's a long way off. And there were some limits established for some of the communities to try and define what reasonably accessible was for this area. And "reasonably accessible" under this fourth factor was extended, for instance, for the community of Tok and others to about 120 miles along the highway from the community. So, if use areas were documented and extended beyond that roughly 120-mile radius, they were not extended --

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the eligibility was not necessarily given to that community for that extended area. So, in other words, there were three factors that were very important and the others were taken into consideration in making these decisions, but they were all used, but you did not necessarily have to meet each of those eight factors.

6

7 MR. FLIRIS: How did you come up with the 120-mile
8 idea?

9

10 MS. MELDRUM: Well, 120 miles is about, roughly on a
11 good road, about a two-hour drive from a community and then
12 people's access to lands adjacent to the highway would take
13 additional time. So, it's a rather arbitrary limit set on --
14 by highway mileage how far away from your community is
15 considered reasonably accessible. People could argue that 50
16 miles is a better number or maybe people would argue that 250
17 miles is a better number, but it has not been defined. But
18 that was the figure that was used to come up with these
19 recommendations.

20

21 MR. FLIRIS: And did you get that figure for this area
22 specifically or is that figure something that you're going to
23 use statewide? A hundred and twenty miles? Is that something
24 that's predetermined, a certain figure of mileage on the
25 highway system?

26

27 MS. MELDRUM: It is not predetermined and no decisions
28 have been made about whether that's even a valuable number to
29 use. But where decisions are made in this area, it may set a
30 precedent for other areas. And if this council agrees and if
31 the board agrees that 120 miles is the right number to use to
32 define what is reasonably accessible from a community along
33 the highway system, it's very likely that you can't go to
34 Cantwell which is also along a different highway and let them
35 go 250 miles unless there's a very good and unique reason for
36 doing that. You end up setting these boundaries whenever you
37 make a decision in one area; it's going to end up having to
38 apply to another.

39

40 MR. FLIRIS: Yeah, that's what I'm kind of concerned
41 about. Did you use 120 miles in any other areas?

42

43 MS. MELDRUM: There's been no other areas done. The
44 only ones up for consideration, and the first two that the
45 board will deal with, will be this Upper Tanana area and then
46 the Kenai Peninsula area which the conclusions are in this
47 green report. So, there's been no decisions yet.

48

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MR. FLIRIS: Um-hum. I guess one of the reasons I'm concerned with it is that it possibly might be used to determine access by riverboat which is more common in our area. If you say 120 miles by highway takes a day to drive and then you have time to hunt off the road a'ways, then in turn you might determine that 50 miles took the same amount of time in a boat and that would be the limit for riverboats. So, you know, I'm a little bit unsure about how to think about that. A hundred and twenty miles seems like -- 120 miles on a road is a hop, skip and a jump; it's pretty easy to do. That's pretty easy access. But there's people in my area that do a lot further than that with riverboats. So, you know?

12

MS. MELDRUM: Well, in these....

14

MR. FLIRIS: They might be considered to be way out of their area or something if -- you know what I'm getting at?

17

MS. MELDRUM: Um-hum (affirmative). In these conclusions, there was no attempt to river traffic, specifically, or put a mileage on that. There didn't seem to be a need to do that. And in the case of this highway mileage, you may not agree with the 120-mile radius. You're perfectly free to come up with your own definition of what's considered reasonably accessible and justify what that is and the board, I'm sure, will look at your -- the way you interpret it and consider that.

27

MR. FLIRIS: Yeah, that's another thing where we need more -- you know, I wouldn't want to even tell people around here how far they should or should not be able to go on the highway to hunt. They should be telling me what they need, I think, and that we need the public testimony to focus on that one, the 120-mile idea.

34

MS. MELDRUM: The other consideration, of course, whenever you're considering mileages along rivers or roads or whatever is that not only is it going to apply -- would it apply to these communities, say Tanacross' use down to here, but there's all the Copper Basin communities that would then be able to extend this way and Delta from up here down here. So, people along the road system would essentially be limited by the same number and there would be maybe overlapping uses the longer you allowed people to extend their use areas. There would be perhaps more overlap from other areas.

45

MR. FLIRIS: Thank you, Janis.

47

MS. MELDRUM: Is this a worthwhile exercise, to

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continue through the Dot Lake and by species or are people....

1

2 MR. TITUS: (Nods head)

3

4 MS. MELDRUM: I guess the next one would be moose for
Dot Lake. The existing determination for Unit 11 is that Dot
Lake is not eligible to hunt in Unit 11 and the proposed
conclusion would also not -- they would also not be eligible
to hunt in Unit 11 in Wrangell-St. Elias National Park and
Preserve. For moose in Unit 12, Dot Lake is currently
eligible to hunt in a portion of Unit 12 and under these
proposed conclusions, Dot Lake would be eligible to hunt moose
in the entirety of Unit 12, but again on Park lands a permit
would be required. In Unit 13(C), both the existing and
proposed conclusions are no eligibility for Dot Lake to hunt
in Unit 13(C) for moose. In 20(D), currently, and the
proposed conclusion would allow Dot Lake to hunt in Unit 20(D)
and in 20(E) Dot Lake is currently eligible to hunt throughout
the entire unit and, in the proposed conclusions, would be
limited to hunting in the Fortymile drainage. That's as far
north as they'd be eligible in Unit 20(E).

21

22 And the last species under consideration for Dot Lake
23 sheep. In Unit 11, the existing and proposed determination
24 no eligibility for Dot Lake to hunt in Unit 11. Currently,
25 Unit 12, Dot Lake is eligible to hunt a portion of Unit 12
26 and under the proposed conclusions Dot Lake would be eligible
27 throughout this entire Unit 12. Unit 13(C), no eligibility
28 either now or proposed in these conclusions. And in
29 Unit 20(D), currently, Dot Lake is eligible to hunt in a
30 portion of Unit 20(D) and the proposed conclusions would say
31 no eligibility in Unit 20(D). And in 20(E), Dot Lake is
32 currently eligible to hunt sheep in the entire unit and the
33 proposed conclusions would say no eligibility for Dot Lake in
34 Unit 20(E).

35

36 So, in summary, the community of Dot Lake, in total,
37 for all of these five species I've mentioned gained some new
38 areas from what they have now and they lost some others.

39

40 MR. TITUS: Bill?

41

42 MR. FLIRIS: Mr. Chairman, the only thing I could
43 think of for information is if Charlie feels that this
44 information is correct or not. I -- you know,....

45

46 MR. MILLER: Well, there's some that I don't agree
47 with, but I'm sure I'll be writing up some comments and have
48 them sent into your office before the comment period is up.

49

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1 MR. FLIRIS: I mean we can go down through all of the
2 communities and all of the species here, but from my point of
3 view, not being familiar with the area, you have to have some
4 kind of public input from council members or the public to say
5 whether or not things have been overlooked or are wrong. Do
6 we have a process where we can do that or....

7

8 MR. TITUS: Are these written comments going to be
9 published in the -- where are we going to see these again?

10

11 MS. MELDRUM: I've given them to both of the regional
12 councils that have been involved in this decision and then the
13 staff committee and board will have a copy of those to look
14 at. But they haven't been distributed throughout the public.

15

16 MR. TITUS: No, I mean just for the council review. A
17 lot of the councils don't know how the public feels and I
18 think that they should have a chance to read some of the
19 comments that the people from this area wrote to the staff
20 pertaining to the C&T determinations. A lot of these council
21 members have never seen these written comments.

22

23 MS. MELDRUM: Would you like me to make some more
24 copies of them so more people will have a chance to read them?

25

26 MR. TITUS: Sure.

27

28 MR. STARR: Can I make a comment here?

29

30 MR. TITUS: Yes, John.

31

32 MR. STARR: What bothers me is that you've got -- the
33 residents have got the first -- they've got priority on me,
34 you know, to hunt on customary and traditional use, on their
35 lands. And I thought they got the first choice, you know, to
36 hunt anyplace they wanted and it looks like to me now they
37 can't hunt where they want to hunt.

38

39 MS. MELDRUM: Well, as I understand it, the purpose of
40 this meeting before a decision gets made by the decision-
41 making bodies, the staff committee and board, this was giving
42 local people and the council a chance to say whether these
43 were the right areas or not before it got too far along. So,
44 that's what we were hoping to gain by this meeting today.

45

46 MR. TITUS: Any more comments before we break for
47 lunch? (Pause) At this time we'll take a one-hour lunch
48 break and come back and plug at it again.

49

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1 (Off record)

2 (On record)

3

4 MR. TITUS: Call the meeting back to order. Before we
5 go any further on the C&T eligibility report, I'd like to ask
6 Sue if she wants to come up and make comments.

7

8 For the record, please state your name.

9

10 MS. ENTSMINGER: My name is Sue Entsminger and I live
11 between two communities here in this region. Actually, not.
12 I live south of one and there's nothing below me. But I
13 wanted to thank you folks for struggling through this and
14 point out to you that I've been working through this public
15 process since 1978 following what's going to happen on
16 subsistence in this area, particularly in the
17 Wangell-St. Elias because that was the Federal land closest
18 to my home and the people that I live around. And two things
19 now came up here today that no one has ever heard of and
20 that's boundaries around communities. It was suggested to
21 work with it, but no one has ever wanted to deal with it. And
22 the other thing is this distance from your community. And if
23 may, I would like to show you on this map a couple of things
24 and then I'd like to show you some on that one. I live here.
25 I'm 16 miles from Mentasta Village and I'm 34 miles from Tok
26 and according to this boundary line, I'm from Tok. I talked
27 Freddy John just now and I hunt with people in Mentasta. A
28 very dear friend of mine who just passed away, her and I have
29 done a lot of hunting together, and I've hunted with people
30 from Slana and hunted from -- with people from Tok over the
31 years that I've lived in the area. And Freddy says that these
32 lines, they move. If there is a traditional line between
33 communities, they move, so drawing lines is really a bad deal.
34 And I would suggest on the boundary thing that there are very
35 few people between communities. Most people live at a
36 community or close to it. The ones that live away from
37 communities should get the luxury to choose the community
38 they're closest to; it makes more sense. So, the boundaries,
39 in my mind, are an unnecessary bunch of regulations for people
40 to go through.

41

42 And I just would like to give you a little history.
43 Without writing this down, it was really hard. I had given
44 some -- written a bunch of stuff down, but I just feel like
45 simplifying this is the best thing to make people understand
46 what's happened here. Earlier Janis tried to give you a
47 scenario and say Dot Lake and a -- and I heard her say that --
48 she sweeps her hand over the map and says everybody can hunt

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black bear now but under this C&T finding for black bear for
 Dot Lake, they can only hunt here and here and here. But,
 really, that's not what's happening. What's happening is, if
 it comes down to a subsistence-only hunt, then the people from
 Dot Lake would have, on Federal lands because there's no State
 lands around them, they would have -- they would only be able
 to hunt on that subsistence hunt where she is saying. They
 still can hunt, so it gets -- it confuses your mind, what's
 really going on. And I think one of the reasons that you're
 looking at the Upper Tanana now is because of the National
 Parks and this community, the Upper Tanana Region, there's
 been a lot of people going to wherever they can go to to say,
 hey, look, you know, we're losing a right to hunt in this area
 because of what you're doing. And people look at that, in
 this situation, the same.

15

16 Now, through a public process that started in 1978,
 they made resident zone communities and that's, to my
 knowledge, through a Park Service proposed rule. And Tok got
 included in that, as you heard earlier, but Northway did not
 and Northway has been working for something like 13 years,
 after they realized they weren't in it, to try and get in that
 resident zone community and it's never happened. And in
 Tanacross, it was like, okay, suddenly they've made two
 communities. There's Tok and now there's Tanacross and
 they're saying that Tok is in a resident zone community but
 Tanacross isn't. And then you go further up and there's Dot
 Lake. All of these villages are intertwined. And one of the
 things I felt ironic through this whole process was Tetlin.
 They own land that's got sheep habitat big time and they don't
 have a C&T for sheep on their own land. That seems pretty
 bizarre to me. And, I guess, looking at ANILCA, when you go
 back -- I compliment Janis for what she's tried to do, but I
 feel like she's got the cart ahead of the horse. First of
 all, in ANILCA, Section 8, it was for rural people and then
 under definitions of subsistence use, it says it's a customary
 and traditional use of family and there's a barter and trade
 involved. And that's in Section 808. And then in Section
 804, that's when you differentiate between your subsistence
 users. And I feel like what Janis is trying to do is, when
 she's finding a C&T for a community, she's already -- or I
 won't blame her personally, but the process is looking like
 it's already going to an 804 situation where you're
 differentiating between users. In my mind, the only time
 you're going to differentiate between users is when there is
 not enough game to go around, and we're not in that situation
 yet. So, we're majorly getting the cart ahead of the horse.
 I feel that you people have the opportunity to take a broad
 sweep on this map and particularly look at national parks

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because in a national park the only use allowed in the park is subsistence use. There is no other use there and if you give a negative C&T now in that area, you've cut those people out for eternity because there are people outside, anti-hunting pressure, that puts pressure on the Park Service in Alaska that say we want those people out of there and this is our way to get them out of there. You have an opportunity to negate that.

8
9 And if you look at the map on the right there, I've added two sections of the map that takes in the rest of Unit 11 there, or not all of it, but you can see that there is still more park just south of there. And what we're looking at is there's another road system; there's a road system that goes in Nabesna Road and then there's a road system that goes into McCarthy. And as one of the members here, Bill, had pointed out, where do you stop? This 120 miles is ridiculous also because there are times where -- when if there's no game around, then maybe you want to get into this. But when there's plenty of game around, it's just not time to start narrowing your parameters around what you can do. And so what I'm suggesting you do now for the Federal Subsistence Board and for the future of Alaskans and the future of all of our children and grandchildren is to take a broad sweep now and maybe look at GMUs and not look at five miles from a river corridor, five miles from a road, 120 miles from your house because that -- all of that stuff is going to come down where there isn't enough game to come around. And, I don't know, if you have any questions, I've been working through this process for a long time and, I'm telling you, working with it and talking to attorneys, you can get your mind so twisted on what you're really working on here. And I'd just like you to come back and think that it doesn't have to be as complicated as it's made to be to you. At this time, it's not time to make it so complicated that you don't want to touch it like a hot potato. It's time to think -- deal with in a broad scope. Thank you.

37

38 MR. TITUS: Thank you, Sue. Is there anybody else that would like to make any comments? I guess we'll continue on with Dot Lake's....

41

42 MS. MELDRUM: Mr. Chairman, would you like to continue....

44

45 MR. TITUS: Yeah.

46

47 MS. MELDRUM:the way we were before?

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MR. TITUS: Um-hum (affirmative).

1
2 MS. MELDRUM: Okay. I believe we actually concluded
with Dot Lake, unless there were other comments.

4
5 MR. MILLER: Well, I just had one more comment. I
6 found something out during lunch that might make it a little
7 more interesting. On one of the criteria you're using of the
8 right, the long-term consistent pattern of use,....

9
10 MS. MELDRUM: Um-hum.

11
12 MR. MILLER:and there's an addition on that, too.
13 It's interrupting beyond the control of the community of area
14 and I think that kind of fits into Dot Lake's use of the park
15 there.

16
17 MS. MELDRUM: Specifically for caribou?

18
19 MR. MILLER: Yeah.

20
21 MS. MELDRUM: Where you're talking about here? I
22 think what needs to happen here for this area of use that
23 you're talking about is similar to what happened with moose,
24 the comments that came in from the village councils, to
25 document the use of this area for caribou similar to what was
26 done for moose. And I can show you the copy of those
27 comments, if you haven't seen them, but that's what it would
28 take to show that use there. The interruption would be
29 explained by having that information from the families that
30 use that area.

31
32 MR. MILLER: Um-hum.

33
34 MS. MELDRUM: The next community would be Tanacross,
35 then.

36
37 MR. MATHEWS: Bill, since Lee is absent, Chuck has
38 some concerns he's mentioned a couple of times about this
39 criteria number one and its relationship to caribou use in the
40 national park area. Chuck, being a new member, has sought
41 advice from the other council members. He's concerned that
42 the council may want to look at that closer. So, you may want
43 to give him some suggestions of how to address that. One
44 suggestion would be to have it noted that the council has
45 concerns about -- that it's not addressed in there; that they
46 consider a long-term consistent pattern of use that was
47 interrupted by something outside their control. Another one
48 like she mentioned, that she can consult with him directly

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of how it was done with moose. So, he's kind of seeking some direction there from the chair or the vice chair.

2

3 MR. FLIRIS: Okay. Yeah, I was kind of daydreaming
4 there, thinking about the whole process and not paying
5 attention. But I know what you're talking about and I think
6 that it's something that the council needs to talk about. And
7 where people have had a pattern of use and then it was
8 interrupted through factors outside of their own control, I
9 think that, personally, I feel like that sort of situation
10 needs more careful analysis because, obviously, people would
11 have made use of that if they weren't prevented from doing it.
12 And, possibly, they're even still using it and not reporting
13 it. And I think that that -- those kind of uses have to
14 be -- that's the council's job where we've got a specific
15 incident there that needs to be brought to light. So, if you
16 wanted to make a motion to that effect, that we look at a
17 specific situation, I think that'd be appropriate. (To
18 Mr. Titus) I'm just taking your job for the time being here.

19

20 MR. TITUS: Oh, okay.

21

22 MR. FLIRIS: Did you want to go over that again for
23 the entire council? I didn't hear it all myself what you were
24 talking about specifically there.

25

26 MR. MILLER: Okay. I guess it concerns hunting in the
27 Wangell-St. Elias caribou hunting and, see, my grandmother
28 used to hunt there, you know, years and years ago, but they
29 were told that it's a national park now, you know, and you
30 don't supposed to hunt here no more. So, they did what they
31 were told; they didn't hunt there. And then now they're
32 telling us that since you guys didn't hunt there for the past
33 20 years, you guys can't hunt there again. And it's like
34 we're getting penalized for doing what we were told.

35

36 MR. FLIRIS: It was 20 years, the period of time
37 that....

38

39 MR. MILLER: Oh, this was back in the early 1900s when
40 grandmother lived there.

41

42 MR. FLIRIS: But I mean what they told you is since
43 you didn't use it for 20 years, is that....

44

45 MR. MILLER: Well, see, like I'm just trying to
46 remember, it was just back when they said that, you know, you
47 could....

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MR. FLIRIS: Okay. I can see this sort of situation cropping up in a lot of different places and it seems to me that we should entertain a motion along the lines that they need to look further back at use patterns than possibly they are right now to determine whether or not people would, once again, begin to use areas that they haven't used for quite a while if they were allowed to. I think that some of the things that Fred John was pointing out are similar to that....

8

9 MR. MILLER: Yeah.

10

11 MR. FLIRIS:consideration.

12

13 MR. TITUS: I think a lot....

14

15 MR. FLIRIS: That's just my personal....

16

17 MR. TITUS: Okay. I think a lot of this could -- I don't know how this -- what was the purpose of establishing a resident zone. I don't know whose idea it was. I don't know if it was either the State or the Federal, but the superintendent of the Park Service, I understand, is the one that gives out the permits for these? Is anybody from the park here? Yes?

24

25 MR. WELLS: Yeah. My name is Jay Wells. I'm with Wrangell-St. Elias National Park. The concept of resident zone for determining eligibility for parks was discussed in the -- by Congress and it was implemented in 1981 by the Park Service as a means of identifying local rural residents and it was done in 1981 through a rule-making process. And that rule-making process established resident zone communities for the various parks that had subsistence authorized on them and I think there's, what, five parks? They identified the resident zone as a primary means of establishing eligibility for parks but also provide an alternative method if you didn't live in the resident zone community, it provided an alternative method which was basically a permit system where an individual family could come to the superintendent that didn't live in one of those communities that were identified and if they could demonstrate that they or a member of their family had established a pattern, a history of use within that park, they could be determined to be eligible for subsistence uses in the park just like, say, a resident zone -- a person that lived in a resident zone community. And it's the superintendent that takes those applications or interviews people and issues those. We call them 1344 permits; it's the regulation that they come from, the word for that.

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1 MR. TITUS: So, as of today, the only people that's
2 eligible to use the park right now are the residents of Tok?

3 MR. WELLS: No, there are 18 resident zone communities
4 identified in 1981 for Wrangell-St. Elias National Park
5 and....

6
7 MR. TITUS: I mean in this area, I mean.

8
9 MR. WELLS: I'm sorry, I don't understand your....

10
11 MR. TITUS: In this area.

12
13 MR. WELLS: Yeah, in the Upper Tanana and Tok, it's
14 the only resident zone community. So what that means is that
15 people in the communities of Northway -- right now, Northway,
16 Tetlin, Tanacross, Dot Lake would have to get an eligibility
17 permit from the superintendent. For example, Chuck's
18 grandmother does have an eligibility permit for
19 Wrangell-St. Elias, specifically because of the fishing that
20 occurred in Batzulnetas and other things, other subsistence
21 uses.

22
23 MR. TITUS: Who made that decision? The Park Service
24 staff or....

25
26 MR. WELLS: Which decision?

27
28 MR. TITUS: The decision on who qualified -- who was
29 eligible in the resident zone.

30
31 MR. WELLS: Which resident zone communities were
32 established?

33
34 MR. TITUS: Not which resident zone was established.
35 Who made the decision on which communities did qualify or
36 didn't qualify as a resident zone.

37
38 MR. WELLS: That was in a public process that started
39 19- -- or finished in 1981 and the communities were -- to
40 be a resident zone community, it had to be a community which
41 had a significant concentration of people within that
42 community who had used -- had an established pattern, a
43 history of use of subsistence resources within the park. That
44 was done in 1981 through a public process which culminated in
45 regulations which are in Part 36, or CFR 36.

46
47 MR. TITUS: Bill?

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MR. FLIRIS: Am I missing something here? It seems to me it's pretty obvious that these other villages would qualify for resident zone status, wouldn't they? How was that overlooked through the public process?

4

MR. WELLS: How was it overlooked?

6

MR. FLIRIS: Wouldn't Northway qualify?

8

MR. WELLS: I couldn't tell you if Northway has a significant concentration of people in it that had used the park resources in the past. When they went through that process in 1981, they did not include Northway. So, presumably, it was determined at that time that they did not have a significant concentration. Now, that's -- the regs that are in place allow for that to be re-evaluated, whether that community should be added or deleted if the nature of those communities change over time.

18

MR. TITUS: Fred, please step to the mike.

20

MR. JOHN: My name is Fred John. When I came on the Southcentral council, I saw the resident zone communities that were eligible for hunting on the park and the majority of them -- most of them that I see were little residents that are non-Native; they didn't have any customary or traditional. And when they put this up in our last meeting, I kind of talked against it because I didn't really think that they were -- it was fair. To me, as I say, as a Native community with traditional and customary hunting, you know, I felt that they had -- they should be automatically included. Not places like Devil's Mountain Lodge. That's a resident community zone. And Twin Lake which is just a little community about as big as Devil's Mountain was not included in there. And another place that was included was called Gakona, that Gakona Lodge right around that circle; that was a resident zone community. And I felt that was unfair and I really don't know who did it, I mean, who chose these. So, I'm completely against that resident zone community as it now stands. It's not -- to me, I felt like Tok should be in it, but I think Northway, Dot Lake, Tetlin should be chosen before Tok was. Thank you.

42

MR. TITUS: Thank you.

44

MS. ENTSMINGER: Yeah, thank you, Mr. Chairman. I was at some of those meetings when the -- all of this process was done and, like this meeting, it was held in a central location, Tok, and then the people from the outlying

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communities had to come in to those, and they weren't represented. So, it's like I feel like you have the opportunity of doing something here. You know, one of the things that Mr. Wells didn't bring out is that through 13 years, Northway tried to get in a resident zone community and the only way they could do that was go through this Subsistence Resource Commission for the Wrangell-St. Elias and that's the commission that needs to deal with the park, specifically. And they only can comment to the governor of Alaska and to the Secretary of Interior and sometimes it'd be three years before there was an answer to a recommendation from that commission. And, to me, this is a chance for us to join together, the Upper Tanana communities, and say, look, you know, there is a custom and a tradition of these people all going together. And a lot of the people from these Upper Tanana villages have moved into Tok, so it's like, you know, you can segregate or you can -- everybody join hands for the future. And I'd like to ask Park Service, when they went through the process for these resident zone communities and they decided they needed to define boundaries and they come up with a boundary of Tok that was around the commercial district, right here, right here, this little tiny area right around the business district, and you automatically qualified if you were in that boundary. This was their proposal to the Subsistence Resource Commission. And then Park Service's own staff comes up with "this is a Tok boundary now" and it's like, I mean, it just doesn't make sense. Where is all of this stuff leading to? So, I don't know, I just wanted you to know that I think it's a lack of communication. The regulatory process has gotten so complicated that people are sick and tired of going to the meetings, is what it comes down to.

32

33 MR. TITUS: Thank you, Sue. Any more comments?
Thank?

35

36 MR. ENTSMINGER: Thank you. My name is Frank Entsminger. I don't want to be up here too long, but I just want to mention that I -- you know, I sit on the SRC for Wrangell-St. Elias, also; in fact, I'm to represent the Eastern Interior Council, you people right there. And I kind of want to defend a little bit some of the local rangers and the people that work at Park Service down there in the local area, the Copper River area and Slana and whatnot. They've been very sympathetic to the residents in the area that use the park resources and whatnot. They've, you know, helped as much as they possibly can, but they're apparently from higher-ups and pressures in Washington, D.C. and the way people think about the Lower 48 about park use. And it's a brain thing that

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you're not supposed to hunt in the park down there and, apparently, there's a lot of pressures from the Lower 48 to eliminate hunting down there. And it's been a constant battle to maintain our hunting rights down there. The local rangers and the local personnel down there help as much as they can, but, you know, they've got their orders from higher-ups. But, you know, ever since I've sat on that SRC, we've tried to get Northway included as a resident zone community, unsuccessfully. And my wife is correct, I mean, we've written letters directly to the Secretary of Interior and sometimes it's two or three years before they even answer it. Although, the Park Service has tried to accommodate people in Northway by going over there and issuing individual permits to let them access the park. I think also possibly they've done that with the people in Dot Lake. I'm not sure, Chuck. But, you know, the local park people are really trying to accommodate people here, but it's hard for them. But, here again, if this council doesn't come up with positive C&Ts on these communities that really should have a positive C&T down there, we can just kiss our use of the park completely off. I mean we might just as well forget it; it'd take an act of Congress to get it back. So, I just wanted to bring these things out. Thank you.

23

24 MR. TITUS: Thank you, Frank. Was there any -- did you have any more questions about the resident zone?

26

27 MR. MILLER: (Shakes head)

28

29 MR. TITUS: Bill?

30

31 MR. FLIRIS: Mr. Chairman, from what I'm hearing, it seems like we have a lot of work to do to get these communities back to where they should be with uses in this area. I -- you know, maybe I'm crazy, but it seems to me I can't understand how a community or any of these communities as close as they are to the park could not have full use of the park area for subsistence purposes. How they got excluded the first place is beyond me. Can we do anything as a council to get these -- besides giving positive C&T use of the park, can we make recommendation to have these resident zone determinations reviewed? It seems like it should be automatic that a community like Northway -- am I wrong in that? Shouldn't you guys in Northway be able to use the park for subsistence without getting individual permits? I don't understand how it ever happened that you got left out.

46

47 MR. TITUS: I don't know who could answer that.

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1 MR. MATHEWS: Mr. Chairman, I can only give you one
 2 option and the Park Service will have to cover the other
 3 option that they mentioned; that eligibility for the
 4 communities, there's some process that I'm not aware of, how
 5 to go through that. But since you are in the report and
 6 you're feeling that that -- the proposed conclusions on
 7 customary and traditional use, you can say that you want
 8 clarification or you want the communities to be incorporated
 9 based on their customary and traditional use; that you have
 10 deep concerns about them not being resident zone communities.
 11 That would be one option that would go to the board. I'm not
 12 familiar with this other process that they mentioned where the
 13 resident zones can be reviewed, so I can't comment on that
 14 option.

15

16 MR. FLIRIS: Yeah. I hate to see anybody lose use of
 17 an area that's as close to their villages as the park is. To
 18 be left out of that use seems criminal to me. If it comes
 19 down to subsistence-only hunting in this area, all the
 20 information I hear is that everybody uses this area, and has
 21 used it in the past, may want to use it again in the future.
 22 I don't see how anybody that lives in this Upper Tanana valley
 23 would not have use of any Federal land that's available out
 24 here for subsistence hunting, regardless of whether the
 25 numbers can be dredged up out of nowhere to support that idea.
 26 I don't think that's the point. To me, what the Feds are
 27 starting off with here are State numbers and the State has
 28 never has any good numbers on anything. Nobody reports
 29 anything to the State. Why would they? The State doesn't
 30 allow subsistence to exist. The State's practically regulated
 31 it out of existence by favoring a sport hunting mentality, so
 32 people don't report what they do. And so for the Feds to pick
 33 up the State numbers and use that as some sort of reality to
 34 start with is starting off with a broken crutch, I think.
 35 There's a lot of hunting and fishing efforts that go on out in
 36 all the villages, I believe, that the State has no knowledge
 37 about and the Feds aren't going to have any knowledge about it
 38 either if that's what they want to do is go with the State
 39 system and say, well, this is what happened in the past. I
 40 don't think really that is what happened in the past. I'm
 41 really having a -- I'm getting more confused as this thing
 42 goes on. I can't understand how a village like Northway, with
 43 their proximity to the park, would not have uses. What is
 44 there, a wall between Northway and the park? You guys never
 45 went in there or something? I mean, I don't know what's going
 46 on. I'm totally confused. I'm getting worse confused here as
 47 time goes on. I feel like everybody up here has traditional
 48 use of this area, subsistence rights in this area. If it

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comes down to subsistence uses only, where else would you go?

1

2

3 MR. ROACH: Mr. Chairman?

4

5 MR. TITUS: Yes, Jeff?

6

7 MR. ROACH: Bill, do you have an idea of what is this
area?

9

10 MR. FLIRIS: It's Upper Tanana valley.

11

12 MR. ROACH: How far does it go? Does it include
Yukon-Charlie? Does it include all of Wrangell-St. Elias?
And then how far does the Upper Tanana extend? Does that go
into Delta Junction as well?

16

17 MR. FLIRIS: Well, that's what I -- I'm not exactly
sure on that, how far into those GMUs people actually use.
That's where we need to have public input to define and I
don't think from what I'm hearing that there's been adequate
information-gathering done yet. I think I talked to some of
the other council members and they felt similarly, that people
haven't been adequately contacted yet to find out what these
uses are. I feel like this process is going on and may leave
them behind it. Obviously, people got left behind in this
resident zone thing somehow or the other. To me, it seems
like they got left behind there, so they could be left behind
here again with this process. I don't know exactly what kind
of motion to make. I'm just throwing out some general
feelings that I have about it from what I'm hearing.

31

32 MR. ROACH: Mr. Chairman?

33

34 MR. TITUS: Yes?

35

36 MR. ROACH: Maybe we can throw out the idea and see
what kind of comment we get on the implications of making
customary and traditional use determinations positive for all
of the communities for all of the areas listed as management
units.

41

42 MR. FLIRIS: Yeah, I'd be interested....

43

44 MR. ROACH: When -- excuse me, Bill, if I can. When
resources are limited, then we can go back to ANILCA to look
at what criteria are used for determining when subsistence
resources are limited in a given area. One of the things you
have to remember, though, is this opens a can of worms as far

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as -- one of the things that we've discussed in the past is who do we want -- I'm using a broad term: Who do we want coming into our area to harvest under subsistence regulations? There were some complaints about the Dalton Highway corridor and people using that area. How far away are we going to say we're going to allow subsistence use? Is that only those communities within a given distance of the Federal lands? Wrangell-St. Elias, in particular. I know several people have mentioned that. There are a lot of communities around Wrangell-St. Elias National Park. Do we open Wrangell-St. Elias to all rural communities within a given distance of Wrangell-St. Elias National Park? And I'd like to hear some comments on that if we have anybody that would like to comment.

14

15 MR. TITUS: Frank?

16

17 MR. ENTSMINGER: Yes. Thank you, Mr. Chair, and the council members. Basically, I think Jeff has got the right idea as going with a broad spectrum at first and then if problems crop up, the rightful council or board or whatever can deal with the situation. I know that the Wrangell-St. Elias SRC is right now in the process of developing kind of a management plan for the park and we certainly realize that, you know, as time goes on and as resources become used a little bit more, you know, there's definitely going to be some problems that crop up. But the -- I'm sure the SRC has the authority to develop this plan and work with the Park Service and manage the resource appropriately. And I've already heard some park rangers say that there's parts of it that are very accessible areas that you can hunt right off an immediate road and there might be some species that are showing that there might be a little bit too much hunting pressure on them. Well, this is something that can be worked out through this management plan with the park and the SRC to alleviate. This is when people have to start, you know, dealing among the user groups and start allocating game. Naturally, it would have to comply with ANILCA. I'm sure it would go through all the different councils and to the Federal Subsistence Board and the whole home yards. It's kind of all intertwining councils and boards and agencies. But if you just cross the C&T off the slate to start with, people don't have fair access to the resource. Thank you. I'd certainly be able to -- I'd be glad to answer any questions if you have any.

45

46 MR. TITUS: Thank you, Frank. Any questions? (Pause)
47 Just for the council members' information, there's a letter
48 here from Roy Ewan. He's chair of the Wrangell-St. Elias

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Subsistence Resource Commission. It's in section 4. It's just for information purpose that they're willing to work with the regional councils. Yes, Bill?

3

4 MR. FLIRIS: Yeah, I guess I have a question, then, for Frank Entsminger again and since you are on the SRC there. Do you feel personally from your knowledge in this area that some other communities in here should be considered resident zone communities? And, if you do, which ones do you think should be?

10

11 MR. ENTSMINGER: Thank you, Mr. Chair. Yes, I certainly do. I mean, if you go and look through the past history of these communities, it's very obvious that even before white man came into the country, that the Upper Tanana Native people traveled extensively mainly to the north side of what is now the park area to harvest salmon, caribou, you know, the different resources that were there. I mean, it's documented in history. You know, Lieutenant Allen ran into people from I believe it was Tanacross that were down there fishing along the Copper River. And I think how these communities initially fell through the cracks was -- originally Tok wasn't included in it either, but at that point a time I was certainly interested in -- I always went to advisory committee meetings, but I wasn't a member of the advisory committee. But I know that the people in Tok were very irate about it, very upset. I mean, the parks had -- they took this huge block of land away from us that we used to be able to hunt and now we couldn't, and now they didn't even acknowledge us as being, you know, a resident community that could hunt down there. Well, I mean, the community of Tok rallied and pushed and got a hold of the appropriate people to have hearings and whatnot, but apparently I don't think Northway and Dot Lake and Tanacross, I don't know why they were out of the loop or why we didn't think of them. I guess, you know, when somebody is trying to take away something from you, you think of yourself first, I guess. But anyway these other communities just -- I mean, they didn't get in that initial rally and get their communities included. But they certainly should be included; there's no two ways about it.

40

41 MR. FLIRIS: So, you think that Dot Lake and Tanacross and Tetlin and Northway all should be resident zone communities?

44

45 MR. ENTSMINGER: Well, you know, I hate to speak for these communities. I mean I -- you know, I certainly believe that if these communities have a past history and they feel that they should be in these resident zone communities, yes, I

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do. But I don't want to make a decision for any one of the communities. You know, Tetlin I think would be the only one that there was maybe a question mark and people would have to go and talk to the people in Tetlin, but for some reason Tetlin seems to be kind of their own entity and fairly happy with hunting, you know, on their reservation. But I think -- but even them, you know, I don't know because I don't know the people personally there. But, you know, just off the cuff, certainly, all of the other communities - Dot Lake, Tanacross, Northway - should be included in that with the possibility of Tetlin, but you would have to ask the Tetlin people about that.

12

13 MR. FLIRIS: Excuse me if I'm getting way off the track here, or stop me if I am, but it just seems like there's something we can take action on here if that's appropriate; that we could make a recommendation. I guess I was also curious to know how many other people are on the SRC with you.

18

19 MR. ENTSMINGER: How many other members?

20

21 MR. FLIRIS: Yeah.

22

23 MR. ENTSMINGER: I believe it's a seven-member....

24

25 MR. TITUS: Nine.

26

27 MR. ENTSMINGER: Or a nine-member, yeah.

28

29 MR. FLIRIS: And you've brought up these issues before in those discussions about resident zone communities with the other members of the SRC?

32

33 MR. ENTSMINGER: This has been -- actually, getting the community of Northway as a resident zone community, we've had this on the slate, it's been back and forth to the Secretary of Interior a couple different times. I mean, it's a project we've been working on since the SRC was first established.

39

40 MR. FLIRIS: So, everybody there is in favor of at least Northway being included?

42

43 MR. ENTSMINGER: Absolutely, yes. Absolutely.

44

45 MR. FLIRIS: And not -- haven't talked about the other communities like Dot Lake and Tanacross?

47

48 MR. ENTSMINGER: They have not been specifically

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brought up, but, you know, certainly they're aware of....

1

2 MR. FLIRIS: But if they were, what do you -- do you
think that....

4

5 MR. ENTSMINGER: I don't think there's any question
with the SR-....

7

8 MR. FLIRIS: There wouldn't be any problem with the
SRC....

10

11 MR. ENTSMINGER: I don't think there's any....

12

13 MR. FLIRIS:recommending....

14

15 MR. ENTSMINGER: No.

16

17 MR. FLIRIS:that as well?

18

19 MR. ENTSMINGER: No, I'm sure there wouldn't be.

20

21 MR. FLIRIS: But then what you say is it probably
wouldn't make any difference. If you did recommend it, they
wouldn't get it -- you haven't been able to get it for
Northway and....

25

26 MR. ENTSMINGER: That's correct.

27

28 MR. FLIRIS: So, you don't have really any leverage at
all there.

30

31 MR. ENTSMINGER: Well, it seems that we don't have a
lot. You know, whatever the powers to be in Washington are
thinking, I mean, if it's against what their thoughts are,
like I say, it almost takes an act of Congress to get anything
through. But anything that's restrictive, more restrictive,
keeps people's access away, don't allow them to hunt here or
there, whewww, right now, whewww, it's a done deal, you know.

38

39 MR. FLIRIS: Yeah.

40

41 MR. ENTSMINGER: But I have to defend our local Park
Service people in Glennallen and Slana and Copper Center.
They have tried really hard because they know the frustrations
of the people out here and they've tried really hard to work
with us, tried to do what they can, but, you know, their hands
are pretty well tied. You know, they get their orders from
higher-ups. But, you know, the SRC was basically established
and put in place more or less like your council has been.

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We're kind of like watch-dogs over the park. We try to uphold the people's end to watch out for their interest in the park, just as you people are trying to hold up the end of the rural subsistence user. So, we're kind of similar in that regard. And I don't like to dwell on the park situation in its entirety, too, because there's a lot of the Upper Tanana area and there's places where I don't think that we're getting a positive C&T where we should. But, you know, I would suggest to the council that I hate to see you people have to labor through this because I really do feel that at this point what we do need is public input.

11

12 I think the process has come along pretty well up to this point. I mean, they've gone to the communities, they've told us what we're going to do, they've had meetings and everything and they've compiled all the documents and everything we've sent to them. But, I mean, we had all this stuff sent in way last spring. They've had all spring, summer, fall, but I mean they just came out with this document and put it in front of us and now we're supposed to make a decision on it in not a very timely manner. But I think it needs to go the, you know, the local advisory committees and the local people in all the different communities to look at this now and just merely point out some discrepancy that they don't feel is correct, relay that knowledge on to you people so that you can, you know, make a more intelligent decision on some of these things.

27

28 MR. FLIRIS: So, you feel that if we went along with this schedule that's outlined right here and got it into proposed rule by December, that that would be rushing the process? Is that what you're saying? That there hasn't been enough public input yet?

33

34 MR. ENTSMINGER: No, I'm saying the only place where there hasn't been enough public input is just like right now. I mean, we just -- I've only had this document in my hands for like two weeks and, you know, if I schedule an advisory committee meeting, I like to give people a little bit of pre-warning that we're going to have one. We have a real hard time getting the word out for meetings around the area, but we have a local newspaper that comes out every other week. But I like to at least get the advisory committee meetings scheduled in the local newspaper, call up all the different communities and let them know we're going to have a meeting so we can get people in, you know, to look at this stuff and hash it over and point out discrepancies in it where they don't think that they got a fair shake on something. And that's what I'm getting at.

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1 You know, it's unfortunate that we didn't have like
 2 another week or even two weeks before you people -- your
 3 meeting was scheduled to come down to where we could, as an
 4 advisory committee, come up here and say, hey, you know, we
 5 agree with this, this, and this, but what about this, this,
 6 and this? We don't think it's fair in this particular
 7 instance of this particular C&T determination or under this
 8 population under this unit. It's pretty complex, as you can
 9 see. They went species by species, community by community,
 10 and unit by unit and, man, all the different scenarios you can
 11 come up with under that deal. There's not going to be anybody
 12 that can think of it all and even after hunting season evolves
 13 and they go to hunt someplace and they might look, well, we
 14 don't have a C&T there this year. Something might fall
 15 through the cracks and I believe there should be something in
 16 the regulation that if that does happen it can be corrected,
 17 you know.

18

19 MR. FLIRIS: Frank, could I ask you how many people
 20 are on your advisory committee?

21

22 MR. ENTSMINGER: We have a nine-member advisory
 23 committee. There's actually five communities -- actually,
 24 six, I guess, involved because there's Tetlin, Northway, Dot
 25 Lake, and Healy Lake, Tanacross and Tok. Now, each member of
 26 the outlying villages has one member on the committee with an
 27 alternate. Tok has three members because it's a larger
 28 community. And then there's one at-large member that can be
 29 anyplace which I happen to be the at-large member. I live
 30 down on the southern end of Unit 12. So, there's nine
 31 members; we have alternate slots for each of the nine members.

32

33 MR. FLIRIS: So you need a quorum of five then?

34

35 MR. ENTSMINGER: Correct.

36

37 MR. FLIRIS: And do you often get your quorum for your
 38 advisory meetings? Do you have a problem getting a quorum
 39 often....

40

41 MR. ENTSMINGER: We used to in the past. At one time,
 42 there was like twelve -- it was a twelve-member committee and
 43 we had a real hard time getting a quorum. But the last couple
 44 years we haven't had much of a problem getting a quorum
 45 partially because we've got alternate slots. Like if a member
 46 can't attend, we have an alternate and he's allowed to come.
 47 Quite often, we may get like a full-blown committee member,
 48 plus an alternate at a meeting, but if somebody else is vacant

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or missing, the alternate can fill in and vote for him. So, it's not -- we haven't had a hard time getting a quorum for the last year, year and a half.

3

4 MR. FLIRIS: And do you have real adequate
5 representation from the villages or is the quorum more
6 reflecting Tok's point of view than the villages? Do you feel
7 that way?

8

9 MR. ENTSMINGER: I think at one point in time -- see,
10 I've chaired the committee now for, I guess, about two, two
11 and a half years, something like that. But there was a time
12 when I don't think the villages were adequately represented.
13 But since I've been chair, I've done the best I can to try to
14 get the village people involved. Just last year, we were
15 going to try to go to some of the other villages; rather than
16 have meetings in Tok all the time, to try to catch some of the
17 outlying villages. We did have one meeting in Northway last
18 year. We try to get people involved as much as possible, but
19 that's not always possible. But, I mean, the committee is not
20 unfairly stacked and, in fact, most of the -- you know, the
21 majority of the committee are, you know, the outlying
22 communities which are primarily Native communities and they
23 hold the majority of the seats on our committee. You know, I
24 try to run a non-racial type committee. You know, I try to be
25 as objective as I possibly can. That's all I can say. You
26 know, I'm trying to do my best. Lee is on the committee. You
27 know, he might speak.

28

29 MR. FLIRIS: Mr. Chairman, I'm just trying to get some
30 feeling for where we should go with this whole thing and some
31 discussions that we've had outside of here lead me to feel as
32 though -- I still feel as though this document here hasn't
33 been adequately exposed to the communities around here. There
34 hasn't been enough public input brought back in and I feel
35 real nervous about getting to the point of publishing a
36 proposed rule where everybody from here to Washington, D.C.
37 can comment on it before it's well worked out in this area.
38 That's where I'm coming from. And I just feel like there's a
39 lot of information out there that we're lacking still to go
40 ahead and I don't really know what kind of motion to make.
41 Again, I'd like to hear anybody else's comments along those
42 lines.

43

44 MR. TITUS: Steve?

45

46 MR. GINNIS: Yeah, I share the same concern Bill has.
47 I think it's pretty obvious that this document that's going
48 to affect the people in this area here has really not had time

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enough to review it. I also don't buy this idea that let's go ahead and let's have this thing published in the Register and then we still have time to remove it or add on to it or whatever. I just don't trust the government in that way. So, my recommendation here is that we not proceed with this idea of having this document published in the public register; that my thinking is that we need to go back out and do the best we can to try to get the input that we're trying to seek here. And whether it takes a motion or not, or whatever it's going to take to do this, I support the idea of doing exactly that. Thank you.

11

12 MR. TITUS: Any comments?

13

14 MR. FLIRIS: Mr. Chairman, I don't know if it's appropriate or not, but I just would like to get a feeling from the other council members right now how they feel about what we're -- where we're going with this just to generate some discussion or something about a possible motion that we might make along these lines. It's just two of us, I think, that have commented on the way we feel. I'd really like to know where the other members lie.

22

23 MR. TITUS: Randy?

24

25 MR. MAYO: Mr. Chairman, I'd just like to comment that I agree with Bill and Steve on this matter, you know.

27

28 MR. TITUS: I think we should keep going on this eligibility thing and maybe we can come up with more, get a more broad idea of -- or any more questions or some more walls we come up against. And the reason I'd like to continue on going through this here is just for the council members to get -- kind of like brainstorm or I know most of you have never had a chance to read through this whole thing. So, if we just continue going through this here, you'll get more educated or more confused. Whatever. So, I don't know, we can just keep going through this, I guess.

38

39 MS. MELDRUM: I can't remember which one I did last. Did we finish Tanacross caribou? We should start there?

41

42 MR. TITUS: I don't know.

43

44 MS. MELDRUM: All right. I'll just go ahead with Tanacross caribou. I think that's the next community. For Unit 11, this area in Wrangell-St. Elias which we've got a map over here now that shows the full extent of Wrangell-St. Elias lands which is not shown on here. But the existing and

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proposed conclusions for Tanacross for caribou would be no eligibility in Unit 11 of Wrangell-St. Elias National Park. In Unit 12, the existing determination is for -- gives Tanacross eligibility to hunt caribou in the Fortymile herd only and the proposed conclusion for Tanacross in Unit 12 would not be a herd-specific determination. What it says is Unit 12 north of Wrangell-St. Elias and Tetlin which would actually be north and east, so the determination is for lands -- non-Federal lands in this portion of the unit here. So, it would not include any of the Federal lands.

10

11 For Unit 13(C) caribou for Tanacross, the existing and proposed conclusion would be for no eligibility in this unit. And for Unit 20(D), Tanacross currently is eligible to hunt caribou throughout this unit, but the proposed conclusions would be no eligibility in Unit 20(D). For Unit 20(E), the existing determination is for Fortymile caribou positive determination, so Tanacross can hunt Fortymile caribou wherever hunts occur in this unit. And the proposed conclusions here would be for harvest of any caribou in the Fortymile drainage and south. And that's -- again, these determinations only apply in the Federal lands which are colored on these maps. For moose in Tanacross in Unit 11, the existing determination is for no eligibility in Unit 11 and the proposed conclusion for moose would say that portion of Unit 11 along the Nabesna Road within five miles of the Nabesna Road which would be -- this red line is the Unit 11 boundary, so here, and then this portion of 12 is included in our next example. So, it would be this portion of Unit 11 and this unit, northern portion of Wrangell-St. Elias Preserve.

30

31 For Unit 12, the existing determination for moose is for all of Unit 12. Of course, the same example holds true here; they would have to have a permit since Tanacross is not a resident zone community. The proposed conclusion would say Unit 12 within five miles of the Nabesna Road. So, their eligibility would extend along the Nabesna Road within five miles, but not penetrate this section of the park nor the Tetlin Refuge. For moose in 13(C), the existing determination is no eligibility in Unit 13(C). And the proposed conclusion here would allow harvest within five miles of the highway which would extend to a portion of Unit 13(C) and this small piece of Federal lands here in the northern portion of Wrangell-St. Elias.

44

45 For moose in 20(D), the existing determination is for all of Unit 20(D) and the proposed would be....(pause) Just a moment here. The proposed conclusion here in 20(D) would read within five miles of the Alaska Highway to Delta Junction.

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So, it would extend all the way up to here within five miles of the highway. In Unit 20(E), the existing determination for moose is throughout the entire unit and the proposed conclusion would lop off the top portion of this unit and so there would be a positive determination from the Fortymile Drainage south.

6

7 For black bear in Unit 11 -- well, for all of the units that we've been talking about - 11, 12, 13(C), 20(D), and 20(E) - right now there's a no determination on black bear which means anybody in the state is eligible to hunt -- any eligible subsistence user can hunt in these units. It's not restricted to any community. That would change as soon as the Copper Basin communities are finished and the 20(E) communities of Chicken and Eagle and others up there were included. The no determination would result in a specific determination by community, either providing eligibility or not in these units. So, at this point, throughout this whole area, it's a no determination so everybody is eligible. The proposed conclusions here would extend eligibility for the community of Tanacross into Unit 11; again, within five miles of the Nabesna Road, that same area that we identified for moose, and within five miles of the Nabesna Road in Unit 12, consistent with the moose determination.

24

25 In 13(C), again, this is the same as moose: it would be within five miles of the Tok cut-off including this northern portion of Wrangell-St. Elias Preserve and including this green portion of the preserve in Unit 11. And Unit 20(D) would be changed to read no subsistence for this community and Unit 20(E), the eligibility would extend through the Fortymile Drainage and south in that unit. For brown bear, in all units except Unit 20(D), there is currently a no subsistence determination. So, no subsistence hunting can occur in these other units. That's the current situation and the proposed conclusions here would make -- the eligibility for Tanacross for brown bear would be the same as for black bear. It would extend through within five miles of the Nabesna Road in Unit 11 and down the Nabesna Road in Unit 12, this northern portion of Wrangell-St. Elias, and within five miles of the Tok cut-off up through the Fortymile drainage and south. And no subsistence in Unit 20(D); the same as black bear. So, black and brown bear would be the same there.

43

44 And, lastly, for Tanacross is sheep. Unit 11, currently, there's no eligibility for Tanacross to hunt in Unit 11 in Wrangell-St. Elias and the proposed conclusion would continue that same determination. For Unit 12, the existing determination for sheep includes a portion of Unit 12

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and the proposed conclusion would result in an eligibility determination for the lands, all non-Federal lands north and east of the Tetlin Refuge and Wrangell-St. Elias. So it would be these State lands, non-Federal lands, in Unit 12. For 13(C) the proposed and existing are no subsistence for this community. Existing determinations in Unit 20(D) are for a portion of Unit 20(D) and the proposed conclusion would say no subsistence for Tanacross in Unit 20(D). Likewise, in Unit 20(E) the existing determination is positive for the entire unit and the proposed would be for no subsistence throughout the entire unit of 20(E). The next community on the list, if you'd like to continue on to the next one.

12

13 MR. TITUS: I think we'll take a break.

14

15 MS. MELDRUM: Okay.

16

17 MR. TITUS: Fifteen-minute break.

18

19 (Off record)

20 (On record)

21

22 MR. TITUS: Call the meeting back to order. Okay. We were getting into Tok, right? Tok.

24

25 MS. MELDRUM: Okay. For the community of Tok, I think we'll use a little different order than what's on this pink sheet, if you don't mind. It makes it a little easier for me. For Tok black bear, the current customary and traditional use eligibility determinations are again like for the other communities: a no determination throughout all of these units that we've been discussing, meaning that all eligible subsistence users in the state can hunt black bear in those units. But for Tok, the conclusion -- the proposed conclusion would read that for black bear in Unit 11, eligibility would be extended through the five-mile corridor within the Nabesna Road; throughout Unit 12, Unit 20(E) south of -- in the Portymile drainage and south in the unit, and in Unit 20(D), it would be changed to a no subsistence determination. So, no subsistence hunting of black bear would occur in this unit. And that would extend through Unit 13(C) as well.

41

42 For brown bear, except for Unit 20(D), these other units, there is a no subsistence determination, so no subsistence hunting of brown bear is permitted. Under the proposed conclusions brown bear hunting for subsistence purposes throughout these units and subunits would be no subsistence hunting in all of those units for Tok.

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For caribou, existing determinations in Unit 11 is no eligibility in Unit 11 for the community of Tok and the proposed conclusions would extend eligibility in Unit 11 to this area within five miles of the Nabesna Road and throughout this northern portion of Wrangell-St. Elias National Preserve here in green. For Unit 12, the existing determination is for Fortymile caribou in all of -- I'm sorry, for Unit 12, the existing determination is for Fortymile caribou throughout the unit and the proposed conclusions would change to reflect a positive determination for Tok in Unit 12 in Wrangell-St. Elias National Park and Preserve where they are eligible to hunt, but would not extend to the Tetlin Refuge. For Unit 13(C) caribou, the proposed and existing determinations is no subsistence for Unit 13(C). For Unit 20(D) there's a positive determination for caribou for Tok currently, and the proposed conclusions would read no subsistence for Tok in Unit 20(D). In Unit 20(E), the existing determination is for caribou throughout the entire unit and the proposed conclusion would limit the harvest of caribou to an area that included the Fortymile drainage and south.

21

22 For moose in Unit 11, the existing determination is no subsistence in Unit 11 and the proposed conclusion would change that to read that portion of Unit 11 within five miles of the Nabesna Road and this northern portion of Wrangell-St. Elias Preserve. So, this green area here. Unit 12 moose, the existing determination and the proposed conclusion is for area -- the entire area of Unit 12. In Unit 13(C), the existing determination is no subsistence and the proposed conclusion would extend eligibility throughout -- within five miles of the Slana River and south. So, it would extend throughout this area here, adjacent to the highway, but not this northern portion of Unit 13(C). For Unit 20(D), the existing determination is no subsistence in the entirety of this unit and the proposed conclusion would extend the unit of eligibility to within five miles of the road corridor in Unit 20(D) which would extend then to Delta Junction which is the end of that subunit. And for Unit 20(E), the current determination is for moose throughout the entire unit and, again, the limitation here would be the Fortymile drainage and south, excluding that northern portion of Unit 20(E).

42

43 And for sheep, the current determination is no subsistence in Unit 11 and the proposed conclusion would extend eligibility for harvesting sheep in Unit 11 to an area east of the Copper River which comes down like this so it would be about this area over here to this red boundary. So, this area here. Unit 12 sheep, the existing determination is

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for a portion of Unit 12 and the proposed conclusion for sheep is a positive determination throughout the entire unit, so, for any sheep that might occur on Tetlin Refuge and in Wrangell-St. Elias Park and Preserve. Unit 13(C) existing is no subsistence and the proposed conclusion would extend the eligibility for sheep to south of the Slana River which is, again, the southern portion of the unit and would not take into account this area up here. For 20(D), the existing determination is for a portion of this unit and on your addendum sheet that I gave you last evening, there's a bit of a new description for the unit that's proposed and, essentially, it would extend from the Gerstle Glacier and River up to the Tanana and then over to the Healy River and over to Unit 20(E). So, it would roughly be this southern portion of the unit. And, lastly, for Unit 20(E), the existing determination is positive for the harvest of sheep throughout Unit 20(E) and the proposed conclusion is for no subsistence in Unit 20(E) for the community of Tok. And for Tok, there were two other species that were harvested by a small portion of the community, but there was not much information on either of these species or the hunts that did occur. Information that we had was on just from harvest ticket data and that was for goat and bison and there was no information to lead to a positive determination for those two species, so there was no additional consideration given to them.

26

27 For Tetlin, black bear, this again is the same situation for all five of these communities. There's a no determination throughout all of these units, making everybody on the state eligible to hunt black bear in these units. The proposed conclusion would change all these no determinations to no subsistence for the community of Tetlin throughout that entire area. And, again, like the other communities for brown bear, the only place that there is a positive determination for any community is in Unit 20(D) and the rest of them are no subsistence. So, no brown bear could be harvested for subsistence purposes in these other units. And the proposed conclusion for Tetlin would extend that no subsistence determination throughout this entire area which would essentially only close this area. The rest of them are already considered no subsistence.

42

43 For caribou, the proposed and existing determination for caribou is no subsistence throughout Unit 11. In Unit 12, the existing determination is a positive determination for both Fortymile and Nelchina caribou in Unit 12. And the proposed conclusions would extend the caribou determination through the Tetlin National Wildlife Refuge in Unit 12, but

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would not extend into the southern part of Unit 12 in Wrangell-St. Elias Park and Preserve. And the proposed and existing determinations for 13(C) are no subsistence for caribou. In 20(D), they're currently positive, allowing people to hunt caribou in this unit, but the proposed conclusion would change this to no subsistence for Tetlin. And in 20(E), the current determination is positive for Fortymile caribou in this unit and the proposed conclusion would limit caribou harvest for any caribou in the unit to the Fortymile drainage and south.

10

11 For moose in Tetlin, Unit 11, again, there's currently no subsistence and the proposal is to retain that and continue with a no subsistence determination for Unit 11. For Unit 12, they currently have a positive determination throughout that unit and the proposed conclusion would extend only through the Tetlin Refuge and the northern portion of Unit 12. So, the Federal lands there are Tetlin Refuge only. I'm sorry, I read the wrong one. Unit 12, the proposed and existing is for moose through the entire area of Unit 12. So, it would be Wrangell-St. Elias Park and Preserve and Tetlin Refuge. No, I said it right the first time. Sorry. I'm confusing myself. The existing determination for moose for Tetlin is throughout the entire unit and the proposed conclusion would extend only through Tetlin Refuge lands and the northern portion of Unit 12. So, the only Federal lands are Tetlin Refuge. Unit 13(C) proposed and existing are for no subsistence for moose for Tetlin. Unit 20(D) is the same, no subsistence. And in Unit 20(E), the current eligibility is throughout Unit 20(E) and the proposed conclusion are no subsistence through 20(E).

30

31 And the last species for Tetlin is sheep. For Unit 11, the proposed and existing is no subsistence. So, in summary for all of the species for Tetlin, they have not -- we're not proposing to open any subsistence uses in Unit 11. For Unit 12 sheep, there is a partial determination for some bands in Unit 12 and this proposed conclusion would extend a no subsistence determination throughout the entire unit. Through 13(C), the proposed and existing conclusions are no subsistence and in Unit 20(D) there's a partial determination for Tetlin in the southern portion of this unit of 20(D) and the proposed conclusion would say no subsistence throughout this entire unit. And, lastly, in 20(E), the existing determination is positive throughout Unit 20(E) and the proposed conclusion would say no subsistence. I think in summary, Tetlin's use areas are very restricted to a small area and that's largely based on the information we have about that community and their use areas seem to be very confined. But they did not provide any comments on the draft report to

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change those use areas, either, so we don't have any recent information from the community on how well this report represented them. I think that's important to note about that community.

4

5 MR. TITUS: Excuse me, Janis?

6

7 MS. MELDRUM: Um-hum.

8

9 MR. TITUS: In saying that certain GMUs considered a
10 subsistence use area, if the C&T determination is not made
11 for that area, then it's eligible for subsistence use
12 statewide, right?

13

14 MS. MELDRUM: Only in the places where there's a no
15 determination in a unit. That means any eligible subsistence
16 user statewide could hunt in that unit.

17

18 MR. TITUS: Okay.

19

20 MS. MELDRUM: But, generally, for most of the species
21 in this area, except for black bear, there is a determination
22 that says that certain communities either can or cannot hunt
23 there. So,....

24

25 MR. TITUS: Oh, okay.

26

27 MS. MELDRUM: Is that what you're asking?

28

29 MR. TITUS: Yeah, yeah. Okay. Vince?

30

31 MR. MATHEWS: Mr. Chairman, during break, I was
32 approached that there is someone that wants to testify
33 concerning Tok. I don't know if this would be an appropriate
34 time to let that person testify or not.

35

36 MR. TITUS: We're done with Tok?

37

38 MS. MELDRUM: Yes.

39

40 MR. TITUS: Oh, okay. Maybe we can do that right now.
41 Is there some....

42

43 MR. GRANGAARD: Yeah, I've got several things that....

44

45 MR. TITUS: Oh, please step to the mike and state your
46 name. We're on record.

47

48 MR. GRANGAARD: My name is Danny Grangaard. I live in

49

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Tok. I've lived here since 1965. I guess there are some questions I'd like to ask, well, starting with Unit 11 and 23(C) down there for caribou. When we have to drive through the area to reach Nabesna Road to put the five miles each side, Unit 13 in Tok is traditionally hunted all the way to the Chistochina River when the caribou used to cross at Indian River. Back in the sixties and seventies, we all went down there, including the villages, and consistently the Nelchina caribou herd crossed right at the Indian River there or Chistochina. And, excluding that out of there, it just doesn't seem fair because that's where we've always hunted until the regulations said we couldn't. And I just don't see why we have to drive by all that to hunt the five-mile corridor on the Nabesna Road when Tok and the villages all hunted there. The caribou were easy to get; they were a three-bag limit, and it was an easy drive. It's close to Tok. It's a lot easier than getting up the Taylor Highway in the winter where you can't get there, it's snowed under. Who do I ask about that?

19

20 MR. TITUS: Ask Sue. No, I guess right now we're just making comments right now and getting public input and going through this. Your concerns are not....

23

24 MR. GRANGAARD: Well, I just feel like that the Upper Tanana villages and Tok qualify to hunt that portion of Unit 26 and 13 along the highway, at least to Chistochina River where they've traditionally always crossed and this community has always harvested caribou there until it got changed where we couldn't legally do it any more and went to drawing permits or registration or Tier II. And I just feel like that the Upper Tanana villages and Tok qualify to hunt that spot along the Richardson Highway there.

33

34 And there's one more spot I have -- and a question is, another one is the refuge about Tok has always hunted caribou down there, too. It's just because of C&T findings of the State that we got knocked out of there. Why do we qualify to hunt the park and preserve and not the refuge for caribou for the Nelchina hunt? We can go down Nabesna Road and shoot Nelchina animals, but we can't harvest them 30 miles down the road there in the refuge, and I guess I have a real problem with that, too. That's the closest caribou to us in the wintertime. You've got to have a four-by to get up the Taylor Highway. We get that -- a lot of people can't get up the Taylor Highway.

46

47 MR. TITUS: If the season is open on the refuge.

48

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MR. GRANGAARD: Huh?

MR. TITUS: If the season is open on the refuge.

MR. GRANGAARD: Right.

MR. TITUS: Last year it wasn't open on the refuge. Northway and Tetlin residents didn't have a chance to subsistence hunt caribou.

MR. GRANGAARD: Yeah, but I mean the years that it is open, why don't we qualify for it? It seems to me like that, you know, 30-mile drive, it's the closest caribou we have that's easily accessible. It's getting now so, you know, just because we have a season on something or the caribou may not show up. You know, the caribou have been real erratic the last few years like, you know, the Nelchina herd hitting the Northway Flats. But Tok's opportunity, or the other villages, that is the easiest place to access it by road hunting without spending a fortune doing it, or catching the Nelchina herd crossing at Indian River down by Chistochina in Unit 11 or 13. It seems like the only thing we're getting is park and preserve where we can't get at or the BLM lands up there on the Taylor Highway which most of the time there's not caribou available there.

Another comment I'd like to ask is about the moose hunting, restricted in 20(E) to the Fortymile and south, when a lot of people in Tok and some of the people in the villages both hunt the Yukon River. The season goes till the 25th of September up there and a lot of people take advantage of that late hunt if they don't get a moose close here, and go boat the river. A lot of people have boats in Tok and a lot of people hunt the Yukon and that is the Yukon-Charlie Preserve and the Lower Charlie River. And it's real accessible for people in this community or in Upper Tanana to hunt moose on the Charlie River. And I don't see why Unit 12 or Tok or any of the villages are restricted to the Fortymile and south when, traditionally, they've always hunted the Yukon River. They always hunted from Eagle up to the Canadian border and then down to the Charlie, and some hunt the Nation, Kandik and the Charlie Rivers, in the lower ends of it which is on the Yukon-Charlie Preserve. It seems like we're just getting things that we can't either get at or there's nothing there when there's real accessible places that we're not going to be allowed to hunt.

There's another question kind of off-the-wall I wanted to ask about duck hunting and bird hunting in the park and

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preserve and refuges. Are we going to qualify for duck hunting and ptarmigan and spruce hens in any of the parks, preserves or refuges? Or trapping?

3

4 MR. TITUS: Yeah, step to the mike, please.

5

6 MR. WELLS: Yeah, my name is Jay Wells, chief ranger at Wrangell-St. Elias. And that question, Danny, has come up, what, about three years ago with the Federal program and it's been addressed by the Subsistence Resource Commission for Wrangell-St. Elias. And Roy Ewan, who is the chairman of our Subsistence Resource Commission, also on the -- chairman of the Southcentral Regional Council, just received a letter based on a secretarial recommendation trying to find out how you can get a waterfowl hunt -- fall waterfowl hunt in parks because the Federal seasons and bag limits did not provide a subsistence season for waterfowl. And I have a copy of that letter here and I could read that if you'd like.

18

19 MR. TITUS: Sure.

20

21 MR. WELLS: And I'll just excerpt the parts on the waterfowl. This is from Assistant Secretary of Interior for Fish, Wildlife and Parks, George Frampton. He says, "In response to your concerns over the migratory bird subsistence issues, the Migratory Bird Treaty Act is not subject to authorization; however, discussions are now being undertaken on possible amendments to the 1916 Migratory Bird Convention with Canada to address spring hunting and egg-collecting issues. Provisions of the convention are implemented by the MBTA. The U.S. Fish and Wildlife Service is the lead agency for the Department of Interior regarding amendments to the convention. Fish and Wildlife Service has asked the U.S. Department of State for authority to negotiate directly with Canada for this purpose. Fish and Wildlife Service has already completed an environmental assessment on managing migratory bird subsistence hunting in Alaska. The environmental assessment includes recommendations that could allow for the traditional take of some migratory bird eggs, including those of gulls, turins, and other species for subsistence purposes. Your request for a fall subsistence harvest of waterfowl consistent with the State of Alaska seasons and harvest limits is in conflict with existing Federal Subsistence Management regulations which exclude migratory birds as subsistence species. A fall subsistence season for the harvest of waterfowl would require promulgation of new regulations; however, we are willing to consider this matter in the future upon receipt of a formal hunting plan recommendation." And I'll just add in there that that letter

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that came from the Subsistence Resource Commission hadn't been proposed as a formal hunting plan recommendation which is the authority of the Subsistence Resource Commission to present formal hunting plan recommendations directly to the secretary. And I suspect that once the SRC meets again after they've gone through the consultation period that's required under the law, under the section of ANILCA that deals with subsistence resource commissions, they will make a formal hunting plan recommendation. Anyway, that's it for the Migratory Bird Treaty Act. And it's kind of a complicated issue in that it only really applies in parts right now because everywhere else refuges, preserves, BLM lands, the State season and bag limits that's authorized for waterfowl would apply. It's different in parts because the only hunting that's allowed in national parks is Federal subsistence hunting. So, without a season and bag limit provided for in that Federal rule book, you can't -- technically, you can't legally hunt waterfowl even during a fall season in a park. That's why it's sort of a park-specific issue at this point.

19

20 MR. TITUS: Jan,....

21

22 MR. GRANGAARD: How about ptarmigan and spruce hens,
hen?

24

25 MR. WELLS: I'm not really sure. Ptarmigan and grouse
are addressed in the Federal seasons and bag limits I believe,
the existing ones, and I'm not sure what the determination is
there. I think for Unit 12, if I recall, if somebody has one,
I think it says that there's either no determination or
they're not a subsistence species in Unit 12. But I can't be
sure. If somebody has one -- Jeff, do you have one there?

32

33 MR. ROACH: Would you like me to....

34

35 MR. TITUS: Sure.

36

37 MR. ROACH:go through that real quick? Under
Unit 12 regulations for grouse and spruce, blue, ruffled, and
sharp-tailed: Customary and traditional use determination is
no determination. Bag limit, 15 per day; 30 in possession.
August 10th to March 31st. Ptarmigan: Customary and
additional use determination is no determination. Twenty per
day, 40 in possession. August 10th through April 30th.

44

45 MR. WELLS: Yeah, okay. So you can.

46

47 MR. GRANGAARD: That leaves one other question I had
with sheep on....

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1 MR. WELLS: Do you need me?

2

3 MR. GRANGAARD: I might.

4

5 MR. WELLS: Well, holler.

6

7 MR. GRANGAARD: Unit -- sheep in Unit 11. Tok has
been hunting sheep in Unit 11 for quite some time, probably
since the TMA got enacted back in the eighties. Basically,
the only place left for Tok to hunt sheep is in Unit 11. And
what little piece there that we have is proposed is not very
big and people are going a lot further in that sheep hunting
now, consistently from Tok. Because the whole TMA and DMA,
the whole Alaska Range to the west, isn't huntable unless you
saw and that's like real slim odds. So, consistently, Tok
has been sheep hunting throughout the Nabesna River, upper
Nabesna Road, and along the McCarthy Roads. It's easily
drivable by highway vehicle and walking in or boat.

19

20 I guess the Upper Tanana villages and Tok is getting
put into a little box that I just don't feel is necessary.
The caribou herds keep changing the routes and if we get put
into just a little piece, there will be years that these upper
villages or Tok will not get anything, especially within 30,
40, 50 miles of Tok. I just don't see why we don't qualify.
Especially the refuge on caribou. We qualify for the park and
preserve for caribou and I just don't see the point that we
don't qualify for the refuge at the same time when it's right
next to the highway.

30

31 MR. TITUS: Janis?

32

33 MS. MELDRUM: The areas that these conclusions were
based on were either from these maps that were in the blue
report or comments that people sent in, and the maps don't
show that Tok uses any of the Tetlin Refuge and the comments
that came in, unless I made a mistake, did not show any use of
those lands either. So, that's why there wasn't any
eligibility for those lands.

40

41 MR. GRANGAARD: Well, the Nelchina herd hasn't been
coming there that long. How do you show eligibility for
anybody?

44

45 MS. MELDRUM: Some communities did show use of the
Tetlin Refuge and so there was some evidence that they had
used it, so it was extended that far. But for this community,
it was not. So, if a community didn't show use of an area, we

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didn't....

1

2 MR. GRANGAARD: If you looked through the harvest
 3 tickets when we had the hunt, Tok shot a lot of caribou on
 4 that Northway Road the years it was open and the Nelchina
 5 crossed there.

6

7 MS. MELDRUM: What years would have....

8

9 MR. GRANGAARD: Well, the last four years, the years
 10 that it's been open.

11

12 MS. MELDRUM: Well, the harvest tickets....

13

14 MR. GRANGAARD: Is Ted here?

15

16 MR. ENTSMINGER: No, you're right, though, Danny.

17

18 MR. GRANGAARD: I don't know what the harvest was, but
 19 I think Tok has probably harvested 60, 80 a year out of here
 20 when it was open along the Northway Road.

21

22 MS. MELDRUM: I'm not trying to argue that you didn't
 23 do that. I'm just -- was just trying to point out that the
 24 information that we had didn't seem to show that, so....

25

26 MR. GRANGAARD: Well, it's pretty recent. The
 27 Nelchina herd crossing right there is pretty recent.

28

29 MR. ROUTE: (Too far from microphone)

30

31 MR. GRANGAARD: Right. But, you know, over the years,
 32 the Nelchina herd has hit us in different places. You know,
 33 for years Tok -- when I was here in the sixties, seventies, we
 34 consistently shot them coming across the road by the Indian
 35 River. In the later years, they used to come down as far as
 36 the Tok River, 17 miles out of Tok here and we hunted them
 37 here, the Nelchina herd. So, over the years, it's been a
 38 real -- not a consistent place for the caribou herds hitting.
 39 Taylor Highway has never been a consistent place for the
 40 villages or Tok to get caribou and now we're competing against
 41 1000 hunters up there, too, besides that every year. And if
 42 they're not on Chicken Trail, there's no opportunity to get
 43 caribou there hardly for people, unless you fly in. So, I
 44 feel like that the Upper Tanana villages and Tok should
 45 qualify for that portion of Unit 11 and 13(C) on the
 46 Richardson Highway, at least the Chistochina River, and Tok
 47 should qualify for the refuge. And sheep hunting in a bigger
 48 area than that, too, along the McCarthy Road and Nabesna Road.

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That's the only place left that we've got to hunt. The sheep population is really healthy there. It's not going to hurt the resource. When you said that Unit 12 -- we qualify for moose in park and preserve....

4

5 MS. MELDRUM: Unit 12 for moose, yes.

6

7 MR. GRANGAARD: And that includes the park part of Unit 12?

9

10 MS. MELDRUM: Yes.

11

12 MR. GRANGAARD: And the same thing for sheep?

13

14 MS. MELDRUM: For sheep in Unit 12, yes.

15

16 MR. GRANGAARD: And that includes the park land in Unit 12?

18

19 MS. MELDRUM: All of Unit 12.

20

21 MR. GRANGAARD: Thank you.

22

23 MR. TITUS: Thank you, Danny. Any more comments from the public? Franklin?

25

26 MR. PAUL: Yeah. Talking about this caribou herd, that to me what I see we're not getting no caribou in this Unit 12 from Unit 20. From what I see in years, from Tanana as a teenager, that's about 59 years ago, well, back in Sootymile Butte back here about 35 miles, we used to get caribou up there back in the fifties and forties. The reason for that then, you know, they're blocking it off and as soon as they start hitting the road, that Taylor Highway up around Eagle, the whole Fairbanks and Anchorage region, they open the season and they're blocking them off and they're turning them. Well, that's for one reason. That's why I don't think we're getting no caribou up here, this Fortymile herd. And then not only that, they open season on caribou the 10th of August and they fly them commercial hunters, sport fishers, whatever they call it, and us private people down here, I don't think we get to hunt on plane or go fly out and shoot them. When you fly out there to Molly Creek and shoot them, what do you do? You turn the caribou. You turn them from there back into Canada. That's for one reason I don't think we've got no caribou found here, 'cause all them people from Fairbanks, Anchorage, they go up to the Taylor Highway when they're heading to the road, when you're shooting the first bunch that comes, you know, what you're doing? You're shooting the leaders off.

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And when you shoot the leaders off, you turn the leaders from there back into Canada. You don't get the second bunch to cross the road. That's a problem. And I don't think the Fish and Wildlife or subsistence -- you talk about subsistence. I think you look at that and let the first bunch go across and let the second bunch come. You can have all the caribou you want. That's the way I see it from 60 years. They don't manage the caribou right and they don't work the subsistence right. I seen it for many years from the time I was a kid to now. Thank you.

10

11 MR. TITUS: Thank you, Franklin. Vince?

12

13 MR. MATHEWS: Mr. Chairman, if someone could identify the person testifying, because I don't think it was recorded and where he was from.

16

17 MR. TITUS: Oh, I thought -- did he state his name? That was Franklin Paul from Tanacross.

19

20 MR. MATHEWS: Okay. Thank you.

21

22 MR. TITUS: We're going to hire you as a biologist, Franklin. Any more testimony? Public comments? If not, I guess we've got one more. Northway.

25

26 MS. MELDRUM: For Northway, the black and brown bear situation is very similar to what I've described for other communities. For black bear, there is a no determination throughout all of these five units and subunits, meaning any eligible subsistence hunter in the state could hunt black bear in those areas. The proposed conclusion would change those no determinations to no subsistence throughout this entire area for the community of Northway. Likewise, similar to some of these other communities, the only area where subsistence harvest of brown bear is open for subsistence hunters is in Unit 20(D) and the other units are all no subsistence. The proposed conclusions would retain the no subsistence for these units and change the positive determination in Unit 20(D) to no subsistence. So, the whole area would be no subsistence for black and brown bear for the community of Northway.

41

For caribou in Unit 11, the current and proposed conclusions are no subsistence for Northway in Unit 11. For Unit 12, at this point, there's a positive determination for Fortymile and Nelchina caribou in Unit 12. And the proposed conclusions would extend the eligibility from all throughout Unit 12, including portions of Wrangell-St. Elias which -- the areas in Wrangell-St. Elias in Unit 12. Unit 13(C) is no subsistence now and the proposed conclusion would keep that no

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subsistence determination. For Unit 20(D), the existing determination is positive for the entire unit where there are no Federal lands and the proposed conclusion would change that to no subsistence in Unit 20(D). And the last one for caribou is Unit 20(E). There's currently a positive determination for Fortymile caribou in the entire unit and the proposed conclusion would extend that eligibility throughout the Fortymile Drainage and south, but not the northern portion of that unit for all caribou.

9 For moose in Unit 11, currently Northway is not eligible to hunt moose in Unit 11 and the proposed conclusions would allow use of the area east of the Copper River which would roughly correspond to this area here from my arm over to the red line here. So, this area here would be open for Northway hunting of moose. The current determination for Unit 12 and the proposed conclusion is to have all Unit 12 open for moose hunting for Northway. Unit 13(C) is currently at no subsistence and the proposed conclusion would open the area along the Tok Cutoff including this portion of the preserve to hunting by residents of Northway. For Unit 20(D), the proposed and existing conclusions are no subsistence throughout 20(D) for Northway and for 20(E) the existing determination is for moose throughout the entire unit and the proposed conclusions would extend that use area only through the Fortymile Drainage and south.

25 And the last species for Northway would be sheep. The existing determinations say no subsistence for Northway in Unit 11. The proposed conclusions would extend to this same area that I described for moose, east of the Copper River, so that would be over here, this area, in Unit 11 in Wrangell-St. Elias National Park and Preserve. And for Unit 12, the existing determination is for a portion of Unit 12 and the proposed conclusions would extend the determination in Unit 12 a bit farther than the existing, down to about this area through the northern portion of the unit. We need to work on this description a little bit, but it's roughly the Chisana River and then up north. So, it would be most of the Bettlin Refuge and some of Wrangell-St. Elias Park and Preserve. For Unit 13(C), the proposed and existing determinations would be no subsistence. Unit 20(D), currently, sheep hunting is open in a portion of the unit for Northway and the proposed conclusion would read no subsistence for the entire subunit. And then for Unit 20(E), the existing says that sheep hunting is open throughout the entire Unit 20(E) and the proposed conclusion would be no subsistence in the entire subunit.

46

47 MR. TITUS: Any more questions or comments? Well, did you want to go through this here, too, or....

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1 MS. MELDRUM: Actually, what I did when I showed you
2 the proposed conclusions in each of those units, I was using a
3 chart that is the same as this, but it shows what we have now
4 versus what this purple document proposes. So, in a very
5 brief fashion, I described what's in this document, but not
6 the documentation that was used to reach those conclusions.
7 We could do that, if that's what you're asking, to go through
8 some of those specific numbers.

9
10 MR. TITUS: I don't think so. I'm just -- I just
11 don't know if -- is there any kind of action that this board
12 wants? Is there any more discussions or -- yes, Dan?

13
14 MR. GRANGAARD: Yeah, I've got one follow-up question.

15
16 MR. TITUS: Come to the mike, please.

17
18 MR. GRANGAARD: Danny Grangaard from Tok. If a person
19 a village or Tok doesn't qualify in an area to hunt, will
20 individual -- they talked about that earlier about letting
21 individual testify for the board that his and his family
22 would qualify. Is that still a possibility?

23
24 MS. MELDRUM: Yeah. The whole purpose of this meeting
25 day was just to look at this. It's just a draft document;
26 hasn't gone before the staff committee or board for
27 decisions. So, there hasn't been any decisions yet on this.
28 depending on what the outcome of this council meeting is,
29 this may not even go to the staff committee or board in this
30 form, depending on how the council wants to construct their
31 comments on it.

32
33 MR. GRANGAARD: You mean -- well, when will that be
34 decided, if an individual will qualify?

35
36 MS. MELDRUM: I'm sorry, say that again?

37
38 MR. GRANGAARD: Well, if an individual wants to
39 testify in front of the board that he qualifies to hunt
40 someplace that he's not qualified on the map there or in the
41 book, can he still do that?

42
43 MR. WELLS: He's asking about that exception in 50(C)
44 the park.

45
46 MS. MELDRUM: Oh, for individual....

47
48 MR. GRANGAARD: Yes.

49
50

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1 MS. MELDRUM: Oh, individual. Well, that opportunity,
 2 guess, would have to come after they make some decision
 3 about these communities to show whether you were included or
 4 excluded from a certain area.

5
 6 MR. GRANGAARD: That's what I'm talking about. If you
 7 were excluded as an individual, can you still apply for that
 8 permit and get it?

9
 10 MS. MELDRUM: On an individual basis, you can. There
 11 is a regulation that would allow that on Park Service lands.

12
 13 MR. GRANGAARD: Okay. Thank you.

14
 15 MR. TITUS: You had a comment?

16
 17 MR. MATHEWS: Mr. Chairman, you still have -- I
 18 believe they've arrived, copies of the comments that were
 19 submitted, if you are moving towards making some kind of
 20 official council comments or resolutions. Do you want to look
 21 at those before you move? It's up to you. I think they're
 22 back there. I see a pile of paper. I hope it's it.

23
 24 MR. TITUS: Okay. Sure. Steve?

25
 26 MR. GINNIS: Mr. Chairman, we're -- if this is a
 27 conclusion of the presentation or review of the C&T, I would
 28 like to introduce a motion.

29
 30 MR. TITUS: State your motion.

31
 32 MR. GINNIS: I would like to move that we make a
 33 recommendation to the Federal Subsistence Board that the Final
 34 Report on the Upper Tanana Region Customary and Traditional
 35 Use Eligibility and the Proposed Conclusions on the Customary
 36 and Traditional Use Eligibility for the Upper Tanana Region
 37 receive additional public review and comments before the
 38 proposed conclusions are published as a proposed rule in the
 39 Federal Register. And that is a motion.

40
 41 MR. TITUS: Motion on the floor. Do I hear a second?

42
 43 MR. FLIRIS: Second.

44
 45 MR. TITUS: It's been moved and seconded. Discussion?
 46 Under discussion, you're making a motion that the staff go
 47 back to the communities and get some more public input before
 48 this report is published in the Federal Register?

49
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1 MR. GINNIS: Yes. Yes, that is my motion. You know,
 2 I'm very concerned about this report here. I think that from
 3 sitting through this thing here, through the data here, there
 4 are some concerns that are being expressed here and I just
 5 feel like there hasn't been enough time for people to comment
 6 on this. And I think it's appropriate for us to take some
 7 sort of action on it. I think some of the issues that were
 8 brought up as a result of this thing had to do with the
 9 boundary areas around communities. I think that seems to be a
 10 concern that's been expressed here and I don't think that
 11 there's been enough input from the communities that it's going
 12 to affect. I also feel that this idea of a distance from the
 13 community, hunting, of that 120-mile idea that came out, also
 14 should be a concern of the people in the communities and
 15 I'm not sure that they've had an opportunity to really, you
 16 know, make comments on these proposals.

17

18 MR. TITUS: I'm just looking at the agenda. So if
 19 your motion is adopted, then, we have no more discussions on
 20 the C&T for the rest of the day. Right?

21

22 MR. GINNIS: Yes. I guess so. I guess that if the
 23 motion passes, that's what it does. And if I'm out of order,
 24 then I'll withdraw my motion and introduce it whenever you
 25 think it's appropriate.

26

27 MR. MATHEWS: Mr. Chairman?

28

29 MR. TITUS: Yes?

30

31 MR. MATHEWS: The passage of that motion wouldn't
 32 preclude you from further discussion about it, but you're
 33 basically asking for more public....

34

35 MR. TITUS: Um-hum (affirmative).

36

37 MR. MATHEWS:review of it. So, you could
 38 continue to look at it.

39

40 MR. TITUS: Um-hum.

41

42 MR. MATHEWS: So, it doesn't preclude that option.
 43 You know, it....

44

45 MR. TITUS: Yeah. The reason I ask is because I was
 46 looking at the rest of the agenda for today -- for the rest of
 47 this afternoon and plus tomorrow, and also keeping in mind
 48 that later on we might get some more people coming in to make

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their comments concerning the C&T determinations.

1

2 MR. MATHEWS: Mr. Chairman, there's two items I want
 3 to point out to you that you might want to think about since
 4 you're at the discussion stage. The first one is the council
 5 requested this special review of the materials that have been
 6 provided on this. You may want to have that special review
 7 again if your motion that's on the floor passes and it's
 8 followed through; that you would have another meeting before
 9 it goes to the proposed conclusion to look over what has been
 10 incorporated, assess if it's been to the level that you
 11 desire. It's been discussed at length that members across the
 12 council have felt that there hasn't been enough review of
 13 that. And then I'll wait on that, but the second one that I
 14 need to point out is the consequences of your action. But I
 15 think discussion may be needed on the first one.

16

17 MR. GINNIS: Mr. Chairman, I guess I didn't feel like
 18 I should have -- I needed to include this in this particular
 19 motion because I just assumed that it would come back to us
 20 after -- I mean, if this motion passed and additional input is
 21 provided, I just assumed that it would come back to us. So,
 22 if there's another motion that's needed to request that it
 23 come back to us after this review, then I'll make that motion.

24

25 MR. MATHEWS: Mr. Chairman, that would make it cleaner
 26 that is the intent of the person that's discussing it.
 27 I'd make it easier to make it clear that the council wants to
 28 come back again. That would be an additional motion after
 29 this one has been handled.

30

31 MR. TITUS: So, under this motion, we're only asking
 32 for more public comment and then a motion would be in order to
 33 state that after the public comments, that these -- the public
 34 comments be referred back to this council?

35

36 MR. MATHEWS: Yes, but you would want the same thing
 37 that would be happening now, if I can put words in the mouth
 38 of the potential presenter....

39

40 MR. TITUS: Yes.

41

42 MR. MATHEWS:of this motion, that you would like
 43 what has happened today, that before the - whatever it's going
 44 to be titled - is presented to the staff committee, that it
 45 would come back before this council. You wanted it before
 46 because you wanted to make sure that you made the staff
 47 committee aware of your concerns before it went to proposed
 48 rule. You can either amend your motion to incorporate that.

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Sometimes that gets a little bit hard to track, so that's why it might be better to go with two motions.

2

3 MR. TITUS: I don't know. How does the rest of the
4 board feel about -- you want to amend the....

5

6 MR. FLIRIS: The motion?

7

8 MR. TITUS: Amend the motion to include that this
9 board reconvenes prior to it being published in the Federal
10 Register?

11

12 MR. FLIRIS: Mr. Chairman, at this point, I feel as
13 though we came here, or I came here anyway, to oversee the
14 process and see how the process works. I don't feel, from my
15 position, very confident about criticizing particulars of what
16 the C&T process entails for this area because I'm unfamiliar
17 with it and, from my point of view, I'm not getting very much
18 input from the public or other council members on whether or
19 not this purple booklet is adequate to the needs of this area.
20 So, I think that's part of why I share Steve's concern that
21 maybe there hasn't been adequate public exposure yet. On the
22 other hand, I have heard comments that it's been around for
23 quite awhile; people have had an opportunity to see it.

24

25 There has been a lot of effort out there on the part
26 of the staff people to get out and get this information, and
27 that that's been pretty comprehensive. But the only thing I
28 can say from my point of view is that I would like to hear
29 other council members tell me what they see here is good, the
30 council members from this area, if they think that this is
31 good for the area, then so be it. But, from my point of view,
32 if this was happening in my area, I would want to see a lot
33 more discussion going on. The few comments that I've heard
34 from the public have said that there are some things that need
35 to be addressed and the advisory committee chairman has said
36 that they haven't had an adequate chance to go over this
37 purple book. So, for that reason, I kind of go along with
38 what Steve is saying, is that we can't decide on this yet
39 until it's gone back out there to the public, especially the
40 advisory committee, for another review. So, I kind of agree
41 with Steve's motion.

42

43 MR. GINNIS: Mr. Chairman, I'd also just like to state
44 also that there's another part of this motion that I think the
45 council needs to consider. It has to do with the Federal
46 Register. I'm requesting that we go back and request
47 additional public review and comment before it's published in
48 the Federal Register. I think prior to this, I think there

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were some comments made here that, depending on the action that's taken here, that it would go ahead and be published and we still would have opportunities to address whatever concerns people in this area may have about this study or these conclusions. But I just fear that once they're in there, we're just going to have a little more difficult time getting them out. So, there's two parts to this motion, actually.

7

8 MR. ROACH: Mr. Chairman?

9

10 MR. TITUS: Yes?

11

12 MR. ROACH: I guess I have a little more faith in the system than Mr. Ginnis does as far as the proposed -- our ability to affect what's proposed in the Federal Register. We did ask for the ability to come together at this time to look over what was presented to us. I agree that more public comment needs to be made on what's here; however, I still feel that that public comment period would be adequate with us meeting in the spring and discussing our final decision on the COT eligibility.

21

22 MR. STARR: Mr. Chair?

23

24 MR. TITUS: Yes, John?

25

26 MR. STARR: I've got the same feeling that they have about this because I thought we were going to have more public comments from the other villages. And so I've got the same feeling as Steve and Bill have got.

30

31 MR. TITUS: Thank you. The C&T determinations were brought up at our prior meeting and it's in the 1993 Annual Report. I know when you change council members, the agenda and of changes along. But last year, we were saying hurry up and let's get this thing done and right now we're saying let's make it easy, hold back and take it easy. So, is there any more discussions under the motion?

38

39 MR. FLIRIS: Mr. Chairman?

40

41 MR. TITUS: Yes?

42

43 MR. FLIRIS: Yeah, it's pretty amusing what you point out there, and I remember that very well, that we wanted to get these things running. And, yeah, there's concern out in our area for having a C&T process take place. But at the same time when you get here to this area, I just get the distinct feeling that we're pushing it a little too fast or something;

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that I'm not hearing -- okay, there's three council members here on this council that are from the area. You, Mr. Chairman, from Northway, and Jeff from Tok and Chuck over here from Dot Lake and I'm not hearing from you guys, specifically. What do you think about this purple book for your area? Does that meet your needs or not? Are you going to represent your communities and say we like this, we like this idea, or are you going to say to us, the rest of us who don't really know anything, no, we've got to go back and go over this stuff again and we'll bring you some better information, we'll fix this document up and supply some more information? Because from my point of view, I can't do anything, I can't operate without that kind of information. And, on the other hand, the advisory committee hasn't come forward and said, yeah, we've had time to look over this thing and we've got some serious recommendations to make or, on the other hand, they might say this is just what we want, we're happy with it. So, that's where I find myself and I think that, from that point of view, that it needs to go back out there again in the public here and dredge up some more comment from people that this is a good document or it's not a good document.

22

23 MR. TITUS: Jeff?

24

25 MR. ROACH: As I stated earlier today, I think that one of the things that we, as a council, really needed to do with this customary and traditional use determination was to sit down and look at the major issues, talk about some of the major issues. And I brought those up: the displacement for harvest areas, the overlapping issue that we brought up earlier today, the mileage, the 120 miles, how that was used in the determination. Those are some of the major issues that I think we needed to discuss as a council, and I think that now is the time to go ahead and do that now that we've been presented with the information that we have; to go back and look at those major issues. And I also made a comment earlier today that was backed up by several of the public testimonies that when we look at this purple document here, you can see that except for two cases, specifically being Tetlin and Northway in Unit 20(D), that some customary and traditional use has been brought up in each one of the different subunits for each one of the individual communities. And I feel that an overall customary and traditional use for each community in each of the subunits in the area, those listed on here, would fulfill the requirement because, as Janis put together and presented to us today, there is customary and traditional use in each one of these categories in each one of these units. We are not -- I don't feel that we're making it too broad at

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this time by doing that, by saying, yes, there's customary and traditional use in each of these units. Because, I mean, the document that we have here presented today says there's customary and traditional use in each one of these units, except for those two specific cases that I stated.

5

6 At a later time, if we need to focus on which community gets preference over another community, that's a whole other step in the process that we're not addressing at this time. We're just saying, did each of those communities have a customary and traditional use of resources in those areas? And looking at this document that was presented by the National Park Service through Janis today, I mean, it says yes in each one of these categories, except for those specific cases. So, I feel that once we talk about these specific issues -- I mean the general issues, the overall issues, and then go and look at this as far as, did customary and traditional use occur - yes, it did in a unit or, no, it didn't in a unit - then, we can probably come up with a pretty good recommendation for a proposed rule that can be commented on during that period that's not going to delay the process that we will have a chance to look at again in the spring.

22

23 MR. TITUS: Any more under discussion? Vince -- oh, John?

25

26 MR. STARR: Mr. Chairman, was this book sent to every Tribal member in the region, Dot Lake, Tanacross, Tetlin, Northway, and Tok?

29

30 MR. TITUS: I don't know. I....

31

32 MS. MELDRUM: There were two copies sent to each of the communities and then individuals that were on the list, that asked to be on the list, got copies as well. But there was not a lot of individuals outside of the village council or community library that got them.

37

38 MR. TITUS: Any more under discussion?

39

40 MR. MATHEWS: Mr. Chairman, before you vote, I just would like to review real quickly where you are in the seven steps of the C&T process because, essentially, if your vote goes to the positive for the motion, I'm thinking you're asking to go back a step. So, if you wouldn't mind, I'd like to go briefly over the steps.

46

47 MR. TITUS: Sure.

48

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MR. MATHEWS: It'll be brief; I'll try my best. Step one is -- this is taken directly from the Federal Register which is in section four that deals with customary and traditional use eligibility determinations. It's on the second page which is 36064. Anyway, step one is scoping which is defined in consultation with pertinent regional councils, affected communities within the adjacent area, and et cetera. So, it's scoping it out. The second step is information collection. Collection and analyze available literature, harvest reports, interviews, and other available information. Step three is analysis, and I think maybe this may be where you're discussing. Analysis: Analyze information as related to the eight regulatory factors identified in the Federal Subsistence Management Program Regulations. That's the ones we talked about earlier, the long-term consistent pattern of use, excluding interruptions, pattern of use, sharing, et cetera. Prepare and present an assessment report including conclusions on needed changes to existing determinations to pertinent regional council and other entities as requested and take comments on adequacy of analysis, and revise analysis as necessary. Four is regional council review: Prepare and present to the pertinent regional council initial staff recommendations relative to the use eligibility determinations. These recommendations will be reviewed by all affected regional councils. I believe in the process, as we stand now, that's where we're at. And then the proposed rule number five which is revise the staff recommendations in consideration of the regional council comments and propose -- I mean, publish a proposed rule in the Federal Register. Six is public review, and seven is board decision. The board decision for this is on your -- I never can remember what kind of chart this is, but it looks like a ladder or steps. It's on there, it's scheduled for the board to take action on it in April.

34

35 Your action to the affirmative has two potential actions that the board could do, or more than two, but the main two ones would be that they would delay the process and wait for additional public input, or the board could act. The board will be taking up the comments submitted here and any changes that will be done to the purple document will be before the board in its November meeting to put together the proposed rule. So, I'm just telling you that it's possible the board will proceed with its schedule or your action may result in that process going off the schedule. And I just wanted to inform you of that and lay out the seven steps.

46

47 MR. TITUS: Thank you. Any more under discussion?
 48n?

49

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1 MR. GRANGAARD: Danny Grangaard, Tok. I had somebody
2 from Tok, a Native, ask me where they're going to fit in this
3 picture. If they live in those boundaries, are they going to
4 be included in Tok?

5
6 MR. TITUS: If they what?

7
8 MR. GRANGAARD: If the Natives that live inside the
9 boundaries....

10
11 MR. TITUS: Um-hum.

12
13 MR. GRANGAARD:there, are they going to be
14 classified as Tok even though they may be from Tanacross,
15 Mentasta, or Northway? Are they going to be stuck with where
16 Tok hunts?

17
18 MR. TITUS: I don't know.

19
20 MR. GRANGAARD: Could you answer that?

21
22 MS. MELDRUM: Well, the boundaries that we proposed on
23 that map and in written form, the council didn't take any
24 action on today and I can't say how the board is going to deal
25 with it. You know, the existing State determinations left the
26 boundaries open. I can't say whether the board is going to
27 require that boundaries be drawn or not. We made an effort to
28 try and do that today so that there could be some input in
29 case they demand that, but I couldn't say.

30
31 MR. GRANGAARD: Well, if the Natives in Tok get stuck
32 into those boundaries, they're not being represented at all, I
33 don't feel, in Tok where they traditionally hunt and fish if
34 they get stuck in the boundaries of Tok where we -- where Tok
35 going to get to hunt. I don't feel like -- because there's
36 a lot of Natives that live inside that boundary line.

37
38 MR. TITUS: I understand what you're talking about
39 because there's quite a few residents here in Tok that's
40 originally from Northway.

41
42 MR. GRANGAARD: Um-hum.

43
44 MR. TITUS: And that was one of the problems I had
45 with setting up boundaries, was because of that. I know that
46 they have traditionally hunted and fished and trapped up in
47 the Northway area, mostly around in the Unit 12 area. And I
48 don't have any problems with that, but if this system is going

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to restrict them to a certain community, then, that's one of the problems I have with boundaries.

2

3 MR. GRANGAARD: Thank you.

4

5 MR. TITUS: Any more discussion on the motion?
Hearing none, all in favor of the motion signify by saying
aye.

8

9 MR. STARR: Aye.

10

11 MR. MILLER: Aye.

12

13 MS. PETRUSKA: Aye.

14

15 MR. GINNIS: Aye.

16

17 MR. FLIRIS: Aye.

18

19 MR. MAYO: Aye.

20

21 MR. TITUS: Opposed?

22

23 MR. ROACH: Nay.

24

25 MR. TITUS: One nay. Jeff Roach. Okay.

26

27 MR. MATHEWS: Mr. Chairman?

28

29 MR. TITUS: Yes.

30

31 MR. MATHEWS: You had -- the motion presenter kind of
had an intent with that and was probably going to come up with
an additional motion to make sure that this -- results of the
public review be presented to the council at the next regular
special meeting before the proposed rule is published. Do
you -- is that still viable or whatever?

37

38 MR. GINNIS: Yeah. Just give me a minute here.

39ll....(pause) Vince, can I ask you a question on this?

40

41 MR. MATHEWS: Sure.

42

43 MR. GINNIS: The chairman here is talking to me about
possibly a special meeting and, I mean, just to deal with the
commendations and the input that's going to come back. I
don't know if that would be in order to request a special
meeting to deal with that issue or to deal with it at our
regular scheduled meeting. I believe it's in March or -- when

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I look at the calendar, I think it was March 3rd through the 4th or something like that.

2

3 MR. MATHEWS: Mr. Chairman, Mr. Ginnis, the question would be the timing of getting the adequate public review. If that transpired prior to your March meeting, then you could probably incorporate this into your March meeting, what you've requested or potentially have requested. I don't know on the adequacy of what time frame you're looking -- what time frame we need to get the adequate review that you have requested. I would have to put in a request for a special meeting. I don't know the process of doing that, so I would need a break to explore that option.

13

14 MR. TITUS: Yeah. David James will help you, I guess.

15

16 MR. MATHEWS: I was hoping he'd be coming, sprinting up here, but he hasn't been....

18

19 MR. TITUS: He's hiding out, I guess.

20

21 MR. MATHEWS: Mr. Chairman, on that, you have to -- it has to be noted, which I failed to note in my long thing of the seven steps, this process started back in September of 1990. There's been a lot of effort involved with this. An additional meeting, I think, would not break the back of the process, but I'd have to check into that. There's been a lot of effort in this, there's been a lot of work done by communities and by staff.

29

30 MR. TITUS: The reason I'm asking is the motion asked for additional public review prior to being published in the Federal Register and my understanding that was -- the reviews and comments would be -- this board would have a time to come back and take additional comments and reviews prior to it being published in the Federal Register which is November, next month, if I understand the motion.

37

38 MR. MATHEWS: Mr. Chairman, if I could try to clarify 38. The intent of the presenter was that it would come back before this. I was just trying to make sure it got on record that the full council agreed that it come back before the council. So, the intent is there; essentially, it's pretty much done other than getting the motion because the intent is in the record that it would come back. I just want to make it clear on the transcript and the record that the full council wanted that back. I think what you need to look at is not the timing. Do you want it back before you? I don't think you need to look at the timing or the question of special meeting.

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Do you want it in front of you or not? If you do, then the motion is that and then we will find out if the possibility of a special meeting or not is attainable.

3

4 MR. GINNIS: Mr. Chairman, I didn't intend to request
5 special meeting and if there were going to be one, somebody
6 has mentioned November and, you know, that's just next month.
7 And, here, we're -- I'm asking for public input and if we
8 were to have a special meeting next month, I don't think that
9 would give us sufficient time to seek the input that we
10 wanted. So, I guess I would move that the findings and the
11 comments come back to the council at our next regular
12 scheduled meeting. And I so move.

13

14 MR. FLIRIS: Sec-....

15

16 MR. TITUS: We have a motion on the floor. Do I hear
17 a second?

18

19 MR. FLIRIS: Second.

20

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

22

23

24 MR. FLIRIS: Mr. Chairman?

25

26 MR. TITUS: Yes, Bill?

27

28 MR. FLIRIS: Do I get this right, that what we're
29 attempting to do here is delay publishing of a proposed rule
30 until we get more input from the communities, advisory
31 committee, and so on and so forth? So, I don't know if that's
32 going to work or not, but I think that's, you know, what --
33 that's my interpretation of the motion that we've made here,
34 that it's going to be delayed and I think it's appropriate
35 that we find out at our next regularly scheduled meeting in
36 March what has been done here in this area to go out and
37 gather additional comment and advisory committee work on these
38 ideas. That's all I have.

39

40 MR. ROACH: Mr. Chairman?

41

42 MR. TITUS: Jeff?

43

44 MR. ROACH: I'm going to wait until after the motion.
45 I'm sorry. Go ahead. Let's finish the motion.

46

47 MR. MATHEWS: Yeah, essentially, your action, if the
48 staff committee decides to take your action in the positive,

49

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has delayed it because the staff committee is meeting on November 4th - if I remember correctly, that's two weeks away - to take this up. Well, obviously, I don't think we're going to get public input done before that. So, most likely and, hopefully, the staff will agree to this, we're not going to be able to get that public review of this prior to those dates and prior to getting into the Federal Register in time to incorporate it. I don't know, I need someone else to speak on the Federal Register time-lines to get it before the board in April. But the concern that the council has expressed needs to look at that concern and should not focus on the time aspect. If you feel that the information has not been adequate for you to make comments on this, then, the time will change by your actions. That's why I mentioned the eight steps and the potential that this could skew this off. This C&T was tracking with Kenai Peninsula C&T which will come up before the board at the April meeting.

17

18 MR. TITUS: Any more discussions on the motion?
Hearing none, all in favor of the motion signify by saying aye.

21

22 ALL MEMBERS: Aye.

23

24 MR. TITUS: Opposed? (Pause) Motion carried.

25

26 MR. ROACH: Mr. Chairman?

27

28 MR. TITUS: Yes?

29

30 MR. ROACH: I'd like to make a motion, please.

31

32 MR. TITUS: Yes.

33

34 MR. ROACH: I would like to make a motion that the --
when the public review occurs, that this be considered
Alternative A. Alternative B I would like to be that all five
communities receive a positive C&T determination in Units 11,
12, 13(C), 20(D), and 20(E), except for those communities that
have no determination in the unit listed on this sheet
indicates pink sheet, "Existing and Proposed C&T
Determinations by Community and Species"].

42

43 MR. GINNIS: I'll second the motion.

44

45 MR. TITUS: The motion has been made and seconded.
Discussion?

47

48 MR. ROACH: Mr. Chairman?

49

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1 MR. TITUS: Yes?

2

3 MR. ROACH: The justification for that is that we had
 4 some public testimony here today that addressed, basically,
 5 that issue and if we're going to go to the public, let's give
 6 them some options to look at and get some feedback both ways.
 7 If we just put this one out, we may get some feedback that
 8 kind of swings both directions away from this one and it might
 9 not be as helpful as having a couple of options to look at and
 10 say, yes, that's what we want or this is what we want or we
 11 something right in between. So, we have a better feel for
 12 what the whole spectrum of the public comment is. And I think
 13 may need to clarify the motion I made. I saw somebody come
 14 up there. On this sheet, there are -- under the categories
 15 for the subunits, there are subunits that for an individual
 16 community such as, oh, Tetlin under 20(D), has no positive C&T
 17 determination under 20(D). Those would be the exceptions,
 18 would be those communities that have no positive determination
 19 for a unit for any species.

20

21 MR. TITUS: Did you have a question?

22

23 MR. MATHEWS: Yes. Yes, we have it. You're saying,
 24 then, that you're mainly focusing on the proposed C&T
 25 determinations. Correct?

26

27 MR. ROACH: What I'm offering is an alternative that
 28 would be that all C&T, the customary and traditional use
 29 eligibility determinations, be positive except for those
 30 exceptions listed.

31

32 MR. TITUS: Are we still confused? Questions?

33

34 MR. GINNIS: Was there a second?

35

36 MR. TITUS: Yeah, there was a second. We're in
 37 discussion right now. Yes, Bill?

38

39 MR. FLIRIS: Yeah, I like that idea. It's along the
 40 right track. I think it gives some alternatives and it gives
 41 some room for some real discussion here and, you know, if it
 42 was left to a worse-case scenario, I'd like to be -- if I was
 43 in the area, I'd like to have a positive determination for
 44 each species in each area rather than have something that
 45 limits people to certain areas and certain places without a
 46 lot of public comment along the lines that, yeah, that's all
 47 right, you know, we agree with those limits, we never hunted
 48 there anyway. I don't hear that. All the public testimony

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that I've heard - there's very little of it - but what I've heard is along the lines of, no, that's not right, that's not correct. And what I've heard also is that there's a lot of other people out there who don't agree, who haven't been involved in the process. And, so, if I was going to make a blanket decision, I think I would make the decision that they should all be given C&T in each game unit for each species if there's any indication at all that they ever used that area. So, I feel that's along the right lines for discussion and I'm hoping that by March, when we have a meeting again, we can hear that there was some real good discussions going on here about that and what the conclusions were, and that the advisory committee got into it real good and had as many meetings as necessary to resolve it. I'd feel a lot better then.

15

16 MR. TITUS: Was there two parts to your motion?

17

18 MR. ROACH: No.

19

20 MR. TITUS: Just the one? Okay.

21

22 MR. ROACH: Just the one part.

23

24 MR. TITUS: Any more discussion?

25

26 MR. MILLER: Yes, Mr. Chair.

27

28 MR. TITUS: Yes.

29

30 MR. MILLER: Jeff, would you be working with the existing or the proposed?

31

32 MR. ROACH: With the proposed.

33

34 MR. MILLER: With the proposed?

35

36 MR. ROACH: Yes.

37

38 MR. TITUS: Any more discussion? Hearing none, all in favor of the motion signify by saying aye.

39

40 ALL MEMBERS: Aye.

41

42 MR. TITUS: Opposed? (Pause) Okay. Any more -- where are we at now? (Pause) I don't know where to -- yes, Bill?

43

44 MR. FLIRIS: Maybe it's appropriate that -- I'd like

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to make a motion that the council is not in favor of the community borders idea as a way of doing C&T determinations in general, nor are we in favor of the 120-mile road limit idea as the set formula. But, rather, I would think that the council should -- or that the C&T determination should take into account factors in the local areas. Every time they do a C&T determination for a local area, they should attempt as best they can to come up with a local solution to the problems rather than coming up with ideas that have to be applied to all these areas. Because I can see problems in our area if that sort of formula was applied or some version of it. I don't want it to set a precedent in the process that they have to define borders around communities, unless that fits the community needs. I see evidence that it may fit certain communities' needs to have it done that way. I don't feel it's appropriate in this area and, from what I've heard anyway, the majority of the testimony about it, and I don't think it would be appropriate in our area either. So, yeah, that's a motion.

19

20 MR. ROACH: Boy, it's a good one.

21

22 MR. FLIRIS: That's a way of bringing it out. Should that be one motion or two?

24

25 MR. TITUS: The motion you made was not -- the council opposes the 120-mile....

27

28 MR. FLIRIS: I'm not in favor of that formula. I'd make a motion to that effect.

30

31 MR. TITUS: Opposes that formula.

32

33 MR. FLIRIS: Yeah.

34

35 MR. TITUS: And what else -- what was....

36

37 MR. FLIRIS: And the community border.

38

39 MR. TITUS: Community boundary.

40

41 MR. FLIRIS: Boundary.

42

43 MR. TITUS: Boundary.

44

45 MR. FLIRIS: Boundary, right.

46

47 MR. TITUS: Okay. A motion is on the floor to oppose the 120-mile formula and the community boundary.

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1 MR. MILLER: Second.

2

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

4

5

6 MR. GINNIS: Mr. Chairman, I guess the only thing I
have to say about the motion is that I'm not sure what our
role is in this matter, but it seems that this would be
something that the communities would have to decide for
themselves. Are we mandating something here through this
motion?

12

13 MR. FLIRIS: Mr. Chairman, the way that I had intended
it was that we're not in favor of it as a way of doing
business in the C&T process in general. Not that it's not
appropriate. If the people in this area decide that they do
like that formula, then it would be good for this area in
particular, but doesn't carry over to other areas necessarily;
that 120 miles is a way of doing things, because this area
established that it doesn't necessarily have to apply to other
areas. That's what the intent of what I said was.

22

23 MR. TITUS: Any more on discussion? Hearing none, all
in favor of the motion, say aye.

25

26 ALL MEMBERS: Aye.

27

28 MR. TITUS: Opposed? (Pause) Is there any more
comments or questions from the public? Or any more motions?

30

31 MR. ROACH: I'd like to move that we recess for dinner
at this time and reconvene at 1800 -- at 6:00.

33

34 MR. TITUS: Okay. Don't need a motion, I guess.
We'll just recess till 6:00. Oh, wait, let me see. Wait.
Right now is a good time for the board member- -- for the
travel things.

38

39 (Off record)

40 (On record)

41

42 MR. TITUS: We're going to continue on with the
agenda. The time right now is 8:30 in the morning. (Laughs)
Under Old Business, (A), report of the Federal Subsistence
Board action since the last council meeting. Vince?

46

47 MR. MATHEWS: Thank you, Mr. Chairman. Now that
everybody is bright-eyed and full-stomached, we'll charge into

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the past. I need some direction on how you want me to proceed with this. Essentially, if you turn to Tab No. 4 and you go beyond what I talked earlier about, the C&T priorities list, you'll come to this chart like this and there's copies for the public. What this is, is just a chart showing all of the proposals that you took up at your last council meeting, your recommendation, the staff recommendation and the board decision. We do have -- the rest of your team here, if you have specific questions -- I'm asking for directions. Do you want me to go down the proposals and list, you know, kind of what happened and then if you have questions, I brought copies of the -- a copy that I can look into of exactly what the board might have done? It might be a good idea to go through some of them for the new members. It's this chart here. I'm sorry. It's the one that goes horiz- -- well, they all go horizontally. The one that goes -- it just goes this way. (laughter) I've run out of all the -- at the other meeting I went to, one council member said we should use pretty words. I've run out of pretty words to tell you. It looks like this. Okay? So, maybe it'd be a good idea if I walked through a few of them so the new council members can see. Is that agreeable, Mr. Chairman?

22

23 MR. TITUS: Sure.

24

25 MR. MATHEWS: Okay. Well, we'll start out with the good ones right off the bat. If you look at that chart, you'll see in the far left, you'll see it says for No. 1, that means Proposal No. 1, and that subject was the statewide furbearers and the description. Now, this isn't the full proposal. This is just kind of giving you an idea of what the proposal was looking at, was modifying trapping regulations to permit same-day airborne taking of wolves, lynx, coyotes, red fox and Arctic fox. Your recommendation on that which is the fourth column in, Eastern Interior opposed that, Western Interior supported it. The staff committee recommendation was to oppose it; the board in its meeting rejected it. Okay. I'll just randomly select another one if you would like. If you look at -- I'm trying to get something that makes it a little clearer for the new members. If you look at number -- Proposal No. 69 which is Unit -- the subject is Unit 12 and 20(E) wolf. The description is to limit the size of snares for trapping wolves to no smaller than 3/32 inch in Unit 12 and 20(E) in April or October. You supported that proposal, the staff committee supported the proposal, and it was adopted by the board.

46

47 I'll just turn the page and we'll just cover one or two more and then I'll give you a summary, unless you have

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specific questions about any particular one.

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MR. TITUS: Do No. 76.

MR. MATHEWS: Okay. No. 76 is Unit 20(B), moose. Repeal all Federal subsistence regulations for the subunit or align Federal regulations with State regulations (Tier II State registration limit hunt season in a portion of the unit)." Eastern Interior opposed the proposal; the State Tier I system does not comply with ANILCA. The staff committee also opposed it, and the board rejected it. And since we have different sporting events going on, you can see your running score down at the bottom. You submitted or commented, excuse me, you commented on fifteen proposals; thirteen of those proposals were where the board was in agreement with your council recommendation, zero proposals disagreed - hmm, I might not have done this right - and then number of proposals deferred or withdrawn or et cetera was two. So, it kind of gives you an idea of the trend that the board, in general, last time followed your recommendations.

If the council has any specific questions about the process or needs some further information on any of these proposals....? And I'm going to recommend to the coordinator that is selected for this position to kind of follow suit with this so you get a feedback of what happened with proposals that you took action on. Any questions from any of the members? New members, in particular, I hope -- your next meeting, you will be walking through a proposal book. There will be proposals that will be statewide. There will be proposals for your region. You'll have your staff -- well, your staff. We call them in the office your "team," but anyway the staff will present the biological information. The staff also will present the sociocultural information and any comments we receive. And then you will debate that proposal you desire to take that proposal up, and then come up with a recommendation which is forwarded to the staff committee. The staff committee then takes the regional council recommendation and other data and they come up with their recommendation and it, in addition to your recommendation, goes before the board. I'm doing this for the new members. And then the chair or representative attends the board meeting and testifies and assists the board in its deliberation on a proposal that comes up. In the last meeting, Jeff Roach went and testified for you. Lee, I think you've gone to one or two. If new members have questions about that, it's important that someone attend and represent the council if the chair or the vice chair cannot attend. Essentially, that's a nutshell of the program. Any questions on that? That would complete

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that section of the agenda if there's no questions.

1

2 MR. TITUS: Any questions? Moving on.

3

4 MR. MATHEWS: Okay. I'll go on to B -- or 2, (A)2
 5 which is Operations Manual, and Review and Comment. I put
 6 that on the agenda. You have an action from your last meeting
 7 that you approve the operation manual. So, it's kind of a
 8 dead issue on the agenda, but I can show -- expose the manual
 9 to the new members, but, essentially, the council as a whole
 10 adopted the manual at your last meeting. So, would you like
 11 me to point out the manual?

12

13 MR. TITUS: I don't know.

14

15 MR. MATHEWS: For the new members, it's in your tab --
 16 's under Tab 1, and that's your operations manual. I
 17 believe -- without looking at your minutes, but I believe you
 18 spent quite a bit of time going through that at your last
 19 meeting. I kept it on the agenda because of the new members
 20 and the agenda was approved by Lee, but it was kept on there
 21 just to make sure if there was something else. Pretty much,
 22 if there is nothing else, this manual will no longer be a
 23 final draft; it will just be a final. It will be a "done"
 24 manual.

25

26 MR. TITUS: I'd just like to stress to the new council
 27 members to read through the charter and read through the
 28 operations manual. There's a lot of really good background
 29 information there on how this council was formed and the
 30 duties of this council. There's going to be a lot of
 31 decisions that have to be made by this council and it'll be
 32 really -- this manual is really helpful and will help you in
 33 making these decisions. And I'd just like to stress that you
 34 read through the charter and the operations manual when you
 35 have time.

36

37 MR. MATHEWS: Mr. Chairman, I kind of got out of
 38 sequence there. The other board actions that this council
 39 needs to know about, as you know, there is the what we call or
 40 in the "Subpart D Process" which is where people submit
 41 proposals to change regulations, and it goes through that
 42 process that I laid out a minute or two ago. There's also the
 43 avenues of people requesting a special action, saying that
 44 they feel there is an emergency situation or something that
 45 needs direct board attention. That is summarized in this chart
 46 here that goes horizontal but is more narrow. It's this one
 47 here, and there's copies over there, also. This is statewide
 48 and I wanted just to incorporate this in the book so you'd see

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special actions elsewhere throughout the state. You would take up -- possibly be contacted on special actions in your region. So if you can find that one, I'll just pick one that will -- it's under -- no, it's in the other book. Sorry, John. Under Tab 4. Okay.

5

6 I'll just pick one at random under "Special Action." Well, let's take one that is in your area and that's the second from the bottom which is Special Action 07. It's the seventh one for that year. It covered Regions 2, 6, and 9. It was in Unit 20(C). Essentially, the requested action was there was a request from the Denali Subsistence Resource Commission to establish a November 15th through December 15th moose season in the specified National Park Service Lands in Unit 20(C). The board action on that: The board granted the request at the August 17th, 1994 meeting. And Jeff Roach testified there and maybe he may want to share some comments on that.

18

19 MR. ROACH: Yes, I would just like to make a quick comment on that. The Denali SRC made the request to the Secretary of the Interior on the November-December moose season and that came after several years of attempting to get that season on a local basis, get the change in place on a local basis. I went down to represent this council there and one of our concerns was that the SRC went directly to the Secretary of Interior and then the Secretary of Interior went directly back to the SRC, kind of leaving this council, the regional council, out of the loop. And when I discussed or presented the information to the subsistence board, they went back to direct the Park Service that if the SRCs used that route which is their direct route and the correct route for them to take, then it's the Secretary of Interior's responsibility back through the Federal Subsistence Board to present those recommendations to us for review before they put them up for action before the Federal Subsistence Board.

36

37 MR. TITUS: So, action was taken to the positive on this particular....

39

40 MR. MATHEWS: Correct, on 94-07, there was a positive action taken on that.

42

43 MR. TITUS: Without the review of the council?

44

45 MR. ROACH: The one thing that we -- I talked to you, me, and then we had already briefly discussed the issue of a winter season. It was brought up by Mike Pearson at one time. And we had agreed that as long as the resource could stand --

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or withstand the harvest and that it wasn't limiting any user, and that's basically what I told the council, that -- or the Board. In the past, the council has not been in favor of limiting harvest as long as it was biologically sound. And they went ahead and made a decision with that agreement; that in the future, they would come to the advisory councils for their input before they took any action on an SRC proposal.

7

8 MR. MATHEWS: Mr....

9

10 MR. TITUS: Yes?

11

12 MR. HAYNES: I don't know if it's appropriate to raise the question, but I deal a lot with the SRC process. I'm Terry Haynes with Fish and Game. Mr. Chairman, Jeff, is what the -- what you were told is that the Federal Board will go through the regional councils before it acts on SRC recommendations?

18

19 MR. ROACH: What it said was that it would task the Park Service, it would ensure that the Park Service would bring those proposals to the regional councils for input. I don't know that they -- I can't say that they specifically said they would not act, but they would ensure that the Park Service came to the regional councils with that information on those proposals.

26

27 MR. HAYNES: That might be information that will be of interest to some of the commissions because they have been told all along that they have a direct line to the Secretary to take actions and that, in this case, the Secretary directed the Federal Board to address the issue. I think if there are going to be other hurdles for the commissions to cross, that that will be something I'll want to make sure I pass on.

34

35 MR. ROACH: I don't see it as a hurdle, and I think more of it -- it was more of an informative -- more information than anything else because, like I said, that is the process that's supposed to occur. And the Secretary of Interior did not change the process in any way other than saying that the National Park Service would inform the regional councils of that action before it occurred.

42

43 MR. HAYNES: Okay. Thank you.

44

45 MR. MATHEWS: Mr. Chairman, you'll notice on that Special Action sheet, No. 1, that's on your agenda now. It's coming up later and probably tomorrow, and that's to deal with Regions 2 and 9, Units 6, 11, 12, 13, 16, 20, and 25(C), which

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is a request from Alaska Department of Fish and Game to adjust lynx trapping seasons to correspond to State seasons. That's on your agenda later tomorrow. So, that's a special action that's coming by you and you'll see in your column there, it says, "Tentative board action will be November, '94." So, we'll be incorporating your recommendation to the board on that action. That's pretty much the special actions. The special actions are sometimes coined "in-season actions." There's -- it's only actions that would happen within one season. And I'll just go ahead and go to the next chart which is the next page, which is Request for Reconsideration. That's where individuals, organizations, can ask the board to reconsider its actions. So, let's see if I can find -- nope. We'll just pick one here. We'll take one for Region 5 which is R94-02 which is the second Request for Reconsideration received during that year, and that's Region 5, Unit 18. They wanted to reinstate the September 1 through 30th moose season for the Lower Yukon Drainage and set concurrent dates, State and Federal, for the ten-day winter season. And then there it says, "See board action on 94-01 for the request for the fall season," but, essentially, the board rejected the request to set the concurrent dates for the winter season. This just kind of gives you an idea that there are Requests for Reconsiderations out there. I just wanted to show you the structure of this information. None of these affected your region, but I wanted expose you to that. You might be getting Requests for Reconsiderations which do require a regional council recommendation. Okay. So, that brings us up to present as far as past board actions since you've met last time. I can go ahead with the charter thing. I know you've mentioned the charter, but I put -- I'm drawing a blank. Let me check real quick. What I'm asking here is I don't know if the new manuals for the council members have the old charter or the new charter in it.

34

35 MR. TITUS: There's more than one charter?

36

37 MR. MATHEWS: Okay. I just wanted to confirm for the new council members, your book is up to date. For the council members that are returning, under Tab 5, you'll see your charter again and it has changed and I may need some assistance on this, but the only change I know of is the change that -- "Removal of Members" which is on page 3 of your charter. I apologize for having you walk through all of these papers, but this sets the structure of your council. On page 35 of that charter, under "Removal of Members," it now reads, "If a council member appointed under Paragraph 9 misses two consecutive regularly scheduled meetings, the chair of the Federal Subsistence Board may recommend that the Secretary of

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Interior with the concurrence of the Secretary of Agriculture remove that individual." So, I may need David's help on this one, but I believe the board has adopted that and it's now before the Secretary for signature. I believe that's where it is.

5

6 MR. JAMES: (Nods head)

7

8 MR. MATHEWS: Okay. He's nodding his head "yes." But that's my understanding. The board passed it; it's somewhere in Washington for the Secretary of Interior's signature. I believe you voted for that "two consecutive." And for the members that are standing members, were there any other changes that you requested or....(pause) I don't think....

14

15 MR. TITUS: I think that was the only....

16

17 MR. ROACH: I think that was the only one, yes.

18

19 MR. TITUS: Because it had three con- -- I remember it had three consecutive....

21

22 MR. ROACH: Three.

23

24 MR. MATHEWS: Correct.

25

26 MR. TITUS:meetings, but....

27

28 MR. MATHEWS: Other council....

29

30 MR. TITUS:we don't have more than three in a year.

32

33 MR. MATHEWS: Right. Other council meetings that I've attended have looked at their charters and have passed other additions or corrections. So, I don't -- you have the option now, but, essentially, the charter that's unsigned is already in Washington, so your changes would have to go through the next cycle, I assume. But for the new members, the charter is what sets up your council, kind of gives you direction as to what you're supposed to do, and it's more fleshed-out or more -- better explained in your operations manual. Any questions on the charter?

Okay. Let me check my notes to make sure I have covered everything in -- I can go ahead, Mr. Chairman, on to the next item on the agenda, if the council so desires.

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47 MR. TITUS: Sure.

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MR. MATHEWS: Okay. The next agenda item is under Old Business. We are in Old Business now. It's (B) which is response to council correspondence from the February 1994 Fairbanks meeting. You have a copy under Tab 4. The public has -- I believe I put a copy over there, if they need one. If it's not there, please let me know, the public. But in there is a Federal Register from Tuesday, August 2nd, which is the final rule on the regulations prohibiting the taking of free-ranging wolves and wolverines on Alaska National Wildlife Refuges on the same day the trapper or hunter is airborne. I had hoped that there would be another staff person here to go into detail on this. Essentially, what I'm going to give you is what is found in the summary of that register. I can do that on the record, if you would like.

14

15 MR. TITUS: Just the summary?

16

17 MR. MATHEWS: The summary, yes. Okay. I don't know this in detail, so if we do have questions come up, maybe there's some refuge staff that might be enlightened on it. Okay. Essentially, what this action did -- if I remember correctly, your action was to oppose it. The reasons for your opposition was that you felt that there should be -- well, let me read it from your minutes. Essentially, you disagreed with that; that you felt it should be done with other agencies. Let's see, "The council concluded that any action to address same-day airborne taking of furbearers should apply to all Federal lands and that the U.S. Fish and Wildlife Service rule-making process should be coordinated with other Federal agencies." So you voted in opposition to this same-day taking -- yeah, same-day trapping or hunting. And the final rule came out with this which is on the August 2nd Federal Register. This rule, and I'll just read it because it makes it clearer, "This rule prohibits trappers and hunters from shooting free-ranging wolves and wolverines in National Wildlife Refuges in Alaska on the same day in which the person is airborne, except that trappers may use firearms to dispatch wolves or wolverines that are legally trapped or snared on the same day in which flying occurred. The prohibition does not apply to trappers and hunters transported on regularly scheduled commercial flights between public airports. Hunting and trapping will continue to be allowed on Alaska Refuges pursuant to applicable non-conflicting State of Alaska and Federal laws and regulations as specifically authorized by ANILCA in 1980. Aircraft access to and within Alaska Refuges for sport or subsistence hunting, trapping, fishing, and other additional activities and for travel to and from villages and homesites will continue to be allowed, subject to reasonable regulations to protect refuge resources and ensure that uses

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are compatible with refuge purposes." And that's reading it directly, but that gives you what the final rule was on that action. Any questions that I might be able to answer on that?

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4

5 I'll just advance into the agenda because I'm just covering all that's pretty much left here. The next item is Letters to Denali and Lake Clark Subsistence Resource Commissions. Okay. What I understand on that is in your Council book, this book here, in Tab 4, you have a couple of letters that came in since your last meeting addressing SRC recommendations. Let me see which way we should go on this. I could leave those letters up to you for reading if that might be -- unless someone has some questions on that.

14

15 MR. TITUS: Yeah, I think it's just information.

16

17 MR. MATHEWS: It's a follow-up on your actions and confirming your actions. Okay. If there are no questions, then I'll try to get you something maybe a little bit more exciting. That leaves us to -- unless there's some other, under response or correspondence that I don't know of that you would like to make sure other council members know, this would be an opportunity to do that. You may have received something as a council member that other ones didn't that you would like to share. Seeing no one acknowledging that, we'll go on to the next item.

27

28 MR. FLIRIS: Mr. Chairman?

29

30 MR. MATHEWS: Oh.

31

32 MR. FLIRIS: Yeah, I was just reading this letter from B3S. Fish and Wildlife Service - it's under Tab 4 there - to you and it was talking about some of our recommendations and the one that we had made about local advisory committees, specifically that the Federal system recognize and use and possibly fund State-run advisory committees. And it says down at the bottom of the third paragraph, "We will continue to encourage the local advisory committees to represent the interests of subsistence users to the regional councils and to the Federal Subsistence Board." So, it sounds like they took what we recommended positively and that the State advisory councils are supposed to be basically a part of our working system here. But I think that we had maybe a breakdown in that already with what went on here in that the advisory council never had an opportunity to adequately review the proposed rule here that we were dealing with on the subsistence uses. And I was just wondering if we could make

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it a point of always coordinating our meetings in the future so that the local advisory committee would be in the loop and have plenty of time to have their recommendations before us so we could implement what we asked for here.

4

5 MR. MATHEWS: Well, Mr. Chairman, as it stands now, my understanding is the materials are provided to the local advisory committees. In general, they're provided to the officers of the local advisory committee. As some of you know, I was the past State coordinator. It is up to the advisory committee itself to put the Federal issues on their agenda and then they would have to approach the State for funding to attend this meeting if it was not locally. So, there is still a funding question there. And I would encourage the council to work closely with the advisory committees to get input. I put in a request to get copies of the agendas of their meetings so you could kind of keep track of what issues are surfacing at their level, per se, and then that way we can kind of work together through this process. And this is going on in other regions, also, to assist that.

20

21 MR. FLIRIS: Yeah. Mr. Chairman, I think the intent is good, but I don't think it's working right yet because I know in the case of TRM advisory committee, we -- our coordinator is now with the Subsistence Division of the Alaska Department of Fish and Game and we don't have near the support that we used to have in that way. I'm not blaming them in particular because they're kind of overloaded, I think, with that additional responsibility. But we don't get the same kind of updates and service that we used to get when you were here, Vince, or Cheryl before you, and I feel that the system is tending to break down. And I don't know if that's the case out here, too, but, you know, Frank Entsminger said that they just haven't had enough time to go over the information that they just recently received before we arrived on the scene to listen to the recommendations. And I think that we have to really strive to work hand-in-hand with those advisory committees to get things coordinated so that they've had full opportunity and that when we show up or they come before us, they're ready with the information that we need to get from them because they're the grassroots elected people. And, personally, I really depend on their input, advisory input, to be able to make any decision, especially in an area outside of my own area. So, I was just reading that letter and I thought myself, yeah, we've got -- the subsistence board is behind working with the advisory committees, but we don't have any real system yet and there isn't any actual Federal money being put in there. The State money is drying up every day for those advisory committees. And I think they're suffering and

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we'll suffer as a result, too, if we don't make a continual effort to prop up the advisory system and keep it going.

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MR. TITUS: Thank you, Bill.

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MR. MATHEWS: If you want, we can go to number (C) unless there's other questions about correspondence or any of the other materials I covered in that section of Old Business. Okay.

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10

MR. TITUS: Annual Report?

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MR. MATHEWS: Yes, Annual Report, and I'm going to heed your direction on that. I'm going to -- that's under Tab 54 in your book. The way I set it up is I put together a sheet that has this box in it, like this, and I believe there's copies out there for the public. If not, I have them here. Okay. The Annual Reports come out of Section 805 of ANILCA in Title 8. And, basically, I mentioned those earlier when we went over new members' orientation. I'll briefly go over them again and that's identification of current and anticipated subsistence uses, evaluation of current and anticipated subsistence needs, a recommended strategy for management of fish and wildlife populations within the region to accommodate those uses and needs, recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. What I put down, the next part, is my interpretation of what the Annual Report is to do. The key points are, again: Identification, evaluation, recommendation of a strategy or design for management of subsistence resources, and recommendations on guidelines, regulations, policies, standards to carry out the strategy. And then important points to remember with an Annual Report is: Who is the audience of the report? The audience of the report is the Federal Subsistence Board and the entire Federal Subsistence Management Program. No. 2, the Annual Report may be reviewed as a report card on the subsistence program, including the regional advisory council system. No. 3, the Annual Report is means outside of the Subpart D and that's the proposal process where you submit proposals to change seasons or harvest limits. To document existing conditions, future needs and concerns. The Annual Report can provide directions or guidelines for future council members. The reason I drafted that was to kind of explain the Annual Report and also to address some other correspondence that the council has had concerning Annual Reports. And the next page is your Annual Report for 1993. The Annual Report for 1993 was submitted to the Federal Subsistence Board and, I think Dave is still here; he needs to confirm for me that -- I was not able to find in

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any record a response from the Federal Subsistence Board. Do you know of any response, Dave?

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3 MR. JAMES: (Shakes head)

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5 MR. MATHEWS: Okay. I just need confirmation of that. The reason I needed confirmation is I only recently received the files and I want to make sure I, by accident, didn't miss something. So, your Annual Report for 1993 -- none of the Annual Reports, to my knowledge, submitted by eight of the ten regional councils have received a response from the Federal Subsistence Board. This meeting here I believe for your region, and I may be confusing you with another region, some regions the council drafts the Annual report; other regions, the subcommittee drafts the Annual Report and brings it back to the council and -- or a combination of those two. So, I'm not sure how yours was put together, but we're at that phase again to submit an Annual Report. So, I'll leave that to the Chair and the council to give me direction of where to go.

19

20 MR. TITUS: This Annual Report has to be done before our next meeting or we need something in there for the next meeting?

23

24 MR. MATHEWS: My understanding which is not totally clear, it's due in November.

26

27 MR. JAMES: November 15th.

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29 MR. MATHEWS: Okay. I was going to attach a date, but it's been confirmed. It's -- last year it was November 15th; this year I think it still stands November 15th.

32

33 MR. TITUS: I think we can table this here till at the end of the -- till we're done with the rest of the agenda because I think there is some stuff that we can include in the Annual Report that we're going to be discussing either later on this evening or in the morning.

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39 MR. MATHEWS: So, if I understand you correctly, you would want to table our addressing '94 Annual Report until the end of the meeting?

42

43 MR. TITUS: Um-hum (affirmative). If that's all right with the -- Bill?

45

46 MR. FLIRIS: Mr. Chairman, we did have a teleconference about the nature of the Annual Report. There was only two of us participating, but with David, and we

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didn't really come to any conclusions specifically of what the Annual Report should be about, but it seemed as though a lot of what we used to include in the Annual Report in the old days may not be necessary any more. It's quite a document that you'd have to put out every year and a lot of it's covered in our proposals and recommendations to the Subsistence board anyway. And the question I think was, why go through all of it twice and do it all over again? But we never came to any real good conclusions. There was only two of us on the teleconference. But I just wanted to bring it up because maybe it's not completely necessary to do an Annual Report any more. Maybe David could talk a little bit about that from his point of view.

13

14 MR. MATHEWS: Mr. Chairman, that teleconference he talked about is summarized; that's that attachment I added to your minutes because I didn't know what to do with it. So, for new members, that's under Tab 4, the last sheet.

18

19 MR. JAMES: Thank you, Mr. Chair. I'm David James, Subsistence coordinator with Kanuti, Yukon Flats and Arctic National Wildlife Refuges. In reference to the teleconference that Bill was talking about, yeah, we didn't have the turn out that we'd hoped for, to say the least. One of the conclusions I remember that we came to and I get confused because I've talked about this same issue with the Western Interior Council, so sometimes I mix those up in my memory. But one of the things that was pointed out to me by one of you or one of the other council members was that before the Federal Subsistence Program was in place, one of the main values of the Annual Report was a sort of a watch-dog document in order to report back to the Secretary. And it was one means by which, theoretically, they would determine if the State program was in compliance with ANILCA, really providing a Subsistence priority. And I realize it's arguable whether it really functioned in that way, but that was, you know, theoretically, one of the things that it should accomplish. Well, now that it's the Federal program, there's no need for that. So, it seemed in the general discussion that one of the conclusions we came to was, well, geez, there's one less reason to do an Annual Report right there.

41

42 One of the other conclusions is that the councils hope to get some direction from the Federal Subsistence Board what they think would be most valuable to them, what they want you to do, even if they wanted a certain format. And that response is not here yet. We're still waiting. Keep in mind, however, that up until very recently it was an interim chair for the Federal Subsistence Board and just recently there was

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a chair finally appointed, Willie Hensley. And I personally feel that there was some administrative confusion there and that I think that there's a much stronger likelihood now when they can get things straightened and things start working in full capacity, that then you will finally get a response to that. But the truth is, there's been no real clear direction about the value of that document, to make a long story short.

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9 The last conclusion that I recall is that if you're satisfied with the way the program is running, there really isn't much reason to do an Annual Report. However, if there's one particular subject that you think is really falling through the cracks in the floor, it's really just not getting done, then that would be the one to key in on. But every council member that I've talked to so far is very reluctant to sit down and spend the time it takes to put a big, thick document together that really doesn't serve any useful purpose.

19

20 MR. MATHEWS: Mr. Chairman, like he mentioned, it should be - and I'm not saying this is one; I'm just bringing up an example - your discussion about resident zones and your concerns about resident zones. That's not within Subpart D. You could address that, possibly, in the Annual Report. Some of the other things that come up similar to that -- I'm not saying those are ones you should include, but those kind of fall outside that Subpart D process. There could be -- I can't think of some other ones, but that is a way of flagging different issues. And I do need to mention one thing, and I don't want to cut off David there, but I want to make sure we don't lose it. The board had two requests or proposals - I don't remember which, but we'll just say they're proposals - from other regions to expand their membership, add on additional members. I put that under Annual Report 2(B), but actually that could be a separate listing. The board has asked the councils to say, you know, any comments about the adequacy of geographical representation of the council. I don't want to lose track of that because I don't want it to be wrapped into the Annual Report. That's an issue that the board has asked if you had any comments on that, but....

41

42 MR. TITUS: Yes, Dave?

43

44 MR. JAMES: To follow up on what Vince was just saying, many of the subject areas that you all are interested in are outside of Subpart D, but there is still no reason at all why you can't act on them. In other words, come up with recommendations that you wish and send them right on to the

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Federal Subsistence Board. They don't have to -- everything you do doesn't have to be in Subpart D. And this has come up in these round table discussions. So, there again, there is a mechanism in place to already deal with other subjects. So, the conclusion that was come to, once again, was, well, if we can do it that way, why spend time with an Annual Report? I'm not helping you much, am I?

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(General laughter)

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10 MR. MATHEWS: And it also should be pointed out that the Annual Report, you know, down further in ANILCA, Section 805, "Adequate staff support will be provided." So, you know, we're not asking you to go home and write a 30-page report. If you need assistance with writing that, Dave helped with the last one; I would help now, and other staff. So, realize it's not -- that's provided, that's geared into it, if you desire. I mentioned earlier some councils -- I believe the chairs write them themselves, but that's their prerogative. They did not want staff assisting in writing their reports.

20

21 MR. JAMES: I've just about exhausted what little memory I have on the subject, but there is one last point, is that the Annual Report is written up -- you know, it's part of ANILCA and that if, for some reason, you couldn't get satisfaction through the process that's been delegated down to the Federal Subsistence Board and you feel that you really did need an audience with the Secretary, perhaps the Annual Report would be the best vehicle for that.

29

30 MR. TITUS: Is it possible to have one ready for us at 8130 in the morning? (Laughs)

32

33 MR. JAMES: Ask Vince.

34

35 MR. MATHEWS: Mr. Chairman, I could have a rough outline by the morning. Just turn to Section 805 and I have it right there. I don't mean to be facetious. We've laid out the pluses and minuses. It's in your court.

39

40 MR. TITUS: Any more questions for Dave James? So, what does the board feel about taking some kind of action right now? Just to move on with the agenda or -- like I stated earlier, my feeling was that there were some things that were going to come up later on in the agenda that we might have to consider.

46

47 MR. FLIRIS: Yeah, I feel like we should put off any work on an Annual Report till later on, but I just wanted to

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bring that up because maybe we don't have to put together as big a document. I remember what it was like in the old days when everything that the council did - it was the old Interior Regional Council - had to go into the Annual Report and that went to the Secretary. Now it's not necessary to do quite that much, but I think that like David and Vince pointed out, there may be some extra items that aren't taken care of in our normal business that are of concern to us, like the, oh, what were we talking about just a minute ago, the....

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10 MR. MATHEWS: The resident zone.

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12 MR. FLIRIS: The resident zones that we have a concern about that we might put into the Annual Report, or navigable waters or something like that. Any of those....

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16 MR. TITUS: Yeah, that's....

17

18 MR. FLIRIS: And that would be a pretty small report, but it would cover some of the things that we're....

20

21 MR. TITUS: That's included in the agenda under New Business tomorrow morning.

23

24 MR. FLIRIS: Um-hum.

25

26 MR. TITUS: Tetlin's and Northway's request for subsistence zone status.

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29 MR. FLIRIS: Okay.

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31 MR. TITUS: So, we need -- I don't think we need a motion. We'll just continue on with -- oh, do you have the agencies for the....

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35 MR. MATHEWS: Right now, if I understand correctly, you've gone through 9(C), 1 and 2(A), kind of, you tabled that. I still think you need to look at Adequacy of Geographical Representation.

39

40 MR. TITUS: Oh, okay.

41

42 MR. MATHEWS: Those are kind of big terms. If I could just cover that a second. It's basically the -- I think it was two councils asked to add members to their council because they felt areas within their region were not getting representation. The board -- I wasn't able to attend that board meeting, so I'm going by memory of the staff committee meeting, so hopefully the board followed suit on that.

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Essentially, the staff committee didn't want to add members to one region without asking all of the regions if they felt it was adequate representation in their region. So, they ask the councils now, do you feel it's adequate? Are areas in your region represented here adequately? Other councils were asking for additional members; they felt it wasn't adequate. You may want to recommend less members, I don't know, but there's options there.

8

9 MR. TITUS: These recommendations were considered by other regional....

11

12 MR. MATHEWS: If you had some comments or recommendations on geographical representation, they would go to the board saying -- I'm going by memory here. I believe it was Southeast wanted two more seats. So, when it goes before them at their meeting which I think has already transpired, they may say we recommend to the board again we want two seats because -- and I'm just going off the top of my head, Haida and Ketchikan do not have adequate -- or Ketchikan area, excuse me, do not have adequate representation. Ketchikan is a non-rural community, but that's why I threw "area" in there. They may, you know, say that. I don't remember the other region that asked for additional seats or they wanted better representation in a different river drainage that they didn't have.

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27 MR. TITUS: Bill?

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29 MR. FLIRIS: We don't have any set-up for having council members from certain areas be replaced by council members from the same area, do we, or is there any -- do they do that? Or, I mean, there's one -- the only place I can think of that we don't have is Eagle; that kind of stands out in my mind that we don't have anybody from up there. But the council could change; it has changed already. So, it wouldn't remain the same. There may be a time when we don't have adequate geographical representation.

38

39 MR. MATHEWS: Mr. Chairman, Mr. Fliris, I have had no involvement in the nomination process, so we're lucky here to still have David here who was involved in the nominations for the new members here and you may want to request him to explain if there is a component in there on geographical representation.

45

46 MR. FLIRIS: I'd like to hear it, yeah.

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48 MR. JAMES: Thank you, Mr. Vice Chair. David James

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again. There's no -- geographic distribution of members is a consideration, but there are no hard and fast boundaries and no, you know, certain allotments of representation for specific areas. But in the process of coming up with selections, that is one of the requirements that we look at. One of the things that maybe Vince could explain is the council just went through this at the last meeting. You recall you were asked to look at the charter? And that was your opportunity to change the number of members on the council and it was discussed. And I don't know if there's another issue now involved, so somebody wanted it back on the agenda. But I'm a bit surprised by it.

12

13 MR. MATHEWS: It's possible, Mr. Chairman, that, as you know, David and I have worked on this agenda. I built the agenda based on his -- maybe I wrapped something in here that wasn't, but I believe geographic representation was on the YK Delta -- Yukon-Kuskokwim Delta agenda. So, I think it's still an issue that's out there asking the councils if they're comfortable with their representation which is similar to asking, are there enough members, are they coming from the right areas.

22

23 MR. JAMES: The other thing to remember, too, is that even if the council decided tonight that they wanted to make a change, it's my understanding that it's already -- it's back in Washington, D.C. right now and the charter is renewed every two years. So, you've got to wait two years anyway. That's my understanding of it. But it's an issue to always be aware of and any time that you think something is out of whack, you know, for sure it should be an item of business. You need to look at it and make suggested changes. But just to remind you, you know, the council as it was just last February did consider this issue and decided that the present number of members was adequate.

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36 MR. TITUS: While we're on this subject, I wonder if we could just go right into the next one, the vacancy of council seat. I don't understand this one.

39

40 MR. MATHEWS: Oh, Bruce Thomas. I can do it or Dave can address it, whichever you would like.

42

43 MR. JAMES: I would be willing to explain. The reason it's on the agenda is because Mr. Thomas was removed from the council. He only missed one meeting, so we thought that that demands an explanation because it's not in concert with the way the charter is written. What happened was that it was, to make a very long story short, that Mr. Thomas by all his

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actions indicated that he no longer wished to serve on the council. What I mean by that is he did not respond to any written correspondence, he didn't respond to any verbal phone messages that I'd left for him at his place of employment, and I even traveled to Fort Yukon to talk to him about the issue at one time and there was never any follow-up after that either. So, it was pretty obvious to any reasonable person that he had lost interest or he had lost the ability to sit on the regional council. There is a specific requirement that says anybody that resigns must do so with a written resignation and we couldn't get that from Mr. Thomas, either, unfortunately. So, it became apparent that we had a member who, for whatever reason, did not wish to continue on the council and if we simply played it by the way the rules are written right now, we'd still have a vacancy and this council would still not be operating at its full capacity. So, with consultation with the Solicitor's Office and going through what advice I was given about the proper legal procedures, we went ahead with that, sent the appropriate correspondence, and then terminated his term and then filled that vacancy.

20

21 MR. TITUS: Any more questions? Yeah, Bill?

22

23 MR. FLIRIS: Getting back to that geographical
 24 presentation, I don't have any problems myself with the
 25 way -- what we're doing here right now and -- but I could see
 26 that that would crop up at some time in the future where,
 27 according to what issue we were dealing with, some area might
 28 feel like they were left out. We wouldn't have adequate
 29 geographical representation to cover their area. And if
 30 you've got to wait two years to change anything, we might not
 31 be able to accommodate areas. So I just wondered if there was
 32 maybe a reason to require that we have one council member from
 33 each area of the region always, or is that -- does anybody
 34 else feel like that might be a problem? I don't know.

35

36 MR. ROACH: Mr. Chair?

37

38 MR. TITUS: Jeff?

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40 MR. ROACH: I talked with one of the members of the
 41 selection committee that looked over the nominations for this
 42 time and it was my understanding that it's not always possible
 43 to get volunteers from all of the geographical areas. My
 44 concern -- one of my concerns, specifically, was the Railbelt
 45 area with a fairly large population of people and there are
 46 several communities in close proximity to each other and close
 47 proximity to a National Park that is within our region. And
 48 that was my understanding that there just were not adequate

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nominations from that area. So, personally, I feel that the size of the council at this time is adequate and I hope that through the nomination process and through whatever means that the Fish and Wildlife Service Subsistence Office has that we can get adequate nominations from each of the areas in the future for seats.

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7 MR. TITUS: Yes, Steve?

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9 MR. GINNIS: Mr. Chairman, I talked to Bruce Thomas prior to coming down here and what he told me is that he resigned and you're saying that you didn't get anything from him. So, I don't know, but he said he resigned and he's no longer on this council. And this thing about the representation on this council, I think, you know, at least from the area I come from, normally, the way we get representation on any council or anything that has to do with the Yukon Flats is normally done through the village council. And this process that's used to get on this council here is quite different. You know, you have to go through this -- filling out this nomination form and all this other stuff and, you know, the appointment is made elsewhere. And I think that's something that we run into out there, is they say, how did you get on this thing? You know? I mean, here you are, you're on this village council. We didn't submit your name or we didn't endorse your candidacy or something like that. And I think sometimes that would cause a problem on representation. And that's all I have to say about it. Thank you.

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30 MR. TITUS: Any more questions? I guess we're satisfied with the status quo.

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33 MR. FLIRIS: For the time being.

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35 MR. TITUS: For the time being. Thank you, Dave.

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37 MR. MATHEWS: Mr. Chairman, if I may make a recommendation. I think it'd be a wise point to recess for the evening and I was hoping that another staff person would be here to discuss the status of navigable waters and fisheries management. And then tomorrow then you could take that in the New Business because I don't think the staff is here for the Mentasta Caribou Management Plan.

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45 MR. TITUS: Is this the New -- the New Business portion, is that all staff or you?

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48 MR. MATHEWS: Oh, well, I hope it's not me. (Laughs)

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No, it will be -- the Park Service person was here earlier today. Bureau of Land Management -- okay. Let me explain what (A) is. (A) is just an option for agencies to present something that wasn't really on the agenda.

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MR. TITUS: Oh, okay.

MR. MATHEWS: And Park Service wants to discuss Mentasta Caribou Management Plan. Bureau of Land Management, when I contacted their office a week ago, had nothing. Fish and Wildlife Service I think we've -- maybe Tetlin had something, but to my knowledge the other programs did not. And Fish and Game -- Alaska Department of Fish and Game, well, I don't know, I don't see anybody here, but they may have something tomorrow.

MR. TITUS: Oh, okay. So, it's not definite? These are....

MR. MATHEWS: It's not definite, no.

MR. TITUS: Oh, okay.

MR. MATHEWS: That is an open slot that allows agency and staff to say we're thinking of doing "X" or we're starting a report; we're just letting you know ahead of time. Nothing real advanced.

MR. TITUS: Okay.

MR. MATHEWS: So, it'd be good to wait for that till tomorrow.

MR. TITUS: Sure. Any objections? I guess we'll recess till -- where are we at? Till 8:30 in the morning.

MR. MATHEWS: Eight-thirty?

MR. TITUS: Yeah.

MR. GINNIS: And we'll be out of here by noon.

MR. MATHEWS: Eight-thirty tomorrow.

(Off record; 8:00 o'clock p.m.)

MEETING ADJOURNED

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UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Elizabeth D'Amour, Notary Public in and for the State of Alaska, residing at Fairbanks, Alaska, and electronic Reporter for R & R Court Reporters, do hereby certify:

That the annexed and foregoing EASTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL HEARING was taken before me on the 20th day of October, 1994, beginning at the hour of 8:30 o'clock a.m., at the Tok Civic Center, Tok, Alaska;

That this hearing transcript, as heretofore annexed, is a true and correct transcription of said hearing, taken by me electronically and thereafter transcribed by me;

That the hearing transcript has been retained by me for the purpose of filing the same with U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska, as required by law.

That I am not a relative or employee or attorney or counsel of any of the parties, nor am I financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 27th day of October, 1994.

Notary Public in and for Alaska

My Commission Expires: 5/12/98

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