

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL  
PUBLIC MEETING

October 1, 1996  
Nome Eskimo Community Hall  
Nome, Alaska

VOLUME I

COUNCIL MEMBERS PRESENT:

Sheldon I. Katchatag, Chairman  
Grace A. Cross  
Edgar Ningeulook  
Theodore Katcheak  
Fred A. Katchatag, Sr.  
Elmer K. Seetot, Jr.  
Peter G. Buck  
Joe O. Garnie  
Abraham Anasogak, Sr.

P R O C E E D I N G S

MR. CHAIRMAN: Good morning. I'd like to call the meeting of the Seward Peninsula Subsistence Regional Advisory Council to order. I'd like for the record to note that we're beginning at 9:15 a.m. First of all, I'd like to apologize for the delay. Personally, I'm under a little bit of stress, my mother was medi-vac'd out of Unalakleet Sunday and she's scheduled for angioplasty tomorrow morning, so please bear with me. I'm going to try to get through this day and depending on how she is tomorrow, I might leave to night, but I'll check with my father at the end of the day.

To begin with and this is a departure from our norm, I would like to ask my uncle who sits on the Council, Mr. Fred Katchatag, to give a brief invocation, everybody please stand.

MR. F. KATCHATAG: Lord we thank you, we praise your name, we admire your name. Please be in control of this meeting. May it turn out to be to the interests of the Natives living here in Alaska. We thank you, Jesus and we look forward to better days as we work together in subsistence way of life and for our government. Give them understanding, both sides, the government and the Native people of Alaska to learn to continue to work together in thy name, Amen.

MR. CHAIRMAN: Barb, would you do the roll call, please? For the record, this is Ms. Barb Armstrong, Regional Coordinator for this Council, the Northwest Arctic Council and the North Slope Council, Barb.

MS. B. ARMSTRONG: Sheldon Katchatag?

MR. CHAIRMAN: Here.

MS. B. ARMSTRONG: Grace Cross?

MS. CROSS: Here.

MS. B. ARMSTRONG: Edgar Ningeulook?

MR. NINGEULOOK: Here.

MS. B. ARMSTRONG: Theodore Katcheak?

MR. KATCHEAK: Here.

MS. B. ARMSTRONG: Fred Katchatag?

MR. F. KATCHATAG: Here.

MS. B. ARMSTRONG: Elmer Seetot?

MR. SEETOT: Here.

MS. B. ARMSTRONG: Peter Buck?

MR. BUCK: Here.

MS. B. ARMSTRONG: Joe Garnie?

MR. GARNIE: Here.

MR. CHAIRMAN: Thank you. Madam Coordinator, for the record, our entire newly appointed Council for those that are newly appointed, we have a newly expanded Council. We originally were chartered at seven members in 1993, we now sit at nine. We made a request within the last year and a half to expand our membership to more adequately represent the region.

First of all I would like to welcome all the new Council members, Joe Garnie, Abraham Anasogak, Edgar Ningeulook and Grace Cross, welcome to the Council. I hope you enjoy working with us and we hope that you come to it with the same attitude that we try to work with here, that of positive constructive deliberation. Always willing to disagree if we have to, that's a given. And I try, as Chair - I've been the Chair of this organization ever since inception, we do have annual election of officers and we will be getting to that later on in the agenda. But I would like to welcome all of you and also the good staff that we have, Steve Kovak, Helen Armstrong, Taylor Brelsford, Rosa Meehan, Park Service people, Ken Adkisson. I don't have my glasses on, I see Charlie Lean back there from ADF&G, Jack Olanna from Kawerak Subsistence. If I've missed anybody please, please excuse me, I didn't put my contacts in this morning because I'm going to be reading, it's the lesser of two evils. At least I can read what's before me, but if I have my contacts I end up looking at it like this. So please forgive me if I don't recognize you, anything over 25 feet, it's a little difficult. But I recognize Charlie's profile back there, I've known him for a few years.

Any other introductions? I'd go ahead and have Mr. Taylor Brelsford introduce the rest of the staff that I might have missed and have them stand up and take a bow, if they would. Taylor?

MR. BRELSFORD: Thank you, Mr. Chairman. I think there actually are some additional people from the Fish & Wildlife Service and from some of the other agencies. Let me introduce Cliff Edenshaw to the Council. Cliff recently joined us this summer and is currently serving as the coordinator for the Kodiak

Aleutians area, the Kodiak Aleutians Region. Sandy Rabinowitch from the National Park Service.

MR. CHAIRMAN: Oh, I'm sorry, Sandy.

MR. BRELSFORD: And Ken Adkisson is from the National Park Service as well. And there may be some other people here that I'm missing. Let's be sure to welcome Elizabeth Andrews, Alaska Department of Fish & Game. She has some new responsibilities interims of liaison between the State and the Federal Subsistence program and she may have a presentation here today.

MS. ANDREWS: Yes. Mr. Chairman, we will have some presentation from the department of Fish & Game today, also Peter Bente who's here in the Nome Fish & Game office and with Wildlife Conservation Division and you already recognized Charlie. Thank you.

MR. BRELSFORD: And finally, Mr. Chairman, I'll point out that Rosa Meehan will actually be serving as your representative from the Leadership Team in the subsistence office today and tomorrow. I was actually here as part of the backup squad in the training session yesterday, so Rosa will give the summaries of information from the program and so on as we go through the meeting.

MR. CHAIRMAN: Thank you for the clarification, Mr. Brelsford. And I'm sorry, Ms. Meehan, that I.....

MS. MEEHAN: That's fine.

MR. CHAIRMAN: .....appreciate you being here. Are there any others. I'd like to ask everybody that hasn't been introduced to go ahead and stand up starting in the back far left corner, just stand up and introduce yourself for the record.

MR. WHEELER: I'm Mr. Wheeler, tribal member of Nome.

COURT REPORTER: My name is Salena, I'm the Court Reporter.

MR. CHAIRMAN: What was your name again, ma'am?

COURT REPORTER: Salena.

MR. CHAIRMAN: Salena, welcome to Nome.

COURT REPORTER: Thank you.

MR. CHAIRMAN: Anybody else I missed? Thank you. Seeing's how we introduced everybody, we'll move on to Item 4, review and adoption of the agenda. Council members, go ahead and look over this agenda and I believe Barb you have a few changes you would like to do right now while the Council is looking over the agenda. Barb?

MS. B. ARMSTRONG: Yes. I would like to ask that Barbara's Corner be moved up - be the first to report today under old business since I will be leaving tonight to go back to Kotzebue to attend a funeral. And that is the request that I would like to make, thank you.

MR. CHAIRMAN: Hearing no objections from the Council, so ordered. Barb's Corner will be under Item A(1), all other items will be pushed down accordingly.

Any other changes to the agenda as it sits before us?

MR. KOVAK: Mr. Chairman?

MR. CHAIRMAN: Mr. Kovak.

MR. KOVAK: Yes, Mr. Chair, we're going to - just to let you know that we have an expanded briefing under the Item B(8) under old business. The musk ox update will not only be bringing the Council up to speed on the latest census and the status of last years hunt and this years hunt, but we will, for the benefit of the new Council members, be giving a short overview of basic biology and ecology of musk ox so that everybody has a good understanding of this unique animal prior to our discussions of the requests from Shishmaref and Wales.

MR. CHAIRMAN: You want that prior to the Shishmaref/Wales request, right?

MR. KOVAK: Yes, please.

MR. CHAIRMAN: Okay. Hearing no objection from the Council, that's where it will be. Any other changes to the agenda? For the record, we as the Council, try to be as flexible as possible in order to accommodate anybody that has any concerns or interests within the regional advisory council process. So if you have a concern, we'll definitely work with it in the agenda to make sure that your concerns are heard.

We have one request to comment or testify and it was submitted. If you would like to do that on any matter before the Council, please feel free to fill these out, I believe - Barb, do you have copies of these available?

MS. B. ARMSTRONG: Yes. They're over here on the table.

MR. CHAIRMAN: Okay. They're sitting over here on the table. And we also have handouts for a lot of the materials that we will be discussing here. And I believe all our Council has the appropriate handouts, Barb?

MS. B. ARMSTRONG: They're in their folders.

MR. CHAIRMAN: Okay, thank you. Any other changes to the agenda? Hearing none, the Chair would entertain a motion to adopt the agenda.

MR. SEETOT: So moved.

MR. CHAIRMAN: We have a motion to adopt the agenda as modified, any second?

MR. NINGEULOOK: Second the motion.

MR. CHAIRMAN: Seconded. Question, all those in favor of the agenda as amended signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed, nay. The agenda is adopted. Barb, will we do a quick review of the minutes of February '96 meeting?

MS. B. ARMSTRONG: They're in your folders. The minutes will be done by Cliff Edenshaw and I don't know if you want them read into the record.

MR. CHAIRMAN: For the record, this is behind Tab 5. The Council can go ahead and review that real quickly.

While the Council is looking over the minutes of the last meeting, I would like to note for the record that on the last page of our minutes of our meeting it reads, the Council chose Teller as the next meeting site and there was no other business, a motion was made and seconded. The Council voted and passed unanimously the motion to have the next Regional Council meeting at Teller. For the record, I would like staff to explain why we are not meeting in Teller and clarify any questions that might come up with regard to that. Helen, maybe you can start?

MS. H. ARMSTRONG: Helen Armstrong for the U.S. Fish & Wildlife Service Subsistence office. I think it was just a matter of not having enough to house all the people. There wasn't room in the inn, so they decided that we would meet here.

MR. CHAIRMAN: For the record, it's not my job to make accommodations for everybody and for the record, I would like to know that all accommodation sources were contacted. Did you talk to Rick Blodgett?

MS. H. ARMSTRONG: I did - well, I talked to - it wasn't Rick, but somebody there at that number and I was told that there wasn't any - that apparently there used to be a lodge, is that right, or something? I heard that in our office.

MR. CHAIRMAN: I'm not familiar with the lodging situation in Teller.

MS. H. ARMSTRONG: I don't know. But they said that there was - the Council members already had their reservations because our office had already done that and so the place where they were staying was full and, in fact, they were doubled up and there wasn't anymore room for any of the staff. And since there are a fair number of people from the different agencies who needed to come. And I asked if there was anywhere else that people could stay and they said there wasn't, so.....

MR. CHAIRMAN: For the record, our new member, Mr. Garnie, is from Teller maybe you could clarify the situation over there, please.

MR. GARNIE: Well, Blodgett has a hotel there now and I think he has like 11 rooms, two beds to a room, a multiple use kitchen. Exactly what's there, as far as facilities for everybody, whether you can cook there or all meals would be prepared by - there might have been some difficulties, I can't rightly say - I have been in there, but I haven't counted how many rooms he's got there, but he says he did have accommodations for 22 people at least.

MS. H. ARMSTRONG: When I talked to them they said they were full. But that was after all the places for the Council members had been - they'd already reserved all the spaces for that, I don't know if there was something else going on, but they told me there wasn't room. I needed room for our four people and they said we don't have anymore room. It was a woman.

MR. GARNIE: If the manager said there was no room there, then there wasn't any?

MS. H. ARMSTRONG: Yes. It was a woman I talked to, it wasn't a man.

MR. CHAIRMAN: Okay. Well, appreciate it Helen. Mr. Wheeler?

MR. WHEELER: Yes. I have common knowledge, I'm a business man and I have used the facility. There are 12 rooms, one is an office, there's 11 rooms for rent, two beds per room, there's a common area which has a full kitchen, refrigerator, TV, the whole works, it's 87.50 a night. And I talked personally to Mr. Blodgett because I happen to have his airplane down here working on it, his place was available. I don't know where the information was given that it wasn't, he has nobody in it other than one telephone person. And it's unfortunate that this meeting wasn't held in Teller because you would have had more participation by the people, the users. I see very few users. As a matter-of-fact, maybe one, Mr. Olanna. But excluding Board members, it's unfortunate that because of some misunderstanding or cross-communications, that this meeting wasn't held in the village. And I take exception to that and I'll follow-up on it. But I have personal knowledge there was room, Mr. Blodgett personally told me and it's unfortunate that the Council did not meet in Teller. Because there was a lot of people that would have liked to come and participate in Teller, but they can't afford to come down here and be put personally on their own expense to participate.

And I guess where I'm coming from is, how many users do participate in these hearings and what is the purpose of the hearing? Is it for the agencies to tell what needs to be done? Well, yes, it is, they're supposed to consult, but basically it's - you're talking about our livelihood, our way of life. We don't have a credit card to go down to Carr's or Fred Meyers, our resources are out there on the lands. Thank you.

MR. CHAIRMAN: Thank you, Mr. Wheeler. Helen, do you have the name of the person you contacted at the Blodgett's facility?

MS. H. ARMSTRONG: It was a woman. And I can verify that I called for people who are doubting my honesty, I did call and I was told that it was full. This was after the Council, which had nine people on it, had already made reservations. They probably had put each one in a separate room, I don't know. I mean, I'm sorry, people don't want to believe me, but I did call and I was told it was full. And I find it a little bit disgruntling that I'm being doubted, I really do.

MR. CHAIRMAN: Well, it's not that I doubt you, but I want it clarified for the record why we're not meeting in Teller. Because we had, you know, that was the direction that our Council took at our last meeting in Anchorage.

MS. H. ARMSTRONG: Actually that was done with the approval of the Chair and the regional coordinator, we did not do it without consultation of the Chair.

MR. CHAIRMAN: That is correct. Because I know you did call and let me know and I asked that you check with all available in Teller and call me back and you did call me back and tell me that there was not adequate accommodations in Teller. So I went ahead and approved the change of venue from Teller to here and that's where that sits. But for the record, we're meeting here, but we were originally scheduled to have this meeting in Teller. So we might bear that in mind when we decide where our next Council meeting is going to be if, in fact, we might decide to again revisit the issue of Teller.

One of the main reasons we had decided to have our meeting in Teller was that there had been some dissatisfaction with the fact that we had had our one meeting in Anchorage this last February. But I think there were some added benefits, not only to the Council members that attended, but also for some staff people out of Anchorage that normally don't make our Council meetings, not only in the Fish & Wildlife staff, but also the other State and Federal agencies. We had quite a turnout, I don't have the sign-up sheet of everybody that was attending our Council, but as far as Council meetings go that was one of the better attended ones that I've had the opportunity to chair recently.

And to explain a little bit, Joe, you weren't here yesterday on how our process goes, we accept proposals for change of regulations in the fall, at this meeting each year. We have two meetings a year, one in the fall and one in mid-winter. We accept all changes for proposals, not only from the people that we serve, the subsistence users, but we also draft proposals as a Council, as needed, on any issue that any of the Council members feels appropriate, we draft those as a Council. And these are put out for public comment during the period from the fall meeting to the winter meeting and at our winter meeting, we go ahead and finalize any proposals for submission to the Federal Subsistence Board which meets in late winter/early spring and that's how the yearly cycle of meetings go. And even that's subject to change as we were discussing yesterday because of the Katie John ruling with regard to subsistence fisheries, we might, probably I would say, have more meetings because we're pretty busy jut with land animals in the present, the way our meeting cycle goes now. So I wouldn't be surprised if we end up with at least one more meeting or maybe a day or two longer in the fall and a day or two longer in the mid-winter meeting. But, again, that's up to the wish of the Council as a whole. And when we get into that later on in the meeting we'll discuss it. But that, for your information, is how we, as a Council, operate. Do you have any questions? Thank you, Joe.

MR. BUCK: Mr. Chairman?

MR. CHAIRMAN: Mr. Buck.

MR. BUCK: Yes. I'd like to comment. We did have a meeting in White Mountain, but I'd also like to see a meeting held in Unalakleet and also a meeting held up north, Shishmaref, Wales, Teller to cover that area, too, so that the people that are in that region can have more access to the Board and more chances to testify. I think we've given White Mountain a chance, we need to give Unalakleet, Wales and Shishmaref, also St. Michaels, Stebbins people, too, to testify without burdening them with travel expenses.

MR. CHAIRMAN: For the record, our unofficial policy, as a Council, has been to meet in as many of the villages within the region as possible. We started out in '93 in Nome, in March of '94 we went to Shishmaref, in October of '94 we went to White Mountain, in - no October of '94 we went to Unalakleet, March of '94 we went to White Mountain and we came back to Nome in the fall of '95. And we were scheduled to go - we went to Anchorage in February of '96 and we were scheduled to go to Teller for this meeting. So we have tried to hold as many meetings in the villages as possible, but as we explained about our Anchorage meeting, because it's just to finalize the recommendations for changes that we had accepted in the fall, we felt that since there would be no new business, that we wanted to see if we could work with the possibility of saving some money. Everybody was talking about saving the government money at the time, so

we were wondering since the majority or a lot of the travel expenses that we were seeing was for staff to travel, we were thinking that maybe if we had the Council go to Anchorage, then the travel - the staff wouldn't have to travel and we'd save some money that way, but I haven't seen the breakout on the expenses of one compared to the other.

Another thing we were thinking of doing was to have the training session that we had yesterday occur at the second meeting of the year, but that's - it's kind of backwards (sic) way of doing things, seeing's how we accept proposals in the fall and finalize them in the winter.

So we're not quite sure if one is more economical than the other. Any comments on the '96 meeting minutes, any changes? Hearing none, the Chair would entertain a motion to adopt our minutes of the '96 meeting for the record.

MR. KATCHEAK: So moved.

MR. CHAIRMAN: We have a motion to adopt our minutes of the February '96 meeting, do I hear a second?

MR. BUCK: Second.

MR. CHAIRMAN: Seconded. All those in favor signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed, nay. Motion passes unanimously. Moving on to Item 6, election of officers. As you can see we start by electing the chair, vice chair and secretary. The floor is now open for nominations for chair.

MR. SEETOT: Mr. Chairman?

MR. CHAIRMAN: Mr. Seetot.

MR. SEETOT: I nominate Sheldon.

MR. CHAIRMAN: I have been nominated for chair, are there any other nominations?

MR. SEETOT: I move that nominations cease.

MR. CHAIRMAN: We have a motion to cease nominations and moving that, I would request that you move and ask a unanimous consent? Hearing no objection, so ordered. The floor is now open for nomination for vice chair.

MR. SEETOT: Mr. Chairman?

MR. CHAIRMAN: Mr. Seetot?

MR. SEETOT: I nominate Ted.

MR. CHAIRMAN: I have Mr. Ted Katcheak nominated for vice chair, are there any other nominations? Hearing none, the Chair moves and asks unanimous consent? Hearing no objection, so ordered. Mr. Katcheak, you're our vice chair.

MR. KATCHEAK: Thank you.



MR. CHAIRMAN: The floor is now open for nomination of Secretary.

MR. BUCK: I nominate Grace Cross.

MR. CHAIRMAN: Mr. Buck nominates, Ms. Grace Cross, are there any other nominations?

MR. KATCHEAK: I move that the nominations close.

MR. CHAIRMAN: We have a motion to close nominations, ask unanimous consent? Hearing no objections, so ordered. Congratulations, Ms. Cross, you're our secretary.

Moving on to Item 7, we now open the floor to public comment on the Federal Subsistence Management Program. And if those of you that have an agenda will note that this opportunity continues throughout the meeting. Please feel out the testifier's form at the sign-in table and hand it to the coordinator. For the record, Cliff Edenshaw is taking over for Ms. Barb Armstrong as coordinator, temporarily. So the floor is now open to public comments.

MR. WHEELER: Good morning.

MR. CHAIRMAN: Please state your name for the record and who you represent, if anybody.

MR. WHEELER: Good morning, Mr. Chairman, members of the Seward Peninsula Federal Subsistence Regional Advisory Council, representatives of the Federal agencies, State agencies, tribal members, members of the audience. I am Ahk-nah-look, I am Inupiaq, my mother's from Point Hope, my father was from Kotzebue. I was given the anglo name of Emory Charles Wheeler, I'm known as Chuck Wheeler. I was born here in Nome just prior to World War II, the ending of World War II and my father was a veteran of the Aleutian Campaign for three years. At my early childhood, our family moved to the village of Tanana, athapaskan country at the confluence of the Tanana River and we resided there until 1965. During that time I attended the Federal government day school in Tanana and I attended the Federal government boarding school at Mr. Edgecumbe because there was no other higher schooling facility available. After that I furthered my education at the University of Alaska. A call was made out for Southeast Asia, I volunteered, served my country over there one year and continued my formal education. Unfortunately, when I left Southeast Asia, I heard later on that we had lost the war, we were winning when I left.

In 1924, the Federal government in their wisdom, unilaterally, without individual consent granted citizenship to Native Alaskans. However, Natives were not accorded the same rights and privileges at that time. At that time my mother was 10 years old and her parents spoke little or no English, nor did she. My father was an infant of three years old. And did I ask the Alaska Native's individually in 1867 swear an oath when the purchase of Russia America was made in the United States, I doubt it. Because the oath says, I hearby, on oath, that I absolutely and entirely renounce and adjure all allegiance and fidelity to any foreign prince, state, sovereignty of whom or which I have tofore been a subject or citizen, that I will support and defend the constitution and laws of the United States of America against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I will take this obligation freely, without any mental reservation purpose of evasion, so help me

God. I don't know no one that has done that, if so, I'd like them to come forward.

The Federal government, without our individual consent declared Alaska Native citizens in violation of their basic human rights which was established at the 1948 United Nations Conference on Human Rights. The Americas was a great land prior to Columbus' walk on soil foreign to him and his crew. Native American's were peacefully living off their land and their resources and were and still are true conservationists. As the Euro-Americans pushed west to exploit the land and the resources, American indians resided and with good cause. The Federal government then made a determination that they were savages. Lawless and dangerous, the Anglos and made them wards of the Federal government. We know that today as a special relationship and dual political status. This is not a special interest group as many may think, but people of unique circumstances who have sovereign powers to regulate their own lives and resources. However, the Federal government seems to believe that they know better. The purpose of any government seems - is to protect the rights of the people. It is said that a representative government should not make the laws without the consent of the people, when it does, the people have the right to quit that government and start a new one. That's exactly what the Euro-Americans did when they departed from England to the Americas. We must prepare to act to protect our sovereign powers and resist our inherent hunting and fishing rights which has been eroded as we sit here in this hearing room listening to rhetoric and broken promises from past Federal actions and we will hear them.

There is no compromise on the basic human rights issues, however, we must be consensual about our chosen delegates who represent us and always vigilant of the authority to represent us. They must exercise fidelity, being true to our cause for we are a quasi domestic, independent nations among many nations with sovereign powers and inherent rights protected under international global law. All indigenous people are qualified to hunt and fish. It is our inherent right. We can be civil and peaceful and have never been conquered by a foreign or domestic power and the limits of Congress prevent them from passing laws to punish a person for wrong, which is not a crime at the time you did it. If you are hungry, it's an emergency and you have the right to hunt as provided in the statutes. And your sovereign powers are not given to you, they're inherent. The basis of good government lies in the fact that the people ar willing to obey the law as they have determined it to be. That according to a quote from william Howard Taft, 1908.

We are not poachers as some Federal and State officials may think, just to pit them against us. We share our resources with our tribal members and with those in need, just as the Native Americans did when the first settlers arrived on our lands. Eskimos in the village of Teller and Mary's Igloo shared their food and clothing with the first military communications detachment on the leadership of Lt. Libby, U.S. Signal Corps, they were ill-prepared and would not have survived the winter on the beaches of Grantley Harbor and that is a matter of record.

The right to hunt is not a privilege for the indigenous people of the world, it's an inherent right protected by international law and the United Nations Principals of Existence. However, some who advocate and lobby for our rights and management plans are not the true stewards of the land and the resources. They are not recognized tribal entities and possess no legal standing to represent us. The idea of a permit, a privilege, even if you can get an opportunity with absurd guidelines and restrictions flies in the face of any reasonable person

and is unacceptable to an indigenous person. Since when did our ancestors beg for the privilege to eat? When they saw fish and game they took it home to eat and share with those in need, there was no waste. And I might add, the whole reason that we're here is because the Supreme Court, in their good judgment and wisdom felt that the wildlife belonged to the people, but they could hold it in trust for us better than the regional conservators, the Native Americans. They were our ancestors, the true stewards of the land and resources. Why did our token leaders in the recent past abdicate our sovereign status? As tribal members, those of who may be in this hearing room, I ask if you consented to your aboriginal hunting and fishing rights prior to the passage of ANCSA December 18th, 1971? I don't think there's anyone who can say that.

I will quote Alexander Hamilton in his writings of the Federalist Papers, No. 79 he stated, and I quote, "That a power over a man's subsistence amounts to power over his will." And that was said 200 years ago. And it applies today.

Prior to Alaska Statehood 1958, there was a clear Congressional concern that subsistence uses by Eskimos, Aleuts and Indians be protected by the State, that is found in 104 Congressional Record 9488-9489.

We are now battling in the courts and the Federal agencies are interpreting legislation by the authority of the Administrative Procedure Act promulgating regulations that are beyond their limits of authority and in violation of the United States Constitution and the principles of the United Nations Human Rights Commission. ANILCA and ANCSA are the legal frame work along with Federal Indian law to implement the subsistence management program with the Secretary of Interior and the users represented by the Regional Advisory Council, who are the legal entities mandated by legislation. Federal Subsistence Management Board is a dream team of the Federal government which was created by members who are appointed by the president of the United States and no part of ANILCA legislation. The Advisory Councils are not consultants, they are the Board and they are mandated by law to have a meaningful role in management of fish and wildlife and of subsistence uses and practices on all lands in Alaska. They are the administrative structure of powers to manage the resource with the cooperation of appointed land managers and the Native tribal traditional councils, the true owners.

At this time I will address one specific program of the wildlife management, the 1995/1996 musk ox harvest. It is discriminatory, contrary to Federal law and the United States Constitution. It is unacceptable to 2,074 plus tribal members who are excluded, denied opportunity and discriminated contrary to equal protection clause of the United States Constitution. Under the harvest management of the National Park Service, they are inconsistent with guidelines and qualifications, adjust harvest limits discretionary, interpret the provisions of the applicable statues to suit their agenda, abuse their discretion and design the regulation to suit their needs, ignoring the subsistence needs of the users of the resource. This is all contrary to the Native American policy of the United States Fish & Wildlife Service and the Park Service because they do not seek partnerships to this management plan, and when appropriate invoke the Reserved Rights Doctrine, executive orders and judicial review which is contrary to the Native American Alaska Native hunting and fishing rights. The users of these resources are not at issue in the name of conservation. They ignore tribal authority but recognize the title.

Now, I could go on, but in point, the National Park Service have conveniently used the game management boundaries of 22(C) to exclude all residents, whether

they're Native or non-Native, to even have the opportunity to harvest musk ox. That is wrong. It is against the Equal Protection Clause of the Constitution of the United States. And I hope that this brings their attention to it and they can look in the mirror and say, we've erred. And I would be willing to sit down with them and write regulation that would suit the law and the needs of the Alaska Natives. Thank you.

MR. CHAIRMAN: Thank you, Mr. Wheeler. For the record, he has submitted a copy of his presentation to me and I will submit it to our coordinator for copies to be made available to not only the Regional Council members, but also to anybody else on staff. Let's take about a five/10 minute break for some coffee here before we continue. Anybody else wishing to give public testimony, go ahead and fill out one of these forms.

(Off record)

(On record)

MR. CHAIRMAN: We're in Item 7 of our agenda, public comment, is there any? For the record, we're back to order, we're on Item 7 of our agenda, public comment. Is there anybody else who would like to present public testimony on any matter before our Council? I don't have any other, what are these, lavender sheets, if anybody wishes to provide public testimony, please fill out the lavender sheets. For the record, we will be open to any kind of public testimony during the entire official session of our Council all the way through tomorrow. Before we get on to old business, a couple of the Council members brought up a very good item and I think looking at the agenda we might go ahead and discuss that now.

Because of some of the problems that we've been having with musk ox within the 22(D) area, Brevig Mission/Teller, it's been proposed and I'll throw it open to the Council and I've been reassured that the road is open, that why don't we have our musk ox deliberations in Teller. It takes about an hour and a half to drive up there, hour fifteen minutes to an hour and a half. The Park Service has some beautiful vehicles, my stretch limo is out there. So what is the wish of the Council, would you like to go up to Teller tomorrow afternoon or tomorrow morning, tomorrow afternoon would probably be best, that's my feeling about this? And have our musk ox discussion up there seeing's how Barb's Corner is going to be taken care of under old business next. That will just leave new business and we could do that before we leave here and just leave the musk ox for a meeting in Teller where we were originally scheduled anyway.

MR. F. KATCHATAG: Mr. Chairman?

MR. CHAIRMAN: Mr. Katchatag.

MR. F. KATCHATAG: I would request that you have a roll call from the present board here and take action in that manner. Those who want to go can vote.

MR. CHAIRMAN: Is that a motion?

MR. F. KATCHATAG: That's a motion.

MR. CHAIRMAN: We have a motion before us to poll the Regional Advisory Council as to whether or not we should have our musk ox portion of our agenda in Teller. Madam Coordinator, will you pull the Council please - excuse me, I'm sorry, we have a motion before us, do we have a second?

MS. CROSS: I second.

MR. CHAIRMAN: Seconded. Discussion?

MR. F. KATCHATAG: Question.

MR. GARNIE: Mr. Chair?

MS. CROSS: Mr. Chairman?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Yes, the only concern I had is like we had the meeting scheduled there in Teller and then we had the meeting here and then part of the meeting being scheduled in Teller, how many - are we going to be able to get word out soon enough for those with concerns. If they had to make preparations to travel here for the musk ox deliberation or are we going to be able to forewarn them enough to be present at the meeting in Teller or even if Teller would be - I mean word travels fast in the village, but maybe some decided to go hunting because they couldn't come here to the meeting and it'd be hard to say whether we could inform them soon enough, that'd be my only concern.

MR. CHAIRMAN: Okay, Mr. Garnie, to accommodate your concern I would make that part of the motion that as soon as we hear the wish of the Council with regard to having this hearing, just on musk ox, in Teller tomorrow, that Madam or Mr. Coordinator would get a hold of Teller and Brevig Mission to inform them as soon as possible, like as soon after we get our vote here. We have calling cards, telephones are always open, AT&T is pretty reliable, do you think that would be acceptable? Mr. Wheeler?

MR. WHEELER: Yes. Teller has faxes at the IRA, the school, at the lodges if somebody wants to spend the night and that is probably the best way to get a hold of them other than a phone call. They all have faxes, the health clinic, the school, the IRA, the Native corporations, the stores. There's probably eight or 10 fax machines in Teller alone.

MR. CHAIRMAN: Thank you for that update on fax machines.

MS. CROSS: Mr. Chairman?

MR. CHAIRMAN: Helen Armstrong?

MS. H. ARMSTRONG: There are 24 people here in this room and I know the Park Service vehicle is big, but it's not that big. And I think when I called to find out the cost of going up there with a van it was \$400. I think we might need to get, just an okay from our office that we can do that. We don't have a blank checkbook.

MR. CHAIRMAN: You don't.

MS. H. ARMSTRONG: We're not the bosses here. I think we probably just have to get an okay on it.

MR. CHAIRMAN: Well, let's see how the Council feels about it before we proceed.

MR. SEETOT: Mr. Chairman?

MR. CHAIRMAN: Mr. Seetot.

MR. SEETOT: If you have a meeting for just musk ox at Teller, why not open to Brevig, why don't we go to Shishmaref and Wales also, just like that. If we're holding a meeting within a community, if it's announced and posted, then it should be held in that community. If we change our mind, like from Nome to Teller just because of accommodations, there have been meetings with other agencies that do go to these communities, that do stay in people's residences. And I would think that just because we change our meeting place from Teller to Nome, that we're going to, you know, readdress our thing that we didn't have our meeting in Teller, where we're just trying to readdress that issue there, I think. Thank you.

MR. CHAIRMAN: Thank you Mr. Seetot. Mr. Wheeler.

MR. WHEELER: Mr. Chairman, the whole principal of having hearings is to get user participation. I look around this room, I see one or two users, the rest are managers or staff or whatever. I think if you went to Teller and you got three people there, you would have one or two more than you have right here and that's the whole idea of holding public hearings on issues that relate to those people right in their backyard. Thank you.

MR. CHAIRMAN: Thank you, Mr. Wheeler. For the record, I beg to differ with you as to the number of users here. For the record, all nine Council members are users first, Mr. Wheeler.

MR. WHEELER: I excluded you guys for the purpose of the count the previous time. I know you're included by being members of the Council, I addressed the public and those that virtually participate in testimony and in the audience. I don't do it to degrade you, but you're here because you're basically mandated to be here and I know you represent us with your personal use and your use as a Council as a whole. So if I've offended you, I'm sorry, I didn't mean to. I'm looking at the audience and the testifiers and participants.

MR. CHAIRMAN: I accept your clarification and for the record, all people that wish to say anything in front of the Council, please come up to the table and state your name and affiliation, if any, for the record because this is an official proceeding.

MS. CROSS: Mr. Chairman?

MR. CHAIRMAN: Ms. Cross.

MS. CROSS: My concern is the same as Mr. Garnie's, the advertisement of the meeting. Perhaps we can announce it to the radio station and perhaps maybe somebody should look into the possibility of having a teleconference over there so Brevig, Shishmaref and other communities who wish to testify can call in.

MR. CHAIRMAN: Mr. Adkisson.

MR. ADKISSON: Mr. Chairman.....

MR. CHAIRMAN: Please state your name for the record.

COURT REPORTER: Please come up to the mike also.

MR. ADKISSON: Mr. Chairman, my name is Ken Adkisson with the Bering Land Bridge National Preserve here in Nome, subsistence coordinator. Regarding the musk ox

question, one of the key points on the agenda for this meeting is a request by villages of Shishmaref and Wales for an increase in the harvest for 22(E). If we're talking about relocating to one of the villages for local participation, Brevig Mission and Teller in 22(D) have representatives on the Council here, Shishmaref in 22(E) has a representative on the Council here, Wales does not have representation. It's very costly and difficult for them to get into Nome to attend one of these meetings. We tried to work with them to see if we could, it didn't happen. How do we get their input if their input if that's really an issue and a concern. And if we're going to relocate to a village for local input on the issue, maybe we should think about holding a meeting in Wales.

MR. CHAIRMAN: Thank you, Mr. Adkisson. Is there any further discussion on the question before us to possibly hold the musk ox hearing in Teller and now, through the discussion, Wales?

MS. CROSS: Mr. Chair?

MR. CHAIRMAN: Do I hear Unalakleet?

MS. CROSS: Mr. Chairman?

MR. CHAIRMAN: Ms. Cross.

MS. CROSS: Maybe we really ought to look at teleconference possibilities, having people testify.

MR. CHAIRMAN: To have the possibility of teleconference.

MS. CROSS: Especially from the communities of Wales.

MR. CHAIRMAN: Any further discussion?

MR. GARNIE: Mr. Chairman?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Yeah. I agree with Grace on the teleconference and stuff. It's almost like hindsight, we're talking about one day's notice. For future meetings and stuff, this would be really, really great to have teleconference. It would be a cheaper and easier way for people to voice their testimony and stuff. Testimony brought in from all the local villages that are concerned. But for right now, you know, we can go ahead and try it, but I just fail to see where we're going to get a whole lot in from the village with this short of notice, without any.....

MR. F. KATCHATAG: Advertising.

MR. GARNIE: Yes. We haven't advertised it, we haven't notified anybody on it. It's just really a good idea, but it's so close - just a day's notice, I think it's hard for me to see where we're going to get any more input than we are right now at this meeting.

MR. CHAIRMAN: Thank you Mr. Garnie, I appreciate that. For the record, I just wanted to entertain this question just to make sure that we're not flying in the face of what our mandate is and I'll leave it up to the wish of the Council. I'm sure you will all vote your best conscious and we'll see how it goes. And for the record, before I seek any further public testimony, my coordinator

informs me we have no teleconference equipment available and we can request a special meeting. And maybe we - well, we're still open to discussion. Mr. Wheeler.

MR. WHEELER: Yes, Mr. Chairman, Mr. Wheeler. I have a real problem with some of this that's going on. I personally interviewed individuals that took part in the National Park Service musk ox new guidelines for determining who would qualify. And the people I talked to weren't very happy. Last year they had a lottery system, this year it was different and there was a lot of unhappy campers, so to speak. And I think going to Teller strictly for the musk ox issue would bring out those issues. The people that really have an interest in it are going to be - that are there are going to show up. And they're not boating anymore basically. The river's are froze up, the traveling has been poor, I think you're going to have participation because there was a lot of interest when I talked to the people. And I just frankly feel that word travels very fast in the village and you're just going up there for a two or three hour session and if you get three people involved, it's more than what you've got here, excluding the Council members, who are here anyway.

And as far as transportation and all that, it's real convenient, there is commercial vans. I'll even charter one personally and pay for it out of my pocket for those that can't afford to go. But I just feel that local participation is very important and we're not getting it in Nome, Alaska. That's pretty obvious by the audience we have here and the testimonies that we received. So I'll rest my case.

MR. CHAIRMAN: Thank you Mr. Wheeler.

MR. KATCHEAK: Mr. Chairman?

MR. CHAIRMAN: Mr. Katcheak.

MR. KATCHEAK: You know that Northwest College has teleconference equipment and I'm sure that they have those equipment in other villages, too. I'm pretty sure they would have it and let us use it if we ask for it. We're so close to something and if we're going to do something great or something good, if we don't do it, we're just kind of throwing it away and that's the purpose for this hearing on musk ox, it would be just for information only. We have two days counting tomorrow to disseminate information and give notice, I think two days is sufficient enough days to inform the people. Thank you.

MR. CHAIRMAN: Mr. Buck.

MR. BUCK: Yes. We said we were going to have our meeting in Teller, I think instead of getting mad at the president, the vice president and the secretary should have been informed and then the three people to make a decision to have the meeting held here in Nome instead of in Teller. And I feel that we should have the meeting in Teller to discuss the musk ox.

MR. CHAIRMAN: Thank you, Mr. Buck. Any further comments on the motion before us? Any further discussion?

MR. SEETOT: Mr. Chairman?

MR. CHAIRMAN: Mr. Seetot.



MR. SEETOT: I was one of the ones selected last fall to harvest a musk ox. I was in contact with the other person that holded (sic) the permit, he did not have no means to hunt the musk ox at that time. I was in contact with him pretty much the month of January until the closing date, before the closing date, I asked him a couple times that we should go out and hunt the musk ox together. He still did not have no means. He did not transfer his permit to the alternate hunter. I think that he had made arrangements for a buyer to get the hide and that's from a transfer - it wasn't transferred to the alternate. With Teller Traditional Council, their hunter, I think that their intention was that they had the means to get the musk oxen. They had the transportation and they had the means. The one last year, it was unfortunate that that person did not transfer his permit to the alternate. And I guess that was the reason that Teller Traditional selected their hunters this year, that each person has the means and capability to get their musk ox and that was a phone call to Teller.

MR. CHAIRMAN: Thank you, Mr. Seetot. Mr. Adkisson.

MR. ADKISSON: Would it help, Mr. Chairman, to provide a description.....

COURT REPORTER: Wait a minute, can you go to the mike please.

MR. CHAIRMAN: Thank you, Madam Reporter.

MR. ADKISSON: Ken Adkisson with the National Park Service. The question that I have to the Council is, would it help to provide the Council now with the description of the process that was used in Teller this year to kind of understand from our - I guess what we saw issuing the permits what happened.

MR. CHAIRMAN: I don't believe that that is the issue at the present time.

MR. ADKISSON: Fine.

MR. CHAIRMAN: And it doesn't speak to the motion before us.

MR. ADKISSON: Okay, that's fine.

MR. CHAIRMAN: If you can make it speak to the motion before us then, yes, I would entertain your clarification.

MR. ADKISSON: It might shed some light on the process and the participation and the input that went into issuing the permits is all and add to what Mr. Seetot has said. Otherwise, that's fine, I don't have to present that information now.

MR. CHAIRMAN: Since you brought it up, I think we'll go ahead and hear what you have to say about it Mr. Adkisson.

MR. ADKISSON: Okay. A sort of quick historical background on Teller for it. In July of 1995 we had an informational meeting in Teller that was fairly widely attended, a good size turnout. Mr. Katchatag attended that meeting with us and the two basic issues in there were how to divide the permits up between the villages of Brevig Mission and Teller and how to issue the permits within the villages themselves. The Federal Board in addressing a request for reconsideration by the State that year cut the number of permits for Unit 22 from 12 to two and that left one permit for Teller and when we went back at the end of August to issue the permits, we had had the conversations with the Native corporation, the city and the IRA and it was felt that probably the easiest and fastest way to get the hunt underway was to do a straight random drawing of

people that were present. We did that, one hunter was selected, that hunter was unsuccessful in getting his musk ox and for the reasons that Mr. Seetot stated, that he apparently didn't have the equipment to successfully carry out the hunt.

In preparing for this distribution we, again, tried to talk and have conversations with leaders in the city, the IRA Council and the Native corporation. One of the things that we heard from a lot of the villages was they wanted a higher level of participation in issuing the permits, selecting the hunters and so forth. Most expressed interest in, for example, an IRA selecting the hunters. To the maximum extent possible that's what we wanted to do was to work with the villages.

This year the Federal Board allocated four permits basically to Teller. Most of the other villages that expressed an interest in having the elders or the IRA's participate in selecting the hunters for one reason or another were not able to do that. Teller was the only one that actually had the IRA select the hunters and the basis of that was that they had the technology, they had the equipment to successfully do it and that they were willing to largely share the results of the harvest with the community. And that's basically what the IRA selected the four hunters for Teller on. At the meeting we had a number of other people show up, some of them did express some concern and in discussions we had with them, we suggested that if they felt that they weren't getting a fair shake or whatever in the process to try to work with their IRA to see about how the IRA would handle next year's distribution and if they still didn't get any satisfaction to try to come back and talk to us. And the IRA in Teller selected the hunters this year in Teller.

MR. CHAIRMAN: Thank you, Mr. Adkisson. Any questions for Mr. Adkisson?

MR. F. KATCHATAG: Mr. Chairman?

MR. CHAIRMAN: Mr. Katchatag.

MR. F. KATCHATAG: I don't have no questions for him.

MR. CHAIRMAN: Okay.

MR. F. KATCHATAG: But I do know one thing about musk ox. We had a heard of musk ox in Unalakleet. And at the time they talked to us about musk ox the first time, they said that we would eventually own the musk ox. And these animals would help us for our earnings, you know, those that want to learn to weave musk ox, would finally - eventually get the job. But we found out the musk ox were no advantage to us at all. They were breaking the ground where the women pick greens for their winter. Down there the women and the men have a habit of picking a lot of greens after seal hunting and soak them in seal oil and that way you don't eat too much meat. As long as you have a little piece of meat, these greens would make up for the long winter and they were breaking up our greens, our berries, all these things that you don't need to have license to hunt.

You go up there, you know, our problem as Natives is that permission of our weather. Our weather is the boss. When the weather is good we can go out and collect enough for the rainy days. Now these musk ox are no advantage at all to these communities in Wales, Teller and Shishmaref, the people that are living there. They wander around and wander around all over and they knock down all the greens and they're just like pigs, you know, in pig pen. You know how it looks like, you wouldn't want to pick no greens from a pig pen, they'd be all

full of mud to begin with. And so it is true with musk ox. We don't - we told them, we don't want those around. And we found out that we weren't going to get any advantage from them anyway. So we told them we don't want them around, I don't know where they take them, they take them somewhere, probably between Fairbanks and Anchorage or somewhere.

MR. CHAIRMAN: They're outside of Palmer.

MR. F. KATCHATAG: I'm telling you, that's where they belong. They don't belong where the Natives are using their ground for survival. And the only benefit that you get out of musk ox is those people that can maintain those. You get paid from the State, you get boats from the State, like the Fish & Game, they got nice boats, they got nice motors, they got everything nice. But they're working against our own livelihood. They don't know how we live, they don't know how much greens we pick, they don't know how much berries we pick, but everything that we need to hunt, all they're doing is charging us for the license. You know, God didn't put us up here in Alaska in the first place and ask us to have a license to hunt these animals.

I read my bible and in Genesis, first chapter, the 29th verse says, When he created man, he gave him the dominion over the fish of the sea, he gave him dominion over the air, he gave him dominion over any creek and sea in inland. And the best - the very best thing for the Native to do is to shoot the sow of a bear so bears can be balanced out. You cannot over herd anyplace with bear, because all they do is destruct your camp, night time come they come and eat your dry fish that are hanging and all these things should be - all our partners, Fish & Game, should understand this and we should start working together instead of fighting each other. God didn't put us up here into our lands to fight each other, he said replenish, both of you replenish, but get along. We need to get along, that's why we request to have meeting in Teller so that these people can tell us how hard they hurt their livelihood from the berries and from the greens. Thank you.

MR. CHAIRMAN: Thank you, Mr. Katchatag. Any further comment on the question before us as to whether or not we would like to have either a continuation of this meeting in Teller tomorrow? Mr. Seetot.

MR. SEETOT: Mr. Chair. Mr. Adkisson, was Teller the only community in the region where the hunters were selected and were the other communities, by consensus, selected by lottery for the musk ox?

MR. ADKISSON: Yes, this year. Buckland has really - for a long time has suggested that the elders, you know, select the hunters or the IRA and they were moving in that direction this year. And because of the fire and a lot of people being called out, you know, to fight the fires, they couldn't really get the community together and a lot of people were gone at the time of the issue of the permits and it was felt that the easiest way to get through this year was to do a drawing again and that's what we did. Probably next year Buckland will try to have the IRA select their hunters. And our goal from government-to-government relationships wherever possible is to try to work as closely as we can with the tribal governments on the issue.

MR. CHAIRMAN: That brings up a good question Mr. Adkisson now that you bring up the government-to-government. Is there an overriding policy with regard to how the National Park Service deals with tribes and their memberships.

MR. ADKISSON: To the best of my knowledge that's undergoing some change right now. Unlike the Fish & Wildlife Service and some of the other agencies, we don't have a national policy right now, but there is a review underway and I think one is being formulated.

MR. CHAIRMAN: Is that a blanket Native American policy or is it Alaska Natives specific?

MR. ADKISSON: No, Mr. Chairman, it would be a Native American including Hawaiians.

MR. CHAIRMAN: Will we, as Alaska Natives, be treated under that policy the way we're treated under the present Native American policy of the Department of the Interior?

MR. ADKISSON: I haven't seen any of the draft or wherever that's at so I really couldn't answer that.

MR. CHAIRMAN: This, again, brings up a good point and this is for your edification, Mr. Adkisson, and also staff and also the Council. It's going to be part of my direction as Chair since I've just been reelected as Chair again to pursue an Alaska Native policy which will govern or which will guide all Federal agencies in their dealings with Alaska Natives. There is no Alaska Native policy as such right now. And for the Council's information, the Department of the Interior has a Native American policy, which for the most part speaks to the Indians of the Lower 48 and the only place where we, as Alaska Natives, fit in is through an example. They go through the introduction and the body of the policy of the Native American Policy of the Department of the Interior, it outlines everything in their government-to-government dealings through treaties and everything with the Indians, which basically are conquered people. As Mr. Wheeler stated we are not a conquered people, we have never gone to war with the United States and we have never been conquered as such. And yet we do not have any kind of a document for the government to direct its agencies and all its subordinates in their dealings with us as sovereign indigenous people and that is how our sovereignty as people is being eroded, because there is no policy.

I had asked at the informal meeting between the Regional Council chairs and the Federal Subsistence Board if they would be amenable to the development of an Alaska Native policy which would determine how all five Federal agencies and the Federal Subsistence Board deals with us as, not only indigenous Alaska Natives, Alaska Natives is a name created by Sheldon Jackson because he didn't want Federal Indian law to apply to us. There is no such animal as an Alaska Native. All of us here at these table are Inupiaq, we are not Alaska Native, but we are generically termed as such by statute. But there is no policy that governs - all agencies, when you get to talk to them about tribes, they'll talk to you about, yes, there is a government-to-government relationship between the Federal government and the Tribes. But in practice there is none. In other words, however the Fish & Wildlife decides to deal with us is set by their regional director and his attitude is we don't need an Alaska Native policy. How the National Park Service deals with us depends on people like Ken Adkisson, the subsistence specialists who tries to deal within a government-to-government relationship as an agent of the Federal government, the National Park Service, which is under the Department of the Interior. But we need an Alaska Native policy because the BIA treats us one way, the Fish & Wildlife Service treats us as basically just American citizens who just happen to live here. The National Park Service tries, but they don't have a guiding policy. And the policy that

does exist for Native Americans treats us as an afterthought that's an example for Alaska Natives, the statutes which govern the relationship between the Federal government and us as so called Alaska Natives is the Alaska Native Claims Settlement Act which extinguishes our aboriginal hunting and fishing rights and ANILCA which treats us as American citizens with no reference whatsoever to our indigenous status. So there is no policy.

And that's why I will be pushing again over this coming year to develop such an animal. Because, we as tribal members, our tribal government is not protecting us and our use of our resources. The Federal government has provided us with Title VIII, but in order to protect our subsistence as Alaska Natives, we have to make sure that the subsistence of all other non-Natives living within our region is provided for. So in order to provide for our own children, we have to bend over backward to protect the subsistence of everybody else in the face of a coherent policy. So that will be the direction I will pursue and that is the direction that I would ask the Council, when we get into changed proposals tomorrow to pursue and provide me the approval of the Council to head in that direction because we need it. We cannot afford, as indigenous people, to have our subsistence resources, our use of these resources so laxly protected. We have an obligation to our forefathers because they work very, very hard to make sure that you and I are still alive today. We have an obligation to make sure that our children and I like the Lower 48 Indian's policy in dealing with matters that are close to the heart, especially like subsistence. They say, that you don't work for your own use, you work to make sure in order to protect - provide for your own use, you say, okay, I'm going to protect the seventh generation down from me. In other words, my seventh generation from me, I am going to protect the access and the resource for those and in the process I am protecting mine. We have that obligation. I do not want to see my children in the same spot that we are in now. We're having to fight tooth and nail just to get back to square one. And that is our obligation.

So having said that, what is the wish of the Council? Is there any further discussion on whether or not we're going to go to Teller tomorrow? Excuse me if I get on the preacher's box, it's close to home.

MR. SEETOT: Mr. Chairman?

MR. CHAIRMAN: Mr. Seetot.

MR. SEETOT: Permits have been issued already in these communities. If the issues of these on our agenda items are to be discussing the community then these should be discussed and then discussion in these - the issues that the communities are dealing with should be discussed fully in the communities themselves. I mean that we are in Nome for - or this meeting was originally scheduled in Teller, it was changed to Nome and then the community of Nome has participants in this meeting here, why don't we just have the meeting in Nome and then have the meeting in Teller at our - for the next meeting scheduled. And the issue can be discussed at that meeting because the permits have already been issued by National Park Service. Permits have been selected by the organization in Teller.

MR. BUCK: Mr. Chairman?

MR. CHAIRMAN: Mr. Buck.

MR. BUCK: I think the people in Teller would like to discuss how, even if the permits are issued already, they would like to discuss how permits were issued

and how improvements can be made. So the item of permits being issued already is not a question. It's a question of how were those issues - basically I'd like to have the community of Teller, the people, to see if they have any comments on the process that was used.

MR. CHAIRMAN: Before I get to you, Mr. Wheeler, I have a question for the coordinator and/or staff. Barb, do you know when Mr. Garnie's appointment was finalized?

MS. B. ARMSTRONG: It was just before the meeting, I think about September 8 or 9, September 5 - September 6th.

MR. CHAIRMAN: September 6th. So basically the people of Teller have not known more than three weeks that Mr. Garnie, from Teller, will be sitting on the Council, right? So has anybody talked to you about this issue, Mr. Garnie? Being from Teller, I defer to you because you are most familiar with how the people of Teller feel about this and I defer to you, Mr. Garnie.

MR. GARNIE: Well, it's like any other community. There's been - you know, like just the one permit being issued, you know, of course, everybody wanted a piece of it, but not everybody can hunt musk ox. And still, nobody's really going to be happy with this policy and I think they've racked it up as not everybody can get a musk ox. There is too few musk ox, they reproduce too slow and I agree with Mr. Fred Katchatag here on the margin on musk ox is exactly pretty much the same that he's voiced is they much everything up. Everywhere where they graze they're - they no longer grow very much stuff. They also compete with the reindeer I hear - as for the reindeer herds, but there is another story between me and the reindeer herd of course.

But as far as I can see, the musk ox are more of a hinderance than a game for anybody here who lives up here. They have been re-introduced, they went into extinction up here for one reason or another. Whether they were too easy hunted or they just lived out there time like any other species goes, there's no longer dinosaurs and I think the musk ox are the same. That's my personal feeling on musk ox, but as a committee, the most I have herd on musk ox was the amount that they do destroy and do eat.

MR. CHAIRMAN: Thank you, Mr. Garnie. Barb, was there a press release on our new appointees?

MS. B. ARMSTRONG: Yes, there was.

MR. CHAIRMAN: Mr. Stapleton, did you get a press release on the new appointees to our Council?

MR. STAPLETON: No, not yet.

MR. CHAIRMAN: There's nobody here from the Nugget so I can't ask them. Was it sent up to this area?

MS. B. ARMSTRONG: I believe it was. Is that with Terry Edwards?

MR. BRELSFORD: Taylor Brelsford. I work with the Division of Planning and Public Involvement and we're responsible for the public communications. That would have been about 10 days, just the week before last. We did issue a press release for the Council appointments. We held off about 10 days after the Secretary's action so that the Council members would get their letters from the

Secretary first, rather than reading about it separately in the newspaper. So that press release was approved the week before last, the week before I went to the Kake meeting. I would be a little surprised if the Nome Nugget and Rob's paper are not on our list. I don't know the total list, but we have a fax groove for distribution of press releases, it's about 60 media outlets, regional media outlets in Alaska so I think we should have gotten it to you, but as I say there was a delay from the time the letter went to the Council members and the public announcements - the announcements to the general public.

Final point, I actually saw the listing of Regional Council members in the Anchorage paper just this previous Sunday, so that's about the timing at which it would have been distributed to the regional presses at the same time.

MR. CHAIRMAN: Thank you, Mr. Brelsford. Is there anybody here on the Council or in the public that has seen a press release in any of our local papers as to who has been appointed to this Council? Hearing none, has there ever been a listing of who is on this Council published in any of our local papers? So much for freedom of the press. So apparently we're operating in somewhat of a public media vacuum here. Has anybody heard any kind of an announcement on the radio and/or TV of who has been appointed to this Council or who sits on this Council? Again, for the record, deafening silence.

MR. BUCK: I think the only people in White Mountain that do know that I'm on a Council are the IRA members. And I tried to tell other people, but the Federal Subsistence Board, to them is another Federal organization that's trying to control us. But there hasn't been any. I think there should be more public notices on who is on the Board and what we're trying to do.

MR. CHAIRMAN: Thank you, Mr. Buck. So basically, by word of mouth is the only way that anybody in Teller would know that you sit on the Council? So, you know, that was going to be my next question is, is how many people in Teller even know you're on the Council and those that do, how many of them have approached you about this musk ox question?

MR. GARNIE: Well, none of them really approached me on the musk ox question outside of I did talk to Mr. Wheeler a little on it. Just the people that I talk individually with know that I am on the Board.

MR. CHAIRMAN: My request is going to be that all members of this Council be published and the terms and expirations of our office be published because our people have a right to know, not only who we are and what we are doing, but they should know what we're doing. And I appreciate Mr. Rob Stapleton being here from the Bering Sea Record and I look forward to seeing something with regard to this particular Council and our function.

Mr. Wheeler, you've been waiting very patiently.

MR. WHEELER: Yes, Mr. Chairman. Mr. Wheeler, Nome Tribe. In regards to the proposed Teller afternoon meeting, I think it's imperative. The permits have been issued, that's fine, but you have a lot of disgruntled individuals in there and you would air this issue out and you could compare it with what they did last year. I think they would say, hey, I think a lottery system is fair, maybe. I'm just bringing up as a point, not only that, the road will close shortly in the next 30 days or so and it's a very cheap way to go up there and conduct a meeting other than have to fly like in the case of Wales or Teller - I mean Shishmaref or Wales. And I think it's appropriate and the timing couldn't be much better and so with that, I rest.

MR. CHAIRMAN: Thank you, Mr. Wheeler. Any further discussion on the motion before us?

MR. KATCHEAK: Question.

MR. CHAIRMAN: The question's been called. Madam Coordinator, will you poll the Council please and I'll vote last.

MR. EDENSHAW: Grace Cross?

MR. CHAIRMAN: The question before you is yea or nay on whether or not we have a meeting tomorrow on the musk ox issue in Teller.

MS. CROSS: Yes.

MR. EDENSHAW: Edgar Ningeulook?

MR. NINGEULOOK: Yea.

MR. EDENSHAW: Theodore Katcheak?

MR. KATCHEAK: Yes.

MR. EDENSHAW: Fred Katchatag?

MR. F. KATCHATAG: I think - I will say nay because I think we should follow-up on our agenda since we have already called the meeting to order and all our delegates are here. But I would say yes if you want to go to Teller after we take care of our agenda here. I think these people should know what's going on, but it seems to me like we have more important issues other than musk ox in our agenda here. And we should continue on with our agenda since we have the delegates here from Federal and State. But we're going to have a meeting in Teller whether we have it now or later, but we should take care of our agenda first. Thank you.

MR. CHAIRMAN: Thank you, Mr. Katchatag. For the record, is that a yea or a nay?

MR. F. KATCHATAG: Nay.

MR. EDENSHAW: Elmer Seetot?

MR. SEETOT: Yes, for the residents of Teller.

MR. EDENSHAW: Peter Buck?

MR. BUCK: Yes.

MR. EDENSHAW: Joe Garnie?

MR. GARNIE: Yes.

MR. EDENSHAW: Abraham Anasogak?

MR. ANASOGAK: Yes.



MS. B. ARMSTRONG: Seven out of eight in favor.

MR. CHAIRMAN: You overlooked the Chair. I am the only one that has not voted yet.

MS. B. ARMSTRONG: Well, do you want to vote, Sheldon?

MR. CHAIRMAN: Well, I have not been called.

MR. EDENSHAW: Sheldon Katchatag.

MS. B. ARMSTRONG: Well, we normally only call the Chair into a tie if there needs to be a Chair vote.

MR. CHAIRMAN: The Chair votes yes. Having said that, I would very respectfully request that staff to see if that's fiscally and transportationally possible. And also, coordinators if, in fact, we are going I would like some immediate communication of that to not only Teller, but also Brevig Mission by all means available, be it telephone, teletype, tundra drums or fax.

MS. B. ARMSTRONG: Well, what time do you plan on being in Teller tomorrow?

MR. CHAIRMAN: We would probably leave here after lunch tomorrow when - depending on how long it takes, maybe meet from 2:00 to 5:00 or 3:00 to 5:00 or 3:00 to 6:00.

MS. B. ARMSTRONG: How long is it from here to Teller?

MR. CHAIRMAN: An hour and 15 to an hour and a half.

MS. B. ARMSTRONG: By driving?

MR. CHAIRMAN: By driving.

MS. B. ARMSTRONG: And you all are going to drive?

MR. CHAIRMAN: We will be driven.

MS. B. ARMSTRONG: Okay, driven.

MS. H. ARMSTRONG: Chauffeured.

MS. B. ARMSTRONG: Okay.

MR. CHAIRMAN: I'm not sure if the Fish & Wildlife Service is willing to entertain nine vehicles on the charge.

MS. B. ARMSTRONG: They would have to get an okay for them to where they can do that and then I'll call over there and we will setup the meeting for like 2:30.

MR. CHAIRMAN: Let's have staff check on whether or not this is fiscally possible first.

MS. MEEHAN: Yeah, Mr. Chairman, Rosa Meehan with the Office of Subsistence Management. And as you've noted, as Helen raised, we do need to check and make sure we can - basically that we have the money to do it. We're in an odd budget time because a budget was passed last night, but we don't know if we have

the budget yet, it's a strange budgeting time for the Federal government. And so we need to check that and then we need to check, if we can, indeed setup the logistics to make sure we have enough vans and can setup a meeting location and make the timing that so that those of us that do need to fly back to Anchorage tomorrow night can get back and catch the plane. So if you would give us the liberty of checking those specific three areas, it will take us a little while to do that and we could report back to you, it will probably be after lunch by the time we touch all those bases. So if that's acceptable, we'll do that. We do need to hit all three of those things.

MR. CHAIRMAN: Thank you, Ms. Meehan, appreciate that. Are there any further concerns on staff with regard to this particular direction from Council?

MR. WHEELER: Mr. Chairman?

MR. CHAIRMAN: Mr. Wheeler.

MR. WHEELER: I will donate two vans, commercial vans and pay for them if nobody can't find a van. If the government is unable to accommodate the staff's needs, I will make arrangements to serve them transportation, commercial carrier.

MR. CHAIRMAN: Well, let's have staff do their checking first before we make this commitment.

MR. WHEELER: The offer is open.

MR. CHAIRMAN: Let's go ahead and grab another cup of coffee for about five minutes and then we're going to go directly into Barb's Corner. Stand in recess for five minutes.

(Off record)

(On record)

MR. CHAIRMAN: The next item on our agenda is Item 8(B) moved up to 8(A), Barb's Corner. Madam Coordinator. Before Barb comes up to do her corner, I would like to clarify that our past members that are no longer members are, most recently, Mr. Bar\* from Shishmaref, his seat was taken by Edgar Ningeulook. Ms. Loretta Myktoyak (ph) from King Island Community in Nome, she sat for three years on our Council and her seat is being taken by Ms. Grace Cross. And then, of course, we have the new members, Abraham Anasogak from Koyuk and Joe Garnie from Teller.

In the past we have also had, what was Louie's last name - you took his seat - Louie - Barb, do you remember who Elmer.....

MR. SEETOT: Oh, Leonard Adams.

MS. B. ARMSTRONG: Adams.

MR. CHAIRMAN: Okay, Leonard Adams from Brevig Mission, he served one year. We lost Pete from Koyuk, he served two out of three years before he died in a plane crash. And George Lockwood from Unalakleet served three years on our Council and he was replaced by Mr. Fred Katchatag. And who's seat did you take Peter?

MR. BUCK: No one's.

MR. CHAIRMAN: Yours. Anyway, I believe that there are certificates and/or plaques being made or have been made for those members that have served on

previous Councils and we will get to that later. I just wanted to mention it for the record. Madam or Mr. Coordinator, can we have a letter of appreciation sent to those members that have not been sent the letter on behalf of our Council for their service on our Council?

MS. B. ARMSTRONG: There was one following the plaque that was sent to the Council members.

MR. CHAIRMAN: Okay. So everybody that.....

MS. B. ARMSTRONG: Served before on this Council has been sent a plaque with a letter except for the two that I have in my office. I have Pete and I think George.

MR. CHAIRMAN: Okay. I would like George's presented, I don't know if you want to do that or if you want to send me down there to do that, but I would like to make sure he gets his as soon as possible because he's not in the greatest of health.

MS. B. ARMSTRONG: Is he in?

MR. CHAIRMAN: He's in Unalakleet, yes, as far as I know.

MS. B. ARMSTRONG: Okay, all right.

MR. CHAIRMAN: As far as Pete's plaque, I think I'd like to hold off on that because, I believe, I'm not sure, but I'll check on it, I believe that the Koyuk IRA is building a new community facility and that that facility will probably be named after Pete.

MS. B. ARMSTRONG: Okay.

MR. CHAIRMAN: I think so.

MS. B. ARMSTRONG: I'll hold it until you let me know.

MR. CHAIRMAN: And I'll let you know. They're scheduled for - is that not correct?

MR. ANASOGAK: Yes.

MS. B. ARMSTRONG: Okay.

MR. CHAIRMAN: And it's scheduled for completion somewhere around just after the first of the year?

MR. ANASOGAK: Yeah, the first of the year.

MR. CHAIRMAN: Yeah. Right around the first of the year. So I'll coordinate with Frank of Koyuk, I believe he's still the president of the IRA?

MR. ANASOGAK: Yes.

MR. CHAIRMAN: And I'll coordinate with him and find out when we can have that official presentation. Because I'd like - that's a special one for me and I'd like to be there at the dedication of their building and to present a plaque on behalf of the Council to his widow and their children.

MS. B. ARMSTRONG: Okay.

MR. CHAIRMAN: With the concurrence of the Council that will be how we will handle that. Mr. Buck.

MR. BUCK: If it's possible maybe the vice chair and secretary could attend also.

MR. CHAIRMAN: Tag along.

MR. BUCK: Well, just to be there.

MR. CHAIRMAN: Sure. Depending on funding, of course. Did you hear that Barb or Cliff?

MS. B. ARMSTRONG: Yes.

MR. CHAIRMAN: So are you ready for Barbara's Corner?

MS. B. ARMSTRONG: Cliff is Barbara today.

MR. CHAIRMAN: Barbara you got a mustache. So Barbara/Cliff's Corner, let's go ahead and do that right now.

MR. EDENSHAW: Thank you, Mr. Chairman. My name is Clifford Edenshaw and I am the Regional Coordinator for the Kodiak Aleutians and employee with U.S. Fish & Wildlife Service.

Under 8(B) here, annual reports, what I have before me is dated June 28th, 1996 and this was a formal letter that was sent by the Regional Council to the Federal Subsistence Board. And I'm not going to go in here and read through everything here, I'm sure you have a copy of those inside your folders, except there is some dates that were scribbled on here and under those - underneath these dates above, subsistence issues which concern the Seward Peninsula Subsistence Regional Advisory Council are and dated January 7th, '95, February 7th, '95, March 7th, '95, April 7th, '95, May 7th, '95, June 7th, '95 and July 7th, '95, under each of those; the first one, our Council Chair should sit as members of the Federal Subsistence Board. Number two, Regional Council should be involved with the initial setup and design for any fisheries program. Three, we believe that more money needs to be devoted to resource data collection to provide us with more up to date information. Four, less money should be allocated to Anchorage office staff. Five, tribal co-management should be a priority. Six, Alaska Native policy should be a priority. And, seven, legal counsel should be provided for Regional Advisory Councils. And under that, we recommend that the Federal Subsistence Board discuss these issues that concern us and begin to solve them.

So this was a letter that constitutes the fiscal year 1995 annual report of the Seward Peninsula Subsistence Regional Advisory Council. And under Tab 8(B)(1) here is from the Federal Subsistence Board, it is a reply letter from the Chair.

MR. BRELSFORD: This reply letter would be in your notebooks, if you'd turn to Tab 8.

MR. EDENSHAW: There's a blue tab, 8(B)(1).

MR. BRELSFORD: And then go to the blue tab (B)(1), it's behind it.

MR. CHAIRMAN: While everybody's looking, Mr. Edenshaw, I would just like to state that Barb and I coordinated the content of this letter as being the concerns of the Council with regard to subsistence and it constitutes the annual report of our Regional Council to the Secretary of the Interior. And I had Barb sign-off on this for me as I was living back and forth between Elim and Unalakleet this summer between fishing, berry picking and everything else, so I had Barb sign-off on this.

And correct me if I'm wrong, Barb, are these dates or are these suggested resolution numbers?

MS. B. ARMSTRONG: Those were the dates - I think those are resolution numbers.

MR. CHAIRMAN: Yeah. I don't remember.....

MR. BRELSFORD: Mr. Chairman?

MR. CHAIRMAN: Mr. Brelsford.

MR. BRELSFORD: Taylor Brelsford. Actually those are index numbers. When we briefed the staff committee and the Federal Subsistence Board, we had an index of issues, one line labels.

MR. CHAIRMAN: Okay.

MR. BRELSFORD: Each issue in all 10 reports.

MR. CHAIRMAN: Then that shows it being as a '95, Region 7.....

MR. BRELSFORD: It's the year, Region 7 and the.....

MR. CHAIRMAN: .....Issues number one through seven?

MR. BRELSFORD: Right. So there were '94 and '95 reports from among the 10 regions. The first digit refers to the fiscal year of the report, the second digit refers to the Council and then the final one is the enumeration within that region's annual report. There was something like 88 issues from all 10 regions that the Board had to consider in its meeting.

MR. CHAIRMAN: Thank you for that clarification. Any questions on the annual report from Council?

MR. F. KATCHATAG: Mr. Chairman, the only question I have is that our region have correspondence with the other 10 or 11 regions in our statement.

MR. CHAIRMAN: We do have some correspondence. The majority of our correspondence has been with Regions 9 and 10, which is the Northwest Arctic and the North Slope. They are on file, I believe, with Barb and they are available. A lot of them have to do with the musk ox issue that - seeing's how that it was Seward Peninsula musk ox and that southern portion of Game Management Unit 23 was part of Seward Peninsula, that we ended up having some correspondence with them on that - on allocation of permits. And the main reason being that I felt that it was not within my jurisdiction to dictate to the Northwest Arctic Council on how they allocate their permits, rather I just wanted to inform them that due to our proposal they had received an allocation of musk ox under the Federal Subsistence Management Program as opposed to the State ADF&G program

which had drawings or registrations or some other form which were not "subsistence hunts." That's pretty much the basis of correspondence with other regions. Is that not the gist of it Barb?

MS. B. ARMSTRONG: Yes.

MR. EDENSHAW: Mr. Chair, may I also - for Mr. Katchatag's information on November 19th and 20th, the Board will meet with all 10 Regional Council chairs as well.

MR. CHAIRMAN: Thank you, Mr. Edenshaw. For the record, Barb has given me a copy of the September 26, '96 Arctic Sounder which shows, not only the new appointments to the Northwest Arctic Council and the North Slope Council, but it also shows who else sits, who is incumbent on those two Councils. So I'm glad two out of three - like the song says, two out of three ain't bad, I guess. Any other questions on the annual report?

MR. EDENSHAW: Mr. Chairman, may I make a suggestion here on this one issue that the Council brought up, the Regional Council requested that they should be involved with the initial setup and design for any fisheries program. Rosa Meehan is going to give a presentation in regards to the Katie John rulemaking. May I suggest that the Council - there is moratorium language that is being introduced and nothing has been, at least to my knowledge, of what is the present state of that, but I would suggest or recommend to the Council that they continue to put together, you know, their design or initial setup for the fisheries program because I just feel we can't wait and see what's going to happen in regards to any language that's going to be introduced for fiscal year '97.

MR. CHAIRMAN: Thank you, Mr. Edenshaw, as I mentioned to you in private, that I will be submitting something in writing and I will be requesting that the Council approve that particular item when we come to it. Any further questions on either the annual report or the reply from the Federal Subsistence Board shown under Tab 8(B) (1)?

MR. GARNIE: Mr. Chair?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: I was just looking this letter over and this number six here, Alaska Native policy should be a priority concerning Fred Katchatag, Sr's comment on communication with the rest of the State. I think I would be real important on this policy to have, not just - I mean to have a statewide meeting with all the chair persons from all the different areas on drafting up this policy. I think in drafting up the policy we need a whole State involved, with them all involved we'd have more - a little more power to the punch.

Some sort of meeting, I would think would need to be scheduled for a statewide meeting on drafting this policy.

MR. CHAIRMAN: To address that concern, Mr. Garnie, I would entertain a motion that this particular annual report be sent to all nine other Regional Advisory Council with the addition on number six that it should read, Alaska Native policy should be a priority, developed in consultation with all nine other Regional Advisory Councils; is that acceptable?

MR. GARNIE: Very acceptable.

MR. CHAIRMAN: Do you so move?

MR. GARNIE: I so move.

MR. CHAIRMAN: We have a motion before us, do we have a second.

MR. NINGEULOOK: Second.

MR. CHAIRMAN: Seconded. Discussion?

MR. BUCK: Question.

MR. CHAIRMAN: Question's been called, all those in favor of having a copy of our 1995 annual report sent to all other Regional Advisory Councils with the amendment that Item 6 of the subsistence issues be amended to read, Alaska Native policy should be a priority, developed in consultation with nine other Regional Advisory Councils.

MR. GARNIE: How many regions do we got?

MR. CHAIRMAN: There's 10 altogether.

MR. CHAIRMAN: We're number seven. So does that.....

MR. GARNIE: Yeah.

MR. CHAIRMAN: Question's been called, all those in favor signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously. Any comments on the response from the Federal Subsistence Board?

MR. F. KATCHATAG: Mr. Chairman, is bag limit included in this report?

MR. CHAIRMAN: No, that's part of the regulations.

MR. F. KATCHATAG: Oh, okay.

MS. CROSS: Their response is in 8(B)(1).

MR. CHAIRMAN: You know in reading this response from the Board I see the Federal Subsistence Board hiding behind regulation. They're going to say FACA and under OPPA (ph) and all these other acronyms that, we as appointees, cannot sit as a Federal Subsistence Board making and determining policy. And it mentions again legal requirements and the Board has benefit of legal counsel, but we as chairs and Regional Advisory Councils do not. And that again bolsters our request for independent legal counsel, Item 7, of the annual report.

MS. CROSS: Mr. Chairman?

MR. CHAIRMAN: Ms. Cross.

MS. CROSS: On Page 2 on the bottom paragraph where the Federal Subsistence Board's response to Alaska Native Policy, where it's saying that Title VIII of ANILCA does not authorize Secretary of the Board to differentiate on a

subsistence user on the basis of tribal affiliation, however, each of the agencies has a policy provided for recognition of the government-to-government relationship with Native and American tribes. So if we're talking about talking with the other 10 Advisory Councils to have a change made in Title VIII of ANILCA or are we talking about having each of the, like National Park Service and U.S. Fish & Wildlife to set policies, so which approach would we be looking at or am I lost somewhere?

MR. CHAIRMAN: Basically what our request for an Alaska Native policy is that in implementing our mandate under Title VIII of ANILCA, there is no guiding policy with regard to how, not only, we as Regional Advisory Councils deal with tribal governments, but how the Federal Subsistence Board and its subordinate agencies deal with Alaska Natives on subsistence.

MS. CROSS: So in the sense you're looking at a separate entity?

MR. CHAIRMAN: The Park Service has said that they do not have an Alaska Native policy. They don't even have a Native American policy. So how they deal with us here in Region 7 depends on our relationship with Mr. Adkisson and staff and/or his superiors and it might be different in the Northwest Arctic where they have even more refuges and parks and other types of conservation system units. And there is no overall policy that says you will deal with the tribal government on matters of subsistence, there is no requirement for that. And now they're saying it has to do with ethnicity. Ethnicity has nothing to do with a government-to-government relationship. And again, see they're bringing up the issue of race. We are not recognized in the government-to-government relationship as being an Inupiat tribal government, as being an Athapaskan tribal government, as recognized as being a Haida tribal government, we are looked upon as having a government-to-government relationship which is supposed to be colorblind.

In other words, the Federal government is supposed to be uniform in its dealing with governments, be they Japanese, Russian or Alaska Native. But there is no policy which governs how they deal with us as indigenous people as members of tribal governments with whom the Federal government purports to have a government-to-government relationship.

MS. CROSS: So which entity are we looking at then?

MR. CHAIRMAN: We're looking at the Federal Subsistence Board now.

MS. CROSS: Okay. To have them develop?

MR. CHAIRMAN: No, to have us develop.

MS. CROSS: Okay, to have us develop?

MR. CHAIRMAN: A policy which determines how the Federal Subsistence Board will deal with tribes and tribal government and their membership. There is no policy at the present. They deal with us based on ANCSA and ANILCA, which does not treat us as members of tribal governments with whom the Federal government has a government-to-government relationship. So on the one hand they say, yes, we recognize you as being a member of a tribe. Your tribal government has a government-to-government relationship with the Federal government, but who in the Federal government? The National Park Service does not.....



MS. CROSS: That's where my confusion is. Like I was asking you, in terms of a policy, who are we directing? Who are we going to.....

MR. CHAIRMAN: We deal with subsistence. We deal with subsistence so our priority is to get a policy which will guide the Federal Subsistence Board and the Regional Advisory Councils in our dealings with tribal governments and their memberships and their subsistence. Is that clear to everybody?

MS. CROSS: Through ANILCA?

MR. CHAIRMAN: Yes, through ANILCA.

MS. CROSS: Or to each of the little entities?

MR. CHAIRMAN: No, through ANILCA.

MS. CROSS: Okay.

MR. CHAIRMAN: See we're a creation of ANILCA.

MS. CROSS: Um-hum. (Affirmative)

MR. CHAIRMAN: But we have no policy which determines how we, as a Federal creation deal with tribal governments which have a government-to-government relationship.

MS. CROSS: I understand.

MR. CHAIRMAN: So basically we're in violation of that government-to-government relationship because we have no policy determining how we shall deal with it. And that is basically what I am trying to say in our request to develop one, is that, we're basically in violation of Federal Indian law, in that, we are across the board dealing with the subsistence of indigenous people who are members of tribes who supposedly have a government-to-government with the Federal government and we, as the Federal creation, are not governed by a policy which determines how we shall uniformly and fairly deal with those tribes in their membership. And that's where I'm trying to come from.

MS. CROSS: Okay.

MR. CHAIRMAN: Does that make sense to everybody? Is that not something that sounds like we should have?

MR. F. KATCHATAG: Mr. Chairman?

MR. CHAIRMAN: Mr. Katchatag.

MR. F. KATCHATAG: You have IRA councils to deal with government-to-government policies on a monetary basis - monetary - that's where they get the money from.

MR. CHAIRMAN: So that defines the relationship of the tribal governments to their funding source, the Bureau of Indian Affairs?

MR. F. KATCHATAG: This is why I asked if this subsistence board has any correspondence with the other Regional Subsistence Boards? Every one of the others in Alaska, Alaska consists of, I don't know how many regions, 13 regions?

MR. CHAIRMAN: There's 10 regions under the Federal Subsistence system.

MR. F. KATCHATAG: All right. We should have correspondence with them. And getting to this issue of being recognized as an indigenous people, we cannot do it by ourselves here. We have to be with the other Regional Councils.

MR. CHAIRMAN: Right, right. But what I'm saying is that the Regional Advisory Council, because we are created by Title VIII of ANILCA which is a Congressionally created law, in other words, we are part of the Federal system and, yet we do not have a clear policy which determines how we, as a Federal creation, deal with tribal governments which have a government to government. And yet, David Allen of the Fish & Wildlife Service has said, we don't need this. And so he's saying it's okay for us to violate Federal Indian law and not be governed by a policy in determining how we can uniformly and fairly deal with tribal governments. That's why I'm making it an issue as the Chair of this Council, that we, as a Council, should request that we, as Councils, in consultation with the other nine Regional Councils, develop a coherent, logical, uniform policy which will guide, not only the Federal Subsistence Board, but also the Regional Advisory Councils in their dealings with the tribal government and their memberships on subsistence, which is our charge. Does that make sense?

MR. F. KATCHATAG: Yeah.

MS. CROSS: It does now.

MR. CHAIRMAN: Does that answer your question?

MS. CROSS: It does now, yes.

MR. CHAIRMAN: Are there any other questions? I don't know if you realize this or not, but I think about this - I wake up thinking about these things, I go to sleep thinking about these things because it's that important. Any other questions on either the annual report or the response from the Board?

MR. GARNIE: Mr. Chair?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Yes, I have one question, it's kind of - I hate to go back on this, but I just got to reading the minutes here a little closer, the old minutes. And it mentioned in there - one of my concerns was water rights. And it said, we can't apply for water rights and I don't know about what water rights it's talking about, we don't do any farming or anything, but if that means setting nets or coming up and down rivers or what rivers, I mean it says, we can apply for it, but just for my information and for being able to pass this on to my tribe members, it's just a new one on me that we can apply for water rights.

MR. CHAIRMAN: You know, that is another whole can of worms.

MR. GARNIE: Yes, I realize that. It was a can of worms that I really didn't care to open but it's a great concern of mine.....

MR. CHAIRMAN: I appreciate that.

MR. GARNIE: .....to whether - you know, there's rivers and stuff that we have been going on for thousands of years, I really hate to see any new regulations without our input being put in if all of a sudden I find out we can't go up this river and fish anymore.

MR. CHAIRMAN: Can you cite me page number?

MR. GARNIE: I'd have to look it up again, it's over here in the old minutes and I just saw this.

MS. B. ARMSTRONG: Will that be on the Katie John presentation?

MR. BRELSFORD: Yes.

MS. B. ARMSTRONG: I think that will come up on the Katie John presentation here this afternoon.

MR. CHAIRMAN: You know, that's another thing that burns me, you all know where. Because ANCSA, itself, says that this is strictly a Land Settlement Act. But in the process it has extinguished aboriginal hunting and fishing rights. In the process it has conveyed water rights, but yet it says this is strictly a Lands Settlement Act. And not only that, but in its preface it says that this is a social experiment. So we are being jacked every which way from every other way by something that says it's simply this and when it encompasses everything about our life. How much more comprehensive can an act be when it not only encompasses land, but extinguishes your aboriginal hunting and fishing rights and turns over any water rights that you might be born with to a Federal agency, which says that if you want to reestablish your water rights you have to apply for same either from the Feds and/or the State. We have been totally conquered on paper. We are almost to the point on paper of being - well almost nothing. Almost nothing, we have been totally separated not only from the land but from the water and from the very villages in which we grew up.

The lands that you grew up on now belong to what is looked upon by the Federal and State government as one person. You may think that you own the land that is listed under Teller Native Corporation, but if you look at ownership, actual deeds of ownership of that land, that land is owned by one person, and that person does not have a soul, that person is a village corporation which is looked upon as one private person. That one person owns the land that is marked on the map as being Teller Native Corporation, you don't own it. It doesn't say, Joe Garnie on any piece of land or any deed, there is no such piece of paper unless you have a Native allotment. And even then the Federal government reserves ownership and holds it in trust for you because they say you are incompetent to own land. We have been separated from our land, the village in which we were raised have been turned over to another person, a semi public person called the city, the city of Teller and that is also under ANCSA. Even if you don't have a city, Solomon has no city, but they are required under ANCSA up to 1,800 acres for some future city named the city of Solomon. A taking without compensation mandated by Congress. We have been separated from everything that makes us. In order to hunt marine mammals, we are given an exception which is not guaranteed every year that nobody can hunt marine mammals except Alaska Natives for subsistence. So we have been separated from them, we can not hunt and fish unless we get permits because our aboriginal rights have been extinguished. On paper we have been totally conquered with nary a shot fired and none of them hurt. So now we must try to work as a Council to provide as best we can, not for us as indigenous people, but for us as rural residents because that's the way that Title VIII of ANILCA reads.

MR. F. KATCHATAG: Mr. Chairman?

MR. CHAIRMAN: Mr. Katchatag.

MR. F. KATCHATAG: You know the history of Alaska. You know our forefathers. And the Russians, they come across, they wait and they landed in our country. Them days Alaska was our country and they found out that we couldn't understand their language, so the Russians, like Columbus, discovered Alaska. We have Russian graves in Unalakleet, but they're no longer visible now, they're gone. There were about 13 crosses, maybe 14 in 1920's, they're gone now you can't see them anymore. They're the ones that sold us to America without the consent of our forefathers. And our forefathers didn't know what happened. They don't know. And in time when that happened the Russians made sure that the United States promised Russia that they would take care of us. That they would take care of our health needs, they would take care of our educational and they would take care of us and Russia told America don't ever mess around with our livelihood. But you know when somebody dies, he dies with his promise. You know, that Secretary of the Interior, Stewart, he died, they all die and somebody else takes over. The last good governor I seen in Alaska was Governor Gruen. And I thought he was a man, but you know him and Bartlett and the others, they traveled all over Alaska entertaining them to become a statehood. I remember what they said, they said, you would have a delegate from Alaska to Congress if you become a State. But they never told us what state consisted of, so they voted for it, Natives voted for it and they became a state. When they became a state it was no longer territory. When it was territorial everybody left us alone. We didn't have no competition from the outside world, everything was running smooth. And these Native leaders, without the consent of the Native people of Alaska, minority people, they went to work and the wrote up the Lands Claim Act. And what they told the Natives was that you're going to become a millionaire. Every one of your homes will become a millionaire if we sell the ground, we sell our aboriginal rights to the United States. Well, everybody thought a million dollars would last a long time. And you know when 1971 came along, you all read that bill, I hope, and that bill stated the Natives have sold their aboriginal rights. For 20 years, maybe 18 - 15 years, nobody knew what was going on, but they have corporations, they had a lot of money everybody was real happy. And I went to work for Regional Corporation here in Nome, I tried to tell my Native people don't become municipality, but they all said it's in the bill. You have to follow on this. And I told them, the BIA school is going to close if you vote on that and they told me, you dumb head, you think you're going to extinguish BIA, not me, it's that ANCSA is going to extinguish that for you, they said they never told us it was like that, they'd tell us. Well, I said, you go ahead and vote and become municipality, I'm not here to make enemies of myself I got 10 children. So they put me to work for regional corporation and when I saw that I had to travel to advertise this municipality I resigned. I told them I don't want to go because I had 10 children and I don't want my name on there. That's what happened. Now we're facing this, what he told you awhile ago, who you are. And corporations, a lot of little corporations are going broke because they have no soul.

Now we got no water rights. But you know we have to live. The only thing that I can see now is to work together with these agencies, these people that are working for State, people that are working for Federal; the only way we can make it work is to work with them. Be friendly to each other. We're fighting about subsistence rights. We're going to be like the Israelites and the Egyptians. A power that is unseen will be with us. Only people that will survive will be like the Elijah. We're getting to that point now. You better start reading

your bibles if you're going to survive. You can look at it from any focus, you're going to be mocked at if you start reading your Bible, but that's the only survival you're going to find. There is no other way now. We can fight and fight and fight until there's no more legal attorneys available. The only thing we can do is to wait for them to take us to court, they got the money, we don't. Keep quiet until we get to the court and then in court you explode and maybe you will get somewhere, but that's the only advice I can give you, start reading your Bible. As long as you know what's going on it will not hurt you inside and your children will be protected. That's the only way you're ever going to be protected, there's no other way now. You see, like he said, this corporation's got no soul, the Devil's got no soul. He cannot be forgiven anymore and he's not going to help you.

So what we need to do is try our best to reach the goal to make sure our children, grandchildren will get along with the people up there. And if we work together, Congress is way out there, if we work together we'll survive. Thank you.

MR. CHAIRMAN: Thank you, Mr. Katchatag. One last thing that I would like to say about all that goes back to the 10 Commandments. And the one thing that I think is the gist to all the problems that we have now is that people are not obeying one particular commandment; Thou Shalt Not Covet thy neighbors ass, thy neighbor's man servant, thy neighbor's maid servant or anything that is thy neighbors be they fish of the sea, fowl of the air or anything that creep upon the earth. If you ask God will give it to you. But if you covet, only ruin will come of it.

I would just like to ask one question about the reply of the Federal Subsistence Board. It's signed by the Chair, Mitch Demientieff, but knowing him, I know he didn't write this thing, I would like to know who wrote this? The initials at the top are ASM/JB/ReplyR.7. Somebody on staff wrote this, I know, I'd just like to know who for the record.

MR. EDENSHAW: Mr. Chair, the initials JB are Jerry Berg.

MR. CHAIRMAN: Pardon?

MR. EDENSHAW: The initials are Jerry Berg. He works in the office - in our department.

MR. CHAIRMAN: What's the last name?

MR. EDENSHAW: Berg.

MR. CHAIRMAN: Oh, okay. Thank you. Having found that out, let's take a lunch break until - wait.....

MR. BRELSFORD: Mr. Chairman?

MR. CHAIRMAN: .....Mr. Brelsford.

MR. BRELSFORD: If I may, one further word of clarification about the development of this correspondence. The process was that the set of issues and the index was developed by Jerry on behalf of coordinators, the coordinators reviewed that issues index at a step back in June or July. The staff committee reviewed the index of issues and the reports themselves and developed, the provided guidance to the staff for recommendations to the Board. Those

recommendations were in writing. The Board received a packet that had the staff committee recommendations and the full report, they deliberated over the issues on the dates provided here, August 29 and approved - the Board took action incorporating the staff committee's statements or amending those. So I guess the assurance that I would like to provide you is that the Board saw the text that you have in front of you before it was finalized into correspondence. So it's not an individual staff members responsibility. This was one that was developed with considerable consultation.....

MR. CHAIRMAN: In other words, everybody can say, no, I didn't write that?

MR. BRELSFORD: No. I think the answer is an honest one, the initials on the letter are Jerry Berg, I just wanted you to.....

MR. CHAIRMAN: Well, I'll leave it at that.

MR. BRELSFORD: .....know that the Board has seen and has been directly involved in the review of issues and the policies that you have there come from the Board, not from the staff.

MR. BUCK: Mr. Chairman?

MR. CHAIRMAN: Mr. Buck.

MR. BUCK: Mitch Demientieff didn't sign this, that's not his signature.

MR. CHAIRMAN: Oh, I know that's his signature if you can call it that. But let's take a recess for lunch and be back here at 1:30.

(Off record)

(On record)

MR. CHAIRMAN: I'd like to call this meeting back to order and continue with Barb's Corner. We've gone through the annual report and the review of the response to the 1995 report. We might as well get into the discussions on the '96 report. Let's call this meeting back to order, restart.

As I said earlier, let's get into this 1996 report. Is there anything that the Council feels should be on the 1996 annual report? For the information for those of you that are new on the Council, generally I would work with Barb in the development of the annual report, but, you know, I'm open to suggestion. If the Council wants more involvement in the process it's thoroughly fine with me. I think some of the things that we should put into our annual report is any changes in personnel such as new people being appointed and any reappointments and probably, Cliff, I think we should also include proposals which we worked through the cycle the previous year which have been approved by the Federal Subsistence Board and you have that in our minutes. One other thing which I think should go into the annual report are those proposals which we were asked to defer in the last cycle that we would like forward to the present cycle, just for the record. I was concerned that we were asked to reduce the number of proposals that we had approved and this was - the reason given was that the staff could not properly bring the staff committee and/or the Board up to speed on all the issues which we had brought which we deliberated on in our Council process. Barb, I believe has all the proposals from our last cycle which were deferred and when she comes back I'll see if she does. Is there anything also that we should include in our annual report?

Mr. Garnie.

MR. GARNIE: I don't know if I'm off track or anything, but as far as the Fish & Game and everybody, it's fine and dandy that we spend a lot of time on this musk ox issue and everything else. But there was one real big concern I've got, is regulating hunting and fishing that's all fine and dandy and stuff, I don't think we're ever going to hunt anything to extinction or anything, but one real big concern of mine from the Native corporation I belong to up in Teller is - and we try to regulate which is really failing us is all the track vehicles and all terrain vehicles that are destroying habitat. I mean it's more alarming than the hunting that's going on, these big nodwells and what have you just cutting across and right into the heart of breeding grounds and animals and stuff. I think this needs to be paid a little bit attention to.

Being right close to a community like Nome where a lot of people here own all these vehicles and track vehicles and we got roads cutting across our lands where they can drop vehicles off at any point and any time during hunting season and paying no attention to whose land it is or anything and proceeding to tear up all the mountains and all the land and stuff. It's just cut forever. I mean this land was handed to us in its virgin state and it's been this way for thousands of years and it's really a shame to see it tore down within a matter of the next few years to beyond the recovery stage.

We're privileged just to be a part of this great land and it's just really a shame to see on a path of destruction right now, whereas now if we can work toward maybe some stipulations where it can be monitored some or some guidelines being set to where they can travel and where they can't. But it's, right now, I feel out of control and it's just now starting.

MR. CHAIRMAN: So would you like this concern over habitat destruction be part of our 1996 annual report.

MR. GARNIE: I think I would. But I don't know exactly how to get it started, but I think some guidelines have to be set as far as travel across country at this point. I don't want to pick on one area or anything, but I've hunted some around Council and noticed how badly it was tore up in there and I see it starting to happen in our area with the roads in there and it's bound to happen all over the State. And it's happening in a lot of parts in it and there's really no cause to have it completely destroyed.

MR. CHAIRMAN: The chair would entertain a motion from you and we can word it, you know, as long as you make the motion and it receives a second, in discussion we can flush out the motion to your satisfaction and the satisfaction of the entire Council. So all you have to do is say so moved and if I get into the language you can say, yes, that's what I want, no, change it a little bit this way or that way. All we need is a motion.

MR. GARNIE: So moved.

MR. CHAIRMAN: Okay, we have a motion before us to include in our annual report concern about habitat destruction especially along the road system in 22(D).

MR. GARNIE: That's fine.

MR. CHAIRMAN: That's fine, do I hear a second?

MR. BUCK: Second.

MR. CHAIRMAN: Seconded. Discussion? Does that.....

MS. CROSS: Mr. Chairman?

MR. CHAIRMAN: Go ahead, Grace.

MS. CROSS: I think it's just the kind of thing you were talking about that would be addressed like on the Alaska Native policy. Because he was also talking about destruction of Native land, the Teller Native land. People not from Teller that are not residents or tribal members go into their property with all terrain vehicles and destroy their land. It's another need to have Alaska Native policy from government-to-government. Those things would be addressed by such an entity, I think. It kind of supports our need for that.

MR. CHAIRMAN: Well, I think this goes beyond an Alaska Native policy, in that, under Title VIII of ANILCA it's our responsibility to manage a resource in a scientific manner and if we're not taking care of the habitat, then we're not fulfilling our mandate.

MS. CROSS: I was just saying it's another.....

MR. CHAIRMAN: Alaska Native policy regardless. Do you see where I'm coming from?

MS. CROSS: Yeah, I can see where you're coming from. But I'm just saying, also that really enforces the need to have.

MR. CHAIRMAN: I agree with you. But I think that's going to be a battle in itself, though, the Alaska Native policy. And I would hate to see our language with regard to habitat with the Alaska Native policy which we might not get anyway.

MS. CROSS: I was just commenting on that. I was just saying it supports the need for.

MR. CHAIRMAN: I appreciate that.

MS. CROSS: But I really do agree, just around Nome area, you can see how much destruction there is already because we have so many vehicles in Nome. And just flying over the area around Nome you can see how much damage all terrain vehicles are causing the tundra.

MR. CHAIRMAN: Any further discussion?

MR. KATCHEAK: Mr. Chairman?

MR. CHAIRMAN: Mr. Katcheak.

MR. KATCHEAK: Include other areas because it's becoming a common thing by people, just like four wheelers and all kinds of other vehicles on the tundra. In Stebbins area and south of Stebbins and drainages are - there's trails everywhere and that type of destruction should be stopped some way. An Alaska Native policy would address that.

I know the private land owners have a different policy on their land policies. I haven't - I don't know how to address that policy, maybe we - it's because



being on Federal subsistence I end up looking at it from the corporation perspective. We have our policy that there should be no vehicles crossing and then if they do they would have to apply for easements. The private corporation would set rules denying access to land where subsistence is - to sustain a subsistence area. That's it, that's all I have.

MR. CHAIRMAN: Thank you, Mr. Katcheak. Any further discussion on the motion before us?

MR. EDENSHAW: Mr. Chair?

MR. CHAIRMAN: Mr. Edenshaw.

MR. EDENSHAW: I believe what Mr. Garnie was getting at also was competition. And I believe if you look at what he was suggesting in regards to looking at habitat, you know, impacts from ATV use and other vehicles, I believe you're going to have - I've seen this example down there in Steven's Village and they tried to have a water shed closed based on outsiders coming in from the haul road in their boats and stuff and they tried to close it based on competition and I believe that this is one way that you can look at it regulating. It may be an avenue you guys can use to get some sort of regulation on competition from people coming from the outside that are impacting the habitat.

MR. CHAIRMAN: Mr. Wheeler.

MR. WHEELER: Yes, the comment I'd like to make is that while you're on the idea of habitat and ATV's and destruction of the land, just bring up the issue of the aircraft. It doesn't ruin the habitat although there's regulations in the State for same day airborne. I used to hunt exclusive with my airplane and we didn't hunt the same day, we had camps out there. We took in the most remote areas culled, totally away from where people hunted, you never saw them there. And these were meat hunts, they weren't guided hunts, they were meat hunts. We brought no antlers back and I think, in all fairness, there's no reason why it can't be considered for that purpose. Because, right now there's many guys that go out there with \$50,000 or \$100,000 airplanes, haul their moose out and they crash it, it just happened recently. A legal hunt, he lost \$100,000 airplane. And you know if the person has the means to get it that way and he's in a remote area and he's not competing with the locals, I don't see any problem with it. I do see a problem with those that commercialize with it and those that go out after the antlers, so to speak. But as far as a meat hunter, you're culling an area and you're not competing at all with the person that takes it by the boat or four wheeler on the road system. That's something we did on the Yukon, we went into the most remote areas with an air boat and we were one of the few that had an air boat in the Tanana area, the same thing with airplanes. They never saw us we were so far out. And I just make it as a comment for something to think about. I'm not saying that it should be done, but it's a consideration maybe down the line. It has to do with the issue of competition and taking game and what it does to the habitat. Thank you.

MR. CHAIRMAN: Thank you, Mr. Wheeler. Could you state your name for the record and anybody you represent or any organization.

MR. KUGZRUK: My name is Vernon Kugzruk, I'm from here in Nome. Well, actually I'm registered to vote at Teller, but I'm living here in Nome. I just wanted to make one short comment and perhaps later on I had something else which I will reserve for a later time. But since you're on the subject of habitat, I think it might be reasonable to assume that this body here can ask to commit to a

memorandum of agreement of some sort regarding those lands that are corporate - Native corporate lands. If there is going to be some problems that has something to do with the corporate land, I think the way to go about it is through memorandum of agreement to solve some of the problems in which Joe stated earlier. Thank you.

MR. CHAIRMAN: Thank you, Mr. Kugzruk. You know one problem that we have here in dealing with all this is the fact that our mandate is Federal public lands. And that, by definition, as it stands now is subject to change, I guess. But as it stands now it excludes all state lands and all regional corporation lands which are described as private land under Federal and State statute. So unless we go - if you take a broad representation of ANILCA and I'm not adverse to that - if you take a broad representation of ANILCA and say that even if the State manages subsistence they are bound by Title VIII of ANILCA which mandates that they are managed, all habitats be they State, Federal or private for protection of resources. And if they're not doing it then they're not complying with ANILCA. And, we, as a Regional Advisory Council, even though our mandate supposedly is just Federal public lands, if in fact, we're talking about resources that are hunted on Federal public lands but which migrate and/or breed on lands other than Federal public lands then I think we have an obligation. In other words, it doesn't make any sense to protect and manage subsistence resources only on Federal public lands, if in fact, that they're either breeding or not breeding due to habitat destruction in other areas. If the breeding habitat is being destroyed to the point where the resources are no longer reproducing itself then eventually you're going to run out of the resource no matter how well you manage it on Federal public lands. Mr. Kugzruk.

MR. KUGZRUK: Mr. Chairman, there's one other spot that I failed to mention and that perhaps if maybe somebody in this room probably knows or maybe somebody else on the Board knows. I was having a thought that on the Native corporation lands, until such time that they are developed they are still under the protection of the Federal government. They are protected from taxation, so there is sort of a trust relationship between the Federal government and the Native corporation land on those that are not developed. Much of our land that he was talking about is not developed, it's something to consider. Thank you.

MR. CHAIRMAN: Again, I would point out the fact that I think we need legal interpretation to accept that as being a matter of fact or a matter of opinion. Because even though they might be exempt from taxes as long as they are undeveloped that still does not change their status as being regarded as private lands as opposed to Federal public lands.

MR. GARNIE: Mr. Chairman?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Just mulling this over and I'm sure if we had a meeting and also invited the Native corporation that they would agree with this on a policy even upon Native lands for preserving the land and keeping habitat from destruction, you know, their breeding grounds and their habitat. I'm pretty sure they would agree with a policy that we drafted up. In fact, they may contribute something to it.

MR. CHAIRMAN: This is another thing that points to the ambiguities of Title VIII of ANILCA because if you look on this handout which is Title VIII of ANILCA, in Section 801 of the findings, number one it says, the continuation of the opportunity for subsistence uses by rural residents of Alaska including both

Natives and non-Natives on the public lands. And this is the interesting part, it says and by Alaska Natives on Native lands. And you know and I know that the majority of Native corporation lands that were selected were selected for what purpose? What's the main purpose that 99.9 percent of all village corporations selected their lands, the number one purpose is subsistence, right?

MR. GARNIE: Yeah.

MR. CHAIRMAN: And yet the language of ANCSA, for the purposes of that statute and the State government for fish and game management, then ANCSA lands which we're talking about as being Native lands are looked upon as private property. So if we go by our Title VIII mandate, then we say, okay, Title VIII says that we are to manage subsistence on Native lands because those lands were withdrawn with number one in mind, subsistence. We can take that fact and let them take us to court. And again, for the lack of legal advice, you have to rely on me as the best available lawyer here, I guess.

So what is the wish of the - I'm willing to sit here as long as the Council wants to discuss this and anytime you feel like we've discussed it enough you can call for the question.

MR. BUCK: Question.

MR. CHAIRMAN: Question's been called on the - by the way what was the motion - the question was called on the motion before us, all those in favor signify by saying aye.

IN UNISON: Aye.

MR. F. KATCHATAG: What's the motion before us?

MR. CHAIRMAN: Mr. Edenshaw, do you have the motion written? Madam Recorder, do you happen to have that on record?

COURT REPORTER: I do, I'll go off record and play the tape back.

MR. EDENSHAW: Mr. Chair?

MR. CHAIRMAN: Mr. Edenshaw.

MR. EDENSHAW: I think I can get it. The motion has been entertained by the chair and it's a motion to include habitat impacts by ATV's type vehicles be included on the annual report, the 1996 annual report.

MR. CHAIRMAN: Concern over habitat destruction by all forms of.....

MR. GARNIE: All terrain vehicles.

MR. CHAIRMAN: .....all terrain vehicles. Is that good? So the motion before us is to include concern over habitat destruction over region wide and in 22(D), in particular, along the road system, right, Mr. Garnie?

MR. GARNIE: Um hum.

MR. CHAIRMAN: To be included on our 1996 annual report, signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously. So we will be including concern over habitat destruction regardless of ownership, right, habitat destruction is habitat destruction. Animals don't say, I belong to the village corporation, I belong to the regional corporation, I belong to State lands, I belong to Federal public lands, they have no tag saying that. So our concern in the annual report will be habitat destruction within the region, especially in 22(D) along the road systems. Does that satisfy your particular concern? Does that speak to your.....

MR. GARNIE: I'm concerned about the whole State really, but I've been living right there in the area all my life, I'm seeing this stuff. I'm seeing it every hunting season, it's just multiplying faster every year, more and more. We got perfect conditions under the mountain up there for four by four trucks, four wheelers, we got water access, you see boats with four wheelers in them, trucks with four wheelers in them. You see trailers going down the road with weasels and double track vehicles, I mean big ones. They're destructive.

MR. CHAIRMAN: And the thing about that kind of a problem that once one person has gone there with a particular type vehicle, anybody that's coming through the area with that particular type vehicle is going to see that and say, oh, I can go that way, too and before you know it a trail becomes a and before you know it they're going to pave it.

MR. GARNIE: It'd be grandfathered in, we've been going there all our lives.

MR. CHAIRMAN: Yep. Does that answer your concern about ATV's within your area, Mr. Katcheak?

MR. KATCHEAK: Yes.

MR. CHAIRMAN: Anybody else?

MR. BUCK: Mr. Chairman?

MR. CHAIRMAN: Mr. Buck.

MR. BUCK: We need legal counsel to further reinforce the idea of the destruction of the habitat.

MR. CHAIRMAN: Regardless of land ownership?

MR. BUCK: Yeah.

MR. CHAIRMAN: In other words.....

MR. BUCK: Legal counsel as in advice to the Board.

MR. CHAIRMAN: So you want that included on the annual report, the need for legal counsel?

MR. BUCK: No, but this concern can be brought up for the annual report, but I think to further clarify - to further act on the matter legally, you know, we need legal counsel later on to do reinforce.

MR. CHAIRMAN: You know my advice to us as a Council is to do the best we can with the information we have available. If we don't have proper advice in any

one area then that's not our failing because Title VIII mandates that we be provided adequate technical staff.

MR. BUCK: Okay.

MR. CHAIRMAN: So that is not our failing. We do the best we can with what we have, trying to do the best that we know how, not only for the resource, but making sure that we're looking at sound scientific management principals and that we are trying to make sure the resource is there to satisfy subsistence needs. Those are the three ways that we can be shut down. Either we don't have substantial evidence or we're not using sound scientific principals or we're not satisfying subsistence needs. So that is my direction to the Council as a whole that we do the best we can with what we have if, in fact, we are not provided adequate technical information to do our job properly then that is not our failing. That points the finger in other directions, so we do the best we can with what we have and let the chips fall where they may.

MR. F. KATCHATAG: Mr. Chairman?

MR. CHAIRMAN: Mr. Katchatag.

MR. F. KATCHATAG: I wish we could have some sort of an understanding of what the other subsistence boards are doing in Alaska. We're talking about our subsistence rights in our exclusive region. What are the other regions doing about that? You see we're putting something way beyond what we can take care of now. What we should really do is bring this matter up in AFN and find out what the other Advisory Councils are doing in other regions. What we should do is get together with them and thrash these things out and that way our time that we put into thrashing this out with the Federal and State government have more weight. Twelve regions have a lot better weight than one region because this concerns all Alaskans. This came from Land Claims Settlement Act. Why don't we get those people from the other regional corporations and work together with them.

MR. CHAIRMAN: Because this is not a regional corporation issue. This is not an AFN issue. We are a Title VIII mandated Regional Advisory Council. Our responsibility is to the resources, to make sure that they reproduce every year and to make sure that you and I and everybody else that depends on those resources has access to those resources and third of all, to make sure that the areas in which those resources live within this region which is Region 7 continues to produce those resources, that's our responsibility. We're not responsible for the other nine regions. What they're doing in their region is their business.

MR. F. KATCHATAG: But the way I look at it is this issue came about after the Land Claims Settlement Act, so did the AFN. There was no AFN prior to Land Claims Settlement Act. There was no subsistence issues prior to Land Claims Settlement Act. We could go out and we don't have to have no permission from no one and this is what we learned from our forefathers. They taught us. So the way I look at it, I may be all wrong, how can we settle things with just a handful of people, we're only a handful of people considering the State delegates here, Federal government delegates, they got a big company behind them, their company is so big they can go across to Saddam, we can't.

MR. CHAIRMAN: I agree with you Mr. Katchatag, but we, as a Regional Advisory Council, are charged with managing the resources, both fish and game and other renewable resources. Number one to provide for subsistence of "rural residents"

which all of in this region are and we are to make sure that these resources are managed in a scientific manner based on all these so called sound principals of fish and game management and lastly of all that we make sure that no one is deprived of their subsistence needs within our region. And our region just happens to be Game Management 22, it's not 23, it's not 18, it's not 19, it's not 21. So we do the best we can in 22 and hope that everybody else is doing the best they can in the other ones. Hopefully if we do a good enough job here, they'll look at our example and say, yeah, we want to do that, too. But that's our charge and that's what we're here for.

The question that brought this up from Mr. Buck and I have yet to hear a motion as to what he wants done with his concern about legal counsel. Do you want this in the annual report which we are discussing now? We are in Barb's Corner which is 8(B) (1) (B), what do we want on our 1996 report?

MR. BUCK: I'm satisfied with the way it was explained that. I didn't have to mention the legal counsel portion of it because it's already in policy that it's going to be followed up with legal counsel without - we'll make motion here to, you know - well, we made the motion already and it passed. I think that takes care of it because the legal counsel automatically falls into place afterwards.

MR. CHAIRMAN: I think to have a logical progression of things, the inclusion that we just went to regarding habitat protection concerns brought by the motion from Mr. Garnie also points up to the need to have again in our 1996 report, the need for independent and/or - it doesn't have to be independent in this case, legal counsel as adequate technical staff on this issue as to whether or not we are within our jurisdiction in protecting habitat be it State, Federal or private lands because we are protecting the area in which our resources live from destruction, that is our charge, right. And because we do not have legal counsel I am recommending to you Mr. Buck that you make a motion that we again include in our 1996 report a request to have legal counsel for our Regional Advisory Council. Does that make sense?

MR. BUCK: Yeah. I looked in there and I saw that you had a request for the legal counsel. I just wanted to stress that again.

MR. CHAIRMAN: So you want to include it in the 1996 report also?

MR. BUCK: I think so.

MR. CHAIRMAN: So I would entertain a motion to that.

MR. BUCK: I so move.

MR. CHAIRMAN: We have a motion before us to include a continuing request for legal counsel under adequate technical staff included in our 1996 annual report. Do I hear a second?

MS. CROSS: I second it.

MR. CHAIRMAN: Seconded. Discussion?

MR. KATCHEAK: Question.

MR. CHAIRMAN: Question's been called. All those in favor of the motion before us to continue our request in the 1996 annual report for legal counsel as adequate technical staff, signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously. We now move on to Item 8(B)(2), Regional Council charter: "Rural." Mr. Edenshaw.

MR. EDENSHAW: Yes, Mr. Chair, I'd just like to make one comment in regards to what Mr. Katchatag discussed about involving other Regional Councils. When the other regional coordinators got together and had a meeting we addressed the same issue. The issue that we feel that the Council chairs need to work more closely together because some issues come up just as this one that I'm going to bring up before the Council. When the Board met they discussed rural requirement as a part of - to be a member of these Regional Councils. Well, the Board went ahead without approval from the Regional Council chairs and just decided to include that language within the charters within - and I think out of the 10 Regional Council chairs, there were probably about four or five that were in attendance via teleconference, so I really feel that there is a need for the Council chairs to work more closely and granted I understand that it is time consuming. Just last week, the Kodiak Aleutians had a special action request, you know, I see some of the information - you know, when one Council goes through an RFR or a special action request, I don't believe the paperwork is very long for someone to go in and read three or four pages, but you know the example I'm talking about is the Kodiak Aleutians did a special action request for a caribou hunt on the Aleutians Islands, they were denied, they were turned down by the Board. So I feel the importance of the chairs working more closely together is, you know, if we were here in a meeting this afternoon for a hunt on the musk ox and say, well, they're going to turn you guys down - I think it would be important to have the support of the other chairs, granted, you know, they have their own issues to be concerned about in the State, but I feel for one individual who's serving as a chair to be informed of what's going - at least the important issues, such as the one I'm going to go across here, rural residencies to be included on the charters or else alternates on the Councils or even RFR's or special action requests.

Under this second item here, Regional Council charters, I can already from what Barb has shared with me and from my attendance in the meeting September 17th and 18th in Sand Point, the Regional Council there voted to send a recommendation to retain rural as part of the language in the charters. And as I mentioned earlier when the Board met in July, I believe, Mitch and the Board said, temporarily we will remove the language rural as part of a requirement to serve on these Regional Councils. And if you look on this one handout under 8(B)(3), they have - not 8(B)(3), it's 8(B)(2), they have rural residency as a Council membership requirement. And the reason for this to be included on the agenda this afternoon, the issue is on the agenda for public meetings of the 10 Regional Councils during September and October 1996. Each Regional Council should discuss the questions of whether rural residency should be a requirement of Regional Council membership and this action should be voted on before the Regional Council votes to approve the charter.

And I haven't had a chance to look inside your notebooks, but I believe - there isn't any tab here, but I believe on the table out here they have the charters. And so I do know that the North Slope and the Kodiak Aleutians, they voted to retain language in the charters to make that change because when the Board met in July they said they would temporarily exclude that language.

MR. CHAIRMAN: Thank you, Mr. Edenshaw. And to make it simpler for the Council, I want everybody look at Title VIII of ANILCA, this particular document and please look down in Section 801 (5) it says, an administrative structure be established for the purpose of enabling rural residents. It doesn't say resident, it says rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and the subsistence uses on the public lands in Alaska. And if you look on the next page at the top under policy, Section 802 (1) it is hereby declared to be the policy of Congress that and you look on the next page, the purpose of this title is to provide the opportunity for rural residents. It doesn't say resident, it says, rural resident, engage in a subsistence way of life to do so. And if you look under definition, Section 803, it says, as used in this act the term, subsistence uses, means customary and traditional uses by rural Alaska residents. It doesn't say Alaska residents, it says, rural Alaska residents. What more of a mandate do you need. So I think that makes it pretty clear that we should have the word, rural, in our charters. And that should be under #9, membership of the charter. If you look at #9 of your charter under membership, it says nine members who shall be knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and are residents. Sometime in the future, the way that the current regulations are written defining rural, under the regulations, at some time in the future at the growth rate that Nome is experiencing, Nome will fall out of the definition of being rural, but they will still be residents of the region. And that is why I, as an indigenous and a rural resident, insist that we, as a Council, vote to include rural in our charters. Because Nome dominates our life anyway right now and I would hate for them to dominate the management of our subsistence resources.

That is my argument on why Title VIII mandates rural residents. My opinion, you can call it an opinion, that's my interpretation of Title VIII. It says rural residents in Title VIII under bindings, policy and definition, what more do you need. They say that Title VIII is a plain language statute, it means what it says and I take that, being a high school educated student that if it says, rural resident, it means rural resident. And my concern that some day Nome will fall out or over the definition of rural, I don't want those people managing my subsistence, so I am requesting a motion from the Council that in our charter, under membership, that we insist that between are and residents that the word, rural, be put back in and I would entertain such a motion.

MR. BUCK: I so move.

MR. CHAIRMAN: We have a motion before us, do I hear a second?

MR. NINGEULOOK: Second.

MR. CHAIRMAN: We have a second. Discussion?

MR. WHEELER: Mr. Chairman?

MR. CHAIRMAN: Mr. Wheeler.

MR. WHEELER: I've just got a question when.....

COURT REPORTER: Wait, wait, you need to come up to the mike, sir.

MR. WHEELER: Mr. Wheeler, Nome Tribe. My question is, do you think in their best interest they will change the waiting five year period when that determination is made going from rural to urban or they would delete that five



year period? Because there's that transition period they refer to in the - from rural to urban. In other words, when the population reaches that magic number that they refer to under rural and urban, there's supposed to be a five year period. Now, could they arbitrarily through administrative procedure delete that and say, okay you're now urban and sorry about that folks? I mean knowing the powers of the Federal agencies under the Administrative Procedures Act, I wouldn't trust them because it's their adoption of what they feel is interpreted as such, it's not in the language of the law per se.

MR. CHAIRMAN: Well, it's in their regulation.

MR. WHEELER: Well, that's what I was saying, yeah. And I bring that up as a point of interest in the idea of, you know, this change from rural to urban when you refer to Nome because it will happen in our lifetime, I think.

MR. CHAIRMAN: And that's why I want rural in, not only in our charters, but, you know, Title VIII mandates that.

MR. WHEELER: Thank you.

MR. CHAIRMAN: Thank you, Mr. Wheeler.

MS. CROSS: Mr. Chair?

MR. CHAIRMAN: Ms. Cross.

MS. CROSS: I'd like to make a little comment about Nome. There's a large percentage of - you know as well as I do that there's a large percentage of Alaska Natives, Eskimos that live in Nome that subsist. So even if they took Nome out there still would need to have somehow protect our individuals here in Nome. There's a large percentage that live a subsistence style living. There are people that don't work, they hunt, they walrus hunt, they seal hunt, they moose hunt and this is what they live on, they gather, you know, vegetations in the summer time, they gather berries, this is what carries them on. And there are many people that are Alaska Native that are Eskimos that live like this in Nome.

I can understand where you're coming from, you're worried about those individuals that come and hunt one moose and call them subsistence hunters and that's all they do because they like to get that big trophy maybe, but they call themselves subsistence hunters and then feed their dogs with the moose meat. I can see that point. But don't forget there are many Eskimo people in Nome who depend on subsistence lifestyle who live off the land.

MR. CHAIRMAN: I agree with you, Ms. Cross. And from day one that has been my objection to Title VIII of ANILCA. Title VIII of ANILCA was written to address the wrong in ANCSA in that they extinguished our aboriginal hunting and fishing rights as Alaska Natives. And yet they turned around and they didn't say, Alaska Native subsistence rights, they said rural resident. And as long as that stands, that is in violation of the tribal rights of every Alaska Native living in these so called urban areas and it's in violation of the tribal - inherent tribal rights of all 20,000 plus Alaska Natives living in Anchorage. Title VIII supposedly was written, if you look at the legislative history, Title VIII was written to right the wrong of ANCSA in that they extinguished the aboriginal hunting and fishing rights. Aboriginal means inherent, those things that you were born with. In other words they have stolen the birthright of those 20,000 Alaska Natives living in Anchorage and as soon as Nome and other regional hubs

exceed that so called magic number that Mr. Wheeler referred to, by regulation, even if it takes five years after that magic number, the subsistence "rural subsistence hunting and fishing rights" of those people, Alaska Natives included living in those hubs will automatically cease to exist just by the definition, just by natural human growth population. In violation of the human rights of those Alaska Natives, that is what our Alaska Native population has failed to see, not only in ANCSA, not only in the Statehood Act, not only in the Treaty of Session, and even in Title VIII of ANILCA, that their rights as human beings with all the rights that they were born with have been violated, totally. And yet they continue to we're a prime example, we're doing the best we can doing our civic duty as legally appointed Regional Advisory Council members and we're finding all of this and what can we do? We can't give you and say, okay, we do the best we can with what we have but you have an obligation to your children, I have an obligation to my children, we all have an obligation to our fellow Inupiat people, Yupik people, Siberian people to tell them, hey, you're rights are being violated. But in the mean time, the very least that we can do is to vote at least to make sure that the appointees in the future on our Council are at least rural residents, at least they are living among us. At least they are not a part of the majority.

And as a resident for Nome I feel for your Grace.

MS. CROSS: I was just making a comment because I think it's totally unfair for the Inupiat and Yupik people, for you to make a comment about what you said earlier - you make it sound like we don't subsist, but guaranteed they do.

MR. CHAIRMAN: I know they do, Grace.

MS. CROSS: Maybe I just took offense to it.

MR. CHAIRMAN: I'm sorry if I offended you, that was not the intent.

MS. CROSS: I know what your intent is and I would like to see the word, rural remain where it is because that's how it originated.

MR. CHAIRMAN: The thing that we have to lobby for if, in fact, that we are going to continue to live under the Federal system is that we have to lobby our Congressional delegation and anybody else in Congress that will listen to change ANILCA from rural residents to Alaska Native residents. And you know and I know the chance of that happening are next to nothing barring a change of heart mandated by a God. But you have to realize something though, when you invoke the name of God, you are invoking the name of he who is all powerful. And Jesus Christ, himself, said, all things are possible. He didn't say, everything but changing the heart of all these white people in Congress and everything else like that, he said, all things are possible through faith which is in me. So I would recommend that we all pray everyday and pray with hope and pray with faith. What have you got to lose? If you don't pray, then you have given up all hope, is that not right?

MR. F. KATCHATAG: That's right. We have hope.

MR. CHAIRMAN: You know things can look pretty dark, when you look at all of this that is facing us. But this is the hole that our great and goriest so called leaders have lead us into, ask Joe Garnie. This is the case of the wheel dog leading the team.

They might be strong, they might be hard charging, but they don't know where the heck they're going. And when you have a leader like that, you end up tangled up in the middle of the thickest patch of willows and that's where we're at right now.

MR. F. KATCHATAG: You're right, but we have hope.

MR. CHAIRMAN: You know, that's one of the best to train a team to come gee or come ha, ride along that team on this side, ride along that team on that side because if they try to swing, you're going to tangle up even more, right?

MR. GARNIE: Nods affirmatively.

MR. CHAIRMAN: You run them straight up into the willows as far as they can go and then you say, come gee and come ha, and that leader's going to try to go that way or he's going to try to go that way. You have to walk up there and say, okay, come gee and then you drag him down right along that team and I guarantee you, you do that enough, that leader's going to realize when you say, come gee, he's going to come zooming right by you and those dogs know, they're going to learn that they can't all decide to follow that leader all at once, they have to wait their turn. And I know from experience, they will learn it. But it's a lot of work to train them leaders that way, but again, this points up to the fact that we have to get our wheel dogs off of that lead, right Joe?

MR. GARNIE: Yeah.

MR. CHAIRMAN: You might be going awful fast, but you don't know where you're going and neither does their leader. But anyway, what is the wish of the Council? Any further discussion on the word rural in our charter?

MR. F. KATCHATAG: I think we have discussed this long enough. At least I know how to drive my dogs now.

MS. CROSS: Quite long enough.

MR. CHAIRMAN: What is the wish of the Council with the word, rural, in our charters? We have a motion before us to insist that the word, rural be reinserted and continue to remain between the words are and residents under membership, #9.

MR. F. KATCHATAG: Continue to calling yourself rural.

MR. CHAIRMAN: Okay.

MR. BUCK: Question.

MR. CHAIRMAN: Question's been called, all those in favor in insisting that the word, rural, be reinserted and continue to remain between the words are and residents under membership of our charter signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed, nay. Motion passes unanimously. Mr. Edenshaw.

MR. EDENSHAW: The next item, Mr. Chair, is alternates for Regional Council. I believe it was the Eastern Interior or Southcentral brought up the issue of having alternates to serve on Regional Councils. I was looking for your annual report, but I believe it was brought up prior - before requesting two alternates. And so what the Kodiak Aleutians did, since they have the Aleutians and Kodiak Islands, there's four members that serve - five, no four members that serve on Kodiak and the remaining on the Aleutian Islands and one on the Pribilofs. And from the meeting in September, September 17th and the 18th, they voted and sent a formal recommendation to the Board requesting that two alternates be approved so that there were - it was not that there was a lot of absences from Regional Council members that were appointed, it was just that they felt it was adequate to have representation in case a board member was excused. So they went ahead and voted to send a formal recommendation to the Board that, yes, we would like alternates on our Council and I didn't ask Barb about the North Slope, what they did. Did they do as well?

MS. B. ARMSTRONG: Yes. That's what they're being asked right now for their discussion and action on this, whether you want two at-large alternates for your Council here in the whole region of Seward Peninsula and that's what he is asking. And that's up to you to discuss it and decide if you want to.

MR. EDENSHAW: Inside your books, too, under Tab 8(B)(3) is a one page deal describing what the whole scenario about alternates.

MR. CHAIRMAN: What was the staff committee recommendation on this?

MS. B. ARMSTRONG: That's why it's coming back out for you because they didn't know what to do with it and they said to send it back out to the Councils and ask them.

MR. EDENSHAW: Basically what the coordinators and the staff, we discussed all the pros and cons of having alternates, costs, what the benefits would be. And on this one page we tried to capture all the pros and cons and as Barbara stated, we brought that back to the Councils and whatever the Council decides we'll take back and present to the staff and the Board.

MR. CHAIRMAN: Is everybody on Page 8(B)(3)? If I remember correctly the Regional Council chairs recommended that two at large alternates would be sufficient for most Councils rather than having a full slate of alternates. Those are the two options shown under the level of alternate representation. Mr. Kugzruk.

MR. KUGZRUK: I just got a question, does the Council here have a set of bylaws that perhaps might guide that question?

MR. CHAIRMAN: Our corporate charter. It's not bylaws, it's a corporate charter plus our operating manual. I don't think they address alternates.

MR. KUGZRUK: Is there - I don't know, I'm probably wrong again, but it would seem reasonable to assume and assert that once you have a charter, then along with that, so you would have a set of guidelines of which to follow, then a body could develop that bylaws in which to guide you. Of course, they could be amended from time-to-time as time goes by. Thank you.

MR. CHAIRMAN: Thank you, Mr. Kugzruk. Anyway, that was the view of the Regional Council chairs when we discussed this with the Federal Subsistence Board, we felt that two at-large alternates would be more cost effective as far

as being able to make sure that when meetings are called that we are not held up for a lack of a quorum because people could not get in for weather reasons or other transportation reasons. You know, it probably costs, I don't know if staff could give me a better number on this for our particular Council, I would guess it would probably cost about a hundred and some dollars roundtrip in air fare for each of us and a day's per diem if we have to wait an extra day for more members to come in to fill a quorum, which in our Council as we sit now would be five members. And the recommendation was that if you had two at-large alternates, one would represent one-half of the region and the other would represent the other half of the region. In other words in our area we might have one in eastern Norton Sound and maybe one from Seward Peninsula, whatever the recommendation of the Council is. But this person would have to attend at least this fall meeting to be able to be up to speed - each fall meeting to at least be up to speed on the issues that the Council is deliberating on. Because the proposal then or items and issues that we discuss at this meeting are finalized for recommendation at the fall (sic) meeting. So that would entail the expense of travel and per diem for two additional members at at least the fall meeting and then they would be on call for the mid-winter meeting; is that how this is envisioned?

(NO AUDIBLE RESPONSE)

MR. CHAIRMAN: A rattling of heads yes. I'm helping the Court Reporter. One of my principals used to say to me, speak up boy, I can't hear the marbles rattling around in your head. But anyway, that's the alternate system that the Regional Council chairs felt would meet for most Councils and that's the one that I would recommend for our Council. But whatever is the wish of the Council here, you know, I would entertain a motion for two at-large alternates, a full slate of alternates or no alternates all together. What is the wish of the Council.

MR. GARNIE: Mr. Chairman?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Here it states, a little alternate representation, all alternates would be appointed by the Secretary of Interior. They would be appointed by the Secretary of the Interior?

MR. CHAIRMAN: We are appointed by the Secretary of the Interior.

MR. GARNIE: We wouldn't have a say in who are alternates are?

MR. CHAIRMAN: As it stands now, I work with the coordinator, Barb, in this case, and it will probably be Cliff in the future on who is appointed, not only to fill vacancies in the Council but also an alternate. I don't know if the Council would like a voice in that. If you want, that's fine with me, we could do a telephone poll whenever something like this comes up. Mr. Buck.

MR. BUCK: I think that if I had an alternate I would want to appoint him out of my village because I wouldn't like to appoint somebody for Ted because I don't know anybody down there. But my opinion is that the Board members should have some say so as to who their alternate is coming from their region.

MR. CHAIRMAN: Well, we don't know who is not going to make any particular meeting that's the idea of these alternates. If we, in fact, we are one or at the most, two short of a quorum that we would call these alternates in to make sure that we had a quorum and maximize the use of the money spent to bring in

our Council. You might be absent and the only alternate available might be from Stebbins or St. Michaels. But the idea is that this alternate would be sufficiently knowledgeable about subsistence for the whole region. That he or she could fairly represent our overall basic values as subsistence users. It's not to have someone that's a perfect clone of each and every one of us, that's not the idea. The idea is to make sure that staff doesn't spend thousands of dollars to bring us in for a meeting, wherever, and we don't have a quorum and therefore we sit an extra day or two waiting for more people to come in, weather permitting, so that we can take care of business. The idea being that if, in fact, we get into that situation we would have an alternate or two available that hopefully they won't be weathered in either.

MR. BUCK: I think that the Board should decide, the Seward Peninsula Region Board decide on the two alternates and make a recommendation to the Secretary of the Interior. But I would like to have a say so on who the two alternates are, if there are two alternates.

MR. CHAIRMAN: Are you making that as a motion?

MR. BUCK: I guess so because.....

MR. CHAIRMAN: I don't want to hear, I guess so, I want to hear, I so move or I do not so move.

MR. BUCK: I so move that the Board, as a group, choose two alternates for this region, one from the southern portion and one from the northern portion.

MR. CHAIRMAN: We have a motion before us that the Council, as a body, recommend, I don't think we can choose because the Secretary of the Interior makes an appointment, we can recommend to the Secretary of the Interior, two alternates. And your idea is one from the southern Norton Sound and one from the northern Norton Sound and I would beg to differ with that seeing's how there's only three communities on the southern Norton Sound and there are approximately 19 if you count everybody listed on the northern Norton Sound and I would prefer more an eastern Norton Sound than Seward Peninsula.

MR. BUCK: Okay. Could I say northern Seward Peninsula and southern Seward Peninsula.

MR. CHAIRMAN: That won't work either. The northern Seward Peninsula does not qualify within the region of 22 - Region 7, Game Management Unit 22.

MS. B. ARMSTRONG: Eastern.

MR. CHAIRMAN: Eastern Norton Sound and Seward Peninsula is about as fair as we can get. We're not that far off from St. Michael, Stebbins, you know, we interact on a regular basis between St. Michael, Stebbins and Unalakleet. And we're not that far off from Shaktoolik, Koyuk and even Elim as far as eastern Norton Sound and Seward Peninsula. From Elim west or Golovin west for the other alternate. That would give one, two, three, four, five, six in the eastern and Unalakleet is one of the bigger communities and - I don't know, we could split it farther over, White Mountain/Golovin and then from Rocky Point west. Whatever the wish of the Council is, you know.

MR. KATCHEAK: Mr. Chair, I'd like to recommend that those alternates be from the villages that are not being represented now.

MR. CHAIRMAN: Are you recommending that the maker amend his motion?

MR. KATCHEAK: If it's okay with the maker.

MR. BUCK: Accepted.

MR. CHAIRMAN: So now we have a motion to amend our motion to make the alternates from villages not currently represented on the Council. Do I hear a second.

MR. KATCHEAK: Second.

MR. CHAIRMAN: You can't second your own motion.

MR. KATCHEAK: I'm sorry, I thought it was Peter Buck's motion.

MR. CHAIRMAN: No, he's the maker of the original motion, you are the maker of the amendment to the motion.

MR. KATCHEAK: I got it.

MR. CHAIRMAN: Does everybody know where we're standing now? We now have a motion by Mr. Katcheak to amend Mr. Buck's motion by making the alternates come from villages which are not currently represented on Council.

MS. CROSS: How many villages are not?

MR. CHAIRMAN: There are nine on the Council now and I guess there are 16 occupied villages. Is that.....

MS. CROSS: Then how are they divided between.....

MR. CHAIRMAN: There is no geographic representation now. That is not a requirement under Title VIII of ANILCA or a regulation.

MS. CROSS: No, I'm just saying, of those villages, how many are not represented?

MR. CHAIRMAN: Right now we have Ted from Stebbins, Fred from Unalakleet, Abraham from Koyuk, myself from Elim, Peter Buck from White Mountain, Grace Cross from Nome, Joe Garnie from Teller, Elmer Seetot from Brevig, Edgar Ningeulook from Shishmaref. Is that all? That's all. We have Wales, anybody living in Mary's Igloo?

MR. GARNIE: (Indiscernible) mayor a couple of years ago.

MR. CHAIRMAN: You were mayor?

MR. GARNIE: There's nobody there now.

MR. CHAIRMAN: Nobody living in Solomon?

MR. ANASOGAK: Yeah, the Pickin boys.

MR. CHAIRMAN: Council.

MS. CROSS: Golovin.

MR. CHAIRMAN: Golovin, Shaktoolik and St. Michaels are not represented as well as Wales.

MR. GARNIE: Stebbins.

MR. CHAIRMAN: And these are not listed because they have no Federal public lands. Little Diomed and St. Lawrence.

MS. CROSS: Another question, don't people need to apply for this, too, and we don't know where the applicants are going to be coming from, right?

MR. CHAIRMAN: That's right.

MS. CROSS: So we might not get any applications from any of these villages?

MR. CHAIRMAN: They could - I don't know - we can't even make it a requirement for when we post the opening.

MS. B. ARMSTRONG: We just send these applications out - these openings out to the villages. What they do is - I send it out to the villages like the IRA councils, the city office and ask them to - if there's anyone interested to apply and they send their applications in. Sometimes one village will send one person's name in.

MR. CHAIRMAN: With a recommendation from all.....

MS. B. ARMSTRONG: With a recommendation from their IRA council appointing that person and also from the city and they also send one name in and then that person will be supported by the people with some calls from the people in the village supporting the person. And they'll go out to all the villages in the Seward Peninsula. You just can't go to just those villages, villages that do not have representation currently. So it will go to all your villages in the Seward Peninsula.

MS. CROSS: So it would be kind of difficult to determine?

MS. B. ARMSTRONG: Not necessarily.

MS. CROSS: Not representation, though?

MS. B. ARMSTRONG: If you are requesting not to be involved, you will be involved.

MR. CHAIRMAN: The most likely economical means of involving everybody would be by teleconference.

MS. CROSS: But what I'm saying.....

MR. CHAIRMAN: Or telephone.....

MS. CROSS: .....what we were talking about was getting two alternates. But it would be kind of hard to select two alternatives from villages that are not now represented because we don't know where the applicants are going to be coming from.

MR. CHAIRMAN: Mr. Wheeler.



MS. CROSS: Well, we could make a recommendation that the Secretary of the Interior appoint alternates from the villages that are not currently represented.

MS. B. ARMSTRONG: No.

MR. CHAIRMAN: You can't even do that.

MS. B. ARMSTRONG: You will recommend names.....

MS. CROSS: Oh, you do recommend names.

MS. B. ARMSTRONG: .....that are going to the Secretary.

MS. CROSS: Oh, I see, okay. Then you'd be able to actually look at.....

MS. B. ARMSTRONG: Then we follow that to the Secretary of the Interior with the recommended names.

MS. CROSS: So we would actually know who applied?

MS. B. ARMSTRONG: Um-hum. (Affirmative)

MS. CROSS: Okay, that makes it easy.

MR. CHAIRMAN: And it would probably be cheaper for her to poll everybody by telephone so we would then know who was recommended.

MS. B. ARMSTRONG: We've never had problems in getting applications from the Seward Peninsula.

MS. CROSS: Okay.

MS. B. ARMSTRONG: You won't have no problems.

MS. CROSS: Okay, I just had these questions.

MR. CHAIRMAN: Hearing all that, do you still want your motion to amend to stand or would you withdraw with concurrence of your second? Seeing's how we can't really.....

MR. KATCHEAK: I withdraw my motion.

MR. CHAIRMAN: Who seconded it?

COURT REPORTER: No one.

MS. CROSS: Nobody. There was no second.

MR. CHAIRMAN: So that died for a lack of a second anyway. Mr. Wheeler.

MR. WHEELER: Yeah, Mr. Wheeler with the Nome Tribe. The comment that I would like to make is this, I don't think you want to get yourself in a situation where you're doing things to try to represent an area or whatever. What you ought to do is try to find the best qualified with the criteria to fight the system, if you know what I mean. In other words, we have the bureaucracy to

tend with and you need these qualified people that do have traditional subsistence use and understand the issues and this can be the legal issues, the trend in what is happening, the networking that goes on and the people in the know that have followed the issues from day one. Which brings up another point, this teleconferencing and networking amongst the members through faxes to getting on the fax press release from various agencies when they issue a press release or when they make a determination in another area. For instance, they just determined that the Eastern Aleutian Borough could not hunt caribou. I mean, you know, these are issues that they come back to haunt you later on. Caribou is an issue, I mean I'm just bringing it up as an example. But I think what you're - we don't want to pit each other against geographical location and this so called quota thing on harvest. Because I could just see it down the line with the musk ox for instance. Well, Shishmaref, we want two more but we're not going to - you know, do you follow what I'm saying? So I think what we want to do is try to do this by general consensus like we've always done and with the common understanding. Hey, if you get two next year, we'll get the other two, you know, some arrangement, but kept within the Native communities and not let it go out to the bureaucracy to dictate how you want to do it.

Leave yourself flexible so if you do go in a co-management program with that bureaucracy you have this flexibility and you don't have a track record of being to rigid. That's just something to think about.

MR. CHAIRMAN: Thank you, Mr. Wheeler. The maker of the motion to amend has withdrawn his motion. We now have our original motion made by Mr. Buck to have two alternates attend - my suggestion was that they attend at least the fall meeting each year and be on call for the winter meeting. And the suggestion was that we have one from eastern Norton Sound and one from western Seward Peninsula. What is the wish of the body? Any further discussion?

MR. F. KATCHATAG: Do you have a second for that motion?

MR. CHAIRMAN: We did have a second, I believe, to Mr. Buck's motion?

COURT REPORTER: No.

MR. F. KATCHATAG: You need one?

MR. CHAIRMAN: No. We're in discussion, we are already in discussion.

MR. F. KATCHATAG: Question.

MR. CHAIRMAN: Didn't you second Mr. Buck's motion?

MS. B. ARMSTRONG: No, it wasn't seconded.

MS. CROSS: It was amended.

MS. B. ARMSTRONG: It was amended and then the amended is gone and.....

MR. CHAIRMAN: No, no, no, Ted's motion was withdrawn for lack of a second, but we had already gotten into discussion of Mr. Buck's motion and there had to have been a second before we got into discussion.

MS. B. ARMSTRONG: Who seconded it though? There was no second.

MR. CHAIRMAN: Somebody put up their arm.

MR. F. KATCHATAG: I will second that motion with the correction. The question that the one would come from the Seward Peninsula and the other one would come from eastern Norton Sound and I second the motion.

MR. CHAIRMAN: So we have a second of a second of a second. I know that the original motion was seconded because I wouldn't have gotten into discussion otherwise.

MS. CROSS: I think I seconded it if I remember correctly.

MR. F. KATCHATAG: Well, his motion was to get one from - rather than north and south.....

MR. CHAIRMAN: Right.

MR. F. KATCHATAG: And you wanted one from Seward Peninsula and the other from eastern.

MR. CHAIRMAN: Because of the number of villages. And did you not agree to that change to your motion that we make it, instead of southern Seward Peninsula - oh, we were just discussing that.

MR. BUCK: I'll just say I make my motion as north of Nome and south of Nome.

MR. CHAIRMAN: So Nome being here and the only one south of Nome being Shaktoolik, Unalakleet, St. Michael's and Stebbins.

MR. BUCK: White Mountain, Golovin, Unalakleet.

MR. CHAIRMAN: No, they're north. Going east and west.

MS. B. ARMSTRONG: East and west.

MR. CHAIRMAN: You're talking east and west of Nome.

MR. BUCK: East and west of Nome.

MR. CHAIRMAN: So you're amending your motion?

MR. BUCK: Yeah. It's going to be from Solomon all the way to St. Michael and Teller all the way to Shishmaref.

MS. CROSS: Next time we'll bring a compass.

MR. CHAIRMAN: So with the concurrence of the maker and the second, our motion now reads to move that our alternates be picked from.....

MS. CROSS: East.

MR. CHAIRMAN: .....east of Nome.....

MS. CROSS: And west.

MR. CHAIRMAN: .....and west of Nome. Actually we should go Cape Nome. Mr. Wheeler.

MR. WHEELER: Question. Is this a recommendation or what in form to the Secretary of the Interior?

MR. CHAIRMAN: It will be a recommendation to the Secretary of the Interior.

MR. WHEELER: Okay, thank you.

MR. CHAIRMAN: We are not in power to appoint members, either alternates or otherwise. Cape Nome, is that acceptable, Mr. Buck?

MR. BUCK: Yes.

MR. CHAIRMAN: Mr. Kugzruk.

MR. KUGZRUK: Thank you. Mr. Chairman, I think your suggestion earlier would cover a lot more territory at-large. That covers the whole thing, two at-large.

MR. CHAIRMAN: Right. But the idea being we wanted one would be at-large of one-half and one would be at-large for the other half.

MR. KUGZRUK: You're defining east and west, that's going through our northern neighbors of Shishmaref.

MR. CHAIRMAN: They're still west. They're west of Cape Nome.

MR. KUGZRUK: Okay, thank you.

MR. CHAIRMAN: Mr. Seetot.

MR. SEETOT: Mr. Chairman, as you can see on this draft proposed rulemaking map, most of BLM land is in eastern portion of east of Norton Sound.

MR. CHAIRMAN: Correct.

MR. SEETOT: And you can see the Bering Land Preserve, the communities encompassing that area are Shishmaref, Wales, Brevig, Teller around that area.

MR. CHAIRMAN: Right.

MR. SEETOT: And has very small BLM land.

MR. CHAIRMAN: Right.

MR. SEETOT: I would say that eastern portion and then the communities that are encompassed by the Bering Land Preserve, that would make it easier since the majority of that land is the land preserve and on the eastern portion.

MR. CHAIRMAN: How about it if we do it this way, seeing's how there is no Federal public lands in Nome, that we make the alternates one from 22(D) or (E) and one from 22(A) or (B) to ensure.....

MS. CROSS: That sounds good.

MR. CHAIRMAN: .....because these are the people being impacted. The people that use the Federal public lands, which are the BLM lands here and/or the Bering Land Bridge and this little bit of BLM land here. Would that be not more

fair because we're talking, the jurisdiction is Federal public land for the Federal subsistence management program. Mr. Garnie.

MR. GARNIE: That sounds a lot more fair than anything we've come up with. We've been spending a little time on dividing up the land here, but still at the same time, Mr. Wheeler's suggestion was, well, regardless where we come from we definitely want the most qualified persons. You know, we don't want somebody that's just come out of API or something representing us.

MR. CHAIRMAN: Well, I don't know. The idea of being, is they're crazy and not stupid.

MR. GARNIE: Yeah, that's true.

MR. WHEELER: Mr. Chair, the other thing, too, you got to take into consideration is you're going to be dealing with fisheries very soon. So that's another consideration down the line.

MR. CHAIRMAN: Yes, it is.

MR. WHEELER: And I know it's not a topic of discussion here, but, just for looking down, visioning.

MR. CHAIRMAN: The way that the staff envisions it now, the only water of concern is right here in the Wild River and these waters within the Bering Land Bridge.

And again, that bolsters our recommendation that one alternate at-large come from 22(A) and (B), all these BLM lands here and one from come from 22(D) and (E). Would you be amenable to amend your motion that way, Mr. Buck.

MR. BUCK: I'll keep it that way.

MR. CHAIRMAN: Does the second of the motion agrees to that?

MR. F. KATCHATAG: (Nods affirmatively)

MS. CROSS: I agree.

MR. CHAIRMAN: So the motion before us to have one alternate at-large, best qualified knowledgeable subsistence user type person from 22(A) and (B) and 22(D) and (E).

MS. CROSS: Question.

MR. CHAIRMAN: All those in the favor of the motion before us signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Deafening silence, I love it. Let us stand in recess for 10 minutes.

(Off record)  
(On record)

MR. CHAIRMAN: Ladies and gentlemen, let's get back to order. And we are now on current Federal Board members and staff committee at - I don't know who's going to present that information.

MR. EDENSHAW: Was there something in the package?

MS. B. ARMSTRONG: It's in their package.

MR. EDENSHAW: It is?

MS. B. ARMSTRONG: The current Federal Board members names that I gave you yesterday are in their packets. I handed them out to you. And the staff committee names, they're there. And your travel vouchers that are there, these envelopes that I handed out to you, fill them out and return them back to us, there's a stamped envelope for your use after your traveling is done. That's it.

MR. CHAIRMAN: Right there, that little blue Tab 8(B)(4). If you look at Tab 8(B)(4) it shows the Federal Board members and we discussed them some yesterday. And if you look at the front 8(B)(4) it shows the staff committee's solicitor and it just so happens we have one of the staff committee here, Mr. Sandy Rabinowitch. If you would concur, Cliff, maybe we can have Sandy come up and explain to us how the staff committee works. Sandy.

MR. EDENSHAW: That's fine, Mr. Chair.

MR. CHAIRMAN: And while you're there maybe you can also explain some more about how the Federal Subsistence Board works. Because I might get into how they don't work. Mr. Rabinowitch, could you please state your name and affiliation for the record.

MR. RABINOWITCH: I'm Sandy Rabinowitch with the National Park Service. And with the Park Service I serve on what's called the staff committee to the Federal Subsistence Board. I don't know if I can explain how the whole Board works and it's probably a challenge to explain how the staff committee works, but that one I'll give a try.

The staff committee is established in regulation of these programs and it's really very brief what the regulation says. I'm not sure I can repeat it from memory, but I think the regulation basically says that there shall be a staff committee and little more than that. The staff committee's chaired by the Fish & Wildlife Service who's also the lead Federal agency as all of you know. And that person right now is Tom Boyd and I think many of you have met at one time or another. Each of the other agencies, then the BIA, the BLM, Park Service and Forest Service have one member and then as I've said, I'm the Park Service member. We function much like the Federal Board does, that is, prior to, I believe each Federal Board meeting - I'm trying to think if there's ever an exception and I can't, so prior to each Federal Board meeting, the staff committee has a meeting, is presented the information from the staff of any agency of the Board that has information to present and we ask questions and have debates, as the Board does and really, as you do, in a very similar manner. There are not transcripts are not kept of those meetings, though notes are kept. We then, as you do, act with motions and votes on each matter and then our recommendation goes to the Federal Board as the staff committee recommendation. So the Board gets a staff report, as you do, the Board gets a staff committee recommendation as I just described and then the Board are the

decision makers who act for the Secretary. I think that's the most simple description. If anyone has questions I'll certainly try to answer them.

MR. CHAIRMAN: What is your charge by the Federal Subsistence Board, in other words, what do they direct you to do?

MR. RABINOWITCH: I think the simple answer is the Federal Board looks to the staff committee for a recommendation on issues that come before the Board. The vast majority of the time the Board votes on issues before it and we provide them with an interagency staff recommendation. Sometimes they take that recommendation and sometimes they don't. I've never actually sat down and counted, you know, for a given period how many times they follow it and how many times they don't, but I think it's real safe to say the Board goes both ways, the Board sometimes agrees with the staff committee and many times clearly does not agree with the Staff committee. So I think it's fair to say - it's my opinion, I think it's fair to say the Board has a mind of their own and accepts and rejects staff committee recommendations.

MR. CHAIRMAN: Just for the record I found the chapter and verse of the regulation establishing staff committee and if you'll look in your CFR, the one that says Friday May 29, 1992, 22954, if you look on Page 22954, in the middle column, under (5), the Board shall establish a staff committee composed of a member of the U.S. Fish & Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs and US Forest Service for analytical and administrative assistance. The U.S. Fish & Wildlife Service representative shall serve as chair of the staff committee. And it also outlines under E(8)(E) or EE1, relationship of the Regional Councils, that's us, this is the relationship to the Federal Subsistence Board. The Board shall consider the reports and recommendations of the Regional Councils concerning the taking of fish and wildlife on public lands within their respective regions for subsistence uses. The Board may choose not to follow any Regional Council recommendations which it determines is not supported by substantial evidence by a recognized principals of fish and wildlife conservation would be detrimental to the satisfaction of subsistence needs or in closure situations for reasons of public safety or administration or to assure the continued viability of a particular fish or wildlife population. If a recommendation is not adopted, the Board shall set forth the factual basis and the reason for the decision in writing in a timely fashion. The Board shall provide available and appropriate technical assistance to the Regional Council. And, I, for one, believe that legal counsel is available and appropriate technical assistance.

Any other questions about the staff committee and/or the solicitor? Any other comments, Mr. Rabinowitch?

MR. RABINOWITCH: The only comment I would think to add at the moment is that, I, personally, would welcome anytime any communication from anyone on this Council or any Council for that matter. I mean that's why I come and as some of you know, you've seen me here time after time. I come to try to listen and learn and if there's ever a reason to talk on the phone or through any other means, we're certainly not limited to communicating just at meetings like this. So just an open ended invitation at any time to talk about any issue that you may want to.

MR. CHAIRMAN: Now, the Federal Subsistence Board, Mr. Rabinowitch.

MR. RABINOWITCH: I'm not sure what you want me to say about that. Could I get you to ask me another question or two and I'll try to give you the best response I can?

MR. CHAIRMAN: Where in Title VIII is the Federal Subsistence Board mentioned?

MR. RABINOWITCH: This is starting to sound like a quiz now. I'd actually have to have it in front of me to start responding, I can't do that from memory.

MR. CHAIRMAN: I'll answer it for you. They are not mentioned in Title VIII.

MR. RABINOWITCH: I was going to add that obviously when Title VIII was written, the State of Alaska, if I have it correct, was in compliance with Federal law and I'm not sure if the Federal Subsistence Board as it now exists was contemplated by the authors of Title VIII. There may be others in the room that can add to that, I don't know.

MR. CHAIRMAN: Anyway, I would just explain to everyone that I went through this in 1993 and discovered that the Federal Subsistence Board was a creation of a temporary regulation under Secretary of the Interior Manual Luhan who was the - if you look on Page 22940, in the middle column, it says consequently the Secretaries assumes responsibility for the implementation of Title VIII of ANILCA on July 1, 1990. On June 29, 1990, temporary subsistence management regulation for public in Alaska final temporary rule published in the federal register. The temporary regulations defined and implemented a program approved by the Secretaries and administered by the Federal Subsistence Board under the temporary regulations and Secretary of the Interior with the concurrence of the Secretary of Agriculture appointed the board chair. Other members of the Board include the Alaska Regional director of U.S. Fish & Wildlife Service, Alaska Regional director of National Park Service, Alaska State director Bureau of Land Management, Alaska area director of Bureau of Indian Affairs and the Alaska Regional Forester, US Forest Service. These agencies participated in the development of the temporary regulations.

Anyway, once a temporary Federal Subsistence Board was created, it was asked by the Secretary of the Interior who and how should the Federal Subsistence Board be made of. And as any self-serving agency will do, they said, we, the temporary Federal Subsistence Board should be made the permanent Federal Subsistence Board and Secretary Luhan said okay. And that is how we ended up with a Federal Subsistence Board.

Anyway, any questions of Mr. Rabinowitch with regard to the function of the Federal Subsistence Board and its authority.

MR. GARNIE: I have one question.

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: I'm just kind of stuck on this water rights stuff.

MR. RABINOWITCH: Okay.

MR. GARNIE: Here I'm just going over the minutes again here in the meeting of February '96 here. This was stated by a different outfit here with the Fish & Game, Jeff Denton from the Fish & Game. He gave fish harvest update, clarification of water rights. Mr. Denton gave a brief report of water rights



here in Alaska. Today Native people do not have water rights, but they can apply for them. Does this also come from your - you're from where?

MR. RABINOWITCH: National Park Service.

MR. GARNIE: National Park Service, water drainages from the National Park Service, do we have to get water rights for these drainages or water rights coming about from these drainages from National Parks? I hear rumors that eventually we aren't going to be able to run a boat up in National Park grounds lands where, in fact, we are or we have been.

MR. RABINOWITCH: There's two different questions that you're asking. One I feel a little bit better prepared to answer than the other. Let me do the second one first, can you keep running boats up into Park waters? I actually have the Park Service regulation book with me and we could open it up and, you know, look at the exact words, but I believe what it says is that snowmachines, motor boats and other methods of access traditionally used for subsistence are allowed on Park Service lands. Okay, and that regulation, I think has been in place since 1981. I'm not aware of any discussion to change that. Okay, so the short answer is, I don't think that's a problem. But all I'm referring to is my knowledge.

And I'll turn around and look toward Ken, am I on track with regulation as I've just kind of done from memory.

MR. ADKISSON: Nods affirmatively.

MR. RABINOWITCH: Okay. So I'm unfamiliar with rumors that you mentioned. I mean I live in Anchorage, I wouldn't be hearing the same things you're hearing. That one wouldn't trouble me. And if you want, later today or tomorrow, whenever, you know, I can show you what I was referring to in terms of Park Service lands.

In terms of water rights, I don't know what Jeff Denton was referring to, I'd have to look at those minutes and try to figure it out, too. I do know who Jeff Denton is. And the little I can say about water rights is that it is a real complex area of law and I believe, and again, someone perhaps in the audience could correct me, but I believe, for example if the Park Service wanted to establish water rights that, in fact, we would have to go to the State of Alaska and through a State procedure in the Department of Natural Resources that we would have to apply for water rights or State procedure. But I'm way out of my league on knowledge here, again, what I know is that it's real technical and we usually go get help from attorneys on that stuff ourselves. I don't know if anyone else could add, I don't see anyone rushing forward to the table. I'm happy to look at those and see if I can figure anything else out about what he was saying.

MR. GARNIE: I'm just really curious to whether it means, you know, in places where we've had nets set before if this was eventually going to be a problem of fishing. Because up there where people put nets and stuff under the ice from a lot of them drainages.

MR. RABINOWITCH: Yeah. You know, my understanding of that aspect of water law is that people are usually seeking to get an allocation of a certain volume of water. And as I've said, that that is, I believe in all the 50 states is actually done under State law, not Federal. I'm not aware that it's a problem at the present time, you know, I could see far enough in the future that

something like that could become a problem, but that's about as far as I can go with any knowledge here, like I say, I'm out on real thin ice.

MR. GARNIE: Thank you.

MR. WHEELER: Mr. Chairman?

MR. CHAIRMAN: Mr. Wheeler.

MR. WHEELER: Yes, I'd like to - Mr. Wheeler, I'd like to ask National Park Service staff, if they can answer, the recent House Bill 37-52 regarding world heritage sites and biosphere reserves and the implications and the complications that Congress has had with the State department and executive order of the vice president in establishing so many of these sights around the United States against the sovereignty of the States and this bill was supposed to correct it but it got killed because they asked for a majority, two-thirds majority. But basically what it says is the United States has no say in it, it comes under the United Nations, number one and that the Park Service would be the agency to protect the area adjacent to and around and above and below and the purpose of these is for scientific research where you wouldn't have human activity and for whatever. I mean there are other things. But I mean it's a complicated mess, it's something that the executive branch of our government did with very little Congressional oversight. It flies in the eyes of sovereignty and that Don Young attempted to make correction with a Sovereignty Act, but, however, the sovereignty of the Inuit wasn't even mentioned in the bill, it was killed because it required a two-thirds majority. But it has some very long range complications and it's an issue that's not going to go away. For instance, in the bill they said that the lands that they've already taken over with this scenario of world heritage sites and biosphere reserves covers the entire state of Colorado. And the bearing of national heritage, whatever it is, is all a part of that. It's scary to say the least because the United States, really, technically has no control over it right now. It's in the hands of the United Nations and that's where it sits, unfortunately with no consultation from the sovereign State of Alaska or from the Inuit in the Arctic.

MR. RABINOWITCH: The simple answer is, no, I can't. I'm not familiar with the bill that you mentioned. I can certainly try to get a copy of it if - I mean, you, perhaps already have one, I don't know.

MR. WHEELER: I have.

MR. RABINOWITCH: Okay. I guess in short, no, I'm just not familiar with it. And I don't generally work in that area.

MR. WHEELER: Yeah, but the thing of it is - the gist of it is, it takes it completely out of the control of the Federal agencies that presently now manage our system. And I don't know where it's going and I don't know how they fit in with it, but it's a difficult one to deal with to say the least. Thank you.

MR. CHAIRMAN: Thank you, Mr. Wheeler. Any questions for Mr. Rabinowitch regarding the Federal Subsistence Board and its membership and/or its operation? Hearing none, we now move on - thank you, Mr. Rabinowitch.

MR. RABINOWITCH: Thank you.

MR. CHAIRMAN: We now move on to travel vouchers. Cliff or Barb.

MS. B. ARMSTRONG: This is the brown envelope that we passed out.

MR. CHAIRMAN: Don't say passed out.

MS. B. ARMSTRONG: That I gave you this morning. Please fill those out when your travel is done and return those to our office in Anchorage, we'd appreciate that. Thank you.

MR. EDENSHAW: And for those of you who are new on the Council, if you have any questions, direct them towards me and I'll be more than happy to help you fill them out if you need that.

MR. CHAIRMAN: Are Barb and Cliff's corner done?

MS. B. ARMSTRONG: Yes.

MR. EDENSHAW: Yes, Mr. Chair.

MR. CHAIRMAN: Okay. Let us now move on to old business (A) reports. Is anyone under a particular time crunch and need to have their particular section heard first? Yes, please come up and state your name for the record and who your affiliated with.

MS. ANDREWS: Mr. Chairman, members of the Council, my name's Elizabeth Andrews. I'm with the Division of the Subsistence Alaska Department of Fish & Game. I'll make a few comments about our program. Peter Bente with Division of Wildlife Conservation would like to give a brief update on some of the wildlife conservation work the department's involved in in this region. Charlie Lean is here also and will speak to some of the commercial fisheries key projects. And Susan Georgette is with the Division of Subsistence based here in Nome also.

MR. CHAIRMAN: Ma'am, before you begin, what is your official position within the department?

MS. ANDREWS: Yes, Mr. Chair, I was just about to get to that. I am the regional program manager for Subsistence Division for the Arctic Interior and Western Regions, that would include the Y-K Delta. I'm also serving as the department's liaison to the Federal Subsistence program and coordinator for our liaison team. So I'll speak to that briefly and then we'll have the other brief staff reports from the other department personnel.

Late this summer, the commissioner of the Department of Fish & Game announced a restructuring of the Fish & Game Departments liaison group relative to the Federal Subsistence Program. We're interested in taking a more proactive approach and trying to work in a more coordinated effort with the Federal staff committee with our advisory committees and your Regional Councils. And we're also trying to look down the road here of developing some more coordinated management plans, be they wildlife management plans or fisheries management plans, depending on how that planning and implementation process goes over the next few years relative to fisheries management and save Alaska.

MR. CHAIRMAN: Ma'am, you mentioned that this was a result of a restructure directed by the commissioner; is that correct?

MS. ANDREWS: Yes. The commissioner of the Department of Fish & Game.

MR. CHAIRMAN: And was this at the direction of the governor or not?

MS. ANDREWS: This was with the knowledge of the - I mean the governor had knowledge of this. I could not tell you if it was at the direction of the governor, although the governor was apprised of it, it was discussed with his office. I think specifically the lieutenant governor's office also.

MR. CHAIRMAN: Thank you. Continue, please.

MS. ANDREWS: Excuse me?

MR. CHAIRMAN: Go ahead.

MS. ANDREWS: Okay. So those are some of the main objectives. We're embarking on this process and we've just started going in the last four weeks or so. The liaison group consists of myself who will coordinate the team and I'm based in Juneau now. And we also have a fisheries staff person. We have a vacancy right now with wildlife conservation, but there is a place on the team for a wildlife biologist and we have a subsistence division staff person also. So it's got four members for the liaison team. And we report to the commissioner's office on the.....

MR. CHAIRMAN: What was the last - I didn't get it?

MS. ANDREWS: Okay.

MR. CHAIRMAN: Subsistence?

MS. ANDREWS: Yes, subsistence.

MR. CHAIRMAN: Subsistence, okay, I have that.

MS. ANDREWS: Yes.

MR. CHAIRMAN: Okay, go ahead.

MS. ANDREWS: Wildlife conservation, fisheries, subsistence and then I'm the coordinator for the group. We've also had - this was announced to the, by way of a letter to the Chairman of the Federal Board also sometime - I think sometime in August.

Mr. Chairman, at this point then, if it's all right with you, I'll turn it over to local regional reports. And if you have other questions as we're traveling or visiting in Teller, I'll be glad to answer them relative to the liaison activities. And I have Peter Bente next if that's all right with you?

MR. CHAIRMAN: I have one question for you Ms. Andrews. I seem to have heard your name before in relation to one of the Boards, was it Board of Fish or Board of Game?

MS. ANDREWS: Mr. Chairman, I am with the Division of Subsistence and as program manager, I have done a lot of the reports for our staff which are from this region also relative to Norton Sound fisheries. You're pretty familiar with those issues.

MR. CHAIRMAN: Yes.

MS. ANDREWS: Okay.

MR. CHAIRMAN: That's maybe where I saw your name. I just wanted to get it clear in my head.

MS. ANDREWS: There you go. And the other salmon fisheries of the Yukon and Kuskokwim Rivers.

MR. CHAIRMAN: Thank you, Ms. Andrews. Mr. Bente.

MR. BENTE: Yes, Mr. Chairman, my name is Peter Bente. I'm a wildlife biologist with the Department of Fish & Game. I began work in Nome in February full-time. I'd like to give you a summary report of what we call survey and inventory activities in the game division on the Seward Peninsula.

The Seward Peninsula includes Game Management Units 22 and 23. And I'd just like to give you a brief summary of the principal game species, bear, caribou, moose and musk ox. We concluded a bear research program several years ago on the Seward Peninsula and we have not done any active counting or population estimates since that time. The last census was completed in 1991 but we believe the population has not changed much from that time or perhaps has grown. We have tallies of the number of bears that have been killed by hunters and that, for the last year, was 54 bears, 49 of those were taken during normal seasons, five of them were taken in defense of life and property. About one-third, 37 percent of the harvest is taken by Seward Peninsula residents Unit 22 residents. The remainder, about 10 percent is from other Alaska residents and half or 53 percent come from non residents.

For caribou, what I'd like to talk about is the Western Arctic Herd. It was last censused in 1993 and was counted to be about 450,000 animals. We repeated a photo census last July, July 1996, we currently have the photos, but we have not counted the animals on the photographs. The observers that were in the field estimated the herd is about the same size and that matches some other information we have which shows annual recruitment and that's the surviving calves is matching or very close to adult mortality now. So the new animals coming into the herd are about the same as those dying out of the herd, so we wouldn't have expected the herd size to change very much. Our harvest statistics show that we had 225 local hunters, local meaning residents of Seward Peninsula report to us and they harvested 910 caribou. We actively are collaring caribou in this herd and we have 123 collars and that includes six satellite collars.

The next species I'd like to report on is moose. We had a pretty substantial moose harvest in Unit 22, total for the last regulatory year was 185 moose. That was 469 individuals who reported hunting for us. We completed a moose census in Unit 22(E) in March of 1996. And we found 196 animals with a recruitment rate, meaning surviving calves, because it was a late winter at that time of about 16 percent. Also in the western portion of Unit 22(B) we have a moose research project going on where we have collared 35 cow moose intending to follow them and determine calf survivorship. Because in that area, calf survival has been very low in the last several years. Other parts of the Peninsula, it ranges anywhere from 20 to 30 percent in the Fish River and Niukluk River, we're getting three to five percent calf survival and that is alarming to us.

The last issue I would like to report on is musk ox. We have continued to locate radio collars on nine musk oxen that were collared in previous years and

last spring, in April, we collared nine additional animals and that work was done near the village of Deering. After that time we conducted a census in cooperation with the Park Service and BLM in Game Management Units 22(B), (C) (D) and (E) and also Unit 23. And we have the summary statistics which I'll provide for you right now, 22(B) we found seven groups totalling 51 musk ox, 22(C), 11 groups with 87 musk ox, 22(D) had 33 groups with 347, 22(E) was 18 groups and 256 animals. Unit 23 includes much an area much greater than Seward Peninsula, but the Seward Peninsula portion of Unit 23 had 15 groups of 210 animals. That's a total of 951 animals for that census. We previously cooperated with a census in 1994 and there were 925 animals. And there was an increase, but a slight increase in the total population.

And that concludes my report of survey and inventory activities for the game species.

MR. CHAIRMAN: Mr. Bente, your 1996 census for musk ox shows 951, does that reflect the number of animals that were harvested this year? Does that figure enter any of that?

MR. BENTE: That would have been post-harvest. The survey was done in April, all the harvesting was done prior to that. You're talking about last years or are you talking about this fall harvest?

MR. CHAIRMAN: This last years harvest.

MR. BENTE: Yeah, last year's harvest, it was post-harvest.

MR. CHAIRMAN: Okay. How many did we harvest, Steve?

MR. KOVAK: Fifteen.

MR. CHAIRMAN: Fifteen?

MR. KOVAK: No, excuse me, I'm sorry, 14 animals were harvested, there was 15 tags.

MR. CHAIRMAN: Fourteen animals harvested. So in actuality, the growth rate would have been about 40 animals over two years if there had not been a hunt.

MR. BENTE: Yeah. But including the harvested animals that would be 965 animals.....

MR. CHAIRMAN: Right.

MR. BENTE: .....compared to 925, the previous census, two years previous.

MR. F. KATCHATAG: When you take census, what kind of vehicle do you use?

MR. BENTE: All the censusing was done by aircraft.

MR. F. KATCHATAG: From the air?

MR. BENTE: We were flying in either Super Cub or a Cessna 185.

MR. CHAIRMAN: Mr. Bente, your report says that a bear census has not been done since 1991 and that these '95 and '96 numbers are then estimates, extrapolations or what? Oh, these are harvests, okay.

MR. BENTE: Yeah, the harvest statistics we know. We don't have an estimate of the bear population at this time. The one comment about bear harvest this fall, this current season we're in right now is it's higher than the previous years or the previous average. And this season we're getting a considerable number of younger bears, three to five year old bears have been checked in.

MR. CHAIRMAN: How many DLP harvests this year?

MR. BENTE: I think we have five.

MR. CHAIRMAN: Any reports?

MR. BENTE: I think we have five DLPs for the current year.

MR. CHAIRMAN: Reported?

MR. BENTE: Yes. And that matches the previous year of five.

MR. CHAIRMAN: Are there any repeat harvesters? In other words, has the same persons harvested DLP animals year-to-year?

MR. BENTE: The same individual DLP in consecutive years, not to my knowledge. I don't believe that's happened.

MR. CHAIRMAN: Do you check for that?

MR. BENTE: Do we check, yes. We would check because we ask every person who does a DLP to fill out a survey form which describes the circumstance, the name, the location of where it was taken. And then we provide that to Fish & Wildlife protection.

MS. CROSS: The 53 percent of the harvest was taken by non-residents, you're talking about non-Alaskan's or non-residents of the region?

MR. BENTE: In that phrase there, I mean non-residents, non-Alaskans. People who come up from the states or come from Europe. There is a drawing hunt which is part of a drawing application period which opens in May, you pay your \$5 fee and if you're drawn by a lottery then you can hunt in Units 22(B) and (C), is one area or 22(D) and (E) are grouped together.

MR. CHAIRMAN: So we don't know the population of the bears on the Seward Peninsula or in 22?

MR. BENTE: That's correct.

MR. CHAIRMAN: Mr. Wheeler.

MR. WHEELER: Could I inquire - Mr. Wheeler inquire?

COURT REPORTER: You have to come to the mike.

MR. WHEELER: Well, I'm not going to be.....

COURT REPORTER: You still need to come to the mike to be a part of the official record.

MR. WHEELER: A couple questions. Number one, obviously we've got a lot of bear out there because in Council area alone, I know they took 10 or 11 that was sealed, there might be know. And for every bear they shot, there was two or three they didn't shoot. Bears were seen with two and three and one with four cubs, I don't know if that's a possibility, but they said it was, I'm just taking their word for it.

The moose that they normally harvest isn't there this season from what I gather, I could be wrong, but that's the indication from the friends I know in Council saying this. People that normally go to Council and hunt moose are going elsewhere because of this lack of moose there and probably the bear pushing them back further and who knows, maybe their patterns are changing. Also we're in a situation over there where in 22(B) it's getting depressed in the moose department. The numbers are down, the calving is down, they've had some bad snow, I don't know, maybe they've over browsed in certain areas, it could be many things. There's wolves in there. Wolves are coming in more and more against the reindeer and the moose. And there really isn't any incentive for the department, because of the way the legislature funds them, to go out and do an extensive bear survey because they know there's a lot out there. I mean, you know, it doesn't make much sense to spend a lot of money prioritize on something like that when you got other areas, like fisheries, but it's a different budget, but you can shuffle money around, I think. But I understand what the local department's trying to do, you know, they have only a limited source, part-time work in the summer and, you know, that kind of thing and I can understand where they're coming from.

And in the case of the musk ox, they don't have the harvest requirements, they just do the population dynamics as best they can and they're thriving, they're a healthy group. But I'm wondering in regards to the musk ox in 22(C), does the department even want to consider a hunt, lottery or whatever since we're being excluded from the Federal hunt, I'm wondering if it's a possibility that the residents of 22(C) will even get an opportunity to shoot one in their lifetime the way things are going. I know maybe that's a management decision that you can't answer and maybe John Cody in Fairbanks can't even answer, maybe even the director can't answer, but I know it's a hot potato. I don't think they want to get in the harvest situation because of what the Feds are doing. I know there's a lot of things to think about there, but the main question, I guess I had is, is there any possibility of a musk ox harvest considering there are adequate animals out there to cull out the older bulls that die anyway. Because it is an alternate food source when you have moose declining in 22(B) and the people that hunt 22(B) are now shifting to 22(D) along the road and river system which is going to put pressure on the adjacent units. So it's going to be a domino effect. And I see it in the real near future. And I suspect that there will be a proposal with the Department of Fish & Game to further reduce 22(B) and they have justification and it should be done. And 22(C) is growing good because we have a limited bull hunt, two week hunt, the cows seem to be doing well, they're protected. They're doing okay from what I see. But I'm wondering about, you know, this alternate food source and down the line, and maybe in my lifetime, because I was - I took film when they released the first musk ox at Feather River, 16mm film, I still have it. And I thought, one day I'm going to get to hunt one of them, well, that day hasn't come yet and I'm looking 30 years ago and, you know, I figure I got another 30 to live, maybe. But just - and I know the constraints that you guys have, especially as far out as we are and there's no comparison to say, Barrow, but Bethel and Nome get hit bad when it comes to funding because it's a big grab, you know, from Fairbanks. And they're grabbing from Fairbanks to go to Anchorage and, you know, it's stealing from Peter to pay Paul or whatever. But I know the budget cuts and as far as I'm concerned, they



don't give enough money to Fish & Game to manage what they got to manage out there, but you guys have to do the best you can.

MR. CHAIRMAN: Mr. Bente.

MR. BENTE: Thank you for your comments. The question which you asked is will there be hunting of musk ox in Unit 22(C) and I'm not in a position to be able to answer that question. I think if we remember the musk ox management plan that was signed by a number of participating groups that 22(C) was reserved for a non hunting area. The other issues that were raised regarding declining moose populations, displacement of hunting activity, abundance of bears, all those things are things that we're aware of. We've heard many reports of the Council area having a lot of bears. The reason why we collared moose along the Fish River and Niukluk River is because we know that calves are not being produced in that area and the total population is declining. It's declining because we don't have a strong recruitment of young animals or calves into the population. But I think Mr. Wheeler hit the funding issue nail on the head and, that is, we do not have a budget item right now to do a survey or a census of bears, to count those numbers of animals. The emphasis right now is on moose research, following collared cows and finding out how their calves are surviving. This particular year, calf survival was better than the previous years and that's probably because last year was a mild winter and all the cows surviving last winter had an easy condition and so they calved and we saw many twin calves among the collared animals.

MR. CHAIRMAN: Mr. Bente, I sure appreciate these numbers. And I commend you and your office on producing these numbers, I would expect more of the same in the future. But one suggestion I would make, not only for ease in reading these things, but I think that would help, not only us as Regional Council members interested in subsistence management of these resources, but also you as resource managers for ADF&G, is that in the future could it be possible to have these graphed in such a way that you can see the trends, say by year for bear. In other words, you would have the bear '91 population, '92 population and so on. And then have all the other resources that are supposedly or - not supposedly, but.....

MR. BENTE: I understand.

MR. CHAIRMAN: .....there's common knowledge that their preyed upon by bears, have them also so that we could probably see trends that as the bear population is going this way, these other ones are going this way.

MR. BENTE: Yes. Mr. Chairman, thank you for the suggestion. I will try to provide a graph or graphics and I should maybe even be able to do that before the conclusion of the meeting.

MR. CHAIRMAN: I appreciate that. Any questions from the Council for Mr. Bente? Mr. Kugzruk.

MR. KUGZRUK: Thank you, Mr. Chairman. I just got two questions for you, you're a biologist, musk ox has been here for a little over 30 years, I guess. And I am certain that you must have done some studies, research and so forth. Now, you mentioned that there is in excess of 900 animals and this is the first year for harvest and so forth. According to your scientific research what would be the sustained yield for a musk ox population - how many can we harvest and yet keep a sustained yield? That's my question number one. My other question or perhaps maybe more of a comment, many of the villages, particularly up around

the Teller area, up river, there is a lot of camps up there - there's a lot of fish camps up there. I, myself, have lost a lot of fish to the bears in that area. They've never gone into our camp before, but they have started to go there. And there have been many sightings of bear in the area there and according to some of my friends they are sighted everywhere, around White Mountain, Council and so, I think we could assume that there is a big increase in bears now and you say that you haven't done any count for the last two or three years. But I hope some how in order to get the balance like it was before - it's more on the bears, they're tilting the see-saw, we're up on a see-saw here. You're heavily weighted now. I hope something can be done. If you would answer the first question first, thank you.

MR. BENTE: Mr. Chairman, I understand the question is on musk ox, what sustainable harvest is or sustainable yield harvest. The harvest that was agreed upon in the management plan for the Seward Peninsula was three percent and that was judged to be a very conservative harvest limit to allow for herd growth. Our experience in other musk ox populations, which includes Nunivak Island and Nelson Island is that those populations can be harvested at approximately 15 percent rate, although there are many times when that harvest is reduced from that rate because of bad weather and over winter mortality. And especially on Nelson Island, sometimes the animals swim from the island and move to the main land and when they're not present, then the population is lower and the harvest is dropped. But they can be harvested at approximately 10 to 15 percent.

MR. F. KATCHATAG: Do they survive when they move from island to the main land?

MR. BENTE: The animals have - the first animals that colonized in that portion of the main land left Nelson Island by swimming or they walked across on the ice, both methods were observed. Many animals drown when they attempt to swim.

MR. CHAIRMAN: I notice that this musk ox survey excludes 22(A), is there any plans to include 22(A) in the future?

MR. BENTE: Mr. Chairman, I would say to my knowledge, no plans to include Unit 22(A).

MR. CHAIRMAN: Does the department have any plans for a brown bear survey in the near future?

MR. BENTE: Our brown bear survey and inventory would possibly be changed if we can document or verify with the moose collar program that we're going on that bears are taking a heavy number of calves. That would be a justification then for us to survey or count the bear population. So it's kind of a two-stage process. Right now, though, we have no plans to my knowledge of doing another bear census.

MR. CHAIRMAN: Isn't that kind of managing with just one side of the equation, saying, well, I know these bears prey on these animals, but until somebody proves to me that they're impacting these other more desirable species, then we won't survey it? You know, isn't it more - I know that the conservationists don't like the idea of predator control, but, you know, all these animals live symbiotically within an ecosystem and if you have too much of one they're going to negatively impact the rest of them. It seems like to me that if, in fact, the trophy hunting and what little subsistence hunting you might have documented doesn't show that you're at least keeping the brown bear population stable, that logic would say that you should increase your predator control of these animals

if, in fact, that moose are more humanly desirable. I know that the conservationists would probably tear me apart for saying something like that, but my attitude toward wildlife management is if you're going to allow a harvest on a resource, then you should also increase the harvest on any animals that prey on that resources to keep the balance. Otherwise, you're going to end up with more predators than the prey. Does that make sense?

MR. BENTE: Yes. I understand your reasoning and logic. We don't currently have plans to do another bear census or another bear research program like was done previously before. It is important, perhaps that can change.

MR. CHAIRMAN: In this last year under the Federal system, I finally got them to increase for 22(A) and (B), the brown bear subsistence harvest from one every four years arbitrarily to one every year. In light of that, do you think that a census might be necessary in order to measure the effect of that on the brown bear population?

MR. BENTE: Yes. With a different harvest requirement or regulation, more frequent or one bear every regulatory year, that could increase harvest and that would be a good reason or justification to census or study the bear population.

MR. CHAIRMAN: To your knowledge has there been any discussion in the department as to the need for a new brown bear survey so that you might want to measure that effect in light of the one bear a year regulation going into effect this year?

MR. BENTE: No. The only discussion on bear harvest or quota's would be something we're trying now in Unit 26(A), the northern Arctic Slope where we have a quota which is set on a two year average. So if more than one-half are harvested in the first year, then the second year of the average is reduced. If fewer animals are harvested in the first year of the two year average, then more animals are encouraged to be harvested in the second year. And then when you go into the next segment of two years, you begin the averaging again. That's one harvest program that we're trying. It's the first time in the State that I'm aware of.

MR. CHAIRMAN: One of my pet-peeves with the system is that especially in the case of brown bears, we're dealing with extrapolations on - adjustments based on scientific - adjustments of extrapolations of scientific adjustments to known extrapolations of regional surveys. And to my way of thinking, that you could be way off one way or the other and even the staff reports on bears within our area, not only from Federal Subsistence Board hearings, but also ADF&G type reports state that to the best of their knowledge brown bears are at least stable and more than likely increasing. And the complaints from the people is that, you know, why are you allowing this, you know? It kind of flies in the face of - the way I would put it is, proper management. You know, you try to balance - if you're having a normal harvest on prey species, you should have a normal species on predator species.

MR. BENTE: The proposals for harvest changes would come through our Board of Game which meets next October. Considerations would be taking of bear more frequently than one bear every four years or perhaps including Unit 22 in the northwest brown bear management area.

MR. CHAIRMAN: So you don't know when the next bear survey will be period?

MR. BENTE: That's correct. I do not know when.

MR. CHAIRMAN: Okay. Is there a process whereby we could request a bear survey? You know the data that we're going - you know, we don't even have a population figure and the last census was completed five years ago. It flies in the face of recognized principles of wildlife management to manage a resource without knowing how many animals are out there, other than to say for all intents and purposes are healthy. I would - I don't know how the rest of the Council feels, but I would think that based upon - and this is not just a one time thing. Every time I mention brown bears, the very first thing that I hear from people that testify about it is there are too many. And Charlie Lean, I'm sure, every time he talks to anybody about brown bear, the first thing that they complain about is that there are too many and they're tearing up this, they're tearing up that and they're running us out of this and running us out of that. So can we request a survey?

MR. BENTE: Mr. Chairman, I would agree that the comments that I have heard is that there are a lot of bears. I mean the people that I talk to say the same thing. As far as a mechanism to make a request, if this Advisory Council were to forward a request it would go to our director of Division of Wildlife Conservation, that's Wayne Reglin. And the intent of your request to begin a census or more detailed survey work on the Seward Peninsula would be the intent and it would be then included in the Region 5 and Region 5 includes - or it would be considered as an item for Region 5 which covers from Barrow to Bethel.

MR. CHAIRMAN: Before we get off bears, one of the things that struck me over the summer was that there was mention made that there was some 164 walrus killed between Wales and Kotzebue this summer. Has there been any research or observation of the number of bears on those walrus?

MR. BENTE: Our division, Wildlife Conservation, has not done any counting of bears scavenging on those carcasses.

MR. CHAIRMAN: Has anybody to your knowledge?

MR. BENTE: To my knowledge, no.

MR. CHAIRMAN: I don't have anymore questions. Thank you, Mr. Bente.

MR. KATCHEAK: Mr. Chair?

MR. CHAIRMAN: Mr. Katcheak.

MR. KATCHEAK: I'd like to discuss Mr. - what's your name?

MR. CHAIRMAN: Bente.

MR. BENTE: By name is Bente, Peter Bente.

MR. KATCHEAK: Your suggestion that we request a bear survey - submit a request to ADF&G. I would like to see that coming from this Council that we request a survey.

MR. CHAIRMAN: Are you making that as a motion?

MR. KATCHEAK: Yes, I do.

MR. CHAIRMAN: We have a motion before us to request that the ADF&G do current brown bear population survey, is there a second? Is that just for Seward Peninsula or all of 22?

MR. KATCHEAK: All of 22.

MR. CHAIRMAN: For all of Game Management Unit 22; is there a second?

MR. BUCK: Second.

MR. CHAIRMAN: Seconded, discussion?

MR. F. KATCHATAG: Question.

MR. CHAIRMAN: Question's been called, all those in favor of the motion to request that ADF&G conduct brown bear population survey in Game Management Unit 22 signify by saying aye.

IN UNISON: Aye.

MR. CHAIRMAN: All those opposed nay. Motion passes unanimously. Any further questions for Mr. Bente regarding his report?

MR. SEETOT: Mr. Chair?

MR. CHAIRMAN: Mr. Seetot.

MR. SEETOT: Concerning the musk ox I notice that there was 33 groups totalling 347. Has the State or the Federal government made any studies whether the musk ox displace moose, you know, around certain habitat? Like around - where I noticed, American River, did see an increase of about 300 moose, that area didn't have that much moose, maybe about 10 years ago. Now that the musk ox have been going to the American River, it seems that the musk ox seem to have displaced the moose within a certain area where they usually were. Around the Lower Iuipuk River there was hardly any moose around the river system, now, I think that today they are displacing the moose when - the musk ox look like bear may be - you know, have (indiscernible) to a moose. Has there been any studies or comparisons made 10 years ago between moose and musk ox population, you know, within that drainage system or any area that they frequent? It seems that it was just one group in 1970 or when they first transplanted the musk ox, now there's 33 groups, you know, scattered all over and there is, you know, complaints, not only from the community members, but, you know, just from observation, I guess, I observed musk ox feeding, you know, the same food as reindeer - or what caribou eat and then they seem to, you know, kind of stayed in one area pretty much before the season without being disturbed by man or by predators, maybe bears. They seem to just run for a while and then congregate. It seems they have increased or the groups have increased in 22(D) and it seems that the moose have increased around the American River, which weren't, you know, that many in about 10 years ago. My question is, any studies done on interrelationship between musk ox and moose within, you know, certain areas of a river drainage system or certain areas where they frequent more?

MR. BENTE: Mr. Seetot, through the Chair, we do not have any studies or plans to look at displacement of moose by musk ox. I would confirm your observations though in what I have seen doing the census surveys and other flying that we do. That in the more recent years, musk ox - previously 10 years ago or at some period at least five years ago, the musk ox were in the high wind blown ranges,

up at higher elevations. Now we're finding musk ox in the river bottoms and the valley bottoms very close and adjacent to moose populations. It's very frequent when we do a moose trend count on the American River, for example, to find several groups of musk ox. It is possible that they could be displacing the moose. We do not have any studies that are investigating that.

MR. CHAIRMAN: Any further questions for Mr. Bente on his reports or any other items?

MR. EDENSHAW: Mr. Chair?

MR. CHAIRMAN: Mr. Edenshaw.

MR. EDENSHAW: Yes, Mr. Chair. I just have some comments regarding his report on the bear. Just last week, the 17th or the 18th, when the Kodiak Aleutians Regional Council met, they addressed a special action request to hunt caribou on the Peninsula. There was a big discrepancy, I felt, between the Regional Council - from what the people on the Aleutian Chain said that there was more caribou than what was reported. And census figures taken by the refuge staff as well as what the State had reported, there was this discrepancy. So I feel that if this Council is saying that there's too many bears and that they should take more bears, then I believe an agency such as Kawerak or some others should - we sent a recommendation from the Board - or from the Council - you know, some of these people out here in the community should be involved in census taken. Because the very issue that we revisited or that we addressed with the caribou hunt on the Aleutian Chain - and they wanted to go out and hunt 100 caribou and the population - the census figures showed there was 1,400. Now, if this region up here says there are more bears out here and the people up here want to get rid of some of these bears and go out there and hunt them, then you're likely to come into the scenario that we revisited - that we addressed out on the Aleutian Chain where there was - there was just disagreement of what the actual population of the caribou was and what the threshold of what the - there was a management plan that was in place. So I feel that if the Council is going to look at wanting to go out and hunt more bears than what the State has in their regulatory process of what the Federal government has in their regulation in regards to bear hunting, then, you know, I would simply recommend that the Council or an agency such as Kawerak or some other one get out there and help them with the census because in the future if you guys want to go out and hunt more bear and this is going to - and I'm sure this is going to carry over into other species, you know. Because you people live out here and you have somewhat - you know, just like I saw in the Aleutian Chain, people who don't live in the communities are dictating and they tell them what they can and can't do. So I highly suggest that some agency here in Nome or some of the villages who are active in natural resources to assist the State and - as well as, you know, Park Service or whether they're Federal land management agencies here in this area to, you know, setup some sort of cooperative, you know, to go out there so that - Mr. Garnie or someone else comes in here and says, well, we have 400 grizzly bears here and some of these other people in these villages say there's 800, then, you know, there's a lot of mistrust. And I just wanted to state that because I feel there's other species, you know, in other areas of the State where this issues is just going to keep coming up.

MR. CHAIRMAN: Thank you, Mr. Edenshaw and for the record, we have had some of our village people involved with the musk oxen, have we not? And that was one of the requests that we, as a Council, had made and then ADF&G and NPS people have been very accommodating in making sure that at least some of our people are

involved in the musk ox survey, in particular. I don't remember how many were involved, I think there was.....

MR. SEETOT: One out of Teller.

MR. CHAIRMAN: .....one out of Teller. And Mr. Bente, maybe you could fill me in on participation by local people in the survey?

MR. BENTE: Mr. Chairman, I know we had one person join the survey in Teller. I believe there were two individuals from the Nome area. My other comment would be we are interested in getting local involvement, the musk ox is one issue. On the caribou collaring that we do along the Koyuk River, we try to get the local people to help us so that they understand more what we do and we understand more of the concerns that the local people have.

MR. CHAIRMAN: We're normally scheduled to go 9:00 a.m. to 5:00 p.m. I'm not sure if I'm going to be here tomorrow, I'll find that out later this evening, but I'd like to go at least until 6:00 o'clock if the Council is willing and since we already have our staff and everybody else here. I'd hate to deprive Mr. L. of having his say and I'd like to continue to 6:00. Hearing no objection, so ordered. I like that.

So Mr. Lean.

MR. LEAN: Thank you, Mr. Chair. My name's Charles L., area fish manager for the State, the manager for the commercial fisheries management and development, Division of Fish & Game. I've been upstaged by Mr. B., he's produced a very nice report and I'm jealous. Our reports for this last season are still being written. All my information is preliminary so I'll pretty much be speaking off the cuff.

Briefly I concentrate on managing the king crab fishery of Norton Sound, the salmon commercial fisheries of Norton Sound, also the subsistence salmon fisheries of Norton Sound, the herring fisheries of Norton Sound and.....

MR. CHAIRMAN: Halibut?

MR. LEAN: No, I don't do halibut.

MR. CHAIRMAN: No, Okay, we'll mark that out.

MR. LEAN: And I also run the Kotzebue commercial salmon fishery. As part of our program we also do some rehabilitative work, we've also been instrumental in the formation of the regional planning which is a group that sets priorities of management and rehabilitation and enhancement of salmon within Norton Sound. I was on a similar group in Kotzebue a few years ago. And we have several cooperative projects ongoing with Kawerak, which are mostly salmon counting stations. We have a cooperative project on the Snake River, or I should say Kawerak takes the lead on the cooperative project Snake River, Eldorado River, North River at Unalakleet. It's been a three way cooperative project on Salmon Lake and Glacial Lake enumerating red salmon and the possibility of enhancing those populations. And we've done several other studies, mostly aerial surveys of suitable habitat and lesser known streams of the Seward Peninsula. So we've got quite a cooperative project going on there.

I guess I would entertain any questions and encourage people to jump in, but essentially we had a fairly good king salmon return this year although the

commercial harvest is about three quarters of normal. The escapement appears to be nearly twice normal. The chum salmon return was, what I think of as an average sort of return with the exception of the Nome subdistrict where there was four streams that we failed to make our escapement goals on and as a result we kept the subsistence and commercial harvest severely restricted. And those streams were the Sinuk River, the Snake River and the Solomon River and the Nome River. Nome and Eldorado to a lesser extent, those streams we opened subsistence fishing on pink salmon but kept chum salmon closed until late in the season, several of them. We're seeing 1993 was a low point throughout western Alaska, but then 1990 was the low point in the Nome subdistrict for salmon returns. And we believe our management is having some effect in bringing salmon back. Still in the Nome subdistrict far from recovered, but we're working on it.

MR. CHAIRMAN: In this four streams in the Nome area that you mentioned that failed to reach their escapement goals, are they half below or are they 25 percent below or some idea?

MR. LEAN: Sinuk was about two thirds. The Nome and Solomon were about three quarters, as was the Snake River and the Eldorado and Flambo did attain their goal.

MR. CHAIRMAN: So overall do you think they're past that bottom?

MR. LEAN: Yes.

MR. CHAIRMAN: They still haven't reached their escapement goal?

MR. LEAN: Although we're not making our escapement goal, we were down as far as one quarter of our goal in those streams in 1990, so I see that as something of a recovery, not a total one, but getting there.

MR. CHAIRMAN: You say the king salmon escapement was almost two times normal?

MR. LEAN: As indicated by our test net at Unalakleet and it was above average on Fish River, our tower counted at Niukluk and our tower counted Quinniak River and both indicated an above normal king salmon escapement, although not double.

MR. CHAIRMAN: How about surveys, have you flown any surveys on kings?

MR. LEAN: We flew some surveys. And I tended the Quinniak and Fish River data, but the king surveys on the Unalakleet were very poor, mostly due to weather, not fish conditions. So we tended to put most of our weight on the test net program.

MR. CHAIRMAN: What's the normal return on kings, is it five years? In other words, they come back after five years?

MR. LEAN: No, it's six. I tend to - the majority of the females return as six year olds and they're the ones that produce the eggs. So I use that as a generation time.

MR. CHAIRMAN: So in 2002 we should have a dynamite king year here?

MR. LEAN: I'm hopeful, yes. Kings, I should point out are limited a lot by their rearing abilities. And so the next several years, the next three years play an important role in their life cycle, too.



MR. CHAIRMAN: Do they stay in the river system?

MR. LEAN: Yes, for about three years.

MS. CROSS: The Nome area streams, what are the reasons, is it over harvesting that caused that or what's the problems with it?

MR. LEAN: That's a huge debate in the State. I believe that, yes, over harvest plays a significant role in the Nome area streams problems. I have to be very careful on how I say that, the majority of the harvest occurs in Nome subdistrict. There's other harvests that occur on those stocks that occur mostly at sea. Some of those are Area M, False Pass, if you will, and some of it is in the trawl fishery.

The survival of the runs in the Nome subdistrict do not seem to track with the climatic factors that we have here in the local area. In other words, the problem appears to be at sea with the survival.

MR. CHAIRMAN: So it's not in streams? There's nothing that you can point to in streams that explains the low return?

MR. LEAN: Maybe in one or two years I could find some cause and effect having to do with weather or heavy ice, but on chum salmon, no, I believe that the problem is mostly at sea. On pink salmon, I believe it's mostly local in fresh water. So then it becomes an allocation problem, who has the right - first right to harvest those fish and that's the issue of debate at the Board of Fisheries. And it's a very contentious issue.

MS. CROSS: Have Fish & Game done any studies to see if the fish are moving somewhere else instead of coming back to their standard areas, they have moved elsewhere? For example, when I was growing up we had no chum or no salmon, now it's just unbelievable. And this is just within the last recent several years, maybe last 10 years.

MR. LEAN: Mr. Chairman, Mrs. Cross, there have been studies done about salmon and how loyal they are to their natal stream. And by far, the majority of salmon return to their natal stream. There are certain numbers that stray and it varies from species-to-specie, but chum are some of the more loyal and true.

MS. CROSS: So it wouldn't be - so in other words, maybe some area has closed to fisheries and the salmon's returning to the island area? I mean there would be another cause for that?

MR. LEAN: The island was probably colonized by stray salmon. However, it would be highly unlikely to make the assumption that, you know, even more than 10 percent of the Nome.....

MS. CROSS: The chum is now moving.....

MR. LEAN: .....area's salmon went elsewhere. That would be unheard of.

MS. CROSS: So right now it's hard to determine, I mean, what's causing this or it's improving though, is it, the chums?

MR. LEAN: It's improving because the harvest have been greatly curtailed. There's historic information that shows the Nome subdistrict in the 1940s

produced 10 times as many chum as it does today. In other words, it would take 60,000 chums than 6,000 roughly now or 5,000, so there's been a huge decline in chum abundance here in the Nome area. That same historic information doesn't show that for anywhere else in Norton Sound. But I don't have the information to know where those salmon spawned or where they were going in the '40s, all I know is anecdotal information, people tell me, you know, there were a lot more salmon in most of the streams. But I have no numbers to really hold up in any Board of Fisheries meetings or anything like that.

MS. CROSS: Thank you.

MR. CHAIRMAN: Grace, the question I have for you, are you saying that there are streams on the island that have new chum stocks?

MS. CROSS: Every kind. From king salmon all the way to silvers. I mean they come through the ocean. They pass through the ocean.

MR. CHAIRMAN: But I mean they're not spawning out there?

MS. CROSS: Not that people are aware of. The streams, I don't think, are large enough to. Some of them go in, but some of them are smaller fish, trout, but they're passing through.

MR. CHAIRMAN: Charlie, do you know of any salmon spawning out there?

MR. LEAN: Mr. Chair, I don't know of any salmon spawning on St. Lawrence Island. I've heard that some do, but I would point out that the.....

MS. CROSS: Humpies do.

MR. LEAN: Yes. The deep part of the Bering Sea passes to the west of St. Lawrence Island off Gambell and that probably many of those salmon are on their way to Siberia as well as further north up to Kotzebue. And I would also point out that the king salmon and silver salmon have roughly doubled their abundance in the 15 years that I've worked in Norton Sound in many of the streams in Norton Sound. So it doesn't surprise me that salmon are more abundant there than they used to be.

MS. CROSS: It was a big surprise for everybody.

MR. CHAIRMAN: You know, when I was growing up just about every household in Unalakleet had dogs and that was always a big summer chore was to go harvesting chum - enough chums over the summer to be able to feed your dogs over the winter. And, yet, even then the abundance of fish compared to what it is now is outrageous because, you know, even with the far be the number of subsistence caught fish, you know, it numbed the mind to be able to see - to catch that many and know how much work it is to process them and yet if you look out there in the water, you know, untold - untold multiples more are going by and that's the way it was when I grew up.

King salmon, when they first started king salmon fishing in Unalakleet and everybody would start from the mouth and work their way out, you know, whoever got lucky enough to fish close to the mouth on the ocean side, you know, commercial fishing we'd start there and then next guy would be a little bit farther and so on. And them nets would sink. I mean all you'd see when you'd go out there is you'd see a buoy over here and a buoy over here. And, you know, that was a regular thing year after year. And I used to wonder, what really

happened to those fish until I started looking at those - when the high seas fisher - Japanese were out there and then I started seeing numbers on their catch, they were catching upwards of 750,000 kings a year out there. So, you know, that really worries me about that huge fishery going on out there. And all the empirical evidence that I hear about, you know, all these resources that are part of the - everything out there in that ecosystem is part of the food chain in one way or another. It's either at the very bottom or at the very top. And I don't understand the logic of fisheries managers that can say, okay, you can take two billion pounds out of the middle of this food chain and not effect the - I mean, a chain like that is not linear, it's a closed loop. And if you take two billion pounds out of it, what are you doing to the rest of the chain?

MR. LEAN: Yes. Mr. Chair, I tend to agree that there has to be more coordination between the various agencies managing the deep sea fisheries. It's becoming more apparent all the time.

MR. CHAIRMAN: Well, let's not stray too far from our report here and try to get as much of this done as possible. Is there anymore from ADF&G? Joe.

MR. GARNIE: Yes. Mr. Lean, I was worried that there was a commercial fishing quota on the Kuzitrin for white fish. And I was just curious how many tons there was harvested, if they were hitting their quota or if it is, in fact, still an open fishery?

MR. LEAN: We have a quota on the Kuzitrin for, I believe, 2,500 pounds per year and the same on the Pilgrim, 2,500 pounds per year. In the past it's been as high as 5,000 pounds per year. But in the last 10 years it hasn't been. And there's also, I believe, a quota for burbot or lingcod, whatever you want to call them of 1,000 pounds on the Pilgrim and Kuzitrin combined. And I'm not sure whether there is a quota on pike or not, I don't remember.

MR. GARNIE: A commercial on pike?

MR. LEAN: Yes. There's many of these very small quotas throughout Norton Sound and Kotzebue and it's a rare thing that we take the entire quota. In fact, I believe last year the commercial harvest on the Kuzitrin was just a few, but the year before we took the full 2,500 pounds. And that has no direct bearing on the - there is no quota on the subsistence fisheries, so there may be a considerable subsistence harvest or there may not be any depending on the year.

MR. GARNIE: Thank you.

MR. CHAIRMAN: Cohos, how did we do this year?

MR. LEAN: We didn't - very well on coho. The harvest was in the normal sort of range, but the escapement again was very large, more than double by the test net at Unalakleet and by the counting tower in the Niukluk River, both indicate an incredible coho return. The coho harvest were ever so slightly above average, but not that big. So the total return was very strong.

MR. CHAIRMAN: And were these bigger fish?

MR. LEAN: Yes. They were roughly a pound larger than normal making them about a nine pound average fish or eight and a half, I would say.

MR. CHAIRMAN: I was getting a 10 pound average, I mean, for net loads at a whack.

MR. LEAN: Yeah. We averaged them throughout Norton Sound so it's quite possible that's true. I mean the data would support either one.

MR. CHAIRMAN: Wonderful fisheries, those cohos and kings this year.

MR. LEAN: Um-hum. (Affirmative)

MR. CHAIRMAN: And it's truly amazing when you can see fish like that and know that hopefully if nothing happens, when that recruitment comes back it's going to be like that again.

MR. LEAN: Um-hum. (Affirmative)

MR. CHAIRMAN: So I commend you on your job you're doing. Sometimes you don't and sometimes you do. But I like your king and coho numbers this year.

MR. LEAN: Well, I wish I could take full credit for that.

MR. CHAIRMAN: Well, I wouldn't either, the man upstairs gets a little jealous. Any problem areas other than the chum?

MR. LEAN: Well, king crab is a big concern for me. We were able to get a trawl survey of Norton Sound this year, it's the first time in six years that we were able to do so. Up until three years ago it had been every three years. The preliminary results of that survey and it's not final yet is that the population of adult male red king crab is down by about a third from what it was six years ago and that's bad news.

And to put that in perspective, prior to harvest in 1978, the population was judged to be about eight million pounds of legal sized male crab and that, we think now that it's in the order of three million. So it's roughly a third of the unharvested stock. It's not reasonable to assume that we could maintain a sustained yield type harvest on an unfished population level, you just don't do that. We knew that it would not be eight million pounds, but we were hopeful that it could be something in the order of six or so. And it was up to about four million six years ago. So we're concerned. We don't think - we need to analyze the data further, it will take us until New Years to do that. Essentially, I think I can say with fair assurance that the quota will be smaller next year. How small I'm not prepared to say at this time.

MR. CHAIRMAN: Are you still going to prosecute a winter king crab fishery?

MR. LEAN: Absolutely. The winter fishery takes precedence over the summer fishery. It's been in existence forever as far as I know. Both the commercial and the subsistence winter fisheries, they take roughly one percent of the biomass and the summer fishery is intended to take about 10 percent of the legal male biomass. So they have a much smaller impact for two reasons, because they have such a small impact and also because they have the historic precedent. The winter fisheries won't be affected except as far as availability of crab.

MR. CHAIRMAN: Are there any other problem areas that you're aware of?

MR. LEAN: Mr. Chairman, right now the department is focused on chum salmon and king crab. We believe that our herring stocks and most of the other salmon stocks are in a healthy state. And I guess we're hopeful we can do something for red salmon as well, but we're still investigating that possibility.

MR. CHAIRMAN: Any questions for Mr. Lean on any of the fisheries that he manages? Mr. Seetot.

MR. SEETOT: Where does it stand on herring bait fishery right now?

MR. LEAN: That fishery is on the books. It has 150 metric tons harvest allocation annually and we rarely even come close to that. There was only two years where we even approached that. It's mostly market limited, so - in other words, no markets so no fishery. But we're prepared to field a fishery there if there were a market.

MR. SEETOT: I was just wondering because I never quite catch a herring for subsistence use. You see them in large numbers when they pass by, not only through a channel but up around the Topkok. I wouldn't have due to the weather, you know, high winds all the time in that big pass. I always - trying to see what was the status on that commercial herring bait fishery.

MR. LEAN: In the Port Clarence area we believe there's two stocks of herring. One's what I call a pelagic stock, a deep sea mid-water fish and then there's the - I believe there's a near shore stock that lives in, maybe Emmerich Basin year-round and travels out to the same spawning areas. So I think local people call them blue backs or something like that. But there is some concern on my part that we would over harvest the near shore stock. And a year ago I closed Grantley Harbor off late in the season to discourage harvest on what could have been local stocks.

We have very little information on that and very little money to investigate that. So it's basically try it out and see if it works sort of a management scenario at this time.

MR. CHAIRMAN: Just for the record, in the commercial fisheries, what's the target for harvest, is it 20 percent, 40 percent and is it based on a preseason projection?

MR. LEAN: In Port Clarence the herring harvest is based on a rough population estimate made about 1980 and it's been on the books ever since and that was 150 metric ton available for harvesting. In Norton sound it's based on 20 percent of the estimated biomass in season. But the beach seine versus gill net harvest is based on the preseason estimate. And so the beach seiners are stuck with 10 percent of what we think will return, whether it does or not. And then on the king crab it was 10 percent of the legal size biomass. And on salmon we managed for escapement goals first and try to take what's in excess of that.

MR. GARNIE: Mr. Chairman?

MR. CHAIRMAN: Mr. Garnie.

MR. GARNIE: Yeah, Elmer just mentioning about the herring, it's slightly alarming isn't it about in the herring return - like you say the local herring. I'm pretty aware that there are two different types of herring run we got there, the big herring, I mean they were a lot bigger, your ocean running herring versus the local herring and they do stay in the bay all winter long. They come out in the spring and then they return in the fall and then we get a fall run in usually just a couple weeks before now, before today and we haven't seen a whole lot of them, but they've gone by. I think they've really been fished fairly hard in the spring in the bay, you know, when you're getting after your actual

big ocean running herring, you're small local herring really got nailed hard. And I was fishing when you closed it in the bay, but I don't know if you closed it far enough to the mouth of the bay because you're still fishing right at the points and that's right at - you should be on the outside of the points, I think, the line.

MR. LEAN: Okay.

MR. GARNIE: Because that little local herring stock is getting a bad nailing right in the channel. And that stock is mainly a subsistence fish. A lot of people use that fish for subsistence.

MR. LEAN: I appreciate your input. I get conflicting messages there frequently. So that's a hard one for me to understand.

MR. GARNIE: Yes. There's so little room there in the channel for very many people fishing, it's kind of first come first serve, first person goes in there and just stays right there and is just nailing them.

MR. LEAN: Well, I will take that into consideration next year.

MR. GARNIE: I would draw the line on the outside of the channel there.

MR. LEAN: Okay.

MR. CHAIRMAN: Any further questions for Mr. Lean on any of the fisheries?

MR. KUGZRUK: Mr. Chairman?

MR. CHAIRMAN: Mr. Kugzruk.

MR. KUGZRUK: I have just one question, do you do any mercury content studies on fish or anything so where you find any growth of some sort or a fin missing or something?

MR. LEAN: I was involved in heavy metal sampling of fish when the Bema Gold Dredge was in place and that's been a number of years now. And essentially the findings there were near normal. Heavy metal, we measured cabmelen, nickel, mercury, copper and perhaps - I know we measured some others but I can't remember what they were. We didn't find any metals that raised much concern and we tried to pick metals that we thought were likely to be a problem, mercury and cabmelen, in particular, have a history of some problems in this area, we didn't find any. That's not to say there isn't some population that has that problem. And we tried to concentrate on species that stayed locally, bottom dwelling or bottom feeding fish like tom cod we thought would have a high incidence of heavy metal because there might be in the Snake River turning basin, for instance. We were concerned that perhaps the mercury from days gone by would concentrate there in these bottom dwelling fish, but we didn't find that. So that was essentially a one year study and we found no problems and we gave it a fairly serious look.

I guess on the side, I found fish that were missing body parts before that I wondered how they survived. One day in one net I caught two coho salmon without noses, their faces ended at their eyes and it was the strangest thing. And their lower jaws stuck out normally and I caught the two in the same net together, a gill net and they seemed healthy otherwise. And I've seen fish missing fins before. Occasionally those fins that are missing are clipped by

humans. Four years ago we clipped fins on silver salmon that we released from the high school. And so if you find a.....

MR. CHAIRMAN: Which fin?

MR. LEAN: The anal fin. The pelvic fins, right near the anus on a silver salmon, we clipped one of those.

MR. CHAIRMAN: I found one of those this summer.

MR. LEAN: So it's possible that was produced by the Nome High School.

MR. CHAIRMAN: Yeah, that was odd because it didn't look like it was done by an animal because it looked like it got cut.

MR. LEAN: Um-hum. (Affirmative)

MR. CHAIRMAN: I mean whoever cut it didn't just cut the fin, they damn near took part in a rectotomy.

MR. LEAN: High school kids.

MR. CHAIRMAN: And I was amazed, it showed up in the nets though.

MR. LEAN: Yes.

MR. CHAIRMAN: It made it through its life cycle. There are a few that show up like that on occasion.

MR. LEAN: Um-hum. (Affirmative)

MR. CHAIRMAN: I haven't seen anything major this year. I know this is a little off the subject, but it's a concern I have because seal oil and blubber and muktuk, ogrook and walrus eater, I'm concerned about these animals that feed on animals that work down into the food chain. A friend of mine, he and I went to high school together and he worked for a short time up at Red Dog Mine and he told me that they were blasting up there twice a day.

MR. LEAN: Um-hum. (Affirmative)

MR. CHAIRMAN: Using, I think the figure he used at the time, 300 pounds of dynamite per blast. And that every time they blasted, depending on which way the wind blew, it'd blow this cloud of grey dust, zinc and lead. And what I'm worried about, you know, because sea mammals are a large part of my diet is that these are going to get into the food chain if they get out on to the ice. That ice is going to melt eventually and where does that stuff go, the heavy metals go to the bottom. And sea mammals, you know, they feed on things that start all the way down in the mud.

MR. LEAN: Mr. Chair, I'm not the world's the miner's best friend, but in that case I don't know. The Red Dog Creek itself, I flew surveys on prior to mining and since mining and salmon and char now travel further up that creek than they did prior to mining. In other words, the water in the creek itself is more pure than it was prior to mining. That's in large part due to pressure applied to the mine the first two years of its operation, the first two years that was not the case. But more recently they've had a pretty good record. And as far as dust on the tundra and it's eventual reaching the rivers and the

ocean, I'm not qualified to address that. But it's been my general impression that that's one of the cleaner mines I've observed.

MR. CHAIRMAN: How far away are they from the ocean, I have no idea?

MR. LEAN: Sixty miles or 50 miles.

MR. CHAIRMAN: Yeah. I was kind of worried that they might be closer than that. But I'd never looked into it, but I understood that there was a port, so I was thinking maybe they weren't that far from the ocean.

MR. LEAN: It's at least 50 miles by road from the mine to the port. And it's - the port's a huge facility, but there's very little dust there.

MR. CHAIRMAN: So the blasting, it would settle out before it reached the ocean.

MR. LEAN: Um-hum. (Affirmative)

MR. CHAIRMAN: Ninety-nine times out of 100.

MR. LEAN: I would think so.

MR. CHAIRMAN: Okay. That reassures me more because I've been worried about this ever since. Because this friend of mine he worked up there, he didn't work there very long but he said he couldn't work up there because his eyes would run continually and his nose would start bleeding so bad from both nostrils and he just couldn't function up there. And he has since died of cancer, 47 years old. So that was why I brang that up. I'm reassured to know that it's a little bit farther away from the ocean than I had thought.

Any further questions for Mr. Lean on any other fisheries? Hearing none, thank you Mr. Lean, I appreciate it.

MR. LEAN: Thank you.

MR. CHAIRMAN: Keep up the good work. Ms. Georgette.

MS. GEORGETTE: I just have a couple things. My name is Susan Georgette and I work for the Division of Subsistence at the Fish & Game Department here in Nome and I just had a couple things to mention about some of the work we've been doing. I'm just starting on this year as region wide subsistence salmon harvest surveys, this is the third year we've done them throughout the region. We've done them in all the villages in the Port Clarence and Norton Sound districts and then along the Kobuk River and Noatak River. Last year I think we interviewed about 1,400 households and we do this in October and November. We sent out one of these one page summaries in the spring to everyone in the villages, but if someone wants to look at it, I have some here. It summarizes what we found out about the harvest. We also ask some questions about the gear people use and how much salmon is used for dog food and different things like that and that's summarized in a longer report I put together for each district, so I have a few if anybody wants one.

Most of the other projects we've been working on in our office are done in cooperation with either regional organizations or with Federal agencies. One of the ones I was involved with the most last year was a migratory bird harvest survey that we did in cooperation with Kawerak. It was funded by the Fish & Wildlife Service. And we provided the technical assistance on how to sample and



what kind of survey form to use and we analyzed the data, but Kawerak actually did the data collection in the villages. And I think last year we did it in five or six communities in Norton Sound and on the Seward Peninsula. And this year we're starting work on a similar project on St. Lawrence Island.

A couple of the other projects we worked on is, Jim Magnanse last year, worked on a comprehensive subsistence harvest survey in Shishmaref and he'll be doing some more analysis on that this year. We recently heard that we received some money from the National Marine Fisheries Service to do some work on seals in the Norton Sound area. And that will be done in cooperation with region organizations and hunting groups. We also have a small project that Jim is working on that's funded by the Park Service that's a CD Rom that's about fish and wildlife and subsistence use of it on the Seward Peninsula. And CD Rom's are those little discs you can put in your computer and it talks and has pictures and music. And all and that's pretty much all I had to say. If there's any questions about our work?

MR. CHAIRMAN: Have you noticed any trends in surveys of any of the resources, ups/downs?

MS. GEORGETTE: Well, the only ones that we really have more than one year of information for is the salmon survey. And I guess I was mostly struck by how similar both the years were, I mean they're different, but overall it's not as if one was radically different. The pink harvest, of course, is different in the two years we did it. But a lot of the other ones were just fairly similar about what people did and how much they caught. But that's only two years. And like in Elim we did it those other couple years. In Elim we maybe have four years or maybe five year of data, but for a lot of the other communities we just have two years. And that's probably the only resource that we regularly collect information on.

MR. CHAIRMAN: Did you run into any people that said they weren't getting anything?

MS. GEORGETTE: On the salmon we do. That's probably, let me think, I think that's probably - on the bird survey we didn't ask if people get enough, but on the salmon we do and quite a few people do not get enough they say. I think in the - well, I'd have to look in the Norton Sound district what it was, I mean what sticks in my mind is half and half, something like that, but it's - I'm not sure exactly I'd have to look it up and see.

MR. CHAIRMAN: Just for the record, what percent of the food consumed by the people would you say is subsistence?

MS. GEORGETTE: What percent of all the food consumed comes from subsistence? Well, I mean I guess we don't ask that as a number. Quite a bit, I mean my perception of working in villages that quite a bit of food comes from subsistence, quite a bit of it does. But in terms of a percentage, I'd be hard to say.

MR. CHAIRMAN: You don't ask them how much they spend on say hamburger or steak or chicken?

MS. GEORGETTE: No, we don't. We haven't.

MR. CHAIRMAN: Wouldn't that give you an indication of the importance of the subsistence if you could maybe work that in, you know?

MS. GEORGETTE: Yeah, you know, I think there's probably studies that have done that, I think in different communities in different places. Some of these social indicator studies that were done in relationship to offshore oil had lots and lots of questions about people's habits. It'd be questions like, in the past day how many meals that you ate had Native foods in it and that would probably be the place to look for that. I think for us, we've tried to make our surveys as simple as possible because we know that people get surveyed all the time. And we've tried to do this salmon survey so that you can really do it in five minutes. If someone's busy you could stand at the door and ask in three or four minutes and fill it out and be on your way instead of having to - and they're hard questions for people to answer really, you know, they have to think about it and you know, people - you can just ask for an estimate of someone over their - you know, what's their sense of what their household eats in the year. And we used to ask that on surveys, but I think we've gotten away from it because it was hard to know really what it meant or it wasn't resource specific. And so I think that's why we haven't asked, because it's a harder question to get at.

MR. CHAIRMAN: Any questions from Ms. Georgette?

MR. GARNIE: Mr. Chairman?

MR. EDENSHAW: Is it.....

MR. CHAIRMAN: Mr. Garnie.

MR. EDENSHAW: Excuse me, is it possible to get a copy of the surveys?

MS. GEORGETTE: The surveys - the questionnaires, sure. I think, in fact, on this report I think it's attached to the back, this is the salmon one, what the questionnaire actually look like. And, you know, we're revising it all the time and I am always open to things that people either like or don't like. And I try to keep the salmon one just to a one page, front and back thing, but you know we fiddle with it all the time to try to get at what is really most important. So I am open to any ideas about things you'd like to see collected or not collected.

MR. CHAIRMAN: Any further questions for Ms. Georgette? Joe.

MR. GARNIE: I was just curious, didn't you say you acquired some money from the State?

MS. GEORGETTE: That we acquired some?

MR. GARNIE: Yeah

MS. GEORGETTE: Yeah.

MR. GARNIE: Do you got it - you're doing seals or you're counting or to check and see.....

MS. GEORGETTE: For the seal project?

MR. GARNIE: Yeah.

MS. GEORGETTE: It's - it came about because of the declining harbor seal and sea lion populations further south in Alaska. And there's been work done in a lot of the villages on how many are taken and on interviews with hunters about their knowledge of seals and what trends they've observed being out on the ice and hunting and all. And in some communities further south there have been samples taken, tissue samples taken that are analyzed. And this project, I think is - it's not really specific exactly what we're going to do because we want to consult with regional organizations about what they would like to see done. But it is more - I would say it's more on the probably not on the tissue analysis and all as much as on hunters observations of how seals are doing and, you know, maybe mapping areas that are used or maybe surveys of how many are taken or a lot of that's open for discussion right now.

MR. GARNIE: Thank you.

MR. CHAIRMAN: Mr. Seetot.

MR. SEETOT: One stands out where Fish & Wildlife Service did ban the taking of emperor geese. This last spring I did see an increase in the number of emperor geese flying through here as I haven't seen them flown in about five to 10 years. So I guess what the restricted - or the non-taking of emperor geese, you know, that resource just can build up and go where - you know, that they flew before, where they migrate. That is some of the concessions that we as Native people have taken is that listen to the regulations, listen to the restrictions taken - put out by Fish & Wildlife Service and then, you know, watch the populations go back to normal levels and that was a comment that I observed, you know, during this past five months or so.

MR. CHAIRMAN: Thank you, Mr. Seetot. Any further questions or comments for any of the ADF&G staff? Hearing none, let us stand in recess until 9:00 a.m. Thank you all and have a good evening.

(PROCEEDINGS TO BE CONTINUED)  
\* \* \* \* \*

C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through 123 contain a full, true and correct Transcript of the Seward Peninsula Regional Subsistence Advisory Council meeting taken electronically by me on the 1st day of October 1996, beginning at the hour of 9:00 o'clock a.m. at Nome Eskimo Community Hall, Nome, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability;

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

DATED at Anchorage, Alaska, this 16th day of October 1996.

---

Notary Public in and for Alaska  
My Commission Expires: 11/5/98