

Sensitive Tribal Areas on the Arctic Slope

*An Update of Areas, Issues, and
Actions in Four Communities*



Inupiat Community of the Arctic Slope
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Cover Image: Ice cellar at Point Hope, Alaska, in a Sensitive Tribal Area.

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INTRODUCTION

This report is an update of sensitive areas on the Arctic Slope that may require special protections because of their importance to the Inupiat community. The report is part of an Environmental Regulatory Enhancement Project by the Inupiat Community of the Arctic Slope (ICAS), funded by the Administration for Native Americans (ANA) and administered through the U.S. Department of Health and Human Services (HHS). Additional funding derived from the Indian Environmental General Assistance Program (IGAP) through the U.S. Environmental Protection Agency (EPA).

The general goal of the Environmental Regulatory Enhancement Project is to improve the environmental regulatory and management capacity of the Inupiat community. Actions to achieve this general goal might include establishing a Tribal environmental policy structural foundation for more effective participation in managing subsistence resources. It also might involve the development of regulations and other means to protect habitat and species in the Arctic regions, to minimize effects of conflicting users, to maintain a clean and safe environment, and to preserve subsistence opportunities for the Inupiat community.

This report's objective is to provide updated information on areas and species of importance for traditional harvests in four Inupiat communities: Anaktuvuk Pass, Kaktovik, Point Lay, and Point Hope. The updated information provides a basis for the establishment of new or more effective environmental and natural resources protection regulations. The updated information also provides a baseline for future monitoring of areas and issues.

Oversight of the project was provided by Qinugan Roddy, the Director of Natural Resources and Environmental Protection in ICAS. The project was facilitated by Doreen Lampe, Executive Director of ICAS, and George Olemaun, President of the ICAS Board of Directors. To collect information in four communities, ICAS contracted with Robert J. Wolfe, a cultural anthropologist with experience in subsistence systems and survey methods. Interviews in the four communities were assisted by Flora Aaglu Agiak and John Cody Hopson, Natural Resources Specialists in ICAS. Topographic maps for the project were provided by Jonathan Aiken, Jr. and Roberta J. Leavitt of the North Slope Borough Department of Planning and Community Services. The project received support from local officials in the four project communities: Cheryl Hugo, Anaktuvuk Pass; Matthew Rexford, Kaktovik; JoAnne Neakok, Point Lay; and Alzred Steve Oomittuk, Point Hope.

METHODS

The objective of the project was to gather updated information on areas, species, and activities of importance to the Inupiat community. The project was designed to collect information from six active harvesters in four study communities: Anaktuvuk Pass, Kaktovik, Point Lay, and Point Hope. In July 2013, researchers visited the four communities. Interviews were conducted with 24 active harvesters selected through recommendations of local Tribal and city officials (one interview was assisted by a local translator, making 25 respondents altogether). Interviews took place at the Tribal offices in Anaktuvuk Pass, Kaktovik, and Point Lay, and at the city's lodge at Point Hope. The interviews were semi-structured and solicited information around general topics. The researchers explained that the objective was to obtain an update for ICAS on subsistence areas, activities, and issues. Local experts were asked about recent changes and pressing issues for the community. The interviews covered animals of the sea, animals of the land, fish, and other species (birds and plants). Local experts were asked about reasons for changes or issues, such as climate change, industrial developments, or other factors. Local experts also were asked about ways to address the issues identified during the interview, especially through actions of Tribal organizations. Topographic maps (1:250,000 and 1:63,000 scales) were consulted during interviews when discussing areas and places. The interviews were digitally recorded. The materials from the 25 interviews form the basis for this report on sensitive areas.

The active harvesters interviewed included the following people, grouped by community: *Anaktuvuk Pass* -- Lela Ahgook, Andrew Kavik Hopson, Winfred Morry, James Nageak, Raymond Paneak, and Brendon Tagarook; *Kaktovik* -- Mickey P. Agiak, Christopher Gordon, Eddie Rexford Jr., Edward Rexford Sr., Robert J. Thompson, and Roland Warrior; *Point Lay* -- Nora Itta, Willard L. Neakok, Thomas Nukapigak, Allen Ahgakean Upicksoun, Jimmy Tazruk, Fred Tukrook, and Chris Upicksoun; *Point Hope* -- Kenny Attungana, Phyllis Frankson, Thomas Killigvuk, Wallace G. Lisbourne, Alzred Steve Oomittuk, and Howard Stone Jr.

FINDINGS

Local experts identified a number of sensitive areas with pressing issues. Each sensitive area is presented as a distinct case in this section. The areas are called “Sensitive Tribal Areas” because the area, species, and activities are important to the Tribal community for traditional food harvests. They are coded to identify the community and a case number for easy reference (Anaktuvuk Pass, AKP; Point Hope, PTH; Point Lay, PTL; Kaktovik, KTK; and Arctic Slope, ARC).

Each Sensitive Tribal Area has a general geographic description (such as, “Coastal Area from Corwin Creek to Icy Cape”), a significant activity that occurs in the area (such as, “Caribou Hunt”), and a time when the activity occurs (such as, “Mid-July through October”). This information allows the reader to locate the area geographically, and to place its activities in the seasonal cycle of events of significance to a Tribal community. The case also provides a summary of pressing issues connected to the area, and a summary of actions taken by the Tribe or other organizations related to the area, if these were discussed by respondents during interviews. The case also contains potential future Tribal actions as identified by respondents, or as suggested by issues to the researchers.

As stated above, each Sensitive Tribal Area is presented as a distinct case. This case format allows for updates over time. As additional Sensitive Tribal Areas are identified, they can be added to this initial list. Also, as Sensitive Tribal Areas are monitored over time, the cases can be updated with new information.

Most Sensitive Tribal Areas potentially involve a larger set of interests, such as interests by state, federal, corporate, and other private entities, as well as interests by local municipal, borough, and Tribal organizations. The case summaries make no effort to identify all potential interests, except to identify actions of organizations related to the area’s central issue of concern when mentioned by local experts.

This is not a complete list of subsistence use areas on the Arctic Slope. For more complete depictions of areas used for subsistence harvests, readers should consult subsistence land use maps held by the North Slope Borough Department of Planning and Community Services. All use areas shown on subsistence land use maps have importance to Tribal communities. In this report, the Sensitive Tribal Areas represent a subset of areas used for subsistence harvests. The list is of areas and species identified by local experts when asked about current, pressing issues in July, 2013. As such, the cases provide an update on areas of importance to the Tribal community.

SENSITIVE TRIBAL AREA PTL1



Area: Chukchi Sea coast from Pingmiak to Icy Cape (including Kasegaluk Lagoon)
Time: Late June through mid-July
Activity: Beluga hunts
Community: Point Lay

Description: Beluga whales pass Point Lay during spring, migrating north along the Chukchi Sea coast. Through coordinated drives with small boats, hunters bring belugas through inlets into the shallows of Kasegaluk Lagoon where animals are harpooned and shot, then pulled ashore for processing and distribution among participants. Belugas are a major food source in Point Lay. The community beluga hunts occur from late June through mid-July, subject to ice conditions, wind, weather, and beluga migrations. There are typically three major migrating groups. Belugas are sensitive to noise. The hunts can be disrupted by activities of hunters, aircraft, scientists (conducting surveys and tagging), photographers, and other visitors.

Tribal Actions: To protect and manage the traditional community beluga hunts, the Tribal Village of Point Lay adopted Bylaws for the hunts in 2008.

Area and time: The Bylaws cover the coastal area from Pingmiak (Pitmegea River) to Icy Cape (including Kasegaluk Lagoon) during the period of the annual beluga hunts, usually late June through mid-July.

Who: The Bylaws contain provisions that apply to resident hunters, visitors (including visiting hunters, journalists, photographers, and scientists), and aircraft flying near Point Lay during the hunt period.

Goals: The goals are beluga hunts that are safe, successful, and sustainable. The bylaws seek to educate younger hunters in Point Lay about the traditional hunt. The Bylaws seek to provide an example for other areas.

Provisions of Bylaws:

Coordination of the hunt and harvest: All Hunters must attend a pre-hunt meeting. There is one hunt leader and possibly several co-leaders who will direct the hunt. Other boats must listen to the hunt leader and follow his guidelines. Only two boats will scout for belugas. The hunt leader will designate watchmen, such as the Mayor's Youth Advisory Council

students, to keep gulls away from belugas before harvesting begins. Adults will supervise children during harvesting.

Safety: No alcohol or drugs or heavily medicated people may participate in the hunt and harvesting. One boat is identified as a safety boat. Hunters must shoot down as much as possible to avoid ricochet. Shooters should not aim in the direction of another boat. No one should shoot belugas from the beach because bullets will likely ricochet and possibly hit someone in a boat. All hunters must be in boats.

Equipment and personnel: Each boat must have a marine VHF radio. Scout boats must have experienced hunters. Each boat must have at least three people (one driver, one harpooner, and one shooter). There should be one shooter and one harpooner per boat. Only larger caliber rifles should be used (30-30 caliber and up). No pistols of any caliber are allowed. No automatic or semi-automatic weapons are allowed. Buoys must be attached to each harpoon. No one should use ammunition with full metal jackets. Only bullets of 150 grain or larger should be used.

Proper hunting: Belugas shall be harpooned first then shot. Shooter should shoot the beluga right behind the blowhole, the best placement for a quick kill. Shooters should aim primarily at the white belugas and leave the gray animals alone. Mothers and calves should not be shot. Depending upon how many boats participate in the hunt, there may need to be a limit on how many belugas can be harvested by each boat.

Proper harvesting: All participants of the hunt must help harvest the belugas. All belugas hunted will be harvested. No belugas will be wasted. Beluga muktaaq and meat will be used for local consumption or sharing/bartering with family and friends. Harvesting of belugas will include muktaaq, meat, flippers, and tail. Each household receives one share from the hunt. Several shares will be set aside for holiday and senior citizens. Shares must be taken care of within 24 hours or the share may be forfeited.

Boats and ATVs: Other ocean or coastal activities should be limited during scouting for beluga. No Hondas should be on the beach when the drive is occurring.

Aircraft: A minimum flight level is 1500', especially when the hunt is occurring, unless a lower level is necessary for safe flying. Pilots flying near Point Lay during beluga time must meet with Point Lay hunters. They must explain what they are doing in the area, especially if it involves belugas.

Visiting hunters: Visiting hunters must check with the President of the Village Council and follow the Point Lay hunter guidelines. Visitors cannot hunt in the Point Lay area unless they first contact the Point Lay President and Village Council. Visiting hunters must attend the pre-hunt meeting, if able, and review the Point Lay hunting bylaws before participating in the hunt or harvest. Visiting hunters must help with the harvesting. Each visiting boat will receive one household share.

Other Visitors: Visitors, including journalists, photographers, and scientists who come to Point Lay for belugas, must first check with the President of the Village Council and get prior approval before visiting. All photographs taken by visitors or scientists are for private use unless approved by the President of the Village Council.

Violations: If a hunter or boat captain violates any of the bylaws, the hunters and boat captain may be banned from future hunts and forfeit their share. The Native Village will

make decisions about any violations. If a visiting boat captain or hunter violates any of the bylaws, the Village Council may send a letter to the visiting captain's or hunter's village asking that the hunter not return to Point Lay in the future.

Enforcement: The Tribal Council is identified as the arbiter of violations.

Tribal status: The Bylaws are tribally-authorized. The Bylaws create a local management plan for beluga hunts.

Relationship with other entities: The Bylaws are in addition to actions taken by the Alaska Beluga Whale Committee, a co-management body endorsed by the Point Lay Village through an authorizing resolution in 1996 (National Marine Fisheries Service and the Alaska Beluga Whale Committee 1999). The Bylaws are in addition to regulations created by the National Marine Fisheries Service, the agency with federal oversight of beluga whales in the United States.

Published form: Bylaws for the Traditional Beluga Hunt by the Tribal Village of Point Lay, June 27, 2008, 4 pages. (Point Lay Native Village, 2008)

Quotes from Point Lay:

"We hunters make the bylaws. They bring it to the Alaska Beluga Committee. They adopt it. They bring it back. And that's final for us. We abide by them. We make sure we take care of our animals the way we want. No outsiders saying it. We do it ourselves, especially with the beluga. One time they tried to have a media event right here during our beluga hunt, but we said, 'no, you guys got to leave.' We ask that planes stay at least a thousand feet in the air. The Alaska Beluga Committee does the counting survey. They do it with a camera. They try to estimate how many beluga this one has. They do this about the time we are ready to go out to get beluga. The Borough asks Point Lay if it is okay to do beluga tagging each year. We tell them, 'after our hunt, you guys can tag the few that stay around.'" *Point Lay Expert*

"We do a beluga hunt on the east wind, usually a week before the 4th of July. But they are coming a little later now. But some years they come in too quick and we don't get them. Then we go up all the way to Icy Cape. We don't go past Icy Cape because it is Wainwright's area." *Point Lay Expert*

"From the meeting I attended, there are procedures and policies, guidelines for our village. People refer to them. Every year, they tell us to harpoon first, then shoot. If you shoot first, they might sink. You can follow the harpoon. There are leaders for the hunt and herding them. We have two captains for the hunt, one in front and one in the back. That way they can monitor the belugas. The more experienced hunters will tell the other boats which way to go, whether to go closer to the pods of beluga. In distributing, there will be many different people telling a person with meat how it should go. There will be people standing at their shares. 'This one has five, six pieces. This one has eight.' To even

them up. Beluga shares go to each household. We try to get shares to each household in the village. Every part of the beluga, the fat, the skin, the meat, the flippers, the tail, these get distributed evenly throughout each household. For beluga season, try to reduce as much activity. No helicopters. No small planes, smaller than the Caravans of Era. We had 3 or 4 different planes coming around Pt. Lay when the beluga were around, to take pictures, or to watch them. The planes can disturb the beluga. Sometimes with all the activity around the village, the beluga will go straight out into the ocean. During beluga season, we will stay out one to two miles off the coast with the boats when hunting for bearded seals or ringed seals or spotted seals." *Point Lay Expert*

Potential Tribal Actions:

1. Continued use of the Tribal Bylaws to protect and manage the Sensitive Tribal Area and its traditional beluga hunts.
2. Placement of copies of the Tribal Bylaws in a centralized repository for improved accessibility by other Tribes and agencies.
3. Use of the Tribal Bylaws as a model of Tribal regulation for addressing other Sensitive Tribal Areas.

SENSITIVE TRIBAL AREA PTL2



Area: Barrier Islands, Point Lay
Time: August and September
Activity: Walrus haul-out
Community: Point Lay

Description: For two years (2010-2011), walrus created large haul-outs during August and September on the barrier islands near Point Lay. Over twenty thousand walrus (mostly females and young walrus) beached in densely-packed groups near Akunik Pass, a few miles north of the community. The large haul-outs likely were associated with unusual ice conditions (sea ice receding beyond the continental shelf into the deeper waters of the Arctic Basin). Normally, most walrus travel with the pack ice. Walrus require areas to rest out of the water, either on ice or land, with access to relatively shallow feeding areas. Haul-outs of walrus on the barrier islands near Point Lay and Wainwright have been observed in the past, but the large haul-outs in 2010 and 2011 were judged to be exceptional events.

The walrus haul-outs drew observers from outside the area. Wildlife researchers came to observe, count, sample, and tag animals. Media professionals came to video and interview for stories about the event and climate change. Walrus are sensitive to the presence of humans. Disturbances by low-flying planes and human encroachment can lead to stampedes of walrus that result in trampling mortality of young walrus. Adult walrus defending young will attack boats. The convergence of walrus and outsiders threatened to endanger walrus and visitors.

Walrus are harvested for food and ivory by hunters from Point Lay. Normally walrus are hunted and butchered on floating ice. More occasionally, hunters will harvest individual walrus encountered on the barrier islands. In recent years, ice conditions have made it more difficult for hunters to find and harvest walrus. Hunters normally do not harvest walrus in large haul-outs like those formed in 2010 and 2011.

Tribal actions: Tribal leaders in Point Lay assumed Command Control roles to protect the walrus haul-outs from disturbance, to protect visitors, and to manage activities by outsiders in 2010 and 2011. The Tribe issued news releases that described the event. The releases requested that media crew not travel to Point Lay. When media crews arrived, leaders participated in interviews and advised visitors regarding coverage of the event in ways to minimize disturbance. The Tribe coordinated activities of outside researchers and local hunters. The Tribe identified a

minimum flight ceiling above the haul-outs and routes for aircraft that avoided the haul-outs. A post-season survey in 2011 concluded that Tribal efforts to reduce disturbances near the haul-out were successful as measured by low trampling mortalities (only 18 animals) (Garlich-Miller, Neakok, Lemons, Crawford, Burek, and Stimmelmayer, 2012).

Relationship with other entities: At the haul-out, USGS Alaska Science Center researchers applied radio-tracking devices to study walrus movements in response to changing sea-ice conditions. In April 2011, Point Lay community received an "Outstanding Partner" award from the U.S. Fish and Wildlife Service Alaska Region for its work to protect the walrus haul-out in September 2010.

Published form: There may have been documents of the actions taken by Tribal leaders to address these issues, but no published documents were identified as part of this research.

Quotes from Point Lay:

"Walrus are hauling out more and more in the fall. The ice is changing. During the fall time the ice is way too far for the walrus. They go haul out on the shore. They picked our barrier islands to do that. About the first of September, they start doing that. That's when the Fish and Wildlife do the walrus tagging with the crossbow. They say there's a lot of clams out there. They wanted one of us hunters to get one, just to see what they're eating. And they are full of clams. Sometimes there's a few... this one year they found 30 dead walruses out there that just beached and died with a lot of sores on their face and bodies. But these last two years, I never saw anything like that yet." *Point Lay Expert*

"Last time they grounded up here, we could hear them. We could smell them too. It's the islands where the eggs hatch. There were, oh thousands! We went out in my skiff. They came up all around us. I said, 'Let's get out of here.' So we didn't bother them anymore. There were a lot more than usual. We usually see 10 or 12 along this coast, and more up north. But we've never seen that many haul out. The same amount would go with the ice floes. We used to hunt them from Point Lay. We'd go out and we'd butcher them and end up way up near Icy Cape with the moving ice. There were hundreds and hundreds and hundreds on the ice floes. They were so numerous that we would leave them alone instead of trying to butcher one in the midst of them, which is not too good.

"We used to get on the bigger floes and walk to them. Not like this now. The ice is too small. Now you have to be on your boat. When they get on the edge and they see you come, they dive. The ice is too small. We harpoon them if we're lucky and they didn't dive right away and sink. They sometimes sink below the water and float halfway in between and we get them with sinkers and hooks. But when they go down, usually they

go down fast. They have to be partially alive to get them. We don't have any ice. Usually about now when the wind changes this way, in the middle part of July, we used to get ice that would come from the southwest winds. But now, do you see any? Did you guys look on your computers, the weather map for ice conditions? NOAA does that, updates on the computer maps about ice conditions with satellite imaging. It probably looks like snowflakes. There's no bigger ice, like it was. That's not a long time ago." *Point Lay Expert*

Potential Tribal Actions:

1. Continued use of Tribal management to protect walrus haul-outs near Point Lay and to protect subsistence harvests.
2. Formalization of the Tribal management of the walrus haul-outs into a written format.
3. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.

SENSITIVE TRIBAL AREA PTL3



Area: Coastal area from Corwin
Creek to Icy Cape
Time: Mid-July through October
Activity: Caribou hunt
Community: Point Lay

Description: Caribou migrate from the mountains into coastal areas during summer and fall where they are hunted by residents of Point Lay using four-wheelers or boats for transportation. Caribou is a major food source in Point Lay. Noise and human activity in coastal areas can disrupt caribou movements during summer. Historically, caribou groups were larger and closer to the coast. In recent years, caribou have migrated farther from the community in smaller, more dispersed groups. Hunters must travel farther to harvest caribou.

From 2006-2009, the movement of caribou was disrupted by coal exploration about 40 miles south of Point Lay, according to hunters at Point Lay. Noise from helicopters and other activities diverted caribou away from coastal areas. Hunters from Point Lay saw hardly any caribou south of the community during this period. Hunters had to travel north toward Icy Cape to find caribou. The caribou returned to areas south of the community the year after the exploratory operations ended in 2009.

The disruptions resulted from the exploration and testing of coal prospects on Arctic Slope Regional Corporation lands by the Australian company BHP Billiton, part of the Western Arctic Coal Project. The company operated year-round from a camp near the coast between Omalik and Kuchiak creeks. BHP Billiton announced in September 2009 that it was ceasing exploration activities and would focus on reclamation and rehabilitation of exploration sites.

A potential transport route for coal from this Deadfall Syncline coal deposit might involve a north-to-south railroad to the Red Dog mine port facility. Such a railroad would cut across a major east-to-west migration route of the Western Arctic Caribou herd.

Tribal Actions: Point Lay and Point Hope worked with Trustees for Alaska to comment on permits for the Western Arctic Coal Project. Arctic Slope Regional Corporation provided access to the villages to inspect reclamation operations in 2010.

Relationship with other entities: In 2009, Trustees for Alaska submitted comments on exploration activities and worked to obtain a Citizen's Inspection of the site, subsequently declined by the State. In January 2011, the Alaska Department of Natural Resources renewed permits to BHP Billiton for reclamation and to allow continued exploration drilling if the operator provided notice of intent to explore. Trustees for Alaska filed an administrative appeal on behalf of Native villages and conservation groups on the grounds that exploration in the region affected subsistence resources including Western Arctic caribou and that ADNR failed to consider those impacts. (www.trustees.org/Documents/April-2011-Trustees-for-Alaska-Legal-Brief.aspx).

Quotes from Point Lay:

"When the coal mine started, we didn't see any caribou for 3 years near our area, this whole area south of Point Lay. We had to go all the way toward Icy Cape during the summer time just to get the caribou. But after they shut down the coal mine we saw a lot of caribou in that next following year. They had about 3 or 4 choppers over there which affected the migration route. It's bare country down there. The only way they can go in is by chopper in summer, or in winter season. ASRC was the one that was doing this, contracting with the Canadians. If they do it during the winter time it would be better. It wouldn't disturb the caribou migration route. It's ASRC land. Point Lay tried to have a say, but it's all ASRC. They do come down to Point Lay to have meetings with us. They made subsistence caribou advisory groups in Point Hope, Point Lay, Wainwright, Atkasuk, members even as far as Kotzebue. Those 3 years, we didn't see any caribou."
Point Lay Expert

"The migrations have changed. You used to be able to hunt them close. You used to be able to just walk out there and catch caribou. Now we're going 15, 20 miles inland. Just last week I was out. It was a 27 mile trip. I didn't see a caribou until I was 17 miles out. That's the farthest I've gone for caribou. It's the first time I've done it. Lot of times we just go down to this Kukpowruk River. We'd catch them up the river, the first 3 or 4 bends. The last trip was 15 to 20 bends up. Now we're going way up north and further south past Kukpowruk." *Point Lay Expert*

"When we had our coal mine going for a year or two, we noticed our caribou migration wasn't the same. Every year we'd get caribou hanging around the town. Once the coal mine was up and running, it wasn't happening with the caribou. They weren't hanging out in town. We had to go far out to go get some. When the coal mine was up and running, hunters would have to go half-way to Wainwright to get some caribou, by snowmachine when they wanted to get some caribou, because the coal mine was running throughout the year. Now that it's not running, they are coming closer to town.

My sister's boyfriend actually got one last night here in town. It was on that dump road. Nowadays they are coming closer to town and the migration is getting back to normal."
Point Lay Expert

Potential Tribal Actions:

1. Development of Tribal Bylaws by the Point Lay tribe to protect the caribou migration and the traditional hunt in the Sensitive Tribal Area.
2. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.

SENSITIVE TRIBAL AREA KTK1



Area: Barter Island
Time: Late July through October, when polar bears gather to feed on whale remains.
Activity: Polar bear viewing
Community: Kaktovik

Description: Polar bears gather on Barter Island to feed on remains of bowhead whales harvested during the fall hunt at Kaktovik. Polar bears begin to arrive in mid-July and remain until the ocean freezes, usually in October. The concentration of polar bears attracts visitors who come to view and photograph animals. The proximity of polar bears and visitors create the potential for human-bear conflicts, particularly if visitors behave inappropriately around polar bears. Visitors also may bother Kaktovik residents by photographing residents without permission. Visitors may bring income to Kaktovik through purchases of food, lodging, commercial guiding services, and handicrafts.

Tribal Actions: The Native Village of Kaktovik established a Kaktovik Polar Bear Committee in 2007 under a tribal grant to address polar bear viewing and human-bear conflicts around the village, working with U.S. Fish and Wildlife Service and other entities. The Committee adopted Guidelines for viewing polar bears in 2010.

Area and time: The Guidelines cover the Kaktovik area when polar bears gather during the fall, usually August through October.

Who: The Guidelines contain provisions that apply to polar bear viewers and commercial guides.

Goal: The goal is polar bear viewing by visitors that is safe, successful, and sustainable, while minimizing negative impacts on Kaktovik residents.

Provisions of the Guidelines:

Viewing bears: "View bears only during daylight hours. Be in a group and in a vehicle or boat. Respect bears' personal space. Avoid close encounters. Approach slowly with minimal noise, lights, or movement. Stop your approach if a bear notices you. Allow it to resume what it was doing before your arrival. Do not herd, follow, or chase bears. Do not feed or otherwise attempt to attract bears. Do not get between a mother and her cubs.

Allow swimming bears to pass. Do not allow bears to make contact with you or your vehicle or boat.”

Visiting Kaktovik: “Obey barriers set to ensure safe viewing (a wooden barrier is placed near whale remains to manage visitors). Take photos from a distance. Stay out of the way during butchering of bowhead whales. Be conscientious and respectful.”

Using guides: “It is recommended that visitors use registered guides when viewing polar bears to ensure safe behaviors that comply with federal polar bear protection laws.”

Marine mammal products: “It is legal to purchase handcrafted items made from marine mammals by Alaska Natives.”

Enforcement: No entity is identified as the arbiter of violations.

Tribal status: The guidelines were endorsed by a Committee created by the Native Village of Kaktovik.

Relationship with other entities: The State of Alaska requires that commercial guides meet insurance requirements. The State of Alaska requires that boat operators have a U.S. Coast Guard license. USFWS requires a special use permit for commercial polar bear viewing operations in the Arctic National Wildlife Refuge. The City of Kaktovik requires a permit for commercial filming of polar bears (by ordinance adopted in 2010).

Published form: In 2013, guidelines for viewing polar bear were posted at Kaktovik on field cards endorsed with six logos (Kaktovik Polar Bear Committee, City of Kaktovik, Kaktovik Inupiat Corporation, Native Village of Kaktovik, North Slope Borough, and U.S. Fish and Wildlife Service), entitled, “Kaktovik Guidelines for Viewing Polar Bears” and “Kaktovik Guidelines for Community Visitors”. The history of the Committee is found in DeBruyn et al. (2011). There may have been other documents of the actions taken by Tribal leaders to address these issues, but no published documents were identified as part of this research.

Quotes from Kaktovik:

“The polar bears have learned to migrate for miles to be here. They’ve learned, because they know we are whaling. There’s something to eat. That’s their place, it’s over there, where they can go and eat. Most of them are not problems. Most are skittish and shy of people. Some of them that are chased out are less scared, less spookish.

“Through the summer we see more polar bears coming in and out of the village due to the ice, having to swim farther and less ice to hunt in. If they are land bound, they tend to try to come in and scavenge whatever they can. Some of the cubs are not learning to hunt as good. This year, for example, there are two young bears, I would call them cubs but they’ve probably been run off by mom. They’ve been hanging out all summer. Now they don’t have a mother to teach them how to hunt. They keep coming back. Eventually they may be taken down. They get less and less afraid of people. Then they start bluffing, charging the Hondas and people. That’s when they have to go.

"The past handful of years we've got a lot of tourism traffic, polar bear viewing or watching. Some people have been putting food out there, actively trying to bait them in so they can get a good picture. They are told not to, but they do anyway. Some people are pretty passive about it. Some people are pretty active against it, because it teaches bad habits to the bears.

"Some people don't mind the tourists. I personally don't like a camera pointed at me when I'm trying to work my animals or trying to put up my food. Some people will drive by and be shooting pictures and I'll be shooing them away and cussing and yelling at them." *Kaktovik Expert*

Potential Tribal Actions:

1. Continued use of Tribal management of polar bear viewing areas near Kaktovik.
2. Formalization of the Tribal management guidelines for the polar bear viewing area into a written format that more clearly identifies the guidelines as Tribal regulations.
3. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.

SENSITIVE TRIBAL AREA KTK2



Area: Beaufort Sea coastal waters from Camden Bay to Egaksrak Lagoon to 20 miles offshore
Time: Late July through October
Activity: Bowhead whale hunt
Community: Kaktovik

Description: Bowhead whales migrate along the coastal waters near Kaktovik in fall, starting in early July. Bowheads linger in feeding areas near the outfalls of the Jago and Hulahula rivers. By mid-August there are groups of migrating whales. Hunters from Kaktovik hunt bowhead whales in September when broken ice forms, targeting mid-sized whales. Harvested whales are towed to Kaktovik for butchering. Bowhead is a staple food source.

Noise from near-shore oil exploration and vessel traffic has disrupted the whale migration and the fall hunt. Bowheads avoid noise and migrate farther offshore. In the late 1990s, noise from seismic activities drove whales from near-shore waters. Whalers had to travel thirty miles or more offshore to hunt. Because of long tows home, meat spoiled by the time it was butchered. There is more noise from increased vessel traffic supporting oil activities, supply camps, and Canadian communities.

According to hunters, an offshore oil spill in this subsistence area would be disastrous. A spill would impact feeding grounds and migration routes for bowhead whales, seals, and fish. Oil companies cannot contain or clean up oil in ice. Cleanup crews will not be able to reach oil. Cleanup crews cannot operate under windy or icy conditions. The dark of winter will impede recovery efforts. Cleanup equipment and techniques have failed to work in tests. Dispersants may be toxic within the ecosystem.

In recent years there has been less ice during the fall whale season. Most ice is gone by the beginning or middle of August. The lack of ice may impact whale hunting. When ice is present, the sea is less choppy. Open water with wind and chop is more likely to ground boats. Whales may travel farther offshore with less ice.

Tribal actions: Conflict Avoidance Agreements have been implemented to mitigate potential disruptions of the fall whale hunt created by activities of oil companies. Some activities are rescheduled to avoid hunts. A Communication Center has been created in Kaktovik to mitigate

potential disruptions of subsistence activities by vessels. Some ships communicate with the Communication Centers to declare locations and routes.

Quotes from Kaktovik:

"The captains of the whaling community know there is no way to clean up oil in the ice. That is one of the major impacts that could happen with the whales, if there is ever an oil spill. Not just whales, but all the animals, the belugas, walrus, seals, ducks, fish. Major impacts. Just about all our subsistence foods come from the sea. They would all be affected.

"Our area is a feeding area. When the bowheads are migrating from Canada toward the west, they tend to stop out here and feed. It shows on the satellite maps, whales going back and forth at Kaktovik, until they finally decide to go toward Barrow. That proves what our elders were saying was true. This is like a major feeding area because we have all these glacier waters from the mountains coming down to the coast, probably making the plankton blooms or something. Especially the seals, they like this area too. We got a lot compared to other parts of the slope because of the fish and the waters, all the fish that come out of the mountains in late June and early July at breakup time.

"There is increasing offshore traffic. That is starting to be a big issue. Unknown ships, and some are known. There are quite a few that the Coast Guard is not aware of. They are increasing each year. Their bilge, is there a place for them to empty out their bilges? Or if they have an accident or something, there is hardly any response Coast Guard station up here. It would take hours or days to try to coordinate any type of cleanup. Some are foreign vessels. Last count I heard was that last year over 400 vessels went by. They don't have a directive to call into the village, unless it's whaling time. AEWC tries to put out the word about our whaling activities." *Kaktovik Expert*

"I have worked on Shell's spill response vessel. I know the limitations of their equipment. I believe they cannot contain or clean oil in ice at all. I no longer work for them because I know that. And I am against it. They say they can do it, but they can't. When I was working for them I ran their drills and helped them with running their [spill response] equipment. That was under calm, ideal conditions, and their equipment couldn't perform, not to the standard they say they can. If they drill it, they will spill it, and they can't clean it." *Kaktovik Expert*

"The people are here because of the marine mammals. If it wasn't for the whales, we probably wouldn't be here. That's how critical it is, the continuation of the culture. When the oil goes underneath the ice, that's my concern. The ability to clean up oil in the

ocean is my concern. In the cold arctic ocean, it will be toxic nobody knows how long. They can't clean up oil. Look at the major oil spills. Three of them I know. *Exxon Valdez*. Offshore Australia. And the Gulf. These are the practice sessions. Nobody will claim more than 8% of the oil was cleaned up in any of the major oil spills. What percent of the oil will be cleaned up under worse conditions? They had oil spill training here years ago and the wind came up, so they moved the spill training to the lagoon where there weren't big waves. In the *Exxon Valdez* spill, they stopped cleanup when the weather conditions got bad. We have those conditions all year." *Kaktovik Expert*

Potential Tribal Actions:

1. Development of Tribal Bylaws by the Kaktovik tribe to protect bowhead and the traditional hunt in the Sensitive Tribal Area.
2. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.
3. Extension of Conflict Avoidance Agreements to cover more vessels operating in the Beaufort Sea.
4. Extension of the period of operation of the Communications Center into late fall and winter to cover activities of Kaktovik hunters in the Brooks Range.

SENSITIVE TRIBAL AREA KTK3



Area: Coastal area west of Kaktovik to Mikkelson Bay
Time: Mid-July through October
Activity: Caribou hunt
Community: Kaktovik

Description: Caribou migrate from the inland into coastal areas during summer where they are hunted by residents of Kaktovik using boats for transportation. Caribou from the Central Arctic herd come from the west, while animals from the Porcupine herd come from the east. The Central Arctic herd to the west of Kaktovik is the focus of the summer hunt because they are fatter. Caribou is a staple food source.

Noise and human activity in coastal areas can disrupt caribou movements, impacting the summer caribou harvest. In recent years, the hunting of caribou has been disrupted by aircraft flying along the coast. Air traffic pushes caribou inland during the summer migrations. Some planes circle above the caribou at low altitudes. Hunters report planes dive-bombing caribou, driving the herd away from hunters. The purposes of the planes are uncertain. Some may be tour guides, hunter guides, surveyors, or aircraft connected to oil development activities.

Activity from oil exploration and development at Point Thomson diverts caribou away from the coast, making caribou harder for hunters to reach. Point Thomson is situated within the western part of the summer caribou hunting area. Oil leases are encroaching upon Camden Bay, a major summer hunting area for Kaktovik.

Tribal Actions: There may have been tribal actions for this area, but no tribal actions were documented as part of this research.

Quotes from Kaktovik:

"A big problem is air traffic, especially during the summer time when the caribou herds are migrating through here. We try to hunt caribou when the caribou are on the coast. The air traffic tends to push them inland. Some of them are surveyors. Some of them are Fish and Game. Some of them are hunter guides. A lot of them are tour guides. I don't

know what they are doing. They are taking pictures, probably. They'll come around and around, again and again. Whenever I see it, I try to recognize that plane or chopper and approach them, if I see them here, the few times I get to confront them about it. They are not really friendly. They try to be pretty stern in telling me why they are here. Such as, 'I don't know why everybody else is coming up and doing it, but I know why I am doing it.' That's the kind of attitude we get from them." *Kaktovik Expert*

"I've seen the planes. Last week I saw 5 small planes in one line, flying past us. There was a big herd of caribou inland. They flew towards them. I didn't see the caribou after that. There were 5 Supercubs about a quarter mile away from each other. Some of the planes didn't have any numbers on them. So I don't know if they were sport hunters or what. I recorded one on this camera phone. Here's the last one passing by. *[Shows the image to the interviewer.]* You can see how low it was flying, maybe 40 or 50 feet above the ground on the island. It had no numbers or marks on it. Red. There were 4 planes in front of that one, flying the same altitude. That's the first time I saw 5 of them. Usually there's 1 or 2." *Kaktovik Expert*

"This outfitter, he's got a sport hunting concession area on the Hulahula. He can take sport hunting clients in this area along the coast. He's got two airplanes. That's a concern we've been made aware of by local hunters the past couple of years. They've been seeing these low-flying airplanes that are flying in our corporation lands along the coast. They are trying to film caribou, or they are sport hunters, I don't know. The Borough, the permitting entity, told this outfitting guy that he needs to go to Kaktovik to talk to the people and see if he can drop off his surplus meat for elders, if possible, like other folks do in other parts of the state. That was one of the recommendations made to him. The North Slope Borough has been permitting. But he hasn't showed up yet. They gave us his airplane numbers and told us to be on the lookout for him. Guides don't drop off meat in Kaktovik. They've never really done that here. The Borough found out he hasn't been getting permits for the last four years and they are going after him. They gave him a one year trial on his permit instead of the three to see if he will comply." *Kaktovik Expert*

"I think that the Point Thomson establishment is kind of diverting some caribou. I couldn't tell you how much. But it affects how many reach us. It's about sixty miles from here, about halfway between here and Prudhoe. I imagine the caribou tend to go around the establishment over there. I don't imagine they go through the equipment or whatever happenings are going on over there. They reach there and they have to go in, around them. Then it gets breezy and it's harder for us to reach them." *Kaktovik Expert*

Potential Tribal Actions:

1. Development of Tribal Bylaws by the Kaktovik tribe to protect the caribou migration and the traditional hunt in the Sensitive Tribal Area.
2. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.

SENSITIVE TRIBAL AREA KTK4



Area: Oil Leases, Point Thomson, ANWR
Time: Various
Activity: Hunting
Community: Kakotvik

Description: Oil leases have been permitted in areas used by subsistence hunters for taking caribou, moose, wolves, wolverine, and other animals, particularly during winter using snowmachines for transportation. Areas at Point Thomson used by Kakotvik hunters for caribou have been leased, and infrastructure is being built. Areas within the Arctic National Wildlife Refuge used by Kakotvik hunters are being considered for leasing.

According to Kakotvik hunters, security guards stop hunters entering leased areas. Security guards confiscate firearms from hunters. Oil companies treat leased areas as private property. Guards patrol for the interests of the oil company, not subsistence hunters.

Rules of access to leased areas are unstated or vague, according to Kakotvik hunters. It is not clear whether passage through areas for subsistence hunting is allowed. The concern is that subsistence hunters will lose access to traditional hunting areas when land is leased to oil companies.

Tribal Actions: There may have been tribal actions for this area, but no tribal actions were documented as part of this research.

Quotes from Local Experts:

"It's off limits. Wherever they lease lands to the oil companies, it's theirs. It's not ours anymore. That's all off limits. We can't hunt there. Can we? Answer that question.

"So I want to know, where will we be able to pursue our subsistence activities, if they do ANWR? Nobody answers that question. Somebody said, 'oh, we can sneak around. They're not going to catch us.' But we shouldn't have to sneak around in our own country.

"What I hear is that you can go up to a certain point on the Dalton Highway and you can't access the Arctic Ocean. In general I heard that people from Nuiqsut get escorted through when they travel from the highway to their village. And it's off limits for hunting in the oil leases. How serious they enforce it, I don't know.

"I drove a snowmachine several times to Prudhoe from here and I got stopped by security people. They took my gun away. I got stopped at Badami, between here and Prudhoe Bay, and they asked, 'do you have any alcohol or firearms?' I said, 'I got a firearm. You don't know if there might be a bear around.' 'Well, we have to take your firearm until you leave.' Then they showed me the area of their leases. 'This is the area that we have control over.'

"You got to go by their rules. When I was ready to leave they had somebody drive a vehicle out and give my gun to me as I was leaving the area. So you can't tell me that we will be able to do as we always did in our area if they got a lease on it.

"Well, they might ignore it. When I was at Point Thomson another time I went through there and they said, 'Oh, LC got a caribou over there.' Well, they let him do that, but do they have to? Maybe public relations will allow us to hunt, but generally you can't carry firearms in there." *Kaktovik Expert*

"I went to Point Thomson 3 or 4 times this past winter, looking for caribou or wolves or wolverines. I go all the way to Point Thomson to the hills and then back. They're building a runway, a whole new pad. There's a lot of stuff going on out there. When I was going by there this last time I was driving right by the runway at 8 o'clock at night and there was a big blast. I was less than half a mile from it. It scared the hell out of me. Then all those security people came to me. They told me not to go back there around 8 o'clock. They tell everybody that they blast then, for the runway." *Kaktovik Expert*

Potential Tribal Actions:

1. Development of Tribal Bylaws by the Kaktovik tribe to protect access to traditional areas for subsistence hunts in the Sensitive Tribal Area.
2. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.

SENSITIVE TRIBAL AREA PTH1



Area: South Lisburne Peninsula, including the middle Kukpuk River and the Salignik and Ogatoruk valleys

Time: Early July, the start of the caribou migration

Activity: Caribou hunt

Community: Point Hope

Description: Caribou of the Western Arctic herd enter the south Lisburne Peninsula from the Brooks Range, usually starting in July. Hunters from Point Hope harvest caribou from early-to-mid July, and from late August to early September, traveling by four-wheelers. Caribou is a staple food for Point Hope.

The migration of caribou through the Lisburne Peninsula in early July is a sensitive time. Noise and human activity can disrupt the caribou migration and caribou harvests by Point Hope hunters.

According to hunters, low-flying small aircraft have been scaring caribou in this area during the usual migration in early July. Caribou run from low flying planes. Low-flying planes divert the caribou migration away from areas hunted by Point Hope. Disruptions delay the arrival of caribou. Portions of the herd do not arrive at all, taking more inland routes. Hunters must travel farther to harvest caribou. The identities and purposes of the low-flying planes are not known to hunters. Hunters speculate that some planes may be monitoring the caribou herd as part of scientific research or resource management by state or federal entities. Other planes may carry state troopers involved in enforcement. Other planes may carry private wildlife photographers, sport hunters, or tourists. The occupants of the aircraft may not realize that their activities are disrupting the migration at a sensitive time and location for Point Hope. Hunters are instructed to make note of the serial numbers on the planes, but this is difficult given the positioning of planes and observers.

The fall and winter migrations may also be affected. Fewer caribou have been seen in the fall and winter hunts.

Another potential source of disruption of caribou movements is hunting on the ground. According to hunters from Point Hope, the first caribou should be allowed to pass unhindered. The main part of the migration is more likely to follow if the first caribou are not hunted. Some hunters from Point Hope, anxious to harvest caribou early in the migration, may not be following traditional rules. Early hunting of the first caribou may deflect the caribou migration away from areas hunted by Point Hope.

Tribal Actions: There may have been tribal actions for this area, but no tribal actions were documented as part of this research.

Quotes from Point Hope:

"The big problem is caribou. Caribou is becoming a treat here. We have to order from other villages. Normally they come in July. Then they come back in August and September when they are fatter. They haven't been doing this. I think it's because of planes. Some people always see the planes, but they can't get the numbers off of them. The Kivalina guys saw them too. My buddy from Kivalina saw them about a week ago, before the caribou first reached them, the planes following the caribou. He saw four planes. Anything will make them run. They run from the noise. These last four years, the caribou are coming late. And the herds are getting smaller, I think because these planes split them up. This year the herd was only about a thousand. Usually there are ten thousand that come through here, every year, caribou everywhere. This time they were just in one little spot. The Ogatoruk Valley is where we usually see them first. Usually when they come in through here, nobody will bother them on this side and they feed and take their time coming. This time they were there real quick. My buddy thought the planes were watching the caribou. Maybe they were Fish and Game. Maybe they were just watching. He doesn't know. He was making his guess too. There could be other reasons, I don't know. But my guess is those planes scared them from going way in. The caribou were coming from Point Lay. Usually they come in through here and go this way. Most of the time they do. But this time they went straight up through here, and we had to get them way up in here, Kisimilok Mountain. I don't know for sure, but that's what I am guessing. Usually they come in real close in these hills. We hunt them in here. But we had to go way out here." *Point Hope Expert*

"The caribou always arrive the end of June or first week of July. They always come from the mountain. There's a valley with a wind, so they come into the south wind for mosquito relief. This year they were a little late, about July 10th, just last week, thousands of them. Point Hope caught a bunch of caribou. They travel southeast toward and through Noatak and Kobuk and Norvik and Kiana. They should be in Noatak area already. We tell the hunters, 'let the first herd come through because the rest will follow.' They follow that smell. When they startle, the adrenaline goes through their body, and the other caribou can smell that. 'Have patience.' But the younger generation, when the first caribou arrive, they want to be out there, whoosh! 'Don't chase them. The animals

come to you.' They hunt them for 3-4 days and then they are gone. The caribou don't come back until winter." *Point Hope Expert*

"The migration of caribou is farther inland in recent years. They usually come along the coast to Kivalina. But now they are in the mountains farther out. They come out on the other side of the rivers where we can't easily cross. We used to get them closer. When there are big herds on the north side and south side, there are more caribou closer to Point Hope. The caribou usually stick around a couple of weeks. But now they hardly stick around. They disappear, move on somewhere. Maybe they go more inland, or along the north coast. They come again in winter in October and stay around less than a month, sometimes less than a week. Last year they didn't stay long. There are some that come around in small bunches. They hang around longer if there is not much snow. In summer there are planes that are flying around up there, supercubs, before the herds usually come in. Five years ago I saw one land on our hills with two persons getting out. There were no caribou at this time. I wondered if they were state troopers, game wardens. The plane was white. There are others, white-blue or all blue, in the caribou areas. People are still seeing planes and wonder what they are. Game wardens? Wildlife?" *Point Hope Expert*

"The caribou are migrating farther away. They used to come closer to Point Hope. The planes push them away. We always wonder, are the planes troopers? Fish and Game? The planes show up certain times, this time of year. Are they trying to stop us subsistence hunting, putting food on the table to eat? We have a lot of stomachs to feed, especially our elders who grew up on this kind of food. We have to keep it going in order for them to eat." *Point Hope Expert*

Potential Tribal Actions:

1. Development of Tribal Bylaws by the Point Hope tribe to protect the caribou migration and traditional hunts in the Sensitive Tribal Area.
2. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.

SENSITIVE TRIBAL AREA PTH2



Area: Shore-fast Ice South of
Tigara Peninsula, Chukchi Sea
Time: April to June
Activity: Bowhead whale hunt
Community: Point Hope

Description: The shore-fast ice south of the Tigara Peninsula in the Chukchi Sea is the main spring hunting area for bowhead whales by the community of Point Hope. Bowhead is a staple food. Starting about April and through June, whales are hunted in leads in the sea ice, typically 6 to 8 miles from shore. Most whales are harpooned by hunters from open skin boats and pulled to the ice edge with motorized aluminum skiffs. Whales are hauled on the ice shelf for butchering.

Because of climate changes, the shore-fast ice has become thinner and softer, making it harder to hoist whales from the water for butchering. Harvesters need flat, firm ice platforms. Difficulties hoisting whales may require butchering some animals in the water.

Because of warming, the season for hunting bowheads has shortened. While bowheads were hunted into early June, now the ice is rotted by the middle of May.

Bowheads are sensitive to noise. Noise on the ice can cause bowheads to move farther offshore. Noise from ship traffic can scare bowheads. Ship traffic may affect the migration routes for the spring or fall migrations. Icebreakers can disrupt whale migrations. Bowheads may follow the broken ice path, taking them away from the village.

In fall, bowheads usually migrate farther offshore, 20 to 40 miles from Point Hope. Single bowheads are seen occasionally by hunters. On occasion, they may be hunted, but normally it is difficult to harvest bowhead in fall because of high winds and rough conditions.

Tribal actions: A seasonal Com Center operates in Point Hope to mitigate the potential disruption of ship traffic on hunting or fishing. The Com Center tracks ships in the shipping lanes. Ships call the Com Center before they reach Point Hope. The Com Center advises if any hunting is going on and if they should wait or change course.

Quotes from Point Hope:

"With the bowhead for us, it's the ice conditions. When we have bad ice conditions, that's when we hardly catch. When we have good ice and good weather, we always see a lot of whales. The ice is getting thinner. It's not as thick as it used to be. It doesn't pile up very much. They couldn't pull one whale up this winter, a big one. The ice kept breaking. Where it starts out thick and just piles up, we call that *puguruk*. We don't hunt on that kind when it's piled like that, because if that stuff breaks up, it doesn't just break up in one piece. It shatters to little pieces.

"We landed all small whales except one. We were able to pull them up, but we were having trouble with them too. We had to go find a spot. There was one spot where four different whales were pulled up, just in that one place, because there was nowhere else. All the ice was funny. One of the whales they tried to pull up away from that spot. The ice kept breaking. Then finally it went up.

"It's global warming. It's been a lot warmer than usual. All winter, the ice doesn't get as thick as it does. No thick pileups. We have to deal with it. We have to look for a spot where we'll be able to hunt. Then we have to go where there is a big pileup, take most of that down, and make a spot to pull the whale up.

"We used to hunt all the way through June. I remember the last recorded whale was landed about June 10 or June 9. We'd hunt on the ice until the end of June. They now come off in May. We still hunt until the first of June but that's from land. We go from the land to the ocean. Now it rots the first part of May. The ice gets soft and watery. The season is getting shorter. Hunting ends the middle of May. That's when the ice is rotted already, melted up.

"The ships always scare them. If we go on motor boats and chase whales, we always chase them farther. But when we use skin boats and sneak to them, we get them right by the ice." *Point Hope Expert*

"The local people make the local rules. There are no written rules. Each crew has a captain. Anybody that wants to catch a whale, they just be out there. Normally we are just out there to get what we need in spring time. I don't think we have written rules for hunting bowhead whales. Just playing it safe on the ice. Just don't over-catch what we don't eat." *Point Hope Expert*

Potential Tribal Actions:

1. Development of Tribal Bylaws by the Point Hope tribe to protect the bowhead migration and traditional hunts in the Sensitive Tribal Area.
2. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.

SENSITIVE TRIBAL AREA PTH3



Area: Ice Cellars, Tigara Peninsula
Time: May to October
Activity: Food Storage
Community: Point Hope

Description: Ice cellars (sigluaq) are used to store traditional foods in Point Hope, especially bowhead, seals, and walrus taken during the spring hunt. The ice cellars are grouped in an area near the northwest tip of the Tigara Peninsula. There were about a dozen active cellars in 2013, with other cellars in various states of disuse or reconstruction. The cellars are underground storage chambers dug through top sod and gravel to reach cold areas with permafrost, typically about 20 feet into the ground. Cellars are framed with whale bones and timber. The top entrances are sheltered with tarps against rain. Storage areas are accessed with ladders.

Warming is causing ice cellars to fail, threatening the food storage system of the community. Ice cellars fill with water from underground rivers and from rain. Thawing of the substrate leads to leakage of ground water, destabilization of walls, and the loss of permafrost. Cellars are maintained by extended family groups. Cellars must be regularly emptied with buckets and pumps. Many unmaintained cellars have filled with water. Owners of some cellars do not have access to electric pumps.

In addition to damage by warming, the area of ice cellars is threatened by erosion from the ocean. From the action of northwestern storms, the shoreline is encroaching on the area with ice cellars. Some cellars have already been lost to sea.

Food stored in ice cellars ages and is said to have a different consistency and flavor than food stored in walk-in electric freezers. The aging process in ice cellars may result from a complex environment created by cool temperatures, biota from the surrounding soil, and the interaction of food products stored together.

Small, household freezer units may not have capacity to store the volume of whale products. Food may spoil in electric freezers when the power fails.

Similar difficulties with ice cellars were reported at Point Lay and Kaktovik.

Tribal actions: At Kaktovik, a community foundation was formed to receive funds from the Tribe, ASRC, and other sources to design, develop, and demonstrate an ice cellar that combines old and new concepts. In 2013, the ice cellar project was in a planning stage. Research on ice cellars has involved ICAS, the Alaska Native Health Consortium, and others (Brubaker et al. 2010).

Quotes from Point Hope:

"The cellars have been there way before our time. They are passed on from generation to generation. The captains know they have to watch their sigluaqs. They have to keep them clean, clear of water, just so it doesn't spoil their food. It's a lot of work. It's a daily routine work just to check on it, keep it dry and free of water. Later on the food just freezes up. By the time we're ready to get it, get your hammer and pry it out.

"There are 12 to 15 cellars. There are 7 to 8 mostly being used. We watch the erosion. It's eroding. That's where most of our cellars are. The north side is eroding fast. It's flat *nuna* (tundra). You have to use whale bones to make it mound up. It would be something to move our ice cellars toward inland in a higher place. Maybe they could be moved toward Beacon Hill where you are on higher ground and you can dig further down.

"It was always happening this time of the year when it starts raining in July. Even when we were living in old town, it was happening this time of the year. Or fall time when it really starts pouring.

"This year we had a couple crews, a young captain who just started his crew and caught a couple whales this year. They had to borrow somebody's cellar just to keep their whale's tail and maktak fermented in there. Now they've got a big responsibility to watch two of them.

"Last year my dad's ice cellar was really filling up with water. He couldn't keep up with it, and he didn't want his meat to spoil, and his maktak. So I had to empty out one big freezer of mine and shove them into another freezer just to have an open freezer for him to bring his meat and maktak from the cellar to put in my freezer. Come Thanksgiving and Christmas time we had to pry them out of my freezer and put them in bags.

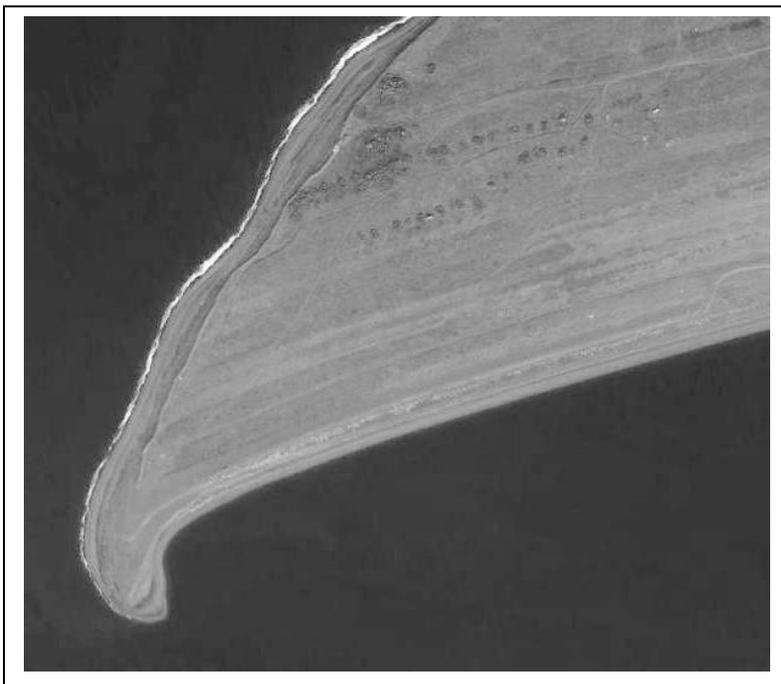
"None of the cellars have sheds over them in Point Hope. The way our cellars are built underground, once it starts raining from the top, that water tends to sink and I'm sure it tends to seep in some of these sigluaqs and that makes it more easier to ruin. The way our cellars are made, the sun sits on top of them. There's nothing to block it or anything from melting from the inside. They're always closed. Or they have big tarps over their

cellars, but that doesn't help to keep the water out. If ever I make a cellar, I'd make a dome!

"A community freezer... that's a good question. What kind of walk-in freezer? Where would it be? Is it electric? The power sometimes fails and the lights go out. House freezers shut off. It's safer to have ice cellars. You don't use electricity or anything. A house freezer, yes, but not a walk-in freezer." *Point Hope Expert*

Potential Tribal Actions:

1. Provision of small, powered water pumps to assist families in removing water from ice cellars in Point Hope.
2. Development of new ice cellar designs with traditional and new technologies.
3. Exploration of new areas for ice cellars less vulnerable to coastal erosion.



Satellite image of ice cellars (mounds in rows), Point Hope (Google Earth)

SENSITIVE TRIBAL AREA AKP1



Area: Brooks Range foothills north of Anaktuvuk Pass, Chandler to Kukpuk rivers
Time: Late July through September, the fall caribou migration
Activity: Caribou hunt
Community: Anaktuvuk Pass

Description: Historically, large numbers of caribou from the Western Arctic, Central Arctic, and Porcupine herds passed through the foothills of the Brooks Range into Anaktuvuk Pass from July to September. Hunters from the community of Anaktuvuk Pass harvest caribou during the fall migration. Caribou is a staple food for Anaktuvuk Pass. In the past two decades, the north-to-south migration through Anaktuvuk Pass has dwindled to small groups of caribou. In recent years, community of Anaktuvuk Pass has come to depend upon scattered groups of caribou from the Western Arctic herd migrating west-to-east through the Gates of the Arctic National Park, rather than the north-to-south migration of caribou through Anaktuvuk Pass.

The north-to-south movement of caribou through Anaktuvuk Pass has been disrupted by human activity in the Brooks Range foothills. There are two main sources of disruptions, according to hunters in Anaktuvuk Pass. Caribou are diverted away from Anaktuvuk Pass by low-flying airplanes, sport hunting, and sport guide operations in the Brooks Range foothills. In addition, caribou are diverted away from Anaktuvuk Pass by the Dalton Highway, the Trans-Alaska Pipeline, and activities along the Dalton corridor.

According to hunters in Anaktuvuk Pass, there is no enforcement of Controlled Use Area restrictions on aircraft-supported hunting in the Brooks Range foothills. Planes continue to fly low across the area. Some land in service of sport hunters in or near the Controlled Use Area. Sport hunters also use the Dalton corridor to hunt caribou.

The north-to-south movement of caribou into Anaktuvuk Pass faces additional potential disruptions by proposed east-to-west pipelines and roads for connecting Umiat with the Dalton Highway and Trans-Alaska Pipeline. An east-to-west pipeline and road would create additional barriers to caribou migrating toward Anaktuvuk Pass.

Tribal actions: For over two decades, the community of Anaktuvuk Pass has struggled to re-establish conditions in the Brooks Range foothills favorable to the north-to-south migration of caribou through Anaktuvuk Pass. The community supported the creation of Controlled Use Areas by the State Board of Game in the Brooks Range foothills to reduce disruptions by aircraft in hunting caribou and moose. The City and Tribe are working to address a proposed east-to-west road and pipeline to Umiat from the Dalton Highway.

Relationship with other entities: By State regulations of the Alaska Board of Game, the Anaktuvuk Controlled Use Area in GMU 26A in the Brooks Range foothills is closed to the use of aircraft for caribou hunting August 15 to October 15. The 26A Controlled Use Area is closed to the use of aircraft for moose hunting July 1-September 14 and January 1-March 31. The Core of Engineers has oversight over permits and the Environmental Impact Statement that might allow a proposed pipeline or road to Umiat.

Quotes from Anaktuvuk Pass:

"Our fall migration is affected. In the past the caribou used to come right down the Anaktuvuk Valley. They used to come through by the thousands. Within these last 10 to 15 years or so there's been a lot of sport hunting up here in the foothills. That's a critical area. This one guy has a basecamp underneath Gunsight Mountain. He flies in. That's a critical point for our fall migration because it's so close to the Anaktuvuk River, fifty miles north of here. He's up there hunting before us. He starts his hunting like in July, end of July and the first part of August. That's when our fall migration is supposed to come through, the first part of August. That's a critical turning point, because they usually come right down the pass. Since he's been up there, the last 10 to 15 years, he gets the first dibs on the caribou.

"In the past, everybody used to go to the north [to subsistence hunt for caribou], which is right straight up the valley. Now we're going down south, catching these little stragglers. Used to be four, five, six thousand would come through. Now all we get is small bands coming out of the west, like a hundred here, fifty there, twenty there, maybe five or ten. The caribou come in small bands in August, like the second or third week of August, and they come out of the west. We're not seeing the big numbers like we used to. They've been diverted, I think going along the Chandler Valley from Gunsight, with all the air traffic and whatnot up there. They divert our caribou migration. They come through the west. We're having to travel farther and farther for caribou. And damn, we're paying ten bucks a gallon for gas. There might be a lot of trips where you don't get any animals. You come home empty handed.

"We used to get parts of the Porcupine herd during the fall time too. Out of that group there would be 10 to 15 thousand caribou. You don't see those numbers any more. You

don't see the Porcupine hardly any more because of all the air traffic. They quit coming around. Now they'll migrate to the east. And out here to the east we can only go so far with ATVs because of the Park boundaries.

"The sport guides can drop people off in different spots because those planes have big tundra tires on them. Those little planes, they just need just seventy-five to a hundred feet to land and take off. So they can land anywhere. Those big tires can take six to eight inches of tussock, the tundra bumps, and still land and take off.

"I see it too on the Haul Road. These guys, they land right on the Haul Road and park on one of these little gravel pit sites. Then they take off out here to the west or the east or the north. They cut off our migration. They hop, skip, and jump across the land.

"A few years ago I worked with archeologists all summer long on the road project to Umiat from the Haul Road. I flew in a chopper on that corridor from Galbraith Lake to Umiat and the crossings like Itkalik River, Nanishut, the Anaktuvuk, Chandler, and right into the Colville. I saw the air traffic all fall, all along the Haul Road. I saw numerous planes landing and taking off, hunting over there. More than ten different planes, at least. August and September is when they are in full hunting mode, scattering our caribou herds. Caribou have scent glands between their hooves. When they are walking they release this scent. The first herd will leave their trail. The second big herd, the herd behind them, will come through and follow their trail. With these planes hunting up there, scaring off these caribou, they scatter and run. So the big herd is coming through, following their trail, what do they do? They split off and wander. They don't come down through Anaktuvuk Pass.

"There's just no enforcement out there. Those guys with the planes just hop, skip, and jump across the foothills, north and south of the Colville River that goes into Nuiqsut, across to the east of the Colville River going toward Kaktovik, and all along the Haulroad. Every fall they are up there. They should have posts out there, somewhere. That's what I think. Pay somebody. Why not have the state spend our money on setting up posts to stop these people? Have a person out there with a plane at a post, like the Haulroad, up by the Colville. They can find money to do these kinds of things. They just don't want to do it because they probably think it's a waste of money. But to us, man, that's our livelihood that they are taking from us, the migration of the animals." *Anaktuvuk Pass Expert*

"The migration through Anaktuvuk Pass was a combination of herds, Porcupine, Central, Teshekpuk. There were lots! The Central Arctic herd now is sporadic. I don't know if the Porcupine herd is still coming through. The Pipeline and the road, we would call them barriers for the caribou, man-made barriers. When the caribou reach a road system, it takes a long time for them to cross. Road systems like the Pipeline is affecting the

crossing and is affecting the migration of the caribou from coming over this way and coming through Anaktuvuk Pass as they used to, in the thousands, tens of thousands, before the Pipeline.

"A real concern that we have is if they build that road to Umiat from Galbraith Lake. A lot of this land north of us is state land and federal BLM land. That's where they are planning that Umiat route for a road. The concern that we have, and that the Fish and Game studies tell us, is that it takes the caribou a long time to get used to, or even to cross, a road system like that. If they start producing oil from Umiat, a pipeline is going to come through too. So there are two obstructions for the caribou to cross, the pipeline and the road. It's a real concern that we have, not build that road from Galbraith because it's east to west. The Galbraith-to-Umiat road should be discarded, not allowed by the Core of Engineer, or the ones doing the Environmental Impact Statement for the building of the road to Umiat. There are three or four different route possibilities, one from Galbraith, one from just below Galbraith, one halfway down going straight west, and a melt-water road that has already been built from Prudhoe Bay up to a point. That would be a north-south route. That would be the one that the Inupiat people of Anaktuvuk Pass would prefer that they use if they are going to build a road. Use that melt-water route, because it's north-south. We're trying to coordinate with Nuiqsut to order to become a forceful voice in opposition to the road to Umiat.

"From August 15 to October, during the time when the migration of caribou is supposed to be coming through from the north, the area should be free of disturbances from aircraft, whether they are fixed winged or helicopters. There is a no fly zone north of Anaktuvuk. There is a controlled use area with a sunset clause. When we found out that particular controlled use area was going to be stopped because of the sunset clause, seven of us went to Bethel for the Board of Game meeting. The Board of Game is the one that regulates those types of things. We went there and testified on why it's important for us to have a controlled use area from August 15 to October. We were successful, not just in reinstating the controlled use area, but increasing the area. We were able to convince the Board of Game.

"We drew the line around the camp at Gunsight Mountain. We were respectful of his position there. He's been there for quite some time. And we were respectful enough to allow the area north of him to be outside the controlled use area. We didn't want to put him right in the middle of the controlled use area so he won't be out of business. That's a good business for a person like that. And if he's helpful to us sometimes... they don't bring us that much meat, but occasionally they bring the front quarters, not the hind quarters but the front quarters of the caribou that these people get when they're out there.

"But nobody is enforcing. That's the tough part. That's a weak link. Therefore we have to trust this guy. They make a rule and it's there but... I told you of the effect of a lot of

activities that go on with the Pipeline. The planes are part of it. There is airplane activity, even at night, the little planes going to the camp at Gunsight Mountain to deliver sport hunters. The Porcupine herd is having a hard time to cross, even though they built these high arches so that the caribou can come through.

"The tribe probably could enforce. You know this tribal council has a lot of opportunities to be more aggressive. They could have more authority over what could happen.

"Now, a situation has developed. I don't know why, but the Western Arctic herd from the NANA region, that's pretty healthy right now, they start coming here from the west. They are following whatever route they use, probably the Noatak River and into this area, I don't know which route they take, but they come to us from the west. They start circulating in the Mashu Creek area, Ikiqpak. The caribou are coming from the west."
Anaktuvuk Pass Expert

Potential Tribal Actions:

1. Establish a system to improve compliance of Controlled Use Area regulations and Haul-Road regulations in the Sensitive Tribal Area in cooperation with the North Slope Borough and other enforcement entities, perhaps with Tribal positions for monitoring.
2. Tribal action to prevent the construction of additional barriers to the caribou migration through Anaktuvuk Pass, such as east-west pipelines or roads to Umiat.
3. Development of Tribal Bylaws by the Anaktuvuk Pass tribe to protect the caribou migration and traditional hunts in the Sensitive Tribal Area.
4. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.

SENSITIVE TRIBAL AREA AKP2



Area: Traditional use areas in the Brooks Range within the Gates of the Arctic National Park
Time: Mid-May through October
Activity: Caribou hunting, berry picking, using Native allotments
Community: Anaktuvuk Pass

Description: Historically, the Nunamiut hunted, fished, and gathered on lands in the Brooks Range, traveling to subsistence use areas on foot and with dog teams. Because of natural variations in the migrations and abundance of caribou and other traditional resources, mobility was essential for the survival of the Nunamiut people. Over the last fifty years, a central-based subsistence harvest system has evolved with the necessities of maintaining permanent villages, mandatory school attendance for children, employment for income, and governance responsibilities. Because of this, families cannot survive by accessing traditional use areas by foot or by dog team, modes of transportation that are too slow and unsuited for carrying quantities of food. Harvesters access traditional use areas with snowmachines and ATVs, returning with harvests to supply the community. This type of central-based system is characteristic of Tribal communities throughout Alaska.

In recent years, residents of Anaktuvuk Pass have been restricted from traveling with ATVs to traditional use areas during snow-free periods within the boundaries of the Gates of the Arctic National Park. The Park surrounds the community on three sides. Many important traditional use areas are within the Park boundaries. The restrictions on ATV use deny the Nunamiut reasonable access to traditional areas for hunting, fishing, and gathering foods within the Park from about mid-May through October. The restrictions on ATV use restricts access to Native allotments that were selected as seasonal camps for subsistence activities, such as for picking berries or fishing. In particular, the restrictions on ATVs deny access to the elderly and disabled who cannot reach traditional allotments in summer by walking because of age and infirmities. The restrictions impede residents in Anaktuvuk Pass trying to adjust to fluctuations in caribou migrations by moving between traditional use areas. The restrictions prevent younger generations of Nunamiut from learning culturally-important knowledge about traditional use areas during summer periods when schools are not in session.

The restriction on access is a source of continuing bad relations between the Nunamiut and the National Park Service. The system is perceived as oppressive. The rules are perceived as threatening the survival of the Nunamiut as Tribal peoples.

Tribal actions: For three decades, the community of Anaktuvuk Pass has struggled to re-establish conditions in the Brooks Range that would allow for access to traditional subsistence areas during summer months. The efforts to change restrictions on ATVs on National Park lands have not been successful as yet.

Quotes from Anaktuvuk Pass:

"During the summer, we know we're not supposed to be on the Park lands. Man, there have been times when I wanted to go back in there with an Argo or my four-wheeler, just to go get caribou or sheep. With an Argo you can bring a lot more meat home. That's why we depend on these ATV vehicles. You can get two, five, six caribou at a time, versus getting one caribou and trying to pack it home.

"I know I'm probably not the only one that has this opinion, if it wasn't for the Park we'd be out traveling all out here. All this country out here you see [on the map], this is our backyard. This is what we've been living off of for hundreds, thousands of years. It's been passed on through families, the knowledge of this country during different parts of the seasons, spring, fall, summer, winter. It used to be, say in the spring, if you want to go look for caribou you go north, or in the fall, you go south for the caribou. We would like to travel farther because we're having to travel farther and farther, looking for caribou. We're limited access because of this stupid Park.

"We only have access to camps on the John River during the winter. People have lands down there, but we're not allowed to go there with ATVs because of the Park. I know there's a bunch of people who have properties up on the north, out to the west, like on the Chandler, on the Anaktuvuk River. Down here on the John River, people got properties, and all across this area, and I know they'd like to have access during the summer, but there's no way to get down there unless you float down or hike down. That's a week's hike if you go forty miles. There's no permit for access with ATVs. You're shot down." *Anaktuvuk Pass Expert*

"I can't even go to my allotment because of the Park Service. My allotment is right down here. Not in summer. We used to go camping. We have our little cabin. We tried to be close to the caribou. The caribou is always in the mountains, long time ago. And sheep. We tried to go down one time and they said we had to get permission, somehow, so Park Service can bring us down to our land. But that's too much work, trying to do a lot

of paperwork. You can't reach it in summer time. It's all willows and rivers. Park Service stops us from going over. We can't pass the river with ATV.

"Young people who don't have ears have been going down, if they don't get caught, when they try to get close to caribou, even though we tell them they can't go meet the caribou. Some young people don't listen.

"The Park, they don't understand your way of living. A lot of us have allotments that way. I sure wanted to go see what kind of berries were growing on my allotment. But I never get to go down and see what grows there. I know that salmonberries do, and blueberries. I know there's a lot of cranberries, when I dig through the snow. Maybe a lot of blackberries. But I never get to go there in summer. We can only go down with a snowmachine. You can boat down there, but they have a lot of accidents, the ones that try to go down." *Anaktuvuk Pass Expert*

"At Chandler Lake, Arctic Slope land is north, and Park land is south. We can't go beyond down here with ATVs, anywhere. Some people still try. They go across the markers, hunting and fishing. Even to those two lakes down here. The problem is, right now, we cannot go with float plane and land here no more. We used to. No more charter to those lakes. Anything beyond here. Otherwise you get caught, and that's it. Lose your hunting gear and everything. I thought we could land there. But they tell us not to do it. There's a lot of regulations we deal with up here on Park lands. We did a land exchange, but not enough, a limited exchange with Arctic Slope, Park Service, and Nunamiut Corporation. They were limited. Winter time is no problem. Summer time is a big problem." *Anaktuvuk Pass Expert*

Potential Tribal Actions:

1. Work to change federal rules that damage cultural traditions.
2. Develop a system to allow for allotments to be acquired by Tribes, if sold by owners because of access problems created by the Park.

SENSITIVE TRIBAL AREA ARC1



Area: Arctic Slope
Time: Various
Activity: Proper treatment of harvests
Community: Various

Description: In every Inupiat community, customary guidelines are followed regarding proper treatment of harvested animals. Customary guidelines typically are designed to show respect to animals, to avoid wasteful practices by harvesters, and to promote the public health within communities. Customary guidelines commonly direct that harvests be distributed among participants, extended families, elders, and others within the community.

Customary guidelines regarding treatment of traditional foods are rarely written down. Young harvesters typically are taught the customary guidelines through direct experience within extended families, whaling crews, or other types of harvesting groups.

State and federal regulations prohibit the wasteful taking of wild animals. Waste may be specifically defined in regulations for some animals (such as caribou, moose, or bear), but left relatively undefined for others (such as seals and whales). For some harvests, state or federal rules require the retention of skins, heads, teeth, and other parts for tagging, transporting, or measurement. Some state or federal rules constrain the ways that products from animals may be distributed or sold.

The state or federal rules regarding treatment of harvested animals may not conform to customary guidelines taught within Inupiat communities. Customary guidelines may instruct that diseased or damaged animals (or parts of animals) be left in the field for health reasons. Customary guidelines may instruct that certain inedible parts of animals be left in the field in respect of the animal, for efficiency of practice, or for the safety of hunters. Customary guidelines may allow for the distribution of products through customary practices, such as customary trade.

On occasion, the practices of particular hunters may be found at odds with customary guidelines, or at odds with state or federal rules. Violations of rules may lead to enforcement actions, sometimes at significant expense and misunderstanding. For example, allegations of waste of caribou by hunters near Point Hope turned into a reckless media event in 2008 that

required special actions by the Tribe, city, and borough. As another example, alleged waste by visiting caribou hunters has been a continuing concern at Anaktuvuk Pass.

Quotes from Local Experts:

"We don't take the heads of caribou. We don't care for the antlers. We leave the heads because we're taking the meat. The antlers are too dangerous. It's rough terrain and you don't want all these points sticking up at you. We're not head hunters.

"The Point Hoppers always point the head toward Point Hope so the caribou will keep coming. They take the tongue off and take the bodies, but not the head and the antlers. Driving on a four wheeler with the horns all over is too dangerous.

"There was a person that left part of a hindquarter because there was a wound on it. It was an old wound so he didn't want to take that. He left it. There was another wound on the rib, a big bullet wound was there. He was cited by State troopers and put on trial. They said you should have taken all these off. They said it was what they considered waste of different sections. It wasn't a whole caribou, it was a section here, a piece of leg there, that he could have taken off more meat." *Point Hope Expert*

"You know, the media took it. They said hundreds of caribou, 60, 70 caribou were wasted. The troopers were here. Animal Planet was here. They went and checked it out on Hondas and said, 'this is closed out to everybody.' We want to know what's going on. So we called up the North Slope Borough. We had the NSB wildlife department, NSB search and rescue and their helicopters. We got the mayor of the NSB, the president of the tribe, the president of Point Hope search and rescue, two pilots, and a whaling captain. There were seven people extra in the helicopter, long-timers. The troopers said, there are 50, 60 caribou dead all along these areas. So they went on the chopper and 7 Hondas on the bottom, we went all through all these trails. We found a total of 7 caribou in different areas. We didn't find 50, 60 caribou. We found parts of some caribou here. We found sickly, old, rotten caribou that we couldn't tell how they died. We said, 'yeah, we found a total of 7 dead caribou in different places.' Sometimes you shoot caribou and sometimes one wanders away and dies, wounded ones. We were wondering, where are the 50, 60 caribou that you were talking about that were dead everywhere? They could not show us the 50, 60 caribou they were talking about. This was State troopers. And Animal Planet. Next thing in the news you hear all this... first it was 20, then it was 40, 60, a hundred, 120. And it was all over the world. And oh man, we felt bad. How could somebody do this? We wanted to see the pictures. They wouldn't show us. It was under investigation. They said we couldn't go out there. It was all restricted." *Point Hope Expert*

ARC1

"Here in Anaktuvuk Pass during August and September we get lots of planes coming in and out, all the tour planes, all the regular daily flights, all the sport hunters and those outfitters. They come in and out and land here. They drop three or four guys off, all decked out in brand new camo gear, all with brand new rifles. They just come back with the fricking racks and skins, and no meat. You'll see them just with the trophies, the head and the skin just for their wall mounts. We ask them, 'well, where's your meat?' 'Oh, we left it out there.' Then we get pissed off at them. 'You should have brought it to us! We could have used the meat. What the hell are you doing leaving it out there? That's a waste.' They leave their meat out there when they could bring it all back and give it to us. We'd happily take it. Of course we would. I know people go down to the planes, whenever somebody is down there. We're on their asses. 'Why didn't you bring back the meat! You guys could have given it to us!' We're always on them like that. It might be wishful thinking. But man, I get so heated up about these issues." *Anaktuvuk Pass Expert*

"Last year we saw a big bull caribou that wasn't healthy, real skinny, sickly. Sometimes you'll skin a caribou and you can tell right away. They're green, real sandy, with bumpy meat like sandpaper. They said you could eat it, but I wouldn't chance it. A sick animal will get us sick in return." *Point Lay Expert*

"Some of the ugruk are kind of yellowish. They are older ones. After they took the skin off, they didn't want to touch it. It might be contaminated. They just left the ugruk there. It got washed off to feed other animals, like the birds and whatever is out there to eat it.

"I wouldn't even think about using that oil. I don't think anybody here would want to use that oil or render it or use it for anything other than leave it there and let the other animals eat it. I never saw that growing up in Point Hope. Now I'm starting to see that, just in the last few years." *Point Hope Expert*

"On the seals there were bubbles on the fat, under the skin like a tapeworm or something. You don't notice this when it has its skin on, but you see it when you take the skin off and start digging into it. I see these yellow spots inside the fat toward the meat. Wow, what are we eating? Is this going to be safe for my family to eat? So when I see yellow spots, I cut around that meat, what's good of it, but not where that yellow spot is. I give the bad meat away to the dogs." *Point Hope Expert*

ARC1

"Every time we hunt and bring home caribou meat, we don't keep it all to ourselves. We give it to people, the elders first, then people that don't have hunters, and give it to

relatives. That's the way we've been brought up is to share everything, all our sheep, caribou, bears, berries, roots off the land." *Anaktuvuk Pass Expert*

"It's getting harder and harder to climb and get murre eggs. You know our land is sliding due to global warming and permafrost melting. A few years back right about this time of year when you look out toward Thompson, where we go pick our eggs, we saw one real big huge cloud, real dark. It was blowing this way. I would say maybe it was as big as this town. That's when we found out we had a big landslide at Thompson. It changed everything. The way they had those old trails going up to pick out murre eggs, they are no longer there. So it's harder nowadays for them to get eggs. But when you've got a lot of help and good rope, when you work together, they get a lot.

"It's always divided up, depends on how many people are there, you know, because we all work together. Once we provide and get all the eggs and put them all in one pile, everybody gets a share. We divide it equally. Nobody gets left out." *Point Hope Expert*

"It's always better to give than let them be hungry. Yeah. That's how it is here. I was raised by my grandparents and they say, even if it's your last piece, there's more to come. You give your last piece. Next time it's going to come to you more.

"It's like when I pick berries, the first batches I just pick and pick and pick and I give to my elders, all of my elders. I tend to mind them first. I don't give them quart size. I give them gallons! I pick gallon bags of berries and I make sure they are full. One time in one day, nine in the morning, nine-thirty, I never came home until eleven, nine-thirty at night. I came home with fifteen gallons of berries, and they all went to the elders. Tomorrow came by, I went back out there, through that whole summer, I picked 55 gallons of berries. My aapa always tell me, give your best from Thanksgiving and Christmas. Give your best food what you work hard for. So I always try and save six bags for Thanksgiving, six bags for Christmas, so everybody will get to have it in winter time too, instead of just summer time. Yeah, I love feeding my people, my elders. They always come first to me in my heart." *Point Hope Expert*

ARC1

Potential Tribal Actions:

1. Development of Tribal Bylaws by local tribes as guidelines for the proper treatment of harvests of caribou and other animals to protect traditional subsistence activities.
2. Placement of copies of the Tribal regulations in a centralized repository for improved accessibility by other Tribes and agencies.
3. Development of central repository of findings by researchers and health agencies regarding diseased animals, for improved accessibility of information by subsistence users.

CONCLUSIONS

This study advances the concept of a “Sensitive Tribal Area.” Sensitive Tribal Areas are areas of importance to Tribal communities for fishing, hunting, and other traditional activities. They are areas that warrant special consideration and protection. The areas represent a subset of all areas used for subsistence harvests by the Inupiat community. Treated as identified cases, Sensitive Tribal Areas can become a basis for Tribal action, such as land use planning, management, and monitoring.

Based on interviews with local experts, this report identified 13 Sensitive Tribal Areas on the Arctic Slope. These are areas with recent, pressing subsistence concerns, according to this group of experts. The areas covered a range of wild animals: caribou (4 areas), bowhead (2 areas), beluga (1 area), and polar bear (1 area). Two areas involved multiple species, and 2 areas involved the treatment of animals after they are harvested.

Impacts by visitors to the Arctic Slope created special, pressing concerns for these areas. Disruptions by aircraft and vessels of migrations and traditional hunts affected 7 of the areas. Impacts by noise and pollution (from the minerals industry) affected 2 areas. Impacts by visiting hunters, researchers, and photographers affected 4 areas. Issues of restricted access affected 2 of the areas (restrictions connected with oil leases, and restrictions created by federal park rules).

Tribal regulations can be effective in protecting Sensitive Tribal Areas. This is shown in the Bylaws passed by the Native Village of Point Lay for protecting the traditional beluga hunt in Kasegaluk Lagoon. As shown above, these Bylaws are broad in scope: they provide guidelines for the proper conduct of aircraft, vessels, researchers, photojournalists, and visiting hunters, as well as local hunters in the traditional beluga harvest. The Bylaws are part of a co-management system. They are accepted by the Alaska Beluga Whale Committee and the National Marine Fisheries Service. The Bylaws provide a model example of effective Tribal regulations.

Other examples of effective Tribal regulations include the guidelines from Kaktovik for viewing polar bear on Barter Island, and the management of visitors to walrus haul-outs by Point Lay. These examples did not have accessible written formats, unlike the Bylaws for the beluga hunt. No centralized repository currently exists for Tribal regulations like these. The lack of a repository makes it more difficult for other interests and organizations to acknowledge and follow provisions that come from Tribal communities.

As shown above, Tribal Bylaws can help protect Sensitive Tribal Areas. If they exist, Tribal Bylaws designed to benefit traditional cultural practices of the Inupiat community are likely to be accorded substantial weight in the management of lands and traditional resources.

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