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FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME I

EGAN CONVENTION CENTER
ANCHORAGE, ALASKA

MAY 3, 2005
8:30 o'clock a.m.

BOARD MEMBERS:

- Mitch Demientieff, Chairman
- Judy Gottlieb, National Park Service
- Paul Roehl, BIA
- George Oviatt, Bureau of Land Management
- Wini Kessler, Forest Service
- Todd Logan, U.S. Fish and Wildlife Service
- Wayne Regelin, Alaska Department of Fish and Game
- Keith Goltz, Solicitor

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P R O C E E D I N G S

(Anchorage, Alaska - 5/3/2005)

(On record)

CHAIRMAN DEMIENTIEFF: If we could make our way to our chairs, we're going to make introductions here.

(Pause)

CHAIRMAN DEMIENTIEFF: Okay, my name is Mitch Demientieff and I happen to have been sentenced, it seems like for life, to Chair this Board. No, actually it's one of the funniest things I really get to do, I really enjoy it. But we're going to go around the table here and introduce ourselves, and we'll start with Judy and just go around.

MS. GOTTLIEB: Judy Gottlieb, National Park Service.

MR. ROEHL: Paul Roehl, BIA.

MR. OVIATT: George Oviatt, Bureau of Land Management.

MS. KESSLER: Wini Kessler, Forest Service.

CHAIRMAN DEMIENTIEFF: Sue.

MS. ENTSMINGER: Thank you. My name is Sue Entsminger, I'm with the Eastern Interior Regional Advisory Council.

MR. LOHSE: Ralph Lohse, Chair of the Southcentral Advisory Council.

MR. REAKOFF: Jack Reakoff, Vice Chair of the Western Interior Council.

MS. CROSS: Grace Cross, Chair of Seward Penn.

CHAIRMAN DEMIENTIEFF: Terry.

MR. HAYNES: Terry Haynes, Wildlife Conservation Division, Department of Fish and Game.

1 MS. SEE: Marianne See, Department of
2 Fish and Game.
3
4 MR. NELSON: Lance Nelson with the State
5 Attorney's General Office. And with me is assistant
6 attorney general, Steven Dougherty who's recently
7 rejoined our office.
8
9 MR. LITTLEFIELD: Thank you, Mr. Chair.
10 Good morning. John Littlefield, Chair of Southeast
11 Alaska Regional Advisory Committee.
12
13 MR. WILDE: Harry Wilde, Yukon-Kuskokwim
14 Delta Subsistence Regional Council Chair.
15
16 MR. STONEY: Raymond Stoney from
17 Northwest RAC committee member.
18
19 MR. O'HARA: Dan O'Hara, Chair of Bristol
20 Bay.
21
22 MR. TUTIAKOFF: Vince Tutiakoff,
23 Kodiak/Aleutians Chair.
24
25 MR. REGELIN: Wayne Regelin, Alaska
26 Department of Fish and Game.
27
28 MR. LOGAN: Todd Logan with the U.S. Fish
29 and Wildlife Service.
30
31 MR. GOLTZ: Keith Goltz, Solicitor's
32 Office.
33
34 MR. BOYD: Tom Boyd, Office of
35 Subsistence Management, Fish and Wildlife Service.
36
37 CHAIRMAN DEMIENTIEFF: As usual, par for
38 the course, I forgot to call the meeting to order, so we
39 will do that. Sometimes as we get started we're a little
40 sluggish getting started. We're here deliberating
41 proposals for the game regulations for the upcoming
42 seasons. As time goes on we often discuss some of the
43 things that have happened. You'll notice that even
44 though like in a lot of functions I wear full regalia, I
45 don't normally wear anything like this but we lost, at
46 home, we lost a very prominent skinsewer, and my wife
47 made this beaded necklace for me, actually just last
48 night, and I chose to wear it today, so we will have a
49 fast gavel so I can get back to her funeral. No, I'm
50 just joking about that, we will do diligence. I'll

1 actually be on time for that.

2

3

4 We want to express our deep appreciation,
5 and Grace, having a had a personal loss in the Gambell
6 incident. So there's so many people that we lose, people
7 think that subsistence is easy but we lose so many people
8 involved in that, in the practice, just so many people
9 through the years I know that we have lost that were
10 engaged in subsistence activities and it's a real tragedy
11 out there. And we understand the loss that they have.

12

13

14 Also many of you have heard of John
15 Hanson being in the hospital. I talked with Harry this
16 morning and got a little bit of an update on that and
17 he's been so active through the years in so many
18 different forums and I was reminding Harry that it seems
19 like I've worked with him just about as long as I've
20 worked with Harry, which is longer than any of us care to
21 admit, but we're also very mindful of him.

22

23

24 Bill Thomas, of course, from Southeast,
25 he's home recovering right now. And so we're very glad
26 that he's home and the place where he wants to be in and
27 also want to wish him a speedy recovery.

28

29

30 We will be, as I said, addressing the --
31 they always prepare me a speech and I can never work well
32 from a speech, I just use the notes and kind of make up
33 my own words. It's kind of like when I go out hunting,
34 I always make up the regulations as I need them.

35

36

(Laughter)

37

38

Depending on what -- that's a joke.

39

40

(Laughter)

41

42

43 CHAIRMAN DEMIENTIEFF: We will be doing
44 subsistence hunting regulations and we will have an
45 update on Unit 2 deer. And then we will be discussing in
46 public issues that maybe Regional Council Chairs might
47 want advanced.

48

49

50 The proposals that we have received, we
actually have nine proposals, but I understand the State
has a statement that we will allow to be made with regard
to Proposal 20, and it may be actually only eight
proposals that we have to deliberate that are not on the
consent agenda.

51

1 And, of course, the consent agenda, and
2 Tom will go over those, those can be pulled by any Board
3 member at any time. We do the consent agenda at the end
4 of the meeting so if there are concerns that anybody
5 might have, basically it's reserved for Board members
6 only that can pull those items off of there. But, again,
7 it shows the spirit of cooperation, the hard work that
8 the RACs have put in, the Staff, the State to get these
9 items on the consent agenda. So I just want to
10 compliment everybody for doing that diligence to get
11 these -- the bulk of our proposals on the consent agenda.

12
13 We have, as I made the comment in our
14 January meeting, all of us Board members have the
15 criteria for going against a Regional Council
16 recommendation, and so I've asked everybody to prepare
17 your arguments framed around those issues. We can adopt,
18 reject or modify Council recommendations and I know the
19 Board will do diligence as far as making clear what
20 direction that you want to go.

21
22 Tomorrow we have a couple of our
23 employees that are up for some pretty strong Federal
24 employee awards, including this one right here, and Helen
25 Armstrong in the back who have been long time employees
26 so we may leave a little bit early for lunch tomorrow
27 because I know my wife and I plan on being there and have
28 planned and we actually made Carl buy us tickets to get
29 in there.

30
31 We will be receiving comments at the
32 start every day on non-agenda items. Those of you who
33 wish to testify on specific proposals, the cards are
34 available out at the front table and you need to fill
35 them out and they will make sure that we get them in
36 here. So that's at the table right outside the door.

37
38 The other thing that has been brought to
39 my attention and I did talk with several of the Council
40 Chairs who have expressed some concern about the change
41 in the seating arrangement with the State representative
42 being at the front table. I just want to assure people
43 that the roles have not changed. It's not like the State
44 is going to have a vote on this. If we had the room at
45 the front table, we'd have all of the RAC Chairs sitting
46 up here. But I just want to assure everybody that the
47 State role has not changed one bit, and that's not a
48 belittling thing, and I talked to Wayne about that. I
49 just want to assure the RAC Chairs that the strength of
50 our program is with you, you are the ones that we depend

1 upon to bring us the issues and your opinions on them.
2 And that has not changed one little bit. You are the
3 strength of our program and we will continue to rely on
4 you. So those of you who may feel uncomfortable with the
5 seating arrangement, don't worry about it, we have not
6 changed anything. And thanks to you, each and every one
7 of you and your RACs and all the hard the work that you
8 do, that's still where we get our guidance.

9
10 And we do have before us, we have all the
11 criteria that we need that will let you know that we are
12 very, very mindful of that.

13
14 But the fact of the matter is, is we
15 have, in addition to the strength of the RACs and all
16 your hard work, we have worked very hard with the State
17 and just everybody involved in the complicated life of
18 fish and game management in Alaska. And so that's
19 basically it. I don't understand why the change was made
20 but please feel comfortable with it, it doesn't worry me
21 one little bit to tell you the truth because I know where
22 the power of this program is and it's right there, right
23 there. That's the power of the program and the hard work
24 that you do. So I just want to remind people of that,
25 don't think that anything has changed. So keep up that
26 good work.

27
28 With that, you have the agenda in front
29 of you, are there any changes or additions to the agenda?

30
31 (No comments)

32
33 CHAIRMAN DEMIENTIEFF: If none, we'll go
34 ahead and move on. Keeping in mind that all somebody has
35 to do, if they need to be accommodated or whatever, we
36 always try to be flexible in terms of trying to
37 accommodate people.

38
39 We have no requests for public comment on
40 non-agenda items. But we will have that opportunity open
41 at the beginning of each day of our meeting so if there
42 are people that want to comment they can.

43
44 Hang on a minute.

45
46 (Pause)

47
48 CHAIRMAN DEMIENTIEFF: Sorry about that,
49 I just wanted to make sure, we have no request for
50 consent agenda items at this time, public testimony. So

1 we will move on.
2
3 Tom will go over the consent agenda
4 items.
5
6 Ralph, you have opening comments also,
7 can I go through this first?
8
9 REPORTER: Ralph.
10
11 MR. LOHSE: I want to ask a question when
12 you have time.
13
14 CHAIRMAN DEMIENTIEFF: What?
15
16 MR. LOHSE: I'd just like to ask a
17 question when you have time.
18
19 CHAIRMAN DEMIENTIEFF: Go ahead.
20
21 MR. LOHSE: Is there any time period in
22 this when we can talk on things that we can -- you said
23 something at the start of the meeting we'd have a chance
24 to talk on non-agenda items and I'd like to have an
25 opportunity to talk on the BLM land transfer that's being
26 talked about in our area sometime this morning.
27
28 CHAIRMAN DEMIENTIEFF: Okay, Ralph. I
29 will call on you shortly.
30
31 As usual, in our effort in the last few
32 years to become more inclusive, we will give Regional
33 Council representatives the opportunity to speak.
34
35 So I'm just going to have Tom go through
36 the consent agenda items and then I'll come right back to
37 you, Ralph.
38
39 MR. LOHSE: Thank you, muchly.
40
41 MR. BOYD: Thank you, Mr. Chair. The
42 following proposals are on the consent agenda.
43
44 For Southcentral Region, we have Wildlife
45 Proposals 05-05.
46
47 I should back up, the page number is III
48 in your books and I won't read the details, I'll just
49 read the numbers.
50

1 So for Southcentral Region we have
2 Wildlife Proposal 05-05, 05-06, 05-08, and 05-09.
3
4 For Bristol Bay 05-10.
5
6 For Western Interior 05-12 and 05-13.
7
8 For Seward Peninsula 05-14(a), 05-15 and
9 -5-16.
10
11 For Northwest Arctic 05-17.
12
13 Statewide Proposals 05-02.
14
15 Southeast 05-04.
16
17 Thank you, Mr. Chair.
18
19 CHAIRMAN DEMIENTIEFF: Thank you, Tom.
20 We will make one slight correction to the agenda and that
21 is that those of you who have it in front of you, they're
22 also available out front, too, aren't they, if you don't
23 have it?
24
25 MR. BOYD: Yes.
26
27 CHAIRMAN DEMIENTIEFF: It says adoption
28 of consent agenda items. We usually leave that to the
29 end of the meeting where we actually do the motion to
30 adopt. So there will not be a motion to adopt. That
31 gives Board members the opportunity to pull off consent
32 agenda items. So even though it says it it's just a
33 little typo and we will do it after we deliberate the
34 non-consent agenda items.
35
36 Also I understand the State has comments
37 with regards to Proposal 20.
38
39 MR. HAYNES: Mr. Chairman, thank you.
40 Yes, although the Department would certainly prefer to
41 have different action taken on Proposal 20 than is being
42 recommended, the proposal as it now stands will provide
43 additional wolf hunting opportunity and so we're not
44 going to oppose this proposal at this time. We just
45 preferred that it line up with the seasons in the
46 adjoining areas, line up with the State seasons and
47 minimize confusion and potential problems for hunters who
48 might be at the wrong place at the wrong time.
49
50 But given that situation, we're not going

1 to stand in the way of this proposal moving forward.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. So
4 Proposal 20 has been added to the consent agenda.

5

6 With that, Ralph, I understand you have
7 opening comments. Please.

8

9 MR. LOHSE: Mr. Chair, I don't know if
10 this is the time to bring it up. But I was just going to
11 comment a little bit on the BLM's, I guess I better put
12 my glasses on so that I can read it in the proper way,
13 the BLM's East Alaska Resource Management Plan.

14

15 I know how much time you guys have spent
16 discussing caribou hunting in Unit 13, and the caribou
17 hunting that is a big part of the subsistence take in
18 Units 11 and 13, in fact, if I remember right it's about
19 80 percent of the game that is taken is taken on that
20 little chunk of BLM land up along the Pipeline Corridor
21 and up in the Tango Lakes area, that area there.

22

23 And we kind of got sideswiped a little
24 bit at our last meeting. We got presented with the plan
25 and find out that the comment period is over by the end
26 of July. And so the BLM has, as one of the options, is
27 basically to transfer all of that land that you guys have
28 been dealing with as far as proposals is concerned over
29 to the State, and we'd have liked to have had an
30 opportunity to had a chance in a regular subsistence
31 meeting put it on the agenda and addressed it and given
32 our comments directly to the BLM.

33

34 I'm under the impression now that it is
35 going forward as scheduled, which means that it will be
36 done by the end of July. Our subsistence Regional
37 Subsistence Council will not have an opportunity to
38 officially comment on something that has the biggest
39 affect in our whole area as far as subsistence users are
40 concerned, and we'll probably have to try to come up with
41 a meeting in the middle of summer but all of you know
42 what that's like when you're dealing with subsistence
43 users who are out commercial fishing or doing other
44 activities that make it pretty hard to get together at
45 that time period.

46

47 And we just would like to, at this point
48 in time, say that if subsistence is a Federal priority,
49 then in that land transfer the subsistence needs need to
50 have -- need to carry a lot of weight on that transfer.

1 Because that transfer has the potential basically to
2 change the whole subsistence activities in Unit 13 and
3 11.

4
5 And that will change your job, it will be
6 a lot easier because you won't have many regulations
7 applying to a controversial subject to deal with, but it
8 will definitely affect the people that live up there.
9 And I would like at this point in time to just state to
10 the BLM that I sure wish that the comment period could be
11 extended so that we could have an official fall meeting
12 and let people know. Every subsistence user that I've
13 talked to up in the area that finds out that this is
14 going on, is basically shocked and doesn't know what to
15 do about it, it's kind of overwhelming. I notice that
16 there's been some hearings scheduled. Most of them are
17 time periods that a lot of people aren't going to make,
18 myself included.

19
20 It would be -- I, again, would like to
21 ask the BLM to make sure and consider the needs of the
22 subsistence community when you start thinking of a land
23 transfer like that.

24
25 Thank you.

26
27 CHAIRMAN DEMIENTIEFF: Yes, George.

28
29 MR. OVIATT: BLM certainly recognizes the
30 sensitivity of subsistence issues. And one of the
31 alternatives which we were asked to have as part of our
32 plan was a request by the Governor to look at lifting
33 withdrawals on the Pipeline.

34
35 Subsistence is a key issue in our East
36 Alaska Management Plan and we're certainly going to work
37 with the communities in order to do what we can in
38 protecting that right.

39
40 Our alternative, preferred alternative is
41 not lifting the withdrawals on that Pipeline.

42
43 Our State Director felt that we could not
44 extend the time that you had requested, into the fall, it
45 begins to have impacts on our analysis as we had done
46 that, but it was taken seriously, the consideration was
47 taken seriously. We do have, and Taylor is passing it
48 out, our newsletter which is announcing the comment
49 period for our draft from those comments. We will then
50 do further analysis and prepare a final, and in the end

1 there'll be a comment period even after that before our
2 Record of Decision is made.

3

4 CHAIRMAN DEMIENTIEFF: Thank you. Keith.

5

6 MR. GOLTZ: I'm a little disturbed by the
7 implications of I think what you just said. Are you
8 telling us that under the State system subsistence needs
9 could not be met?

10

11 MR. LOHSE: Definitely I'm not telling
12 you that it couldn't be met, I'm just telling you that
13 the preferred alternative of the subsistence users that
14 are up in that area is the current Federal system on that
15 land.

16

17 The State subsistence could meet the
18 needs except under State Constitutional law there's no
19 way that the State can give preference to local residents
20 that way.

21

22 Now, one of the things that's up for
23 grabs is some of the proposals that are in front of the
24 State right now that would actually do that. So we don't
25 know what the final outcome on that's going to be. But
26 I'm not saying it couldn't, I just know that from talking
27 to local subsistence users they prefer the system as it
28 is.

29

30 CHAIRMAN DEMIENTIEFF: Okay. Now, that
31 everybody's had their say maybe we can go to work, uh,
32 not that you haven't been working. Obviously just from
33 tracking the conversations that points at all of you have
34 brought up, it's obvious to me that people have done
35 their homework with regard to this issue. And even
36 though it's an Agency action we just appreciate the
37 comments because it does, as Ralph so eloquently pointed
38 out, have broader implications to subsistence uses, which
39 is, of course, our concern.

40

41 So thank you, all of you, for clearing
42 the air and thank you for also working together to try to
43 promote more understanding with regard to the issue of
44 the transfers.

45

46 With that, we're going to move on to the
47 Southcentral Region. We'll just allow Staff to get up
48 here.

49

50 We're ready for Staff analysis.

1 MR. ARDIZZONE: Good morning, Mr. Chair.
2 My name is Chuck Ardizzone. I'll be presenting Proposal
3 WP05-07 this morning, and it can be found on Page 32 of
4 your Board book.
5

6 Proposal WP05-07 was submitted by the
7 Ninilchik Traditional Council and requests that the moose
8 harvest season in Unit 15 be changed from August 10th
9 through September 20th to August 20th through September
10 30th. The proponent believes these dates are more in
11 line with traditional subsistence activities and will
12 relieve the spirit and tradition of the hunt. The
13 proponent also stated, historically, hunts were postponed
14 until later in the year following the processing of
15 salmon. When harvesting moose later in the year there's
16 a better opportunity for the meat to be properly cared
17 for and preserved so there will be less wasting of the
18 harvest. Through the changing climatic conditions, the
19 late summer and early fall temperatures on the Kenai
20 Peninsula have been increasingly hot and dry. The
21 proponent believes this makes it difficult to locate an
22 animal and process it efficiently enough to ensure there
23 is no unnecessary waste.
24

25 On Page 33 there's a map of the area and
26 I will skip right over to regulatory history.
27

28 This regulation has a very long
29 regulatory history which can be found on Pages 34 and 35.
30 The current regulation was adopted by the Board in May
31 2001, and provides a total of 10 days priority to
32 Federally-qualified subsistence users before the State's
33 general season starts.
34

35 In 2003 WP04-87 was submitted requesting
36 that the moose season for Unit 15(A) remainder be
37 shortened by 10 days to August 20th through September
38 20th, from August 10th to September 20th. This proposal
39 was not adopted by the Board at its May 2004 meeting.
40

41 I'll go over a little bit of biological
42 background and harvest information.
43

44 ADF&G's population goal for moose in Unit
45 15(A) is 3,600 animals with a sex ratio of 15 bulls to
46 100 cows. The Kenai National Wildlife Refuge has
47 established a minimum of 25 bulls per 100 cows for most
48 of the Refuge lands with the exception of the Skilak Loop
49 Wildlife Management Area where a 40 bulls per 100 cows
50 management objective was set. The last reported aerial

1 moose survey in 2003 for this area excluding the Skilak
2 Loop Wildlife Management Area revealed a bull/cow ratio
3 of 24 bulls per 100 cows and a calf/cow ratio of 26
4 calves per 100 cows. Calves composed 18 percent of the
5 moose observed. The 2003 fall sex and age composition
6 survey had a total of 716 moose observed.

7
8 The last census conducted for Unit 15(A)
9 was in March 2001. The estimated moose population at
10 that time was 2,069 animals. The current moose
11 population in 15(A) is not considered stable, the
12 population has been declining as the habitat matures.

13
14 In 2000 and 2002 there were no moose
15 harvested in Unit 15(A) under the Federal Subsistence
16 Program permits, and in 2001 and 2003 one moose were
17 harvested in the first 10 days of the season by Federal
18 permit. That can be seen, or at least in Table 3 there's
19 a summary of harvest for the different units. Table 3
20 also represents mainly harvest in the early part of the
21 season before the State season opens.

22
23 The State management objectives for the
24 Central Kenai Peninsula, Unit 15(B) west are to maintain
25 a population of moose with a bull/cow ratio of 15 per 100
26 and to allow a maximum opportunity to participate in
27 hunting in Unit 15(B) west.

28
29 The State's management objectives for
30 Unit 15(B) east are to maintain a population of moose
31 with a bull/cow ratio of 40 bulls per 100 cows and to
32 provide an opportunity to harvest a large antlered bull.
33 In 2001 a census of 650 square miles of suitable moose
34 habitat estimated a moose population of approximately 958
35 animals. Because the consensus was conducted in February
36 after most bulls shed their antlers, composition by sex
37 was not determined. However it was estimated that calves
38 4 comprised 20 percent of the population. This estimated
39 population is a slight decrease from 1990 when there was
40 an estimate of 1,042 animals.

41
42 Reported harvest by Federal registration
43 permits in Unit 15 has averaged approximately one moose
44 per year between 1996 and 2003. A total of 13 moose were
45 harvested with 10 of them being taken in the first 10
46 days of the season.

47
48 The State's management objectives for
49 Unit 15(C) are to maintain a population of 3,000 moose
50 and to maintain a minimum post-hunting sex ratio of 15

1 bulls per 100 cows. A census was conducted during late
2 winter in 1992 under optimal snow conditions, the census
3 of the low land portion of Unit 15(C) produced a
4 population estimate of 2,079 moose. A composition survey
5 was completed for Unit 15(C) for 1999 and in 2000. In
6 1999 578 moose were classified with a ratio of 18 calves
7 per 100 cows and 27 bulls per 100 cows. Federal harvest
8 in 15(C) has averaged approximately two moose per year.
9 Between 1996 and 2003 a total of 18 moose were harvested
10 with 12 of them being taken within the first 10 days of
11 the season.

12
13 Some current events involving the
14 species. At the March 2005 Southcentral Regional Council
15 meeting there was testimony that individuals do not
16 believe that there would be any immediate conservation
17 concerns to the Unit 15 moose population if a longer
18 subsistence harvest season were allowed because the
19 Federal harvest has been relatively small.

20
21 There was also testimony that the State
22 already allows a drawing permit hunt for moose in Unit
23 15(B) from September 26th through October 15th and that
24 Federally-qualified subsistence users should be provided
25 the same opportunity to harvest moose later in the
26 season.

27
28 As expressed by several individuals who
29 live in Unit 15 that there should be a minimal increase
30 in the harvest if the seasons are extended as most
31 individuals have already harvested a moose by that time
32 of year. They also felt that the road accessibility to
33 good moose habitat was minimal which should help minimize
34 any increase in moose harvest.

35
36 The effects of this proposal. If this
37 proposal were adopted, it would align the starting dates
38 for the Federal subsistence season with the State's
39 general moose season for Unit 15. This could cause
40 conflicts between different user groups.

41
42 The proposal would eliminate the early
43 season priority granted to Federal subsistence users in
44 Unit 15, thus eliminating the early season advantage that
45 subsistence users have over those participating in the
46 general moose season managed by the State. However, the
47 early season Federal priority would be replaced by a 10
48 day extension of the season for Federally-qualified
49 hunters.

50

1 According to the Ninth Circuit guidance
2 in the Ninilchik Decision would be necessary for the
3 Board before adopting this proposal to determine on the
4 record whether or not this 10 day extension would provide
5 a meaningful use preference for subsistence hunters.
6

7 Another important consideration is that
8 if this proposal is adopted, the hunt would be extended
9 into the moose rutting period and the normal rutting
10 behavior may be disrupted because large amounts of the
11 hunt area are road accessible, a hunt that extends during
12 the rut when it is easier to harvest bull moose could
13 attract a large number of hunters. This large number of
14 hunters in the field could disrupt the rutting behavior
15 of large number of bulls which could have adverse effects
16 of the overall moose population.
17

18 A late September season which the
19 proposal calls for would make bulls extremely vulnerable
20 to calling and the subsequent harvest could reduce the
21 number of breeding bulls compromising the success and
22 increasing bull/cow ratios realized under the spike-fork
23 50 three or more brow tine regulations.
24

25 That concludes my presentation. Are
26 there any questions.
27

28 CHAIRMAN DEMIENTIEFF: Thank you, very
29 much. Written public comments.
30

31 MR. MIKE: Thank you, Mr. Chair. Donald
32 Mike, Southcentral Regional Council coordinator. You'll
33 find your public comments on Page 31. We received three
34 public comments in support of the proposal.
35

36 Teague Vanek of Ninilchik supports the
37 proposal stating that moose hunting before August 20 is
38 definitely not in keeping with our Alaskan lifestyle.
39 Not only are most of us busy fishing or working at other
40 summertime endeavors, but the weather is not right.
41 Extending the season later instead of starting early
42 makes sense. In mid August, moose antlers are still in
43 velvet and are far from their full size, making it harder
44 to find legal size moose. State regulations provides for
45 late season hunts in many areas covered by this proposal.
46 The Subsistence Board should adopt Proposal WP05-07 to
47 allow for a late hunting season instead of the current
48 early season.
49

50 Norbert Miller of Ninilchik supports the

1 proposal stating I would like to let you know that I
2 support Proposition WP05-07 regarding the change in
3 subsistence hunting dates, taking 10 days off the
4 beginning of the season and adding them to the end. From
5 perspectives of personal available time and "huntability"
6 this is an improvement over the existing season.

7
8 Steve Vanek of Ninilchik supports the
9 proposal stating that WP05-07 by the Ninilchik Tribal
10 Council. I have subsistence hunted in August for moose
11 on Federal lands in Unit 15 since the Feds took over
12 management on Federal lands. The August 10th to August
13 20th period does not work well at all. It is too hot and
14 sometimes too dry, like this past year. It is not a good
15 time of the year to hunt on Federal lands where no
16 transportation other than horses is allowed. To pack
17 meat out on foot takes several days. That makes it
18 difficult to keep meat from spoiling. I strongly urge
19 you to change the subsistence dates as to what Ninilchik
20 Tribal Council proposes.

21
22 And we also received one late comment
23 from an individual from the Kenai Peninsula that did not
24 make the book and I'll submit it as part of the record,
25 but he opposes Proposal 05-07.

26
27 To: Statewide Federal Subsistence
28 Council.

29
30 I am writing this letter to be accepted
31 as testimony for the upcoming Federal Subsistence Meeting
32 to be held in Anchorage on May 3-5. I am voicing
33 opposition to a subsistence proposal approve by the
34 Southcentral RAC to provide an extended subsistence moose
35 hunt in GMU Units 15(A), 15(B) and 15(C). The proposed
36 season would run August 10 through August 20 and
37 September 26 through October 15 on all Federal land of
38 the Kenai Peninsula except the Skilak Loop area. As a
39 local moose hunter from the Kenai/Soldotna area I oppose
40 this hunt for the following reasons:

41
42 This hunt would be provided for residents
43 of the subsistence areas of Ninilchik,
44 Seldovia, Port Graham and Nanwalek.
45 These areas either reside in or are
46 adjacent to GMU 15(C), which already has
47 the highest density of moose on the
48 Peninsula. By virtue of their proximity
49 to this moose population they already
50 have an advantage of harvest success.

1 Under this proposal they would be able,
2 and most likely, want to hunt the road
3 accessible area near Kenai and Soldotna
4 on the Kenai National Wildlife Refuge.
5 Those of us that live in the kenai area
6 and depend on our local moose population,
7 would greatly resent others from hunting
8 our area with these types of priority
9 advantages.

10
11 The late season of September 26 through
12 October 15 would catch the animals when
13 they are most vulnerable during their
14 fall rutting period. It doesn't make any
15 sense to harvest these animals when they
16 are the least edible and desirable. This
17 is the biggest single reason why the
18 established season currently ends
19 September 20th.

20
21 I am not against subsistence hunts for
22 people with needs, however, this does not seem to be the
23 case in this instance. This is simply another
24 encroachment by governing subsistence agencies to create
25 and establish a hunt for the sake of having one. It can,
26 however, have lasting detrimental effects on our local
27 Kenai/Soldotna moose populations while leaving
28 populations in the mostly non-Federal areas of 15(C)
29 protected. This does not make any sense for anyone
30 involved and will create hard feelings amongst
31 neighboring Peninsula communities. I would strongly urge
32 you to reject this proposal.

33
34 Thank you for the opportunity to provide
35 testimony on this issue.

36
37 Sincerely,

38
39 Dwight Kramer
40 47083 Belmont Ct.
41 Kenai, AK 99611
42 (907) 283-1054

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. At
47 this time we have three requests for public testimony.
48 Darrel Williams.

49
50 MR. WILLIAMS: Good morning. My name is

1 Darrel Williams, I'm with the Ninilchik Traditional
2 Council. We're the State and Federally-recognized tribe
3 in Ninilchik.

4
5 We would like to see this proposal go
6 through and we would not like to see it deferred until
7 later. After reading over some of the comments and stuff
8 that was presented here, some information that might be
9 useful to kind of help the Board make some decisions on
10 this.

11
12 Specifically what we're looking at is
13 Unit 15(C) that's within the tribal boundaries. We have
14 600 tribal members. And when you look at the harvest
15 ratios from 2003, there was one moose harvested for 42
16 hunters and that makes it really tough for us to meet our
17 subsistence needs. Part of that problem, and I think why
18 the ratios are so low is that there's other subsistence
19 priorities that are going on during this subsistence
20 moose season and that's fishing. And the village of
21 Ninilchik and a lot of the folks there, they depend on
22 the fish to help get them through the winter and be able
23 to meet their needs. We have an educational fishery, the
24 Federal halibut fishery, all of those things apply.

25
26 We would like to see the season, the
27 Federal subsistence season be available early and late,
28 after the season. It would provide a better opportunity
29 for people to be able to hunt and try to harvest meat for
30 subsistence needs.

31
32 There was another issue I'd read about
33 access into different areas, field access to Federal land
34 to exercise the Federal permit. In Ninilchik where we
35 live in 15(C), the corporation lands border the Federal
36 lands on the east side. So essentially for the folks who
37 are working with the tribe and trying to meet their
38 subsistence needs, they can essentially drive to Federal
39 lands to be able to actually go and hunt, which is a very
40 good option for them to be able to exercise.

41
42 Another issue that's been a problem and I
43 think that another reason why the ratio of hunters has
44 been so low, actually getting Federal permits, is that,
45 it's very difficult for a lot of the people who truly
46 need to use a subsistence permit to try to provide for
47 themselves, it's not always easy for them to make a trip
48 from Soldotna -- or from Ninilchik to Soldotna, obtain a
49 permit and be able to go and exercise it. We've tried in
50 the past, we even have contacted the Refuge and suggested

1 that maybe we could help them issue permits for some of
2 the elderly folks who would like to do that and it wasn't
3 an option, it wasn't something that they were willing to
4 -- willing or could help us with.
5

6 So we would not like to see this
7 deferred, we'd like to see it go through. We would like
8 to see the early subsistence season and the late
9 subsistence season be implemented so people can utilize
10 this the best they can. I believe from the information
11 that's provided here, essentially the moose populations
12 have been stable since the 1980s. There is natural
13 succession of the forests and stuff down there. And in
14 the event that there's been fires every year down there,
15 I think that there is going to be adequate habitat in
16 those areas to support the population for this hunt. And
17 I think that would also sustain the bull/cow ratios that
18 seems to be a point of concern to help the management
19 folks be able to meet their needs.
20

21 That's about it.

22
23 CHAIRMAN DEMIENTIEFF: Thank you. Any
24 questions.

25
26 (No comments)

27
28 CHAIRMAN DEMIENTIEFF: Thank you very
29 much.

30
31 MR. WILLIAMS: Okay.

32
33 CHAIRMAN DEMIENTIEFF: Ivan Encelewski. I
34 hope I did that justice. I'm blessed with the name of
35 Demientieff which looks a lot tougher when you look at it
36 on paper.
37

38 MR. ENCELEWSKI: Thank you. My name is
39 Ivan Encelewski, Executive Director of the Ninilchik
40 Village Tribe and lifelong resident of Ninilchik. I
41 testify today in support of Wildlife Proposal 05-07.
42 Furthermore, I strongly oppose the Interagency Staff
43 Committee recommendation to defer this proposal.
44

45 As an adamant supporter of subsistence
46 hunting and fishing, I believe it is incumbent upon the
47 Federal Subsistence Board to adopt this proposal, which
48 was approved by the Southcentral Alaska Regional Council
49 with modification.
50

1 As you know, Title VIII of the Alaska
2 National Interest Land Conservation Act requires that the
3 Secretary of Interior and the Secretary of Agriculture
4 implement a joint program to grant preference for
5 subsistence use of fish and wildlife resources on public
6 lands in Alaska unless the state of Alaska enacts and
7 implements laws of general applicability that are
8 consistent with ANILCA. Clearly the State has failed to
9 meet these requirements under Title VIII of ANILCA,
10 henceforth the Federal takeover on the Federal lands
11 years ago.

12
13 The Interagency Staff Committee to defer
14 this proposal seems contrary to ANILCA by suggestion that
15 they have conservation concerns for a legitimate proposal
16 that was approved with modification by the Regional
17 Council. It appears that the subsistence preference may
18 not be the priority. If conservation concerns were an
19 issue, it would make the most sense to limit non-
20 subsistence hunts in order to live up to the obligation
21 of Section .804 of ANILCA.

22
23 Moose hunting season as currently
24 provided from August 10th to 20th also does not even come
25 close to adequately addressing the subsistence needs.
26 Due to the time of year, the lack of access to Federal
27 lands and the current conflict with other customary and
28 traditional activities. With a membership of over 600 in
29 the Ninilchik Tribe and the resource management of over
30 64,000 acres of our aboriginal land, I've only heard of
31 one moose taken on this -- in our area on this Federal
32 subsistence hunt as currently provided from August 10th
33 to 20th. We have very little access to Federal lands and
34 contrary to some people's belief, we do not generally
35 travel to Soldotna and other further areas to subsistence
36 hunt. The traveling to other areas for hunting is
37 primarily done by sportsmen not by subsistence users.

38
39 The assertion that Unit 15(A) and (B) may
40 be inundated with a super influx of hunters would simply
41 not be true.

42
43 In addition, the Regional Council has
44 already addressed the issues of conservation and
45 concluded that these concerns were not a problem due to
46 the very limited Federal harvest and a State moose season
47 that is already in place for the proposed hunting dates.

48
49 I'd also like to touch on a few other
50 mistruths that seem to be swelling around our proposal.

1 Moose taken from September 26th to
2 October 16th are just as edible any time. The assertion
3 that animals taken during this time are least edible and
4 desirable is not factual. The State season which
5 currently runs through September 20th already includes
6 much of the time when bulls are in rut. The fall rutting
7 period does not taint or hamper the meat as some may
8 indicate. State and Federal governments do not outlaw
9 all hunting of animals when they may be in the rut. As
10 an example with caribou hunting, many bulls are taken
11 during this time and some believe that the meat is just
12 fine with others complaining about the taste. It should
13 be up to the hunter. And as an example, in the taking of
14 moose or caribou, the meat is required to be salvaged.
15 Unlike caribou or other animals, moose do not have this
16 tendency towards a stronger tasting meat during rutting
17 times. I believe the issue of desirable meat should also
18 be left up to the user and should leave the Board out of
19 regulating the taste of subsistence meat as Alaska
20 Natives, some find our consumption of moose, heart,
21 kidneys, headcheese, whale blubber, et cetera repugnant.
22 However, I, would, again, stress the Federal Subsistence
23 Board to stray from the regulation of the taste of
24 subsistence meat.

25
26 I would also like to broach the subject
27 of resentment of hunters. Ninilchik is one of the most
28 viable resources in the world for hunting and fishing.
29 The Kenai Peninsula sees thousands of tourists and
30 visitors who come for halibut, salmon, clams, and game.
31 In addition hundreds of hunters from around the state
32 come to our area to hunt for moose. To those who reside
33 in Ninilchik resent Anchorage, Kenai residents who hunt
34 in Ninilchik, some may, although resentment is not an
35 issue that this Board should be addressing as well. What
36 I feel the Board needs to address is the subsistence
37 needs of the rural communities and the application of
38 Federal law, as outlined in ANILCA.

39
40 In closing, the Federal Subsistence Board
41 should trust the Regional Councils and should be rest
42 assured that the review of conservation concerns is
43 adequate. I conclude that the proponent of this
44 proposal, Ninilchik Traditional Council, only requested a
45 shift in the season and not an additional season.
46 Because simply requesting additional time may have seemed
47 out of the realm of possibilities and may have hurt all
48 the rural needs by not getting the necessary change that
49 we desperately need. The Traditional Council strongly
50 supports the Regional Council's modification of this

1 proposal as well.

2

3 The Staff analysis and recommendation to
4 defer this proposal, I believe, fails in certain
5 respects. They conclude that the State, which the
6 Regional Council matched in their modification is only an
7 inaccessible portion of subunit 15(B). The majority of
8 the subsistence hunt for moose from August 10th to 20th
9 has currently provided is conducted in inaccessible areas
10 and as noted previously we don't subsistence -- users
11 don't have a tendency to travel further distances to
12 Soldotna and other areas to hunt for our game.

13

14 The Staff Committee also did not provide
15 actual numbers of the moose harvested under the current
16 program because they're insufficient to the moose
17 population and maybe hinder the decision. Hundreds of
18 moose are killed each year by automobile accidents and
19 yet subsistence hunters cannot obtain adequate hunting
20 rights that the Federal has mandated.

21

22 I respectfully call on this Board to
23 approve WP05-07, and I thank you for this opportunity to
24 testify.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Any
27 questions. Keith.

28

29 MR. GOLTZ: Yes. I'd like to clarify the
30 record on the issue of travel. When you say that the
31 Ninilchik hunters don't travel, do you mean they don't
32 travel to 15(A)?

33

34 MR. ENCELEWSKI: We don't -- I mean it's
35 not that we don't have transportation, but predominately
36 users in Ninilchik and our people don't, you know, drive,
37 you know, 50 miles or 60 miles, you know, to other areas
38 that they're unfamiliar with and haven't or subsistence
39 hunted in their life. We have had some individuals, you
40 know, that have tried to hunt but, you know, it's very
41 difficult for subsistence users. Subsistence users are
42 generally the users that know, are familiar with the
43 land, familiar with the animals and it's difficult to go
44 to an area, you know, that you're not familiar with or
45 don't understand where all the Federal lands are that you
46 haven't, you know, grown up and, you know, as part of the
47 tribe we have a resource management agreement with our
48 corporation and we have a program, GIS information and
49 it's made very clear to the user on, you know, where the
50 lands are, where Federal lands are, State lands and that

1 kind of stuff. But it's not that they can't travel or
2 don't have transportation to travel but it's the majority
3 of them aren't going to take the opportunity and some
4 have tried but it's been very, very difficult to go
5 somewhere that you're not familiar with of a longer
6 distance to subsistence hunt for moose. And so I guess
7 that's kind of where the majority of the people feel is
8 that it's not that they can't travel, it's just that
9 they, you know, it makes it difficult to hunt in an area
10 that they're unfamiliar with and further away from their
11 home.

12

13 MR. GOLTZ: So is it fair to say that the
14 pattern of use is concentrated on 15(C)?

15

16 MR. ENCELEWSKI: Predominately, I think
17 the pattern of use definitely because the preference is
18 for only the rural communities like Seldovia, Port
19 Graham, Ninilchik and our users are predominately
20 familiar with our area and it makes it very, very
21 difficult, like I say, to have our users who have lived
22 there, a majority of the people have lived there a long
23 time in Ninilchik to go hunt in other areas. And so,
24 yeah, I would say that there's definitely a pattern of
25 generally only, you know, hunting in familiar terms, I
26 guess, or familiar areas. And, you know, it's not to say
27 that they're aren't somebody or a few people or some
28 people that may. But I just believe and feel
29 wholeheartedly that there's not going to be a huge influx
30 of people, you know, using that, or moving to -- or going
31 up to areas, such as 15(A) and (B) from 15(C) where they
32 have to reside.

33

34 MR. GOLTZ: So the familiar area is
35 15(C)?

36

37 MR. ENCELEWSKI: Yeah.

38

39 CHAIRMAN DEMIENTIEFF: Any other
40 questions.

41

42 (No comments)

43

44 CHAIRMAN DEMIENTIEFF: Thank you very,
45 very much.

46

47 MR. ENCELEWSKI: Thank you.

48

49 CHAIRMAN DEMIENTIEFF: Richard
50 Encelewski. Am I getting better? No, oh, okay.

1 MR. ENCELEWSKI: Chairman Demientieff and
2 Federal Subsistence Board, my name is Richard Encelewski.
3 I'm also associated with the Ninilchik Tribal Council. I
4 am the president and the chairman. Also, for your
5 information, I am on the Southcentral Regional Advisory
6 Council. So I was in on the deliberations of this
7 proposal. And I have no written or planned testimony,
8 but I wanted mainly to be here to answer questions, and I
9 wanted to make just a few statements that the Regional
10 Advisory Committee, we debated this and very thoroughly
11 what I thought.

12
13 And big the issue was, you know, getting
14 inundated with too many hunters, especially the 15(A)
15 area. As Ivan had stated, you know, this hunt is for
16 subsistence, it's limited to Seldovia, Port Graham and
17 Ninilchik residents, predominately we hunt the 15(C)
18 area. Even if we were to hunt 15(A) and (B), which I'm
19 sure there will be some hunting, we feel strongly that it
20 would not impact the overall harvest tremendously. And
21 looking at all the conservation issues, we feel very
22 strong that there's not a problem. And if it was to
23 become a problem, I mean, we're reasonable people, we
24 have our own moose program that we manage for Ninilchik
25 Native Association. We run a program for the profit
26 board and we manage all the land in Ninilchik for their
27 resource management. We issue the permits for hunting,
28 we control access, we monitor it, we ensure -- we try to
29 enforce good game practices, et cetera. So we want this
30 to continue for generations to generations and we don't
31 want to just exploit it.

32
33 I'm not going to go on about anything
34 else but I adamantly feel that there's not a problem with
35 this proposal and overharvest of the resource. And I
36 would encourage you to support and pass this proposal.

37
38 Thank you.

39
40 CHAIRMAN DEMIENTIEFF: Thank you. Any
41 questions. Keith.

42
43 MR. GOLTZ: Under your management
44 program, do you keep track of the numbers of moose taken?
45

46 MR. ENCELEWSKI: Yes, Keith, we not only
47 keep track of them but we have everyone fill in where
48 they got the moose, location, the age. We've even got
49 into, Darrel Williams is our resource manager who
50 testified earlier, he actually takes jaws and hoofs and

1 tests the condition of the moose, which I found pretty
2 interesting. You could tell where they live, et cetera,
3 and so we're trying to build some databases to try and
4 substantiate the moose population, the health in our
5 area.

6
7 MR. GOLTZ: Can you give us some idea,
8 the extent of the harvest and where it's located?

9
10 MR. ENCELEWSKI: On the Federal
11 subsistence harvest, as stated earlier, is very minimal.
12 The land is very hard to access. In fact, I'm glad you
13 brought that up because Darrel stated that you could
14 drive to it, well, that's -- you can get close to it, you
15 cannot drive to the Federal area in 15(C), you get fairly
16 close and then you got to hike in, and that's the way it
17 should be, it's a subsistence hunt. We don't have a
18 problem, there's no other Federal land.

19
20 The harvest in the Ninilchik area, I
21 believe, a few years ago was, on the Native land was
22 right in the neighborhood of 30 or 40 moose and it has
23 dropped since then considerably.

24
25 I'd have to check with Darrel actually on
26 our lands what it was, but last year it's been down quite
27 a bit.

28
29 Thank you.

30
31 CHAIRMAN DEMIENTIEFF: Thank you. Any
32 other questions.

33
34 (No comments)

35
36 CHAIRMAN DEMIENTIEFF: As we begin
37 deliberations, and since you are a RAC member, your
38 Chairman can call upon you. We try to be inclusive in
39 terms of when we get to the point of deliberations. So
40 if there are thing that come up, you can speak to your
41 Chairman and, you know, if he chooses to, we will allow
42 you to come back and answer questions, so thank you very
43 much for your testimony.

44
45 MR. ENCELEWSKI: Okay, thank you very
46 much.

47
48 CHAIRMAN DEMIENTIEFF: Michelle Steik.
49 You can correct me if I mispronounce your name, everybody
50 else does.

1 MS. STEIK: My name is Michelle Steik.

2

3 (Laughter)

4

5 MS. STEIK: That's all right, we all get
6 that in Ninilchik. Most people can't even pronounce
7 Ninilchik, so.....

8

9 (Laughter)

10

11 MS. STEIK: I am here to support Proposal
12 05-07. I am a member of the Board of Directors for the
13 Ninilchik Traditional Council. I am also a member of the
14 Ninilchik Village Tribe and I was born and raised in
15 Ninilchik. My father, my grandmother, we go back many,
16 many generations in the area.

17

18 First of all, I'd like to speak to the
19 Interagency deferral recommendation. I believe that the
20 Interagency group not having time is not our problem,
21 that's the Interagency's, you know, issue. Their
22 proposal to defer, you know, made me think, you know, if
23 i went to my boss and said, oh, well, you can't make a
24 decision because I can't get all the facts together,
25 well, that's not valid.

26

27 Second of all, the idea that there would
28 be significant additional harvest, I don't feel is valid
29 either, as has been spoken to before by the previous
30 testimony.

31

32 This later season hunt is much more in
33 line with our subsistence traditions in our area. As
34 stated in written testimony hunting earlier is not as
35 smart as hunting later. You need cooler weather for
36 hunts. You know since I was a little girl and have gone
37 out hunting with my father, we don't go hunting until it
38 starts to frost. It's not cool enough for the meat to
39 keep. There's less waste because the meat doesn't have
40 to be cut quite so much off because it's getting warm and
41 you have to go out and cut and cut and cut off of it. If
42 it's cool it stays well and is -- you don't have to waste
43 quite so much meat. We always have traditionally hunted
44 later, even in the regular harvest season. We hunt later
45 in the season. Which is why we wanted to submit this
46 proposal to have the hunt later in the season it's more
47 in line with subsistence traditional use.

48

49 The argument that meat would be less
50 palatable is not valid. The idea that a moose in rut

1 doesn't taste good. I don't know who decided that, but
2 apparently they didn't learn to hunt the way we learned
3 to hunt. Often times moose are in rut before the end of
4 the regular season and they're taken and it's how you
5 prepare your meat, it's how you make your kill. It has
6 everything to do with the way your kill is done and
7 prepared. We've taken moose in rut before and never had
8 a problem with them being less palatable. So I have no
9 idea where that came from. Apparently they don't know
10 how to hunt.

11

12 Other things that I'd like to speak to.
13 The disruption of the rut I don't feel is valid. Many
14 bulls, as I said, are already in rut before the regular
15 season ends and there doesn't seem to be a problem with
16 that.

17

18 I also don't think it's a valid argument
19 that other hunters would be upset about encroachment on
20 their area or user conflict argument. Ninilchik endures,
21 as was stated before, thousands of world-wide hunters and
22 fishers in our area all summer long. They're already in
23 our area. Come Memorial Day weekend, Ninilchik grows to
24 be the fourth largest city in the state because of the
25 influx of people down there fishing. Do you see us, you
26 know, blocking the road and screaming and carrying on,
27 no, you know, I don't understand how other people would
28 be upset about, you know, what four or five people going
29 to a different area, there's not going to be that many as
30 was spoken to earlier.

31

32 I also wanted to talk about my feeling
33 that we must be given the opportunity to hunt. And as
34 was asked before, how many hunters will be going up to
35 that area, I'm sure there will be a few. I don't think
36 there'll be many. However, the fact remains that we
37 should be given this opportunity to hunt, whether or not
38 we have to travel or not, because it is in line with
39 ANILCA, the Federal law and it's what's most in line with
40 our subsistence and traditional use.

41

42 Any questions.

43

44 CHAIRMAN DEMIENTIEFF: Keith.

45

46 MR. GOLTZ: Under ANILCA, need is not the
47 standard, the standard is customary and traditional use.
48 Can you sum up briefly for the record what the customary
49 and traditionally moose is of Ninilchik?

50

1 MS. STEIK: The traditional and customary
2 use of moose, eating. We would be eating them.

3
4 MR. GOLTZ: Thank you.

5
6 MS. STEIK: Thank you. Actually there is
7 subsistence use of other parts of the moose as well. I
8 know of several tribal members who use the skins. We did
9 an educational hunt last year with a group of our tribal
10 children and I believe -- Darrel managed the hunt but I
11 believe they -- didn't you guys use pretty much
12 everything?

13
14 MR. WILLIAMS: Yeah.

15
16 MS. STEIK: They found a use for
17 everything. Hides, skin, everything, intestines were
18 washed and used for sausage preparation. I mean it
19 varies, you know, family to family. Some families -- I
20 know my father doesn't care for liver, heart or brain,
21 but he has relatives who do and so they go to them.

22
23 MR. GOLTZ: Well, that was an inartful
24 question. I'm concerned about the seasonality of use.
25 When is it customary and traditional to go moose hunting?

26
27 MS. STEIK: The way I have been brought
28 up and taught from my family is that we go after the
29 frost. We don't have big coolers to store our meat in.
30 The meat has to be kept cool while it's hanging so that
31 the meat can cool off and you can process it. And if the
32 temperatures are very warm the meat begins to rot and you
33 end up wasting a lot of the meat which is why we go after
34 the frost.

35
36 Am I answering your question at all here?

37
38 MR. GOLTZ: Yes, you are.

39
40 MS. STEIK: Okay, thank you.

41
42 MR. GOLTZ: But I'm going to have to
43 impose a bureaucratic question. Since we're probably not
44 going to frame our regulation in terms of frost and I
45 know the frost date is variable, but can you, for the
46 record, give us some indication of when, in what month
47 you would customary and traditionally go moose hunting?

48
49 MS. STEIK: Towards the -- generally,
50 just not picking a date it would be probably the last 10

1 days of the regular hunt is when my family goes.
2
3 MR. GOLTZ: So you're talking
4 September.....
5
6 MS. STEIK: 10th to the 20th.
7
8 MR. GOLTZ: Okay.
9
10 MS. STEIK: And that's why we, you know,
11 really recommend that this priority or whatever,
12 subsistence hunt, or whatever, we don't see the point of
13 it being early in the year, earlier than the regular
14 hunt, it should be later. Or as the advisory council
15 recommended, both. My family will be going later.
16
17 MS. GOTTLIEB: Mr. Chair.
18
19 CHAIRMAN DEMIENTIEFF: Yes.
20
21 MS. GOTTLIEB: I was just going to ask,
22 and thanks everybody for your testimony, would the people
23 from Ninilchik also participate in the State hunt seasons
24 and is that land more accessible?
25
26 MS. STEIK: Yeah. I would say, yeah, we
27 all participate in the State hunt as well. And, again,
28 you know, in my family, even on the State hunt we don't
29 go until late in the season.
30
31 CHAIRMAN DEMIENTIEFF: Any other
32 questions. Ralph.
33
34 MR. LOHSE: Mr. Chair. In response to
35 Keith's questions from the speaker, I'd like to ask a
36 question myself. Currently, you say that your preferred
37 time for hunting is from the 10th of September until the
38 20th of September, that's currently under regulations.
39 If you -- I think what Keith was actually asking is if
40 you had your choice when you would hunt or if you were
41 hunting traditionally, when would you hunt?
42
43 MS. STEIK: Oh, if we were hunting
44 traditionally we wouldn't be going by the White man's day
45 calendar, we'd be going by the frost first of all.
46 Second of all, so, picking a date is difficult. We would
47 prefer a hunt that's later, you know, later, just later,
48 you know, when it's freezing, when the ground's frozen.
49 You know, as for what date, there's all kinds of Staff
50 here, I'm sure they could give you a recommendation on

1 when the ground is frozen in Ninilchik.

2

3 MR. LOHSE: Thank you. I think you
4 brought out what Keith was asking and what I wanted to
5 get on the record. From a subsistence standpoint, where
6 you don't have walk-in coolers or you don't have access
7 to the lockers in town and everything else, you'd prefer
8 to get your meat when it's cold enough that you can hang
9 your meat and you're not having to worry about it
10 spoiling so the later the better.

11

12 MS. STEIK: Excellent. Exactly.

13

14 MR. LOHSE: Thank you.

15

16 MS. STEIK: Thank you.

17

18 CHAIRMAN DEMIENTIEFF: Yeah, I think
19 Keith's point in his discussion was also well taken in
20 understanding that that frost date is variable from year
21 to year and I know I heard Keith mention that.

22

23 MS. STEIK: And it is variable, however,
24 you know, to have it 10 days early makes absolutely no
25 sense. There is no way it's going to freeze that early.
26 And if it does, great, but it's -- I don't think that
27 that's going to happen.

28

29 CHAIRMAN DEMIENTIEFF: Okay, thank you.
30 Any more questions.

31

32 (No comments)

33

34 CHAIRMAN DEMIENTIEFF: If you could
35 please shut off your mike because that completes the
36 public testimony. Thank you very much.

37

38 MS. STEIK: Thank you.

39

40 CHAIRMAN DEMIENTIEFF: Appreciate all of
41 your comments. If style points counted, which of course
42 they don't, they'd win the argument just based on their
43 beautiful tribal coats. I had to compliment them earlier
44 before the meeting started, I just noticed them. I think
45 it's part of my wife's training of me finally getting
46 housebroken, and she gets me to notice things that I
47 don't normally pay attention to.

48

49 Regional Council recommendation.

50

1 MR. LOHSE: Thank you, Mr. Chair. As you
2 noticed our Regional Council supported unanimously the
3 proposal as modified to extend the season at the end.
4 And for those that wish to continue the season that they
5 had to begin with.

6
7 We, like it was stated before, we went
8 over and over and over this proposal. Some of the issues
9 that were brought up and some of the issues that I would
10 like to speak to real quick, we'll look at the Staff
11 thing on the effects of the proposal.

12
13 One of the things that keeps coming up is
14 the road accessibility. It says in one statement, it
15 says, large amounts of the hunt area is road accessible,
16 at the same time when we did our studying and looking at
17 it we found out that very little of it was road
18 accessible. There are no ATVs allowed off the road, so
19 there's limited road access.

20
21 We looked at moose cow -- bull/cow ratios
22 and in one of the areas they're looking at, 25 to 100 but
23 they come up with 24 to 100. I don't know I can't count
24 that close when I start counting wild animals. I can't
25 count the legs fast enough to divide by four to come out
26 with that ratio, it just doesn't work very good.

27
28 Conflict between other hunters. It's
29 really interesting that we worry about the fact that they
30 might take an extra moose or two and at the same time we
31 have moose hunting season going on during the same time
32 period. So we couldn't see where that was a problem.

33
34 The fact that you need to, like it says
35 here, in accordance with the Ninth Circuit guidance of
36 the Ninilchik Decision, it's necessary for the Board,
37 before adopting this proposal, to determine on the
38 record, whether or not this 10 day extension would
39 provide a meaningful use preference for subsistence
40 hunters, and yet time after time after time after time
41 the subsistence hunters say that this is what their
42 preference is. So I don't see how you have to determine
43 whether there is a preference when they state that that's
44 their preference.

45
46 The other one that I'm going to speak to,
47 I was really surprised to see it on here, we went through
48 it in our meeting, the idea that the meat is non-
49 palatable during the rut. I hope I never see that on
50 another analysis because there's been testimony to that.

1 That is a, for lack of anything better, I'll say that
2 could possibly be a cultural bias, it could be any kind
3 of bias. Like was pointed out today, an awful lot of the
4 sport hunts are actually planned during the rut, and, in
5 fact, if you go down in the Lower 48 many of them are
6 planned during the rut because it makes the animal more
7 accessible. If I never see that one again I'll be real
8 happy because that one's been thrown up time and time
9 again.

10

11 I think that this hunt is -- the big
12 problem is the what if factor again. What if. What
13 happens if they take too many. What if. You know, it
14 only takes one year, they're not going to wipe the moose
15 out in one year and if there is a problem bring it back.
16 I don't think, from all of the testimony we had that
17 there's a lot of accessibility, and I don't think there's
18 going to be a fear of a large number of animals being
19 taken. It was talked about, you know, how many have been
20 taken under the Federal hunt so far, and we look at it
21 and we see with 33 moose -- 34 moose have been taken, and
22 in the area that they worry about, the Federal hunters
23 have taken two in eight years. If they would double
24 their take it's not going to have much impact.

25

26 So with that I'm going to say that our
27 Council supported the recommendation unanimously and I
28 could not see anybody on our Council supporting deferring
29 it.

30

31 Thank you.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. Staff
34 Committee.

35

36 MR. PROBASCO: For the record my name is
37 Pete Probasco. I serve as the Chair for the Staff
38 Committee. A little difference in procedures here. The
39 Staff Committee felt that it would be more expedient if I
40 were to read each Staff Committee comment into the record
41 and then if I can't answer the questions my colleagues
42 will save the day and provide the right answers.

43

44 As stated by some of the public as well
45 as Mr. Lohse, the Staff Committee is recommending
46 deferring action on the proposal and the Southcentral
47 Regional Advisory Council's recommendations.

48

49 Our very detailed comments are on Page
50 30. Staff Committee has conservation concerns with the

1 Southcentral Regional Advisory Council's recommendation.
2 The number of Ninilchik hunters expected to hunt during
3 the additional three week season recommended by the
4 Council likely will reduce bull/cow ratios in some areas
5 below levels necessary to ensure the first estrus
6 breeding of the cows.

7
8 The areas with good road access,
9 particularly in Unit 15(A) could experience significant
10 additional harvest.

11
12 First estrus breeding is important for
13 good over winter survival, the following years calves and
14 recruitment to the population. The information on
15 expected hunter numbers was not available to the Council
16 when it developed its recommendation.

17
18 Additionally, although, the proponent had
19 not requested additional hunting time, only a shift in
20 the season dates, the Council recommended an additional
21 three week season. The Council did not provide any
22 information to indicate that the existing Federal season
23 length is insufficient to provide for Ninilchik's needs
24 for moose. The primary basis for the Council's
25 recommendation was to match the season dates of an
26 existing State late season limited drawing hunt in Unit
27 15(B). The State hunt occurs in only an inaccessible
28 portion of Subunit of 15(B). Applying those dates to all
29 Federal lands in Unit 15 would have much greater
30 potential effects than if the recommendation were limited
31 to the same area as the State hunt.

32
33 The season dates recommended by the
34 Council were not evaluated in a proposal analysis and
35 were not available for public review. Rather than
36 recommend rejection, the Staff Committee recommends
37 deferral of the proposal in order that the Council can
38 consider more complete information on the potential
39 affects of its recommendation and the public can have an
40 opportunity to comment on the season recommended by the
41 Council as well as other alternatives, which with less
42 adverse impacts that may be identified. This proposal,
43 the season dates recommended by the Council and other
44 alternatives could be discussed at the Council's fall
45 meeting and the proposal or some modification of proposal
46 could be considered in next year's regulatory cycle with
47 full public involvement.

48
49 Mr. Chair.
50

1 CHAIRMAN DEMIENTIEFF: Thank you. Of
2 course, you'll be available if there are questions that
3 come up.

4
5 Department comments.

6
7 MR. HAYNES: Mr. Chairman, I'd like to
8 ask Jeff Sellinger, who is our area biologist from
9 Soldotna to come up and present the Department's
10 comments.

11
12 CHAIRMAN DEMIENTIEFF: I'm sorry, wait,
13 Todd, you had a question of Pete, you get up there to the
14 table.

15
16 (Laughter)

17
18 MR. LOGAN: Thank you. I certainly am
19 sympathetic to the testimony that's been given so far,
20 particularly by the residents of Ninilchik but we do have
21 a number of concerns about the proposal. I am a little
22 confused about the harvest data from Ninilchik overall,
23 and I guess the question I have for you Pete, or other
24 Staff, is what indications are there that Ninilchik
25 hunters are having difficulty harvesting moose? Has the
26 overall harvest over time gone down or what's the
27 situation with that.

28
29 MR. PROBASCO: Mr. Chair. Mr. Logan. I
30 will ask Greg here to assist with the answer to that.

31
32 Mr. Chair.

33
34 MR. BOS: Thank you, Mr. Chair. My name
35 is Greg Bos with the Staff Committee. The information
36 that we had available at the Staff Committee discussion
37 was based on harvest reports by Ninilchik hunters for the
38 years 1999 through 2002 which was the most recent years
39 where we had complete harvest information. That
40 indicated an average of about 40 moose taken by about 180
41 moose hunters from Ninilchik. Most of those moose were
42 reported on the State harvest ticket, relatively few
43 under Federal harvest permits, subsistence permits.

44
45 The Staff recommendation, I think, would
46 give us an opportunity to obtain more recent harvest
47 information as it becomes available, as well as to look
48 back in time a little further to see how the
49 opportunities to continue subsistence uses may have been
50 affected for Ninilchik hunters. And also to look at

1 alternatives that would have less adverse impacts on the
2 moose population, particularly the bull/cow ratios which
3 are at the present time right at the management objective
4 for the Kenai National Wildlife Refuge.

5
6 CHAIRMAN DEMIENTIEFF: Thank you. Does
7 that answer your question?

8
9 MR. LOGAN: Yeah, thank you.

10
11 CHAIRMAN DEMIENTIEFF: Okay. Jeff, I'm
12 sorry I didn't catch your last name, I'm terrible at
13 names.

14
15 MR. SELLINGER: That would be Sellinger,
16 Mr. Chairman. Mr. Chairman. Members of the Board.
17 Thank you for the opportunity to testify in front of you
18 today. This is my first experience in front of your
19 Board here so please bear with me. I'll probably read
20 comments just to expedite things a little bit and then
21 we'll show a few slides after I finish reading some
22 comments into the record. Some of this information has
23 been covered already but we would just like to reiterate
24 some of the points that have already been made.

25
26 We do not -- the Department of Fish and
27 Game does not support the proposal or the proposal as
28 modified by the Southcentral Regional Advisory Council.
29 The original proposal would shift hunting effort into the
30 period that moose are in the rut which could have
31 unintended but adverse impacts on the moose populations
32 in Unit 15. The proposal, as modified by the
33 Southcentral Regional Advisory Council would also provide
34 additional hunting opportunity not requested in the
35 original proposal, and, if adopted, could magnify the
36 types of adverse impacts and conservation issues and
37 concerns to the Department that are described in our
38 comments.

39
40 Moose in Unit 15 begin rutting in mid- to
41 late September getting into the major breeding portion
42 and peaks out in the first week of October. And as
43 adopted or as proposed, the proposal would be potentially
44 impacting the rutting behavior and disrupted if the hunt
45 extends into this period. Additional hunting pressure
46 during the rut would potentially impact future
47 subsistence and recreational hunters in this unit if it
48 had negative consequences on breeding. Most of the Unit
49 15(B) is currently closed to a general season, is only
50 limited participation to hunt with antler restrictions is

1 allowed. Bulls utilize the greatest portion of their
2 body reserved in fat and protein during the rut, which
3 leaves them more vulnerable to overwinter mortality and
4 if they are subjected to additional hunting pressure
5 while in the rut this could be magnified.

6
7 The Department has other biological
8 concerns for GMU 15 moose populations if the modified
9 proposal were adopted.

10
11 The State currently holds five limited
12 drawing hunts that have been mentioned earlier and issues
13 a total of 50 permits for these late season hunts. These
14 are restricted to a relatively remote area in Unit 15(B)
15 east. During the past five years, 1999 through 2003 an
16 average of 36 hunters participated annually in these
17 hunts and harvested an average of 10 bulls per year.

18
19 Hunters are restricted to harvesting a
20 bull with a 50-inch antler spread or three or more brow
21 tines on at least one side. Spike or fork antler bulls
22 are not legal under conditions of the permit and there is
23 no general season for moose in the permit area as there
24 is in the remainder of Unit 15.

25
26 As modified by the Southcentral Regional
27 Council, this proposal would allow moose hunting on all
28 Federal public lands in Unit 15 and allow for the hunting
29 of spike-forked 50-inch or three brow tine moose during
30 the peak of rut. The potential for a relatively large
31 number of hunters to be pursuing moose at this critical
32 time is not recommended. Large areas of Federal public
33 land in Unit 15(A) are accessible by highway vehicle and
34 already receive high hunting pressure during the general
35 season. The spiked-fork 50-inch or three brow tine
36 regulation has been successful on the Kenai Peninsula
37 primarily because some of the legal bulls actually do
38 make it through the hunting season. Exposing these
39 animals to additional hunting pressure especially during
40 the peak of rut when they are the most vulnerable would
41 likely depress bull/cow ratios to a point where all
42 hunting opportunities would have to be reduced.

43
44 Another concern for hunting over large
45 areas during the peak of rut is the potential for
46 disrupting the mating process. Cows are only receptive
47 to mating for a short period of time. If disturbed
48 during this critical period, cows may not breed during
49 their first estrus cycle. And it has been documented
50 that survival of calves conceived during the late estrus

1 breeding is very low compared to those conceived during
2 first estrus breeding.

3

4 The moose populations in 15(A) is
5 declining and should not be open to additional harvest
6 opportunities at this time. The latest available data
7 from November of 2003 revealed that a bull/cow ratio of
8 23 per 100 cows, however, the composition surveys are
9 conducted in the best available habitat and the bull/cow
10 ratio for the entire unit is probably lower.

11

12 Current management objectives for 15(A),
13 (B) and (C) are for post-hunt bull/cow ratios of at least
14 20 per 100. In the past, prior, I've been on the Kenai
15 Peninsula now since 2002 as the area biologists and the
16 numbers stated earlier of the 15 as a general rule, for
17 15(A), (B), and (C) were the previous objectives as the
18 new moose reports become available, we will put those up
19 to 20 which is pretty much the standard for most of the
20 state. So thus the bull/cow ratio in Unit 15(A) is near
21 the minimum objective, and an additional bull harvest is
22 not recommended at this time.

23

24 The moose population in Unit 15(B)
25 currently is believed to be relatively stable, maybe
26 declining slightly. The most recent composition surveys
27 were conducted in November of '96 and revealed a bull/cow
28 ratio of 33 bulls to 100 cows. Incidental flights
29 throughout the area since then suggests that current
30 bull/cow ratios are adequate, at least, in the more
31 remote portion of the unit identified as 15(B) east.

32

33 The current moose population in Unit
34 15(C) is estimated at 2,500 to 3,450 moose and that's
35 from a 2002 census and is believed to be stable to
36 slightly increasing, however, the latest bull/cow ratios
37 which was obtained in 2001 showed a bull/cow ratio of
38 only 19 per 100 which would be below the minimum of 20
39 per 100. An additional harvest pressure on bulls would
40 likely drive this ratio down even further.

41

42 For all these reasons, the Department,
43 again, recommends that the Federal Subsistence Board does
44 not adopt this proposal or the proposal as modified by
45 the Southcentral Regional Advisory Council.

46

47 And if I could get a few slides real
48 quick, I only have a -- I have a couple that I'll show
49 very quickly. This pretty much outlines the area we're
50 talking about. The big border on the left in red is Unit

1 15, to the right of that is Unit 7. The yellow indicates
2 the approximate border of the Kenai National Wildlife
3 Refuge, which is the Federal lands that are under
4 consideration here. The black outlined area now
5 highlighted in green is the current area where the late
6 season permit hunts occur known as 15(B) east. You also
7 notice up in 15(A) the dark black lines that are
8 highlighted there are pretty much the road accessible
9 portions of the unit. One road is known as Mystery Creek
10 Road and it hits the Sterling Highway and heads pretty
11 much along the western bank of the mountain range there
12 and goes all the way up to Chickaloon Flats. The other
13 one in the central portion of the unit is the Swanson
14 River and Swan Lake Roads on the Kenai National Wildlife
15 Refuge. And then in the Northeastern, or excuse me, the
16 Northwestern portion, the road ends but there's a really
17 well utilized four-wheeler trail that runs right up along
18 most of the Refuge lands there.

19
20 In addition to that, just east, and it's
21 not indicated on the map because they're four-wheeler
22 trails and it's pretty much a spider web of trails that
23 lead out of Ninilchik, which is down at the central
24 portion -- just about midway down the map and they go
25 into the Caribou Hills and there's -- I'd say there's an
26 extensive trail system there and a lot of those trails do
27 run right up to the edge of the Refuge there.

28
29 This is just, again, the population data
30 I was telling you about, just showing graphically,
31 bull/cow ratios, 23, 33, and 19 respectfully for 15(A),
32 (B), and (C). The most recent census data.

33
34 And then the permit hunt information for
35 the five permits that occur in the area known as 15(B)
36 east.

37
38 Thank you.

39
40 CHAIRMAN DEMIENTIEFF: Thank you. Keith.

41
42 MR. GOLTZ: I have a couple of questions
43 but I'd like to start with a point that may seem minor to
44 you but is major to us. I notice that your comments are
45 directed to the proposal. The Board doesn't react to the
46 proposal, it reacts to the Regional Advisory Councils.
47 And it's important to understand that those Councils are
48 the engine that drives the system. If you're going to
49 understand why the Federal Board does what it does, you
50 have to understand the Council. And I know it's your

1 first time here but I just wanted to make that point.
2
3 You talk in your comments about high
4 hunting pressure especially in 15(A), what's the cause of
5 that pressure?
6
7 MR. SELLINGER: Through the Chairman.
8 Is it Goltz?
9
10 MR. GOLTZ: Goltz.
11
12 MR. SELLINGER: Goltz, I'm sorry.
13
14 MR. GOLTZ: It's all right.
15
16 MR. SELLINGER: I apologize.
17
18 MR. GOLTZ: It's not the first time.
19
20 MR. SELLINGER: Okay. I think it's just
21 the road -- the relative accessibility of the area being
22 able to access it, a lot of that country by highway
23 vehicle.
24
25 MR. GOLTZ: Have you had a chance to look
26 at -- I assume you have had a chance to look at the Staff
27 analysis?
28
29 In there we have a couple charts, on Page
30 37 we have the subsistence harvest and on the next page,
31 38, we have the recreational harvest. We've only had two
32 subsistence moose in the last eight years so I'm
33 wondering where this pressure, this hunting pressure is
34 coming from? What kind of hunters?
35
36 MR. SELLINGER: Through the Chairman.
37 Yes, I mean I think it's coming from a couple of places.
38 I think a lot or some of the people who are eligible to
39 hunt under the Federal subsistence season currently are
40 harvesting moose under the general State seasons
41 currently in place to some extent. And I believe there
42 also is just an influx of hunters from, you know, the
43 Anchorage bowl, from the local -- there's approximately
44 50,000 residents on the Kenai Peninsula as a whole.
45 15(A) without getting into too much detail, the last
46 significant habitat event on the Kenai Peninsula as far
47 as producing moose habitat occurred in 1969 and the burn
48 is kind of centralized right around 15(A), so that was a
49 very productive area for moose populations for a number
50 of years. It has since outlived that and the habitat has

1 matured and it is not as productive anymore as it once
2 was.

3

4 MR. GOLTZ: So given this situation is
5 the State doing anything to limit the number of hunters
6 to take this pressure off?

7

8 MR. SELLINGER: Through the Chairman
9 again. As I -- if I go back even a little further, prior
10 to that '69 burn, before that really took off, moose
11 populations and bull/cow ratios were depressed
12 significantly, they were down into the single digits
13 throughout most of Unit 15. Since spiked-fork 50 was put
14 into place in the mid-1980s we have seen those bull/cow
15 ratios increase.

16

17 Currently we are at that, we believe
18 right around the 23 per 100 in Unit 15(A), that's in most
19 of the best habitat and we think that that is adequate
20 but we do not want to see that decline further.

21

22 MR. GOLTZ: Well, that's interesting.
23 Now, my question is is the State doing anything to limit
24 the number of hunters to take the pressure off this
25 population?

26

27 MR. SELLINGER: What we have in place
28 currently is our seasons ending on September 20th, that
29 way we believe that the moose population can proceed with
30 the rut and produce enough animals to allow the hunting
31 under the current conditions.

32

33 We do not think that hunting is the major
34 force in driving the population throughout most of the
35 Peninsula. There's habitat concerns.

36

37 If the direct question is, is the State
38 doing anything currently to limit the current hunting
39 that's occurring on the Kenai, the answer would be no, we
40 think that it can sustain the current pressure that we
41 are experiencing at this time, but we do not want to see
42 pressure increase significantly. And by having an antler
43 restricted hunt, we limit the number of animals that are
44 available to harvest.

45

46 MR. GOLTZ: So you're not limiting the
47 number of hunters, but you're opposing a subsistence
48 hunt; is that the position of the State?

49

50 MR. HAYNES: Mr. Chairman, if I might?

1 CHAIRMAN DEMIENTIEFF: Terry.
2
3 MR. HAYNES: The State regulations do, in
4 fact, provide some restrictions on hunters because we do
5 have drawing permit hunts in some areas. We have the
6 antler restrictions and those have worked well. And in
7 conjunction with having the season dates close at a
8 particular time, that helps to protect the moose
9 population.
10
11 I would also like to respond to your
12 question, Mr. Goltz, our comments do address both the
13 proposal and the Regional Council position because both
14 have the effect of providing hunting opportunity in the
15 rut. The original proposal, during the short part of the
16 rut, the Regional Council recommendation farther into the
17 rut, so I believe our comments to address both the
18 original proposal and the Regional Council position.
19
20 MS. GOTTLIEB: Mr. Chair.
21
22 MR. GOLTZ: Well, your.....
23
24 MS. GOTTLIEB: Go ahead.
25
26 CHAIRMAN DEMIENTIEFF: Keith.
27
28 MR. GOLTZ:comments do, in fact,
29 address the RAC's recommendation but they start out with
30 do not support the proposal. And what I'm trying to say
31 is the reaction of the Board is to the recommendation,
32 not to the proposal.
33
34 But I'd like to continue this line of
35 questioning if I can? I'm not sure, unless somebody.....
36
37 CHAIRMAN DEMIENTIEFF: I'm sorry?
38
39 MR. GOLTZ: I can come back to it.
40
41 CHAIRMAN DEMIENTIEFF: Yeah, with that, I
42 think we will.....
43
44 MS. GOTTLIEB: One more question.
45
46 CHAIRMAN DEMIENTIEFF:invite -- or
47 move on to Board discussion, basically that's where we're
48 heading anyway. Jeff, I'd like you to invite you to stay
49 there in case there are questions that come up. And I
50 also want to thank you to point out that I'm not the only

1 one that abuses name, it makes me feel better.

2

3 (Laughter)

4

5 CHAIRMAN DEMIENTIEFF: Okay, with that I
6 think Judy and then Paul.

7

8 MS. GOTTLIEB: Thank you, Mr. Chair. And
9 maybe Terry or Jeff, I'm looking at the State hunting
10 regs and maybe I'm not quite reading them right on Page
11 78, but it does look like some of the hunts do extend
12 further into the fall than we've been talking about. So
13 maybe you can explain that please.

14

15 MR. SELLINGER: Yes, through the Chairman.
16 Member Gottlieb. Which hunts in particular were you
17 considering, we do have a number of permit hunts in the
18 15(B) east and then there is another permit hunt known as
19 DM-522, which occurs as -- the regulations you are
20 looking at it should be October 20th through November
21 20th, that has been changed at the last Board meeting
22 though to November 10th through -- or October 10th
23 through November 10th.

24

25 We do have a limited number of hunts.
26 Those are under a drawing permit system, where we limit,
27 again, for the late season portion, we limit that to 50
28 permittees and that's what one of the charts I was
29 showing you was, that of those 50 permittees on an
30 average, over the last five years, 36 people per year
31 have participated in that hunt but there is no general
32 season in that area. So the only moose hunting that
33 occurs is either through the Federal Subsistence Program
34 or the late season -- or the permit hunt system. And
35 under the permit system, it's only the 50-inch bulls or
36 three brow tine bulls and the spiked-forks are not
37 included in that hunt.

38

39 MS. GOTTLIEB: Thanks. But it does go
40 into the late fall or into October?

41

42 MR. SELLINGER: Correct. Five hunts in
43 that area. The hunt -- the season dates are September
44 26th through October 15th.

45

46 CHAIRMAN DEMIENTIEFF: Paul.

47

48 MR. ROEHL: Thank you, Mitch. And that
49 brings up my question. You mentioned a few times that
50 the State is really concerned about the impact of the

1 breeding stock on the recruitment ratios, if you will,
2 yet, you allow these late hunts which are in the rutting
3 season and that borders on hypocrisy.

4
5 MR. SELLINGER: Yes, through the Chairman.
6 Is it Mr. Roehl -- Member Roehl.

7
8 MR. ROEHL: (Nods affirmatively)

9
10 MR. SELLINGER: Okay, thank you. Those
11 hunts have been occurring, I believe they were generated
12 in the early or mid-70s is when that hunt -- mid to late
13 '70s is when those hunts were initiated. They have been
14 occurring since that time, it seems to be working as far
15 as overall moose management on the Kenai.

16
17 The reason that, I believe, it has
18 continued to work is there's a couple factors. One, is
19 there's no general season there and there's a very
20 limited regulated hunt for a limited number of people to
21 access that area, which large portions of it are
22 difficult to access. Most people who go in there and get
23 into that unit where those hunts do occur, go in by
24 horseback. There's very limited lake areas to land in
25 there with aircraft. There are a few lakes that kind of
26 hit the periphery of that hunt area. You have the coast
27 of Tustamena Lake and Skilak Lake that touch on the edges
28 of a couple of the hunt areas. Most of the good hunting
29 is up on the bench land, so you have to access that by
30 horseback. Again, only about 10 animals are being taken
31 out of there.

32
33 You know, I'll stop there.

34
35 CHAIRMAN DEMIENTIEFF: Okay. Todd, and
36 then Wayne.

37
38 MR. LOGAN: Thank you, Mr. Chairman.
39 This proposal almost exclusively affects the Kenai
40 National Wildlife Refuge and we do have Refuge Manager
41 Robin West here today, and I have several questions for
42 him, if I may.

43
44 CHAIRMAN DEMIENTIEFF: Go ahead.

45
46 MR. LOGAN: Robin, I guess the first
47 question I have for you, is, can you explain a little
48 more clearly the Refuge goals for bull and cow ratios and
49 where they stand today?

50

1 MR. WEST: The Refuge, I think it was
2 stated earlier in the Staff comments has a general goal
3 of 25 bulls per 100 cows and 40 bulls per 100 cows in
4 some special areas. Overall, we're generally at or below
5 those numbers. And overall on the Kenai National
6 Wildlife Refuge we have a stable to declining moose
7 population.

8
9 MR. LOGAN: Then, I guess, as a second
10 question for you, Robin, is so what effects then do you
11 see that this proposal having on the moose population and
12 also on both subsistence and non-subsistence users if
13 this recommendation is adopted?

14
15 MR. WEST: Well, I guess I'd like to step
16 back just for a second and I'll answer the question.
17 First, I'm very sympathetic to the desire to hunt later
18 in the year. And I think that trying to understand the
19 Staff Committee recommendation for deferral to -- I need
20 to personally apologize for not being more active with
21 the RAC on this particular recommendation. We saw the
22 proposal in question come in that had for a, you know, no
23 additional hunting time was proposed, it was taking 10
24 days off the early part of the season to hunt a little
25 later instead of starting August 10th, to go ahead and
26 start August 20th, and then instead of ending on
27 September 20th, end September 30th, I believe that the
28 Department's recommendation and the Refuge recommendation
29 and the Staff Committee's recommendation on the proposal
30 was oppose because of overall concern on conservation and
31 interfering with the rut.

32
33 And so I was a little perplexed when we
34 saw the recommendation from the RAC come forward that
35 actually has a three week peak rut season in addition to
36 that, clearly in my mind, the recommendation should have
37 been opposed for conservation reasons.

38
39 However, you know, my apology is because
40 we were not involved in that process and we should have
41 been there, we saw the original proposal, and I kind of
42 equate it to a flashing yellow light, you know, with
43 meeting our conservation objectives where the
44 recommendation that came out is more of a red light.
45 Indeed there's some uncertainty on how much participation
46 there might be but in principle, looking at hunting
47 during the rut, even a relatively few number of hunters
48 can disrupt quite a bit of hunting activity or rutting
49 activity and I believe as was spoken to earlier cows are
50 only receptive for perhaps 24 hours and if the bulls that

1 have those harems formed are taken or disrupted and the
2 cows aren't bred then it's approximately a month before
3 they're receptive again and when they're bred at that
4 point in time then the cows are born late -- or the
5 calves are born late, excuse me, and go into the winter
6 in weak condition and it can be very, very measurable
7 effects on calf survival.

8
9 And just as a matter of management over
10 time, we can look at our own Federal subsistence
11 regulations and see that these kinds of hunts are
12 extremely rare. I don't believe they occur anywhere else
13 in the Federal subsistence scheme in Southcentral or
14 Interior Alaska. I did notice a few in Southeast and I
15 don't know their history. But we have real concerns
16 about hunting during the rut. And so I guess the
17 proposal or the recommendation for deferment recognizes
18 that Staff didn't participate in the process as much as
19 we should have and that's our fault, and I certainly
20 would recommend that that's what we do is that we do
21 defer and work with the Regional Advisory Council on
22 looking at what the need is for additional opportunity or
23 preference. And if it's determined there is additional
24 need for opportunity or preference then look and see how
25 that might be offered. And in a condition where we have
26 a very heavily hunted moose population that's generally
27 in decline.

28
29 And in fact, again, looking at what we
30 see elsewhere around the state, there are late seasons,
31 post-rut that are, you know, split seasons that have been
32 entertained and successfully implemented elsewhere, and
33 so perhaps something like that would make more sense here
34 too, is an early season and then a post-rut season. But
35 I don't want to go there, necessarily, but, you know,
36 certainly there's other options and that's what I would
37 invite the Board to entertain now, is that we take a
38 longer look at this.

39
40 Thank you, very much.

41
42 CHAIRMAN DEMIENTIEFF: Mr. Regelin, and
43 then Keith.

44
45 MR. REGELIN: Thank you, Mr. Chairman.
46 I'd like to make a few comments.

47
48 I think that we shouldn't get hung up on
49 the late seasons that the State has in 15(B) east. You
50 have to realize that they've been in existence for 40

1 years and we have those seasons or that special hunt up
2 there to provide a quality hunting experience with high
3 expectation of taking a large bull. It's limited to 50
4 hunters a year, about 40 go in a huge area and we harvest
5 about 10 moose a year. And nobody can get in there
6 without going in by horses. There might be an aerial
7 access, but it's primarily going in either with a very
8 long walk or with horses. And I don't think that that
9 has anything to do with areas that accessible by road and
10 they shouldn't be, you know, considered the same thing.

11
12 I think you have to realize that under
13 State rules and regulations, most of the Kenai is a non-
14 subsistence area, so our Board doesn't go to extreme
15 lengths or does not provide opportunities for subsistence
16 hunts in this area. But, in fact, in the Ninilchik area
17 the data show that the vast, vast majority of moose that
18 are harvested are taken in the State season and
19 everybody's eligible to take them there. But I guess I
20 took exception to the idea that expressing a conservation
21 concern about hunting during the peak of the rut on a
22 highly accessible road area, you know, we're being
23 hypocrites because we're concerned about that.

24
25 That's just -- you know, I'm not going to
26 be afraid to express conservation concerns because
27 somebody makes a false accusation.

28
29 CHAIRMAN DEMIENTIEFF: Thank you. Any
30 other discussion, go ahead.

31
32 MR. ROEHL: Yeah, I didn't actually call
33 you a hypocrite Mr., I didn't get your last name, I said
34 the allegations of allowing late hunts border on
35 hypocrisy.

36
37 You know, anybody that's hunted moose
38 knows that moose aren't sedentary, unlike some of us,
39 they actually migrate from place to place and so the
40 moose that you harvest in these special access areas
41 where people who are well to do enough can afford a horse
42 or an airplane can hunt these special moose -- this moose
43 in this area. So that's my rebuttal.

44
45 Thank you.

46
47 CHAIRMAN DEMIENTIEFF: Thank you. Keith.

48
49 MR. GOLTZ: I'd like to clarify your
50 testimony concerning just the conservation concerns. As

1 I listen to you you seem to be assuming that everything
2 else would stay in place. Would you have the same
3 conservation concerns if we took off all these other
4 hunts and just stuck with the subsistence hunt?

5
6 MR. WEST: I think that, you know,
7 there's a diversity of options you could manage moose by
8 on the Kenai and the basic principles right now of
9 managing for spiked-fork bulls and not hunting any
10 significant way during the rut allow maximum opportunity.

11
12 Clearly in the past there have been
13 opportunities to take antlerless moose that are no longer
14 there primarily because of changes in habitat and road
15 kills, several hundred moose are killed on the roads each
16 year. There's all kinds of models you could put
17 together.

18
19 But with that said, hunting during the
20 rut and disrupting the rut and causing additional second
21 estrus calves to be produced is just basically bad
22 conservation and ends up in wasted moose.

23
24 MS. GOTTLIEB: Mr. Chair.

25
26 CHAIRMAN DEMIENTIEFF: Judy.

27
28 MS. GOTTLIEB: Thank you. Thanks, Robin,
29 for coming here today. Maybe a little bit of a follow up
30 to Keith. I mean you said that this is a heavily hunted
31 moose population and in decline and yet the subsistence
32 take has not been that high. I guess maybe one thing
33 we'll grapple with later is that people from , you know,
34 are no doubt are hunting under State system now, if we
35 were to change the Federal system, it may not make any
36 difference in the number of moose taken.

37
38 But my other question had to do with a
39 comment that was also made earlier about the difficulty
40 of people in obtaining the permit from the Soldotna
41 office, and I wondered whether it might be possible to
42 explore other options or other locations. I mean you
43 have offices in Homer, perhaps, which would be a little
44 bit closer to Ninilchik that people might be able to get
45 permits.

46
47 MR. WEST: Yeah, to my knowledge we also
48 issue permits in Homer so, you know, it's a 45 minute
49 drive one way or the other to Soldotna or Homer to get a
50 permit.

1 CHAIRMAN DEMIENTIEFF: Ralph.

2

3 MR. LOHSE: Thank you, Mr. Chair. Well,
4 this is the same kind of things we ran into when we were
5 doing it at the RAC meeting and I've just got a couple
6 comments or a couple questions.

7

8 One of the things we've heard right now
9 is that hunting isn't the major force driving the moose
10 populations down on the Kenai Peninsula. That we don't
11 need to limit the amount of hunters hunting because the
12 antler restrictions are sufficient to provide for the
13 moose. Now, it's been added to that, as long as it's
14 closed during the breeding season. My question would be,
15 do moose under 50-inches breed with much success or not
16 or do we have to have the few that are left over 50-
17 inches? And the other question is how long does it take
18 for the bulls that are on the edge of the harem to take
19 over if the boss bull is shot? And I don't think it
20 takes very long from what I've seen.

21

22 The other one that's gotten me that we've
23 gone back and forth and we say it doesn't really apply
24 here but it applied in our discussion when we did it as a
25 RAC. Because of, and I'll use the word, appearances, but
26 because of also the way we viewed hunter opportunity, if
27 there's other hunter opportunity going on, now we heard
28 today that a relatively few number of hunters can disrupt
29 the breeding operation if they take place during the
30 breeding season, yet, we've heard that for 40 years we've
31 had a hunt that takes place during the breeding season
32 and hasn't had any disruption. That to me, and we can
33 say it relatively few numbers, 35 hunters, 37 hunters, 38
34 hunters, well-heeled enough to get in there, be able to
35 cover the country and everything else but they don't
36 disrupt the breeding, but a relatively few number of
37 hunters can disrupt the breeding in other places. And we
38 have no idea how many hunters we're even -- you know, how
39 many hunters are going to take place in this. We have
40 our usual assumption that if something like this happens,
41 we're going to have a disastrous number of hunters taking
42 part in this Federal hunt. And yet my biggest objection
43 to a lot of the Federal hunts that we've ended up working
44 to set up is nobody participates.

45

46 I can remember some other hunts in Unit
47 -- in Southcentral that we worked to get because it was
48 important to people to have and then in the end the
49 amount of people that took part in it and the amount of
50 animals taken in it were negligible, but we always sit

1 there with the what if factor, the fear of what could
2 happen and we look at the worst case scenario. Like I've
3 said before and like the members of the Ninilchik Council
4 said, if it turns out there is a worst case scenario and
5 more people go than it can handle, number 1, they're not
6 going to take that many in one year, we can always
7 revisit, we can always rewrite a regulation.

8
9 But in the meantime, all of these kind of
10 conflicts is what came before us. Just like the conflict
11 on the road, today, I've just now heard that it's really
12 road accessible but when we had our meeting and we talked
13 to people that were there, we found out that the road
14 accessibility really isn't that accessible.

15
16 How do you deal with that? Where do you
17 find, you know, is this going to have a conservation
18 impact of great enough magnitude that we can't try it?
19 And if we do try it, what's the worst case scenario, that
20 we have to come back and revisit it and change our minds?

21
22 Thank you.

23
24 CHAIRMAN DEMIENTIEFF: Thank you. Any
25 other discussion. Todd.

26
27 MR. LOGAN: Well, Mr. Chairman, I think
28 this discussion has been very helpful to me and others
29 and I, in no way want to, in any way try to cut off
30 discussions, but I am prepared to make a motion when you
31 feel it's appropriate.

32
33 CHAIRMAN DEMIENTIEFF: I think
34 everybody's basically had their comments. But before you
35 make a motion, let me just point out the fact that once
36 we get to the motion it's the Board members that are the
37 ones that are going to discuss, however, Board members
38 are free to call upon other people as discussion
39 progresses, but it must be a Board member that does call
40 upon somebody if they want additional information.

41
42 Go ahead, Todd, we're ready for a motion.

43
44 MR. REAKOFF: Mr. Chairman.

45
46 CHAIRMAN DEMIENTIEFF: Yes, go ahead,
47 Jack.

48
49 MR. REAKOFF: I'd like to make a couple
50 comments before you go into deliberation.

1 CHAIRMAN DEMIENTIEFF: Go ahead.

2

3 MR. REAKOFF: I've listened to this
4 deliberation and the State's stated that a post-hunt, or
5 a post-rut hunt would be palatable for subsistence, I
6 distinctly disagree with that. The post-October bull
7 moose hunt, those moose are no good to eat, and so we've
8 had this discussion in our region for December moose
9 they're not palatable, they're beat up, bruised, protein
10 deficient, and so I don't agree with that as an
11 alternative to this proposal.

12

13 I begin hunting moose when the flies quit
14 laying eggs on the meat and that's usually on the 10th or
15 the 15th of September, I don't know about this country.
16 That's a huge consideration is cool weather as to keeping
17 meat and so forth.

18

19 I felt that I should interject those into
20 this deliberation because those have bearing on this
21 proposal and I appreciate your work here.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. Todd.

24

25 MR. LOGAN: Thank you, Mr. Chairman. I
26 would like to move to defer action on Proposal 07, which
27 is contrary to the recommendation of the Southcentral
28 Regional Advisory Council.

29

30 I'll say that what I think I've heard
31 today is a lot of sympathy and interest in the original
32 proposal which was to move hunting to a later period, but
33 I think that the Council's recommendation is a major
34 expansion and change from the original proposal and I
35 think there's probably been as many questions raised as
36 there has been issues answered. I heard the Kenai Refuge
37 and others be prepared to work closely with the Council
38 to try to fine tune this proposal.

39

40 And for that reason I will say that I
41 will move to do a deferral of this.

42

43 CHAIRMAN DEMIENTIEFF: Is there a second
44 to the motion.

45

46 MR. OVIATT: I'll second.

47

48 CHAIRMAN DEMIENTIEFF: Yeah, as far as my
49 comments go. I speak against the motion to defer. I
50 support the Regional Council recommendation. While I

1 recognize that it is a work in progress, but the comments
2 by Ralph, the comments by the representatives from
3 Ninilchik, I know to be a fact, I mean I've lived it,
4 when I can think, you know, very many people who don't
5 have freezer resources or space depending on how
6 successful the salmon season was. 1967 during the flood,
7 it was mid-August, it was the end of September before
8 people got their homes ready for the winter and could go
9 hunting and nobody had freezers or very few people did
10 because we lost them in the flood. We hunt moose
11 whenever a funeral comes up and I do know that some
12 people just don't -- that's not everybody. I don't think
13 the impact on the resource is going to be that
14 significant because many people are going to go hunting
15 early that have the resources and the capabilities to
16 keep their meat. It's labor intensive when you have to
17 hunt early.

18
19 And also I do know that hunting moose in
20 the rut, I think, as Chairman Ralph pointed out, there
21 are lots of bulls, why do you think they're fighting,
22 that are, you know, they lose one, there's lots of bulls
23 that are ready to move in and do the job that's
24 necessary. That's been my, somewhat more than casual
25 observation.

26
27 So the caring for meat in the rut, we
28 call it the run at home, you know, the rut, I'm just
29 trying to keep with the lingo that we're using with
30 regard to this issue, it's a special kind of caring that
31 you have to give to keep that meat but people know how to
32 do that that have done it, they know how to care for the
33 meat. Simple little things like you keep the skin away
34 from the meat as you're skinning it out. There's just
35 ways to do it, and it's perfectly good meat in the time
36 period that they're talking about in the proposal and
37 consistent with the RAC recommendation.

38
39 So even though I understand that it's a
40 work in progress, I don't intend to vote for the motion
41 for deferral, I'm ready to go with the RAC
42 recommendation. I appreciate all of the input that
43 people have had in this and I think it, again,
44 demonstrates the fact that we do, do diligence as far as
45 working these issues.

46
47 MR. ROEHL: Thank you, Mr. Chairman. The
48 continuity of the species seems to be a key part of the
49 testimony of several testimonies we've heard this
50 morning. I also liked Ms. Steik's testimony saying that

1 August 10th is too early, it's too hot, you lose a lot of
2 meat to spoilage. The hunt in the Bristol Bay region
3 which is where I'm from begins on August 20th and that
4 seems to be the opportune time to begin a hunt.
5

6 So I'm highly in favor of the shift of
7 the hunting season from August 20th to ending September
8 30th. I don't like the idea of having these late hunts
9 or special hunts so that's where I'll be voting today,
10 Mr. Chairman.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. Todd.
13

14 MR. LOGAN: Yeah, if I just may add that,
15 you know, the recommendation on the table is a major
16 expansion of the current -- what's currently permitted
17 and to do a major expansion and say, well, let's just see
18 what happens and maybe fix it a year later, I guess I'm
19 just very uncomfortable with.
20

21 I have heard significant conservation
22 concerns with the recommendations expressed by both State
23 and Federal biologists. At the same time I have not
24 heard an absolute unwillingness from a biological
25 standpoint to look for opportunities to shift hunting
26 later in the season. But I don't think this current
27 recommendation on the table represents much more than
28 that. I think the benefit of deferring of this is,
29 indeed, to allow the additional dialogue and fine-tune
30 and work towards and see what sort of acceptable later
31 hunting opportunity might be able to be created.
32

33 This is not to avoid the issue, I think
34 it's to fine-tune it and make it more appropriate and I'm
35 sure we will work as quickly as possible to see if we can
36 accommodate those primary interests that were identified
37 in the original proposal.
38

39 MS. KESSLER: Mr. Chair.

40
41 CHAIRMAN DEMIENTIEFF: Yes.
42

43 MS. KESSLER: I'm entirely sympathetic to
44 the desire to want to move the season back, I mean it
45 makes perfect sense to want to hunt when it's cool, and
46 for a lot of reasons. But what's also come clear here is
47 it's not that simple to change one thing, there are a lot
48 of different factors discussed.
49

50 My take on it is that probably if what

1 I've read and heard about, the climate trend is going,
2 we're going to be seeing more and more of this type of
3 need come up and request. And seeing as that one of the
4 concerns was a conservation concern is important as well
5 in this discussion.

6
7 So I think the prudent thing to do is to
8 defer so that all of the factors can be looked at more
9 carefully, and there are probably a lot more
10 opportunities. This is one option to, quote, solve the
11 problem, but there's probably a lot more options and
12 adjustments that would be worthy of looking at. And at
13 the cost of one more year I think that's the prudent
14 thing to do.

15
16 CHAIRMAN DEMIENTIEFF: Yes. And I just
17 want to remind the Board that we do have in-season
18 managers if there is, again, it's speaking against the
19 motion to defer, we do have in-season management
20 capabilities. That, you know, managers can close
21 seasons, so that is a tool that's not necessarily for a
22 year, it can be done in the season, and, you know, it's
23 something that we use. So, again, I'm just speaking
24 against the motion, that's all.

25
26 Go ahead, Judy.

27
28 MS. GOTTLIEB: Thank you, Mr. Chair. I
29 guess while the motion is to defer the action on the
30 proposal, the Regional Council's recommendation was not
31 to move back the early start of the season and so that's
32 what I thought we were talking about, deferring, and
33 while very few people seem to use that early part of the
34 season for all the reasons mentioned, some people did, in
35 fact, take moose during that early time and I think
36 because of our past legal history it would be important
37 for us to maintain that early open season as a meaningful
38 preference.

39
40 I guess my second question or observation
41 might be because of the Ninilchik testimony and the RAC
42 comments, the difficulty of access, it would seem and it
43 seems from the charts that most likely people from
44 Ninilchik and the other eligible communities would be
45 using 15(C) the most, and so maybe there's some
46 compromise language that might just address that part of
47 the Refuge and maybe Robin can review the numbers for us
48 again on how the ratios work in that part of the Refuge,
49 please.

50

1 MR. WEST: Well, if I can, Judy, I'll
2 pass out a map for the Board just to look at.

3
4 Thank you.

5
6 (Pause)

7
8 MR. WEST: The map that the Board is
9 receiving generally shows the Kenai Peninsula, the Kenai
10 National Wildlife Refuge, also has highlighted that
11 permit hunt area that was discussed earlier and even
12 though it's fine and difficult to look at, shows the
13 roads and trails and so forth around the Refuge. And,
14 indeed, the northern part of the Refuge 15(A) where our
15 biggest conservation concern is for moose and declining
16 habitat and population, is the most heavily used by
17 hunters because of its accessibility. And we have the
18 Sterling Highway, Mystery Creek Road, Swanson River Road,
19 Funny River Road, Swan Lake Road, all that bisect (ph)
20 most of 15(A) and parts of 15(B).

21
22 So really to answer your question, Judy,
23 the 15(C) is really not road accessible at all. And it
24 also is where the moose population is doing the best,
25 it's stable to increasing in that part of the Refuge.

26
27 CHAIRMAN DEMIENTIEFF: Thank you.
28 Further discussion on the motion.

29
30 (No comments)

31
32 CHAIRMAN DEMIENTIEFF: Hearing none, then
33 all those in favor of the motion to defer signify by
34 saying aye.

35
36 IN UNISON: Aye.

37
38 CHAIRMAN DEMIENTIEFF: Those opposed,
39 same sign.

40
41 MR. ROEHL: Aye.

42
43 CHAIRMAN DEMIENTIEFF: Aye. The motion
44 to defer carries.

45
46 Anyway, and I think it was amply pointed
47 out by some of the Board members in discussion that this
48 is a work in progress and we will revisit this again.

49
50 Well, I spoke my peace, where I wanted to

1 go, I wanted it to go but we're -- we shall defer and we
2 will continue to work on this.

3

4 That completes our work in Southcentral.
5 There were a couple of little things that I wanted to
6 mention. We are going to take a break here. There are a
7 couple of little things I wanted to mention that I forgot
8 to in my opening remarks, and, that is, to compliment the
9 Staff for all their hard work in getting us set up and
10 getting our material to us in time for us to prepare and
11 actually even before the material got to us we were in
12 touch with different Staff that were verbally making us
13 aware, so kudos to the Staff, I really appreciate it.

14

15 Also, Chairman Littlefield, two weeks ago
16 my wife and I were in Sitka. I gave a keynote address --
17 I gave actually a couple of speeches there and the hard
18 work that the Sitka Tribe, it was a tribal leaders
19 conference from really all of Region 10 [sic], and we so
20 much enjoyed the trip. We had three of our children go
21 to school at Edgecumbe and one of my daughters graduated
22 with her bachelor's degree from SJ, so, of course we've
23 been there many times, but they did a remarkable job in
24 that conference, and it was just a lot of fun for us to
25 go and I didn't want to be amiss in pointing that out
26 because they gave me half hour to speak and I jokingly
27 told them, in the keynote address, I said, hey, I'm not
28 Tlingit, I can't talk for a half hour.

29

30 (Laughter)

31

32 CHAIRMAN DEMIENTIEFF: And we timed the
33 speech at the end, I actually talked for 45 minutes.
34 Okay, anyway with that, we'll just take a break. I just
35 wanted to point those things out, I was amiss.

36

37 (Off record)

38

39 (On record)

40

41 CHAIRMAN DEMIENTIEFF: Procedurally
42 sometimes we make mistakes, we get -- I know I was
43 involved in the discussion and busy preparing my remarks,
44 it's not something that stops the process but we do have
45 two new members on the Board first time serving here.
46 Procedurally, we should have moved the Regional Council
47 recommendation to get that on the table, and then a
48 subsequent motion to defer after that would have been in
49 order. Like I said, it's not going to stop the process,
50 but it will -- that's how we will do it, we'll make sure

1 we do diligence, that we get the Regional Council
2 recommendation on the table and take subsequent action
3 after we address the concerns on why we're not going with
4 the RAC recommendation.

5
6 So it's just something, I was too
7 involved and sometimes when we're starting out these
8 meetings, it takes us a little while to get going with
9 our normal procedures, but that is the procedure, that's
10 how we will be doing it from here on out, we will go with
11 the -- get a RAC recommendation on the table and then
12 we'll go from there.

13
14 So I just wanted to point that out.

15
16 Let me see, that, again, completes our
17 work in Southcentral.

18
19 Bristol Bay is -- and anyway, I wanted to
20 follow up and Keith pointed that out to me that we've
21 been working on Unit 2 deer and we've got it on the
22 consent agenda from Southeast, you know, after working on
23 it for a couple of years, two or three, or I don't know
24 how many years.

25
26 MS. GOTTLIEB: It's been more than that.

27
28 CHAIRMAN DEMIENTIEFF: Yeah. Anyway,
29 but, you know, there it is, they worked out a compromise,
30 so I just offer that to Chairman Ralph, that, you know,
31 sometimes these works are in progress but the system
32 works when people stay at it. So I'd just offer that as
33 follow up encouragement to the other encouragement that I
34 gave at the end of the thing, so it does work and I
35 didn't really look at the -- I don't, sometimes, pay a
36 lot of attention to some of these things when we're
37 starting out but I thank Keith for pointing out the fact
38 that Unit -- reminding me that Unit 2 deer was on the
39 consent agenda.

40
41 So anyway, Bristol Bay is not on --
42 everything is on consent.

43
44 The next one will be Proposal No. 11, YK-
45 Delta, Unit 18 moose.

46
47 Go ahead, Staff analysis.

48
49 MR. DEMATTEO: Mr. Chair, Proposal WP05-
50 11 was submitted by the Yukon-Kuskokwim Delta Regional

1 Council and this proposal would create a Federal
2 Controlled Use Area for all moose seasons in the Lower
3 Yukon River drainage, Unit 18.

4
5 The proposal was submitted due to local
6 concerns of aerial moose spotting by lower Unit 18 moose
7 hunters who fly from the lower drainages of Unit 18 to
8 the lower portion of the Yukon River. Local residents
9 have reported observations of lower Unit 18 residents
10 spotting moose from privately owned aircraft in the Lower
11 Yukon River with the intent to locate moose for harvest.
12 Local residents favor additional access restrictions for
13 Federally-qualified subsistence users who access the
14 Lower Yukon River by privately owned aircraft during
15 the Federal moose seasons. Residents within the proposal
16 area feel that spotting moose from an aircraft creates an
17 unfair advantage over rural users who do not practice
18 this method of locating moose.

19
20 Mr. Chair, on Page 78 of your Board book
21 there's a map which shows the proposal area and I am told
22 by Council Chair Harry Wilde that that is in error. A
23 corrected map was passed out to you just now, you should
24 have it, it's a two-page handout and on the second page
25 is the corrected map showing the correct proposal area in
26 the upper left-hand corner of the map.

27
28 If this proposal were adopted it would
29 affect residents of Unit 18 and also residents of Upper
30 Kalskag. A review of the most recent population data
31 does not reflect the need for additional regulatory
32 restrictions. The current total moose population
33 estimate for the proposal area is approximately 674
34 moose. Also current harvest rates for the affected area
35 do not reflect the need for additional regulatory
36 restrictions. Total moose take in Unit 18 by fly-in
37 hunters will not adversely affect the sustainable moose
38 population or the local opportunity to harvest moose.
39 The total reported harvest for the proposal area by Unit
40 18 residents from the period 1996 through 2002 was a
41 total harvest of 268 reported moose which is an annual
42 average harvest of 38 bull moose per year.

43
44 Mr. Chair, if this proposal were adopted,
45 the proposed change would restrict access for Federally-
46 qualified subsistence users who utilize privately owned
47 aircraft to access the proposal area for the purpose of
48 hunting moose during the Federal seasons.

49
50 The proposed regulation change would

1 prevent qualified users from accessing traditional hunt
2 areas in the Lower Yukon River drainage of Unit 18 via
3 privately owned aircraft. Impacts from the lower Unit 18
4 fly-in hunter are not adversely affecting the
5 sustainability of the moose population.

6
7 Also the proposal fails to meet the
8 criteria for the establishment of a Controlled Use Area.
9 The affected area lacks the moose population concerns
10 that would warrant the need for additional access
11 restrictions. Also the current harvest levels reflect
12 the local residents are meeting their subsistence needs,
13 therefore, additional access restrictions would not
14 address their stated concerns.

15
16 The Board has not established any Federal
17 Controlled Use Area during the existence of the Federal
18 Subsistence Management Program, however, Federal
19 subsistence regulations parallel Controlled Use Area
20 restrictions that are established by the Alaska Board of
21 Game.

22
23 Mr. Chair, Staff fully recognizes the
24 importance of these issues to the Council and also the
25 residents of the Lower Yukon River drainage, however, the
26 establishment of a Federal Controlled Use Area would not
27 effectively control access because of the complex land
28 ownership within the affected area. And because of these
29 reasons -- also because of the complex land ownership the
30 proposed Controlled Use Area would fail to adequately
31 address the proponent's request. Also local concerns of
32 aerial moose spotting should be directed to the local,
33 State and Federal land managers who can address these
34 issues through law enforcement channels.

35
36 And this concludes my presentation, thank
37 you.

38
39 CHAIRMAN DEMIENTIEFF: Thank you, very
40 much. Written public comments.

41
42 MR. NICK: Mr. Chair. For the record my
43 name is Alex Nick. I'm Regional Council Coordinator for
44 Yukon-Kuskokwim Regional Advisory Council. We received
45 five public comments. One in opposition of the proposal
46 and four supporting the proposal.

47
48 We received comment from Don Quarberg
49 from Delta Junction, he's in opposition of the proposal.
50 There is no biological justification for this proposal.

1 The law specifically states that you cannot hunt until
2 3:00 o'clock a.m., on the day following your last
3 unscheduled [sic] aircraft flight.

4
5 And we received comment from Azachorak
6 Incorporated Village Corporation from Mountain Village
7 supports the proposal to establish a Federal Controlled
8 Use Area below Mountain Village. They do not oppose
9 commercial airlines flying within the region but they
10 only oppose privately owned aircraft flying in the area
11 for moose hunting purposes. Azachorak Incorporated is
12 the land owner within the portion of the area described
13 in the attached map. We feel that this is an important
14 issue for other considerations such as maintaining and
15 protecting its land for the purpose of its shareholders
16 and community residents use. By doing this they ensure
17 taking their stand on the issue.

18
19 And we also received three additional
20 comments from the users in Lower Yukon that did not make
21 it to the Board book.

22
23 One comment which I distributed to the
24 Board members, there's a sheet of paper that has these
25 comments on it.

26
27 Support of proposal, Mike Moses supports
28 the proposal as written that will benefit moose hunting
29 using a skiff with an outboard motor or those using a
30 canoe to hunt moose as opposed to the use of fixed wing
31 aircrafts or helicopters. Mike Moses said in his written
32 comment that in general moose moves away from the
33 shoreline once outboard motor traffic begins during the
34 moose hunting season. Mr. Moses indicated in his written
35 report -- written comment, I meant to say -- written
36 comment, that this proposal could also benefit moose
37 hunters that choose to use a fixed wing aircraft in the
38 future.

39
40 There's a comment from Ms. Joyce Brown,
41 Mayor of Mountain Village on behalf of the residents of
42 Mountain Village supports the proposal as written.

43
44 And the last comment is from Ray Aquiken
45 (ph), Ray Aquiken wrote a letter of support to Azachorak
46 Incorporated stating that Kotlik Traditional Council is
47 in full support of the proposal. They do not object to
48 any commercial airline flying within the area or within
49 the region, they are opposing anyone flying in the area
50 for moose hunting purposes. They feel that this is an

1 important issue affecting the community along the Lower
2 Yukon River. They also feel that they are to maintain
3 and protect their land holding on behalf of the ANCSA
4 village corporation shareholders and the residents of the
5 communities. This is one way they said that they are
6 ensuring on taking stand on the issue.

7
8
9

Mr. Chair.

10 CHAIRMAN DEMIENTIEFF: Thank you, very
11 much. We have no requests at this time for additional
12 public testimony. Regional Council recommendation.

13

14 MR. HARRY WILDE: Mr. Chairman, when we
15 have a meeting over in Toksook Bay there was Yukon-
16 Kuskokwim Advisory Committee's, they vote supporting this
17 and when they voted, there was something that I
18 understand and we understand, some of us as Regional
19 Board members, some of that area is controlled by State.
20 I could not understand how it would be and, some, they
21 say that we should at least put our proposal to State
22 Board of Fish -- Fisheries and Game. So what I'm
23 thinking, because those guys, that Council over there,
24 they give me this permission that I could speak on behalf
25 of Yukon-Kuskokwim.

26

27 I think it would be better to defer this
28 proposal because I think we want to present it, the
29 proposal, to Fish and Game also.

30

31 CHAIRMAN DEMIENTIEFF: Thank you. Staff
32 Committee.

33

34 MR. PROBASCO: Thank you, Mr. Chair. The
35 Interagency Staff Committee opposes the proposal,
36 contrary to the recommendation of the Yukon-Kusko Delta
37 Regional Advisory Council, and Mr. Chair, the Staff
38 Committee's recommendations can be found on Page 73, and
39 I won't read all of the issues but just touch on some of
40 the high points.

41

42 While recognizing the local residents and
43 the Regional Council have significant concerns about the
44 current subsistence hunting opportunity, the Interagency
45 Committee recommends rejection of the Regional Council
46 recommendation for biological and management reasons.

47

48 The Regional Council recommendation to
49 establish Controlled Use Areas lacks substantial evidence
50 of a low or declining moose population to justify such a

1 restriction. Instead, the moose population is healthy
2 with 674 animals in 2002 and a healthy bull/cow and
3 cow/calf ratios. These measures indicate continuing
4 recruitment and population growth.
5

6 The Regional Council's recommendation is
7 not supported by established principles of fish and game
8 management, in that, a Controlled Use Area adopted by the
9 Federal Subsistence Board would not include the State
10 managed lands and waters, it would not be as effective as
11 a result. As a matter of practice, the Federal Board has
12 only adopted Controlled Use Areas in concert with the
13 State so that the restrictions on transportation are
14 consistent across land status and effective in regulating
15 all hunters.
16

17 Local concerns of aerial moose spotting
18 associated with same-day airborne taking of moose should
19 be directed towards the appropriate State and Federal
20 land managers who can address these issues through law
21 enforcement channels.
22

23 Mr. Chair.

24
25 CHAIRMAN DEMIENTIEFF: Thank you.
26 Department comments.
27

28 MR. HAYNES: Mr. Chairman. The
29 Department does not support this proposal consistent with
30 the reasons stated in the Interagency Staff Committee
31 recommendation on Page 73 of the Board meeting book.
32

33 This proposal would establish a
34 Controlled Use Area on Federal public lands in Unit 18
35 below Mountain Village and prohibit the use of privately
36 owned aircraft for hunting moose there. The concern
37 raised in this proposal is a perceived conflict between
38 local hunters using boats and hunters using aircraft to
39 access moose hunting areas. In the area addressed in
40 this proposal, only one moose has been reported taken by
41 hunters using aircraft since the 1997/98 regulatory year.
42

43 Current Federal subsistence regulations
44 limit eligibility for hunting moose on Federal public
45 lands in the proposed Controlled Use Area only to
46 residents of Unit 18 and Upper Kalskag, consequently only
47 Federally-qualified subsistence users would be restricted
48 if this proposal was adopted. Landing areas on Federal
49 public lands suitable for aircraft on wheels are very
50 limited in the proposed Controlled Use Area. Aircraft

1 hunters choosing to hunt in this area probably would use
2 float planes and land in navigable waters that are
3 regulated by the State and would not be subject to the
4 Controlled Use Area provisions when hunting on State and
5 private lands.

6

7

Thank you.

8

9

CHAIRMAN DEMIENTIEFF: Yes, under Board
10 discussion, if I could just -- Harry, so even though the
11 formal Regional Council recommendation is to support the
12 proposal, you're saying that your members have authorized
13 you to speak for deferral because you're going to work on
14 the issue some more? I just want to understand here.

15

16

MR. WILDE: Yeah, Mr. Chairman. When we
17 have a meeting over there that everyone, Council support
18 it, however, most of the people that are living in this
19 area, also they want to present it to State Board. You
20 could see this map here in front of you, how it drewed,
21 in this map here there's a lot of land -- a lot of land
22 there, also it belongs to corporations land and also land
23 allotments. In this area, that big, and all that white
24 that you see, that corporation land and all this and
25 we're concerned about, in this area there, that fishing
26 camps and fish camps and hunting camps and spring camps
27 and all that. So when we have a meeting over there, they
28 say that -- they said that one thing, even though we ask
29 for something that we don't get it, sometime these Board
30 members say that -- not openly but to themself and talk
31 to me and others, we're just wasting our time, well, I
32 tell them, no, we're not wasting our time.

33

34

You look at our grandchildren and our
35 children have to go through something even though we like
36 it or not but we have to support what our people want.
37 Our people want this, it's very important. I think it's
38 important enough that, like me, I've been sitting 15
39 years on the State Advisory Council, me and Mitch there,
40 I tried to do in the organization just for the people,
41 why I do this, no, I don't take a paper out of my pocket
42 and go to store and eat. From the generation how we go
43 and how we train like I hunt, one time I go around Holy
44 Cross, people invite me to go hunting in that area. I
45 met Mitch daddy and all those, they told me, you go out
46 there and if you find a moose on that land for
47 subsistence you catch it, yeah, I went out there with two
48 regulation, I got to have those two regulation, State and
49 Federal, I never used to have, only used to have, earlier
50 time I just sharpen my harpoon and go out there and hunt.

1 Today there's so much of this, can't even burn in the
2 steamhouse.

3
4 Yeah, Mr. Chairman, I really concerned of
5 this, what the people want and, well, we would -- I
6 suppose continue working on it. Like before I come over,
7 planning to come over before John Hanson go to geese
8 hunting, John used to go with me, well, I don't know,
9 maybe if I go up there I'll ball them out, the way he
10 talks, you know, he been on the State Board of Fishery
11 and all that and I may not speak much like him but I do
12 best as I can and try to give our people Advisory Council
13 what they want.

14
15 Thank you, Mr. Chairman.

16
17 CHAIRMAN DEMIENTIEFF: Thank you, Harry.
18 Up at home I always say when we go hunting we always tow
19 an extra boat behind us so we can take our lawyer along
20 with us and keep us legal.

21
22 (Laughter)

23
24 CHAIRMAN DEMIENTIEFF: Terry, do you know
25 how or when this might come up in the Game Board off
26 hand? I'm just trying to get an idea of the timing here.

27
28 MR. HAYNES: Mr. Chairman, I'm not sure
29 if the -- I think that region is on the cycle for next
30 fall if I'm not mistaken.

31
32 Mitch asked when the Unit 18, when
33 Western Alaska would be on the Board of Game agenda and I
34 believe next fall?

35
36 MR. REGELIN: That's correct.

37
38 CHAIRMAN DEMIENTIEFF: Good. Further
39 discussion. Keith.

40
41 MR. GOLTZ: I have some questions of
42 Terry but when you take your lawyer with you, you take
43 the GPS and you tend to go in September, that's the way
44 -- yeah.

45
46 (Laughter)

47
48 MR. GOLTZ: Harry's raised the question
49 about two regulations and that's come up in other context
50 and other venues over the last couple of months. Terry,

1 can you tell us if there's a State subsistence hunt in
2 that area?

3

4 MR. HAYNES: Mr. Chairman. Mr. Goltz.
5 There is a September 1 to 30 season in the remainder of
6 Unit 18 -- the State regulations divide Unit 18 into
7 three pieces, the Lower Kuskokwim closed area, portion
8 south of the Eek River drainage and then the remainder of
9 Unit 18. But there is a September 1 to 30 season and a
10 10 day winter season to be -- that may be announced.

11

12 MR. GOLTZ: So is there a State
13 subsistence hunt?

14

15 MR. HAYNES: Mr. Chairman. Mr. Goltz.
16 There is a resident hunt. Under the State regulations
17 all residents are potentially subsistence users, so there
18 is a resident season, there is also a non-resident season
19 in the area.

20

21 MR. GOLTZ: Is there any accommodation
22 for rural residents?

23

24 MR. HAYNES: Mr. Chairman. Mr. Goltz.
25 As you know the State cannot provide a rural preference.

26

27 MR. GOLTZ: On Unit 18, can you think of
28 any way that we could pull these regulations together so
29 that there would be only one hunt that would accommodate
30 Harry?

31

32 MR. HAYNES: Mr. Chairman. I have not
33 spent any time thinking about that and I would not want
34 try to do that without consulting with other Staff.

35

36 MR. GOLTZ: Okay, that's fair enough.

37

38 CHAIRMAN DEMIENTIEFF: Actually it would
39 be a Board of Game decision, it would be beyond
40 employees, so certainly the issue can be raised, but it's
41 a Board of Game decision.

42

43 MR. GOLTZ: I understand. I'm not asking
44 Terry to write the rules, I'm just asking for his
45 expertise.

46

47 MS. GOTTLIEB: Mr. Chair.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

1 MS. GOTTLIEB: Well, I wanted to thank
2 Harry for his comments as well as for hosting me and a
3 variety of Staff who were in the room here today who were
4 out at that Regional Advisory Council meeting, and there
5 was quite a bit of discussion on this proposal because of
6 the local or regional concerns about this issue. I did
7 hear the Refuge manager pledge to work with your Council
8 on trying to work with some of the State counterparts to
9 discuss this issue further and see what might be able to
10 be worked up as something that would be satisfactory and
11 hopefully meet the concerns of local people.

12
13 So I would encourage you and the Council
14 to continue working with all of those folks.

15
16 CHAIRMAN DEMIENTIEFF: Thank you. Terry.

17
18 MR. HAYNES: Mr. Chairman, if I could,
19 just one point I would add to the comments I made
20 earlier. Federal public lands in this area are closed to
21 non-Federally-qualified subsistence users so in the area
22 in question, other State residents can hunt only on the
23 State and private lands in that area.

24
25 CHAIRMAN DEMIENTIEFF: Thank you.
26 Further discussion.

27
28 (No comments)

29
30 CHAIRMAN DEMIENTIEFF: Is there a motion.

31
32 (Pause)

33
34 CHAIRMAN DEMIENTIEFF: Go ahead, Todd.

35
36 MR. LOGAN: Thank you. I guess I find
37 myself in a little bit of an awkward spot for the second
38 time in the morning making a motion that is not to
39 support the recommendation of the Regional Advisory
40 Council, but at the same time I fully respect the
41 proposal Mr. Wilde has put on the table.

42
43 I guess I would like to move to reject
44 Proposal 11 contrary to the recommendation of the Yukon-
45 Kuskokwim Delta Regional Advisory Council.

46
47 CHAIRMAN DEMIENTIEFF: I'm going to rule
48 that motion out of order. I think I was pretty clear
49 when we came back from break that we do want a motion to
50 accept the Regional Council recommendation and then we

1 can do subsequent action after that. So that's the
2 motion I'm looking for.

3

4 MR. LOGAN: Okay.

5

6 MR. ROEHL: Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Yes.

9

10 MR. ROEHL: I will move to support the
11 RAC's recommendation on this proposal.

12

13 CHAIRMAN DEMIENTIEFF: Is there a second.

14

15 MS. GOTTLIEB: Mr. Chair, I'll second for
16 discussion purposes.

17

18 CHAIRMAN DEMIENTIEFF: Good, thank you.
19 I did appreciate Harry enlightening about the motion to
20 defer -- I mean to request to defer and he got clearance
21 by his home people. I consider this a work in progress,
22 and I do not -- I intend to, once we get to -- if we do
23 get to a vote on deferral I would intend to support that
24 in line with his people at home in line with the work
25 that they still have to do.

26

27 So I just wanted to make sure I was
28 understanding Harry correctly and he does have the
29 guidance even though his formal Council position is to
30 support, I understand that they're continuing to work on
31 it at home and appreciate the fact that he got the
32 permission for his Council members to support that
33 concept.

34

35 (Pause)

36

37 MR. ROEHL: Mr. Chairman.

38

39 CHAIRMAN DEMIENTIEFF: Yes.

40

41 MR. ROEHL: Based information recently
42 provided to me by people I know, I would like to amend my
43 motion to approve this proposal to change it instead to
44 defer it for further discussion.

45

46 CHAIRMAN DEMIENTIEFF: Okay, there is a
47 motion to defer, is there a second to that motion?

48

49 MS. GOTTLIEB: I'll second that.

50

1 CHAIRMAN DEMIENTIEFF: Okay. Any further
2 discussion on the motion to defer.

3
4 (No comments)

5
6 CHAIRMAN DEMIENTIEFF: Hearing none, all
7 those in favor of the motion, please signify by saying
8 aye.

9
10 IN UNISON: Aye.

11
12 CHAIRMAN DEMIENTIEFF: Those opposed.

13
14 (No opposing votes)

15
16 CHAIRMAN DEMIENTIEFF: Motion carries.

17
18 (Pause)

19
20 CHAIRMAN DEMIENTIEFF: I'm sorry we have
21 to follow up on the motion to adopt the motion as
22 amended, which is to defer and I was actually going to
23 get to that but Tom and I were in another discussion
24 about procedure about the motion earlier that I ruled out
25 of order. I may have been out of order. We'll have that
26 discussion. But, anyway, procedurally we're here once we
27 vote on the motion as amended and that's basically to
28 accept the deferral as recommended by the RAC Chair.

29
30 All those in favor of the main motion,
31 please signify by saying aye.

32
33 IN UNISON: Aye.

34
35 CHAIRMAN DEMIENTIEFF: Those opposed,
36 same sign.

37
38 (No opposing votes)

39
40 CHAIRMAN DEMIENTIEFF: Motion carries.
41 Time flies when we're having fun. Noon time. He does
42 help out once in awhile that Tom does, I guess, that's
43 why he's up for his Federal employee award.

44
45 We'll probably start as close after 1:00,
46 we usually try to either break a little bit early for
47 lunch or else come back a little bit later because it's
48 sometimes real busy out there to try to get a bite to
49 eat. So as close to 1:00 as we can.

50

1 Thank you, we'll recess.

2

3 (Off record)

4

5 (On record)

6

7 CHAIRMAN DEMIENTIEFF: I'll call the
8 meeting back to order. We got a couple little
9 corrections and admonition from the Chair, also, that
10 we'll start out with. All these years I've been Chairing
11 the Board I finally made a mistake.

12

13 (Laughter)

14

15 CHAIRMAN DEMIENTIEFF: We changed
16 procedures and earlier I ruled Todd's motion out of order
17 and, in fact, we can move to adopt, reject or modify a
18 Regional Council recommendation as long as we are working
19 off of the Regional Council recommendation which is the
20 operative, and that was changed shortly after our Fish
21 Board meeting in January so, yeah, well, and if you
22 believe that's the first mistake I ever made I got a
23 bridge I want to sell you at home and it's hardly been
24 used, real good shape.

25

26 So anyway, and I think Wayne also has a
27 correction.

28

29 MR. REGELIN: Yes, thank you. There was
30 a question asked just at the end on discussion on
31 Proposal 11, and there was a question from Mr. Goltz who
32 asked if we had a subsistence hunt in Unit 18 for moose
33 in this area, and the answer to that question is, yes, we
34 do. In this area there's a general hunt and a
35 subsistence hunt with exactly -- and it's exactly the
36 same dates and bag limits as the Federal hunt. The only
37 difference between the Federal hunt and the State hunt is
38 under the State law, all residents can hunt, participate
39 in that hunt no matter where they live. But the reality
40 of it is that virtually all of the harvest in Unit 18 is
41 by Unit 18 residents. The very few exceptions to that
42 are from people that go back to visit relatives and
43 harvest an animal there.

44

45 So I wanted to get that on -- we didn't
46 quite understand the question and had to check into it.
47 And what we do is almost all -- we have subsistence hunts
48 in nearly all of the areas and the exceptions are where
49 we have under State law, non-subsistence areas, and there
50 we don't have State subsistence hunts.

1 Thank you.
2
3 CHAIRMAN DEMIENTIEFF: Keith.
4
5 MR. GOLTZ: Yes, Mr. Chairman. I
6 appreciate that correction. How does somebody look at
7 the regulation book and determine and get to that answer?
8
9 MR. HAYNES: Mr. Chairman. One would
10 have to read and identify which areas are non-subsistence
11 areas under the State regulations.
12
13 MR. GOLTZ: Right. Right. But take a
14 look at Game Management Unit 18 on Page 87 of your book,
15 of the State hunting regulations.
16
17 MR. HAYNES: All right.
18
19 MR. GOLTZ: I see hunts for residents and
20 non-residents, for non-residents and for non-residents
21 [sic]. Now, if I'm understanding what I was just told,
22 every time we see a hunt only for residents, is that what
23 you're calling a subsistence hunt?
24
25 MR. REGELIN: When you look at the
26 codified language and not that, what we call the handy-
27 dandy or that little booklet doesn't have every rural in
28 it.
29
30 MR. GOLTZ: Right.
31
32 MR. REGELIN: But when you go to the
33 codified, it says general hunt, and subsistence hunt and
34 it's the same thing unless there's an exception where it
35 says general hunt only. But the reality of it is the
36 person that's going hunting out in the field that lives
37 in Unit 18 can hunt under the State rules, it doesn't --
38 you know the season is open for them and for us to put in
39 our book that it's, you know, two seasons when they're
40 all exactly the same, I don't see the point why we would
41 do that because everybody out in Unit 18 is a local
42 resident and they have a 30 day season.
43
44 MR. GOLTZ: All right, Mr. Chairman.
45
46 CHAIRMAN DEMIENTIEFF: Go ahead.
47
48 MR. GOLTZ: If I were to sit down and say
49 let's pull the State and Federal regulations into one set
50 of regulations, to the extent possible, how would I know

1 by reading the handy-dandy if there's a subsistence hunt?

2

3 MR. HAYNES: Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Terry.

6

7 MR. HAYNES: Mr. Chairman. Mr. Goltz. I
8 think even on the Federal side you would not use the
9 handy-dandy for that exercise you would go to your
10 codified regulations.

11

12 MR. GOLTZ: So you're saying I can't do
13 it with this?

14

15 MR. HAYNES: I would not limit myself to
16 the handy-dandy if I was going to do that type of
17 project.

18

19 MR. REGELIN: The handy-dandy is for the
20 convenience of the local hunter. It's -- or all the
21 hunters, it's not for the legal part.

22

23 MR. GOLTZ: Well, I understand that
24 and.....

25

26 MR. REGELIN: And I guess if we were
27 going to have to do this exercise of trying to make our
28 regulations compatible we would go to both laws, not
29 something that says right in front of the book that not
30 everything in there -- not all of the details are in
31 there, they're in the codified.

32

33 MR. GOLTZ: Well, I fear what we're both
34 telling Harry is that he needs two sets of lawyers to go
35 hunting.

36

37 We can pursue this more in some of the
38 other venues, but what I'm trying to get at is what the
39 ordinary user can understand by reading this book. But
40 we'll take that up later.

41

42 CHAIRMAN DEMIENTIEFF: Well, as you can
43 tell everybody's had a good lunch. We're all apologizing
44 for our mistakes this morning and correcting each other.
45 So getting all that done I was commenting to several
46 people on the way out as we were heading to lunch, it's
47 always real slow for us to get started, but it seems like
48 once we get the procedures and everything down
49 everybody's on the same page and then the doggone meeting
50 is over. But anyway we still manage to do our job.

1 Let me see, Western Interior is on
2 consent, so that means we go to Seward Penn, Proposal
3 14(b).

4
5 MR. BOYD: That's it, yeah.

6
7 CHAIRMAN DEMIENTIEFF: Yeah, 14(b), Unit
8 22(B) moose, and with that we'll go to Staff analysis.

9
10 MS. H. ARMSTRONG: Thank you, Mr. Chair.
11 My name is Helen Armstrong. I'm with the Office of
12 Subsistence Management. Proposal 14(b) was submitted by
13 the Seward Peninsula Regional Advisory Council and it is
14 for Federal public lands in Unit 22(B) west of the Darby
15 Mountains. It requests closing Federal public lands to
16 the taking of moose except by White Mountain and Golovin.

17
18 The proposal is related to Proposals
19 14(a) and 15, which are on the consent agenda. We
20 separated them out because we were fairly certain this
21 part would not be consent. 14(a) and 15, assuming that
22 it does get approved by the Board, which I expect it to
23 since it's on the consent agenda had decreased the quota
24 of moose from 42 to 23 and it's a State and Federal quota
25 for the fall season.

26
27 There is a conservation concern in the
28 region that's why they decreased the moose harvest.
29 Conservation measures have already been implemented in
30 the past. The Federal public lands are closed to non-
31 Federally-qualified subsistence users and harvest
32 restrictions. The winter hunt already has restricted the
33 hunt to Golovin and White Mountain.

34
35 The extent of Federal public lands is
36 there aren't very many in this area, if you look at your
37 map on Page 120 there are some BLM lands that makes up
38 six percent of the lands in Unit 22(B) west of the Darby,
39 there are also some Bering Land Bridge National Preserve
40 lands, about two percent of the lands in Unit 22(B), but
41 these are north of the Darby Mountains, so we're just
42 looking at a small proportion of the lands that are
43 fairly scattered as well, it's not one big chunk of land.

44
45 Right now the existing regulation allows
46 for all of the residents of Unit 22 to hunt moose in
47 22(B) west. This would then limit it to only White
48 Mountain and Golovin, those communities are Stebbins, St.
49 Michael, Unalakleet, Shaktooklik, Koyuk, Elim, White
50 Mountain, Golovin, Nome, Solomon, Teller, Brevig Mission,

1 Gambell, Savoonga, and Wales and Shishmaref. So there
2 are quite a few communities.

3
4 The harvest reporting for moose in Unit
5 22(B) dates back to 1983 and since that time, 65 percent
6 of the reported moose harvest was by Unit 22 residents.
7 The moose harvest in Unit 22(B) has declined
8 significantly, from a range of 116 to 155 in the mid-
9 1980s to 49 to 56 taken in 2002/2003. In 1997 the Unit
10 22(B) was divided into east and west. From '97 to 2001
11 74 percent of the moose were taken by Unit 22 residents.
12 Of those people in Unit 22 taking moose in Unit 22(B)
13 west from '83 to 2003, they're mostly taken by Nome.
14 There were 1,045 moose taken in those 20 years, 807 of
15 those were by Nome, 128 by White Mountain, 95 by Golovin,
16 four by Elim, eight by Savoonga and three by Gambell. I
17 want to add that those are reported harvest and with the
18 exception of Nome we do know that harvests that villages
19 have reported are generally significantly under-reported.
20 There is an example of that that in 1999 Elim had a
21 harvest survey done there and that year they had no moose
22 recorded as harvested in their harvest ticket data base
23 whereas the community survey recorded 21 harvests. So it
24 is fairly significant in those communities, the under-
25 reporting that occurs. In Nome we know that the
26 reporting is fairly accurate.

27
28 Because we are looking at reducing the
29 number of people, the communities that can harvest a
30 resource we have to implement Section .804 of ANILCA and
31 do an .804 analysis, and I think most of you are somewhat
32 familiar with that by now but I think there a few people
33 who are not as familiar so I will go through those three
34 criteria that we have to look at it when we do an .804
35 analysis.

36
37 The first one is customary and direct
38 dependence upon the populations as the mainstay of
39 livelihood.

40
41 The second is local residency, proximity
42 to the resource.

43
44 The third is the availability of
45 alternative resources.

46
47 So in looking at those, customary and
48 direct dependence upon the population as a mainstay of
49 livelihood. The harvest ticket database indicated that
50 Golovin, White Mountain, Elim, Nome, Savoonga, and

1 Gambell have reported taking moose in the past 20 years.
2 Of those, Golovin had a 99 percent of their harvest was
3 in Unit 22(B) west and White Mountain's harvest was 100
4 percent. Again, those are under-reported but we think
5 that that's probably representative of the proportions of
6 their harvest. Of Nome's reported harvest 26 percent
7 comes from Unit 22(B) west. And of Elim's total reported
8 harvest 24 percent, which was four moose in 20 years was
9 in Unit 22(B) west. And because of that significantly
10 higher percentage than one would really expect for Elim,
11 I did ask at the Council meeting, from the Elim
12 representative, I asked if he felt that Elim should be
13 included or excluded and he said that they don't go
14 hunting in Unit 22(B) west, that their hunting is all
15 done on the east side of the mountains, that the
16 mountains restrict them really from going over to Unit
17 22(B) west, and that they go in the Kwiniuk River north
18 of Elim on the Tubutulik and Koyuk Rivers. He was not at
19 all concerned about being cut out from hunting over on
20 the other side. My guess is is that the harvest that
21 were recorded probably were when some Elim people were
22 hunting with their Nome relatives which is sometimes the
23 case in -- actually all over the state, I think in
24 regional centers, you might have village people hunting
25 with people in the regional centers.

26
27 Gambell and Savoonga have taken very few
28 moose in the area. Again, they were probably hunting
29 with relatives, three of eight moose that they've
30 harvested in the past 20 years. The other Unit 22
31 communities that have C&T don't have recorded harvest in
32 Unit 22(B) west, and there wasn't any indication from the
33 Council that any of the others of those communities
34 should be included.

35
36 The second criteria, proximity to the
37 resource or local residency.

38
39 Golovin, White Mountain and Nome and
40 Solomon are all within close proximity to the resource.
41 Elim is within proximity but as I said the mountains do
42 restrict them from being -- to having really easy access.
43 Gambell and Savoonga are not in close proximity. And the
44 remaining Unit 22 communities don't have any demonstrated
45 use or dependence and they're also not in proximity.

46
47 The availability of alternative
48 resources. All of the communities of Unit 22 have a wide
49 variety of subsistence resources to use in their areas.
50 However, White Mountain and Golovin take all of the moose

1 that they take is within Unit 22(B) west, there really
2 aren't any other areas that are in close proximity to
3 them to take moose. And Elim, as I said, takes their
4 moose in Unit 22(B) east predominately. Nome takes moose
5 from other subunits in Unit 22. Of the moose they've
6 taken, 55 percent were in Unit 22(D) and 26 percent in
7 Unit 22, 18 percent in Unit 22(C) and less than one
8 percent in Units 22(A) and (E). Nome residents also take
9 a few moose throughout Alaska in small numbers.

10

11 One of the problems I wrestled with in
12 this analysis was that when you look at a Section .804
13 analysis, we have criteria we need to meet but, of
14 course, ANILCA doesn't say what the cutoff is so if a
15 resource is being harvested, is 26 percent enough to be
16 considered a dependence on a resource and that's the
17 question I think you'll have to wrestle with.

18

19 The same thing in terms of alternative
20 resources, if there are other resources they can harvest
21 in another area, what percentage or how much dependence
22 does that have to be.

23

24 Solomon has had one moose harvest, but
25 there are only three to four residents who live there now
26 and they're fairly elderly and they're not hunting too
27 much anymore, they haven't taken a moose since 1986. And
28 Savoonga and Gambell do hunt moose in other units,
29 subunits in Unit 22 but really very few moose and they
30 mostly are dependent on marine mammals.

31

32 So to summarize the .804 White Mountain
33 and Golovin meet all three of the criteria. Nome has
34 other areas to hunt moose but they do take 26 percent of
35 their moose in Unit 22(B). Elim has some evidence of
36 taking moose in Unit 22(B) but they're not in as close
37 proximity in the sense that they have the mountains
38 blocking them. And the other communities don't meet all
39 of the .804 criteria.

40

41 The effect of the proposal, I think
42 because of the very limited number or percentage of
43 Federal public lands in Unit 22(B), if the proposal is
44 adopted, I think the Nome residents would hunt on State
45 lands and take the same -- I mean I don't know for sure
46 if they would take the same number of moose or not, but
47 they would hunt on State lands.

48

49 There is one other thing I should have
50 added. There was an emergency order that came out from

1 the State last week that changed their harvest season to
2 September 1st to September 14th, and this was in response
3 to their concerns about the conservation issue of moose,
4 and they also have limited moose to one per household.
5 So that will be an effect.

6
7 So I think that if the proposal is
8 supported there won't be a significant affect on the
9 moose population, if it's not supported I don't think
10 there will be much of an affect either because there are
11 so few Federal public lands. So I think it's a difficult
12 proposal to know which way to go on.

13
14 With that, Mr. Chairman, concludes my
15 analysis.

16
17 CHAIRMAN DEMIENTIEFF: Thank you very
18 much. Written public comments.

19
20 Or did you have a question, hang on a
21 second.

22
23 MS. GOTTLIEB: Thank you. Helen, can I
24 ask a question about what you said at the very end about
25 the emergency order, does that apply to the fall season,
26 is there still a winter season?

27
28 MS. H. ARMSTRONG: Yes, there is.

29
30 MS. GOTTLIEB: Okay.

31
32 MS. H. ARMSTRONG: And this proposal is
33 only for the fall season. And I just actually just
34 happen to think the one thing I didn't say was that the
35 White Mountain and Golovin people predominately hunt in
36 the winter and they've been taking -- now, that they've
37 had that moose hunt exclusively for the winter, I think
38 they've been getting about 14 out of 17 permits so they
39 have been hunting mostly in the winter. They have better
40 access in the wintertime.

41
42 MS. GOTTLIEB: Thank you.

43
44 CHAIRMAN DEMIENTIEFF: Thank you. Are
45 you done?

46
47 MS. GOTTLIEB: Yes.

48
49 CHAIRMAN DEMIENTIEFF: Okay. Written
50 public comments.

1 MS. B. ARMSTRONG: Thank you, Mr. Chair.
2 There are no public comments for this proposal.

3
4 CHAIRMAN DEMIENTIEFF: Thank you. We
5 have no additional requests for public testimony on this
6 issue at this time.

7
8 And with that, we'll move to the Regional
9 Council recommendation.

10
11 MS. CROSS: Thank you. This is kind of
12 a, I guess, particularly troublesome proposal that the
13 RAC had to go through because, you know, 26 percent of
14 the moose taken from this region is by Nome.

15
16 We had to take into consideration a
17 number of things and one was that the number taken by
18 White Mountain and Golovin almost 100 -- well, 100
19 percent in one and 99 percent in the other of the moose
20 is taken from there. And then we looked at Nome and see
21 what other options they have in terms of hunting for
22 moose. There's Unit 22(C), there's Unit 22(B), there's
23 some people who go to Unit 22(E). There's American River
24 on Unit 22(D) which has a more liberal season than Unit
25 22(D) [sic]. All of those are on the road system. Every
26 one that we're talking about is on the road system. So
27 Nome hunters have easier access to those regions.

28
29 You can travel from Nome on a very stormy
30 day, foggy, and go to Council in your truck and wait out
31 for the sun to come out and then you can go moose
32 hunting, whereas in Golovin and White Mountain you don't
33 have any road access. In fact, a number of people from
34 Nome specifically go to Council area, we're talking about
35 22 -- the one that we're talking about, days ahead of
36 time to wait out for the season to open so they can get
37 the firsthand -- so they can get their moose firsthand.
38 If the weather does not allow White Mountain and Golovin
39 people to go they go by terrain, which is mainly not done
40 or by boat, then you won't be there to hunt for those
41 moose.

42
43 You know, 26 percent seems like a
44 significant number, but it also means that about 74
45 percent of Nome hunts elsewhere. And another thing that
46 happens, too, is that in the last several years, the
47 Alaska Department of Fish and Game has been issuing
48 permits for cow hunts in Unit 22(C), which is Nome's
49 backyard. I have stood and people of Nome, and I have
50 done it myself, have slept in front of ADG&F [sic] to get

1 a cow permit and people have been getting cow, that
2 population is healthy and the State may correct me if I'm
3 wrong, but at least as of last year that population was
4 healthy enough to allow cow hunts, so there's that extra
5 opportunity for Nome. They can, like I said, they can go
6 to Kougarok, and they can go to American River, which is
7 in 22(D), that hunting for moose is liberal, it's
8 accessible by boats.

9
10 Another thing we had to take into
11 consideration is how much does it cost for people of
12 White Mountain and Golovin to go to Unit 22(C) or Unit
13 22(D) to hunt for a moose, it takes an airline ticket to
14 fly out, it takes freight, monies to transport your moose
15 meat to those two small communities. The income level
16 according to the U.S. Census is about 11 to 19,000 a year
17 in White Mountain and Golovin, in Nome, it's 50,000 plus.
18 I know we're not supposed to take those things into
19 consideration in terms of money and I'm not saying this,
20 I'm just trying to say that it's very expensive for
21 subsistence hunters in White Mountain and Golovin to go
22 to travel to Unit 22(C) or to 22(D) or 22(E) or even on
23 the other side of the Darby Mountains by airplane to go
24 hunt. There's not a single fare in their region that is
25 under a hundred dollars, so it would mean for them to go
26 hunt elsewhere they'll have to pay an airplane fare plus
27 probably 50 cents a pound to bring their moose out and
28 then the cost of gas even if they're going to travel by
29 boat. But at the same time, it's not easy for those two
30 communities, that's why we predominately hunt in the
31 wintertime to travel to get their moose. In the
32 summertime, given what maybe what little Federal lands
33 there may be over there, they're given them additional
34 opportunity to at least have a little extra to hunt in in
35 the falltime.

36
37 I think this, you know, I agree it seems
38 like a large percentage of Nome but you also have to look
39 at the population size of Nome, it's a little over 3,500
40 people in Nome, White Mountain and Golovin, as you can
41 see their populations are very small. In a way it kind
42 of indicates to me that their dependency, their 100
43 percent dependency on that moose population where it's
44 declining and steadily declining in the region where they
45 hunt for moose 100 percent, it seems to me -- logic tells
46 me they're more dependent on that moose population than
47 the 26 percent in Nome who have opportunity to drive up
48 to the Kougarok area, 22(D), who can drive up to Teller
49 area, who can take a boat to American River to hunt.
50

1 Now, I'm -- we were kind of concerned,
2 too, about Elim, but it turns out that the Elim
3 representative said that there was really no need for
4 concern, that the people in Elim, they're on the other
5 side of the mountain, they don't travel. And I think
6 Helen has it right on the key, some of them because of
7 declining moose populations when they're in Nome, the
8 opportunity arises they go hunting with their relatives.
9 And for those people from St. Lawrence Island, I have
10 family that are inter-married into Golovin and White
11 Mountain and I think I know who got some of that moose,
12 they took it over to St. Lawrence Island.

13
14 But I'm very concerned about a number of
15 things. One thing that concerns me is a new EO order
16 that came out from 23 moose, it's down to 20 moose that's
17 to be shared between three communities. And then there's
18 a registration permit that's going to be open for the
19 wintertime with the State which means that the seven
20 moose that is allocated for White Mountain and Golovin,
21 and the State can correct me if I'm wrong, is going to
22 have to be shared with hunters from Nome.

23
24 Now, last year there was six moose and
25 there were exclusively taken by White Mountain and
26 Golovin, but with every declining moose population,
27 knowing my region there are people who are going to go
28 hunting, the seven moose that are going to be -- it
29 sounds like maybe the State can correct me, it sounds
30 like those seven moose will be shared by three
31 communities now. On the Federal lands -- the moose
32 killed on the Federal lands of those seven is included --
33 I mean it's included and it's both the State and the
34 Federal kill, the seven moose. In those two communities,
35 you can just look at the statistics, you can see that the
36 three small communities take a lot of their kill from
37 that region and so taking the -- having to share the
38 seven moose is going, to me, if Nome catches even one,
39 even two that leaves White Mountain and Golovin, two
40 communities, maybe five, six moose to divide among the
41 two communities that exclusively hunt in the region
42 because 100 percent of their catch comes from there.

43
44 I don't think I'm going to go on too --
45 further. The only thing that -- Ralph said something
46 this morning that it kind of hit my heart, he said that
47 if I never see that one again, I'll be happy. And if I
48 never hear anybody say that it's going to cause some
49 confusion among the hunters because there's very little
50 Federal lands within the region to hunt, I don't want to

1 hear that again. For centuries and centuries those
2 people know their land, we all do. We know our
3 traditional hunting grounds. We know the areas. If
4 somebody tells us this part is Federal lands, those lands
5 are marked, they've got names, they've got rivers that
6 have names, once they're marked people know. I mean that
7 statement is just about as ridiculous if they took all
8 the street signs off of Anchorage, Alaska and you lived,
9 oh, maybe Tom Boyd and here and say, you go shopping at
10 Wal-Mart on Dimond and there's no street signs, you think
11 he wouldn't know where to go.

12

(Laughter)

13

14

15 MS. CROSS: It is ridiculous. So Tom
16 would -- you know, he's not going to go to Northern
17 Lights even if there's no sign, he knows exactly where it
18 is. And then if you really think about it, this thing
19 about it's going to cause confusion. It may to people
20 who just got there but isn't it kind of a rule that you
21 should know, you know, if you're going to go out hunting,
22 you should know where you're going, you should know where
23 you are for a couple of things. One, for safety,
24 otherwise Fish and Game is going to cite you something
25 and you don't want to pay.

26

27 But anyway, I belabored that enough.

28

29

30 But I would really encourage the Board to
31 take this very seriously. There are two small
32 communities out there that do not have any options.
33 There's a mountain that divides them from the other side,
34 there's airline costs and they both exclusively have
35 gotten their moose in the area where they now
36 predominately live. 26 percent of Nome that do hunt
37 there have other options. There was no objections --
38 very rarely do I go on the radio, locally, every time we
39 have a RAC meeting I'm asked by the radio station to
40 comment on something or to be interviewed, I rarely do
41 that, I think this was the second time I got interviewed
42 for this so I'd be able to express what the RAC was doing
43 and nobody called me and nobody stopped me in the street
44 objecting to what the RAC had done and you see no
45 comments from Nome objecting to this. I think people, in
46 their own way, understand this.

46

47

48 And believe me, people of Nome are not
49 ones to be quiet. But I thank you for listening to me.
50 I hope you'll make a wise decision. If you have any
51 questions please feel free to ask me. That's basically

1 it.

2

3 CHAIRMAN DEMIENTIEFF: Yes, go ahead,
4 Todd and then Keith.

5

6 MR. LOGAN: Thank you. I do have one
7 question, Ms. Cross, I'm trying to make sure I understand
8 the inter-play between the two seasons and the geography.
9 As I understand it, White Mountain and Golovin do almost
10 all their hunting during the winter and so by precluding
11 Nome from hunting the fall season basically there'll be
12 very little hunting during the fall, is that basic -- is
13 that correct?

14

15 MS. CROSS: It depends on the motive. If
16 you have something more than a snowmachine, of example, a
17 jet unit, in White Mountain or Golovin you will utilize
18 that outboard motor and jet unit to go hunting. Most of
19 the hunting is done in the wintertime because, you know,
20 you can afford a snowmachine versus getting a jet unit,
21 but there are people from the community that do utilize
22 the river system to go moose hunting. It's just in the
23 wintertime it's more accessible and plus, you know, most
24 people have snowmachines verses large boats with jet
25 units to go up the river. But they do get their moose in
26 the falltime too.

27

28 MR. LOGAN: Thank you.

29

30 CHAIRMAN DEMIENTIEFF: Keith.

31

32 MR. GOLTZ: I just wanted to assure Grace
33 and the Board that when you're talking about .804,
34 dependency and the availability of alternative resources
35 are relevant factors, you can consider them.

36

37 CHAIRMAN DEMIENTIEFF: Staff Committee --
38 I'm sorry, go ahead, Dan.

39

40 MR. O'HARA: If I could ask Grace a
41 question.

42

43 CHAIRMAN DEMIENTIEFF: Yes.

44

45 MR. O'HARA: That was Golovin, White
46 Mountain, what was the third community?

47

48 MS. CROSS: Nome.

49

50 MR. O'HARA: Nome, okay. And do they

1 have any caribou that come through there for all three
2 communities or just the two.

3
4 MS. CROSS: All three in our area.

5
6 MR. O'HARA: All have access to caribou?

7
8 MS. CROSS: Uh-huh. (Affirmative)

9
10 MR. O'HARA: Okay, thanks. Thank you,
11 Mr. Chairman.

12
13 CHAIRMAN DEMIENTIEFF: Thank you.

14
15 MR. REAKOFF: Mr. Chairman.

16
17 CHAIRMAN DEMIENTIEFF: Jack.

18
19 MR. REAKOFF: I also would like to
20 comment that and reiterate what Grace is saying there,
21 that I really do not like to hear that the rural
22 residents cannot find the Federal land really we
23 shouldn't have any kind of priority on those lands
24 because people have a hard time finding those lands.
25 This keeps coming up as a reason to not allow a
26 subsistence priority on Federal lands. And I'm very
27 frustrated with that issue. I feel that that does not
28 enter into our deliberations. We're to provide a
29 priority for subsistence use on Federal lands and there
30 are boundaries described and we can find them.

31
32 And so I really don't want to hear that
33 anymore. I'm tired of that type of argument that those
34 boundaries are hard to find. We can find those
35 boundaries, and if we need that resource and the Federal
36 program can provide the use of that resource, I feel that
37 we should be given that opportunity.

38
39 CHAIRMAN DEMIENTIEFF: Thank you. If
40 there's nothing else we'll go ahead and move on to Staff
41 Committee.

42
43 MR. PROBASCO: Thank you, Mr. Chair. The
44 Interagency Staff Committee recommendation can be found
45 on Page 116.

46
47 The Staff Committee opposes the proposal
48 contrary to the recommendation of the Seward Peninsula
49 Regional Advisory Council.

50

1 Currently the moose population in Unit
2 22(B) west is depressed and well below ADF&G's management
3 objectives representing a conservation concern. State
4 and Federal managers have recently adopted several
5 regulatory restrictions to conserve moose while providing
6 the best possible opportunity. Federal public lands are
7 closed to non-Federally-qualified users eliminating non-
8 local hunters from Federal lands in the unit. A joint
9 State/Federal quota is in place with a balance in the
10 location between fall opportunities and those available
11 in the winter.

12
13 The Federal Subsistence Board has already
14 adopted regulations restricting the limited winter hunt
15 to the small communities of White Mountain and Golovin.

16
17 The Interagency Staff Committee
18 recommends rejection of the proposal and the Regional
19 Council recommendation would eliminate all but White
20 Mountain and Golovin from the fall hunt on the grounds
21 that this lacks substantial evidence to support the
22 restriction. And particularly, Nome residents have a
23 documented significant pattern of use in Unit 22(B) west
24 particularly during the fall season.

25
26 Nome residents take the majority of their
27 moose in Unit 22(D), however 26 percent of their harvest
28 is in Unit 22(B) west of the Darby Mountains. Thus,
29 eliminating Nome for Unit 22(B) to the Darby Mountains
30 could not be justified.

31
32 Mr. Chair.

33
34 CHAIRMAN DEMIENTIEFF: Thank you.
35 Department comments.

36
37 MR. GRACE: And Mr. Chair, very quickly.
38 One of the things we didn't thoroughly discuss when we
39 were having our meeting was the dates of the hunt that's
40 here, but in every one of the other ones we aligned it
41 with the State and then the few -- I didn't talk to all
42 the Council members because there were other things that
43 were going on but the few that I talked to, there were no
44 objections to the few Council members that I talked to
45 aligning the dates of the limited hunt to the same with
46 the State.

47
48 Thank you.

49
50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Department comments.

2

3

MR. HAYNES: Thank you, Mr. Chairman.

4 The Department does not support this proposal consistent
5 with the recommendation of the Interagency Staff
6 Committee.

7

8

This proposal would primarily impact
9 residents of Nome by excluding them from eligibility for
10 the fall moose hunting season on Federal public lands in
11 western Unit 22(B), an area they have long used for moose
12 hunting and would limit eligibility only to residents of
13 White Mountain and Golovin.

14

The evidence presented in the Staff
16 analysis reaffirms that Nome residents have a customary
17 and traditional use of moose in this area. If Nome and
18 other communities with a positive C&T finding continue to
19 be included in this hunt, the Department does recognize
20 that the current moose population cannot support harvest
21 by all eligible users. Consequently and has been noted
22 earlier, the Department, on April 28th issued an
23 emergency order that will reduce the upcoming fall moose
24 season to September 1 to 14, allowing the Nome road
25 system and the adjacent areas of Units 22(D) and 22(B)
26 west of the Darby Mountains.

27

28

Local residents historically have
29 concentrated their moose hunting efforts along the
30 mainstem of the Fish River, where only a small patchwork
31 of Federal land exists. Golovin and White Mountain
32 residents may find it difficult to identify the Federal
33 public lands and to determine where they could legally
34 take a moose.

35

36

The proposed Federal season also would be
37 open for more than six weeks, three times longer than the
38 now -- the newly implemented State season. But the
39 permits, the State registration permits used for this
40 hunt would have September 1 to 14 season dates printed on
41 it and that could add further complexity for the hunters.

42

43

The Department does not support limiting
44 eligibility for the Federal subsistence fall moose in
45 western Unit 22(B) to residents of Golovin and White
46 Mountain but does recommend that the Federal Subsistence
47 Board consider amending the Federal season dates to match
48 the State's September 1 to September 14 season for these
49 reasons.

50

1 Residents of Nome, the community that
2 would be primarily impacted if this proposal was adopted
3 have a documented customary and traditional use of moose
4 in western Unit 22(B). Reduction of the overall moose
5 harvest in Unit 22(B) is necessary for conservation
6 purposes. Finally, the patchwork of land ownership in
7 the hunt area will make it difficult for Federally-
8 qualified subsistence hunters to know where they can
9 legally hunt if State and Federal seasons are not the
10 same.

11
12 The State has recently taken several
13 steps to address moose management and conservation issues
14 in Unit 22. The non-resident seasons in parts of Units
15 22(B) and 22(D) were closed in 2002 as a conservation
16 measure and to protect subsistence hunting opportunities.
17 To provide additional opportunity for White Mountain and
18 Golovin residents, the Board of Game also instituted a
19 State registration permit hunt in Unit 22(B) west for the
20 January 1 to 31 winter season with a harvest quota of
21 seven moose. This winter hunt was created in 2001 after
22 consultation with residents of these two communities.
23 Since initiation of this hunt White Mountain and Golovin
24 residents have taken 14 of 17 moose harvested in the
25 winter season.

26
27 And, Mr. Chairman, if I might follow up
28 with just a couple of comments to Grace's questions. The
29 permits for this winter hunt in Golovin and White
30 Mountain, the permits are made available in Nome, Teller,
31 White Mountain and Golovin beginning December 1st. So
32 the Department does make a special effort to ensure that
33 White Mountain and Golovin have easy opportunity to
34 obtain permits for this winter hunt and as the evidence
35 shows they are nearly the only beneficiaries from it.

36
37 With reference to the antlerless hunt
38 that Ms. Cross asked about, that is a very limited hunt
39 with a very limited number of permits made available for
40 that hunt in Northwest Alaska communities. So the
41 permits are only available in Nome and the Department has
42 up to authority. So this last season up to five permits
43 were issued for one hunt, up to 15 for the other. I
44 don't have in front of me how many permits were actually
45 issued, but it's a very limited alternative opportunity
46 for hunting out there.

47
48 That concludes our comments.

49
50 CHAIRMAN DEMIENTIEFF: Thank you, very

1 much. Keith you have a question -- we'll just go to
2 Board discussion having heard that. So you have a follow
3 up question.

4
5 MR. GOLTZ: Yeah, I have a question for
6 the State. If you'll pick up the handy-dandy again on
7 Page 106, it reflects, I think the comments you just
8 made. That the permits are available in Teller, White
9 Mountain, and Golovin, and if I understood our last
10 discussion when I see that word, residents, I should be
11 reading subsistence?

12
13 MR. HAYNES: Mr. Chairman. Mr. Goltz.
14 That's correct.

15
16 MR. GOLTZ: So if I read that as
17 subsistence and then I infer that the permits are not
18 available in Anchorage or Fairbanks or Juneau?

19
20 MR. HAYNES: Mr. Chairman. Mr. Goltz.
21 That's correct. It specifies in the regulations where
22 these permits for these specific hunts will be issued.

23
24 MR. GOLTZ: It says they're available
25 there but it doesn't say only there. So what you're
26 telling me is I should read only and infer that this is
27 an attempt to get as close as you can to a rural
28 subsistence priority; is that correct?

29
30 MR. HAYNES: Mr. Regelin will respond to
31 that.

32
33 (Laughter)

34
35 MR. REGELIN: That's correct.

36
37 (Laughter)

38
39 CHAIRMAN DEMIENTIEFF: I guess that's why
40 they bring their bosses to meetings.

41
42 Helen, you had additional information you
43 wanted to bring up.

44
45 MS. H. ARMSTRONG: I just wanted to add a
46 little clarification as to why we didn't have the
47 shortened season in our proposal. We didn't find out
48 that the State was planning on doing that emergency order
49 until after our proposal books had already gone to the
50 public. And we did discuss it. But we felt it was too

1 late to make that kind of change, it was very significant
2 and it should be something that was open to the public
3 process. So therefore we didn't modify the proposal to
4 mirror what the State had done, although they did ask us
5 to do it.

6
7 If we were to do that, we could do it
8 next year, it could become a proposal next year, we could
9 do a special action as well.

10
11 MS. GOTTLIEB: Mr. Chair.

12
13 CHAIRMAN DEMIENTIEFF: Judy.

14
15 MS. GOTTLIEB: Thank you, Mr. Chair. I
16 guess along those lines, too, I'm hearing that the quota
17 number declined also, but that's not reflected in the
18 Regional Council recommendation.

19
20 CHAIRMAN DEMIENTIEFF: Go ahead.

21
22 MR. ARDIZZONE: That's reflected in 14(a)
23 and 15, the proposals that are on the consent agenda.

24
25 MS. GOTTLIEB: Okay, thank you.

26
27 CHAIRMAN DEMIENTIEFF: Additional
28 discussion. Judy.

29
30 MS. GOTTLIEB: Could I just ask, so how
31 would this read then, what would the quota be then on the
32 two parts then -- or on the first part of the proposal
33 here?

34
35 MR. ARDIZZONE: If you turn to Page 108
36 and 109, that's where the language for 14(a) and 15 are,
37 and that reflects the quotas. The quota would be changed
38 from 42 to 23 for the fall season, and from 48 to 30 for
39 the winter season.

40
41 MS. GOTTLIEB: Thank you.

42
43 CHAIRMAN DEMIENTIEFF: Thank you. Wini,
44 did you have a question?

45
46 MS. KESSLER: Yes. I'm trying to
47 understand the implications for Nome, and when you look
48 at Page 120 at the map, there seems to be so little
49 Federal land near Nome, maybe this is a question for
50 Grace, to what extent are the people in Nome, do you

1 know, actually using the Federal land as opposed to the
2 majority of land which isn't Federal?

3

4 MS. CROSS: There are no -- in 22(C)
5 there's no Federal lands, I think there's a rookery, you
6 know.

7

8 MS. KESSLER: I'm looking at 22(B) on
9 Page 120.

10

11 MS. CROSS: I don't think very much of
12 it. The State -- there's a reporting system where the
13 moose came from, maybe the State can answer that better.
14 But I'm not aware of too many people going further off.
15 And of course the moose shortage is fairly new too
16 so.....

17

18 MS. KESSLER: Okay, thank you.

19

20 CHAIRMAN DEMIENTIEFF: Further
21 discussion.

22

23 (Pause)

24

25 CHAIRMAN DEMIENTIEFF: Helen.

26

27 MS. H. ARMSTRONG: I would, of course,
28 defer to Grace, I do want to -- I was trying to look for
29 some other alternatives, ways we could do this and I was
30 told by someone from Nome that people who go up into that
31 part where the -- on the map, the Libby River, Kingsley
32 Creek, up there, and I had actually come up with an idea
33 that we could carve out, Nome would be allowed to go
34 there and White Mountain and Golovin would go into the
35 scattered BLM lands in 22(B), 04-02, 04-01, that we could
36 kind of divide it but -- and that's why those are all
37 named in there. So I was told that people go up in that
38 area some. It's hard to know exactly how much from the
39 access I have to the database. But when I thought of
40 that, I got criticized because I was told that that would
41 be too hard for law enforcement to deal with so I didn't
42 go forward with that idea, but I think there is some use
43 on Federal lands by Nome residents, how much is a little
44 difficult to say.

45

46 CHAIRMAN DEMIENTIEFF: Yes.

47

48 MR. OVIATT: Mr. Chair, this is really a
49 question probably for the State. But at present, the
50 State and the Federal programs act together for a shared

1 permit hunt with shared quotas. If the Federal program
2 eliminated Nome from the fall hunt, would the State still
3 cooperate in the coordinated effort, State/Federal permit
4 hunt, and what are the implications if this coordination
5 breaks down.

6
7 MR. HAYNES: Mr. Chairman. Mr. Oviatt.
8 I think the working relationship that our wildlife
9 conservation staff in Nome have developed, not only with
10 the Regional Council but with their Federal agency
11 counterparts has been a constructive one, and we
12 certainly want to cooperate. But when we start -- the
13 regulations start diverging and in an area where you have
14 such mixed ownership, mixed land ownership patterns it
15 does create some difficulties. And then I did reference
16 one of those in our comments, when a State registration
17 permit is used for a hunt and it has dates that apply to
18 the State hunt but it's a requirement of the Federal
19 hunt as well that has different season dates, that
20 creates complications. And we've made a very
21 conscientious effort in this region to minimize
22 differences in the regulations, recognizing that there
23 are differences in the State and Federal subsistence
24 priorities, but we really prefer not to have to address
25 those divergences if we don't have to. It does
26 complicate things for everyone, including enforcement.

27
28 MS. CROSS: Mr. Chair.

29
30 CHAIRMAN DEMIENTIEFF: Grace.

31
32 MS. CROSS: I just wanted to make a
33 comment. It's always -- since I've been with the RAC,
34 the RAC has always tried to align the dates with the
35 State. The only time we ever varied, I think, was a time
36 when there was a moose shortage on the other side of the
37 Darby Mountains and the non-subsistence hunters were --
38 their allocation for the moose hunt was so short, the
39 State gave them one week, so, we, in the Federal Program,
40 we put in the week after that for the benefit -- not only
41 for the benefit of the subsistence hunters, but for the
42 ones, all rural users. That's about the only time we
43 ever made a change. But other than that, the RAC has
44 always been following, even though special orders to
45 align both the State and the Federal hunting dates.

46
47 CHAIRMAN DEMIENTIEFF: Thank you. Wayne.

48
49 MR. REGELIN: We know that the moose
50 population in this area is declining and we did a census

1 up there and that's why, you know, we took the emergency
2 action as soon as we knew what the figures were but it
3 didn't quite line up and get into your book soon enough.
4 And I don't know if there's a possibility for you to --
5 for the Federal Subsistence Board to make the system, the
6 two seasons align right now. I guess I don't know your
7 system well enough to know if we can do that. But we'll
8 try to work it out together. I know we work well up
9 there in that part of Alaska and we'll keep trying, but
10 it could get really complicated if we have different
11 seasons.

12
13 CHAIRMAN DEMIENTIEFF: Thank you.
14 Further discussion. Is someone prepared to offer a
15 motion.

16
17 MS. GOTTLIEB: Mr. Chair, I guess I have
18 one more question perhaps for Grace, since it sounds like
19 the RAC didn't fully have an opportunity maybe to discuss
20 the dates, would there be some way to get together and
21 try to discuss that before August 10th?

22
23 MS. CROSS: I started to but before I
24 came to the meeting, but then there were other things
25 that came along. But there was no opposition from the
26 RAC members that I talked to. Given the history of the
27 RAC, I seriously doubt if there wouldn't be any problem,
28 just given their history, we're always aligning
29 especially at this time with the moose population being
30 declining, we have followed whatever the State has done
31 through special actions, through changing our regulations
32 as the other three proposals that you saw, they were just
33 to change them and we made it easier for the Federal
34 managers to do that without having to bring it up to the,
35 you know, to put the necessary changes in for alignment
36 with the State. So given our history I can't even
37 foresee a problem with having the same dates.

38
39 And I think the State people would agree
40 with me on this one.

41
42 CHAIRMAN DEMIENTIEFF: Helen, do you have
43 follow up comments?

44
45 MS. H. ARMSTRONG: Yes, Mr. Chair. If
46 you look at the Proposal 14(a), and the Seward Peninsula
47 Regional Council did support changing the regulation to
48 quotas and any needed season changes will be announced by
49 the area field office manager of the BLM in consultation
50 with the NPS and ADF&G, so we have that flexibility to

1 make the season change and the Council did agree to that.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Any
4 other discussion. Paul.

5

6 MR. ROEHL: So, Mr. Chairman, are we
7 asking for a motion?

8

9 CHAIRMAN DEMIENTIEFF: If we're done
10 discussing. Of course we can still bring up issues
11 during the debate on the motion but I'm prepared to
12 entertain a motion.

13

14 MR. ROEHL: Okay, with that, Mr.
15 Chairman, for the record, I think, you know, it can be
16 shown that the residents of Golovin and White Mountain
17 meet all three criteria of ANILCA .804, and from that
18 perspective the BIA, therefore, recommends that we
19 approve their proposal.

20

21 CHAIRMAN DEMIENTIEFF: Is that a motion.

22

23 MR. ROEHL: Yes, sir, it's a motion.

24

25 CHAIRMAN DEMIENTIEFF: Is there a second
26 to that motion.

27

28 MS. GOTTLIEB: I'll second it for
29 discussion.

30

31 CHAIRMAN DEMIENTIEFF: Okay, we have a
32 motion on the floor. Tom, you had something else.

33

34 MR. BOYD: Well, I just see it flashing
35 on the screen, Mr. Chair, but I wanted to clarify whether
36 the motion addressed the Seward Peninsula Council
37 recommendation and I believe it does, but just to make it
38 clear, though.

39

40 MR. ROEHL: Yes.

41

42 CHAIRMAN DEMIENTIEFF: Discussion on the
43 motion.

44

45 MR. OVIATT: Mr. Chair.

46

47 CHAIRMAN DEMIENTIEFF: Yes.

48

49 MR. OVIATT: We believe that because this
50 could present some real coordination efforts as I

1 questioned with the State and we think that this is
2 limited benefit, I'm going to vote to oppose this.

3

4 CHAIRMAN DEMIENTIEFF: Thank you.
5 Further discussion.

6

7 MS. GOTTLIEB: Mr. Chair.

8

9 CHAIRMAN DEMIENTIEFF: Judy.

10

11 MS. GOTTLIEB: I guess I'm a little
12 hesitant also to deny the subsistence opportunity for
13 Nome residents given that I understand their use is low
14 and understand certainly wintertime, which is not on the
15 table, but Golovin and White Mountain use is very high,
16 and so I would just be reluctant at this point to support
17 that aspect of it. And I understand from the analysis
18 that, I mean effects may be minor either way but the most
19 important thing is that Golovin and White Mountain get
20 their opportunities.

21

22 CHAIRMAN DEMIENTIEFF: Thank you.
23 Further discussion.

24

25 MR. ROEHL: Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: Yes.

28

29 MR. ROEHL: Yeah, the reason for my
30 motion is, you know, Nome, although I hate to exclude
31 those residents from their cultural and traditional uses
32 of the resources, they have alternatives available to
33 them whereas White Mountain and Golovin do not. And so I
34 am emphatically in support of my motion. Surprise.
35 Surprise.

36

37 Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Thank you.
40 Further discussion.

41

42 (No comments)

43

44 CHAIRMAN DEMIENTIEFF: Hearing none, all
45 those in favor of the motion, please signify by saying
46 aye.

47

48 MR. ROEHL: Aye.

49

50 CHAIRMAN DEMIENTIEFF: Aye. Those

1 opposed same sign.
2
3 IN UNISON: Aye.
4
5 CHAIRMAN DEMIENTIEFF: Motion fails.
6
7 MS. GOTTLIEB: Mr. Chair.
8
9 CHAIRMAN DEMIENTIEFF: Yes.
10
11 MS. GOTTLIEB: I guess I have one more
12 question for maybe future analysis and I know this is
13 difficult, but is there any way to break down a little
14 bit more whether a moose is taken on Federal or State
15 lands from those permit hunts -- no, okay.
16
17 Mitch, Terry, would like to answer that.
18
19 CHAIRMAN DEMIENTIEFF: Yes, okay, Terry.
20
21 MR. HAYNES: Mr. Chairman. Judy. About
22 the best that you can be assured of doing is breaking
23 down the harvest by uniformed coding unit, and if you
24 have mixed land ownership within those coding units, it
25 may not be possible to determine specifically where the
26 harvest occurred. I think the effort was made in this
27 proposal to narrow that done as much as possible. That's
28 always a question of interest to all of us.
29
30 MS. GOTTLIEB: Thank you.
31
32 CHAIRMAN DEMIENTIEFF: Tom.
33
34 MR. BOYD: Yes, Mr. Chair, thank you.
35 And I think we've covered it, but I think it's helpful, I
36 guess, given the motion was to accept the Council
37 recommendation. It was actually rejected, and I think
38 it's incumbent upon the Board to make a statement as to
39 why, particularly, in reference to .805(c).
40
41 CHAIRMAN DEMIENTIEFF: You were on the
42 same page, I was just going to ask for that. So maybe
43 the prevailing Board members could bring their arguments
44 or at least address them, I would deeply appreciate it.
45
46 MS. KESSLER: Mr. Chair.
47
48 CHAIRMAN DEMIENTIEFF: Go ahead.
49
50 MS. KESSLER: My vote reflected that I

1 felt that it lacked substantial evidence that would
2 support the restriction.

3
4 CHAIRMAN DEMIENTIEFF: Thank you.

5
6 MR. OVIATT: Mr. Chair.

7
8 CHAIRMAN DEMIENTIEFF: Yes.

9
10 MR. OVIATT: Similar on our part, and we
11 refer also to the comments in the Staff comments.

12
13 CHAIRMAN DEMIENTIEFF: Thank you. Todd.

14
15 MR. LOGAN: Similar also, and in addition
16 the fact that Nome does have the well documented use of
17 that area.

18
19 MS. GOTTLIEB: Mr. Chair.

20
21 CHAIRMAN DEMIENTIEFF: Yes.

22
23 MS. GOTTLIEB: And I felt it would be
24 detrimental to subsistence users.

25
26 CHAIRMAN DEMIENTIEFF: Thank you. Even
27 though the vote had already taken place, that will be
28 part of the record to justify. We should have called
29 upon that prior to the vote, but it's still part of the
30 record and we it's something that we need to keep in
31 front of us. So I appreciate everybody coming forward
32 with those ideas.

33
34 Let me see, we're moving on to Northwest
35 Arctic.

36
37 With that, we don't need to change Staff.
38 So we'll go ahead and move to Proposal 18, Page 149 of
39 your book. And with that we'll go ahead with the
40 analysis, please.

41
42 MR. ARDIZZONE: Good afternoon, Mr.
43 Chair. My name is Chuck Ardizzone for the record.
44 Proposal WP05-18 can be found on Page 153, that's where
45 the analysis starts.

46
47 Proposal WP05-18 was submitted by the
48 Northwest Arctic Regional Subsistence Advisory Council
49 and requests the Federal season for moose in most of Unit
50 23 be reduced from July 1st -- or August 1st through

1 March 31st to August 1st to December 31st, allowing
2 antlerless moose to be harvested only in November and
3 December.

4
5 The proponent requests that the harvest
6 season for moose be changed because the moose density in
7 Unit 23 appears to have substantially declined since the
8 early 1990s. The proponent states that census data
9 suggests moose density currently ranges between .1 and .3
10 moose per square mile in large portions of the unit. And
11 the calf recruitment has been consistently low during
12 recent years. They also claim that the State moose
13 hunting regulations have already been restricted to
14 protect moose and that similar Federal regulations would
15 conserve moose and reduce regulatory complexity between
16 State and Federal regulations.

17
18 A bit of regulatory history. The Federal
19 moose regulations for Unit 23 have remained unchanged
20 since 1995. However, State moose regulations have become
21 more restrictive over the years to help protect the moose
22 population. The most recent changes to State regulations
23 occurred in 2003 and the Alaska Board of Game approved
24 several regulatory changes which took effect in the
25 2004/2005 season, which made it more difficult for non-
26 local residents to hunt moose in the unit. Alaska Board
27 of Game approved four registration hunts in the unit
28 where the permits were only available in person at
29 licensed vendors in Unit 23 villages, from June 1st to
30 July 15th. This early availability of permits occurs
31 before most of the seasons open which precludes non-local
32 hunters from just arriving in the area picking up a
33 registration permit and going out hunting. If a non-
34 local hunter wanted to hunt in one of the registration
35 permit hunts, the individual would have to make a special
36 trip to one of the Unit 23 villages between June 1st and
37 July 15th to receive a registration permit and then
38 return later when the moose season is open.

39
40 Going into some biological background.
41 Based on recent results, in a large area of Unit 23 moose
42 densities range between .1 and .3 per square mile. This
43 is lower than many other portions of Alaska. There are,
44 however, small pockets of high quality moose habitat that
45 may have higher densities of moose. Area biologists in
46 many public reports suggest that the moose populations
47 are declining throughout Unit 23. The Selawik National
48 Wildlife Refuge, with the help from ADF&G, BLM and the
49 National Park Service census of moose in the Tag River
50 drainage in March 2001. The estimated moose population

1 in this area is approximately 1,374 animals, and the
2 calf/adult ratio was 10 calves per 100 cows. And the Tag
3 River drainage was also surveyed in 1997, however, a
4 small area was covered, to allow for comparison the same
5 area was surveyed in 2001. In 1997 there were 21 calves
6 per 100 cows and in 2001 there were only 10 calves per
7 100 cows, this more than a 50 percent decrease in
8 recruitment in a four year period.

9
10 Based on survey census data for the
11 Selawik River the population has been relatively stable
12 for the last four to six years. Calf recruitment is
13 extremely low along the Selawik River, however, overall
14 mortality for adult moose is also low in that area. The
15 low calf recruitment is attributed to bear predation on
16 calves in the spring and low adult mortality is
17 attributed to limited predation of adults during the
18 winter.

19
20 Based on the ADF&G area biologist's
21 observations and observations by local residents moose
22 have reportedly been declining in the Upper Kobuk
23 drainage since 1990s and recruitment has also been low in
24 that area.

25
26 The May 1997 to 2000 spring adult calf
27 ratio in the Noatak River drainage was nine calves per
28 100 adults.

29
30 This is consistent with observations and
31 reports of many local residents and some long-term
32 commercial operators, that recruitment rates have been
33 low in this portion of the unit.

34
35 I'll go a little bit into harvest data.
36 Total reported annual moose harvest for Unit 23 between
37 1995 and 2002 has ranged between 139 and 180 animals,
38 that can be seen in Table 2.

39
40 Based on community based harvest
41 assessments, approximately 335 moose were harvested
42 annually by unit residents between 1999 and 2001.
43 Residents of Kotzebue account for the largest percentage
44 of this harvest. Georgette, et al., reported that in the
45 Northwest Alaska communities surveyed bull moose
46 represented nearly all of the moose harvested and that
47 the overall harvest of the moose who's sex was known were
48 94 percent bulls, that can be seen in Figure 1. Moose
49 harvest range from August through January, however, 76
50 percent took place in August and September, with another

1 17 percent occurring in December, that can be seen in
2 Table 3.

3
4 The number of moose harvested from the
5 Northwest Arctic communities surveyed is displayed in
6 Table 4 on Page 158.

7
8 Some current events involving this
9 proposal, during the 8 March 2005 Northwest Arctic
10 Subsistence Regional Council meeting there was extensive
11 testimony on the proposed changes to the moose season and
12 harvest limits for Unit 23. There was some public input
13 that suggested that there was a need for better moose
14 surveys and census numbers and that the proposal should
15 not be supported until better data was available.
16 Federal Staff explained the moose surveys would be
17 conducted in the future and that the updated data would
18 be made available to the Council. Some of the public
19 voiced apprehension that there had not been any meetings
20 held in villages that would be most effected by the
21 proposal so there was no way to know their concerns.

22
23 Some of the effects from this proposal.
24 Unit 23 moose populations have been declining. Adopting
25 this proposal would give subsistence users less
26 opportunity, would likely reduce the harvest of cow moose
27 and preclude the harvest of calf moose which would help
28 slow the decline of the moose population. If this
29 proposal is adopted, it would shorten the moose season by
30 90 days and would limit the take of antlerless moose to
31 November and December. However, this action may result
32 in little improvement in areas where low calf recruitment
33 is attributed primarily to bear predation.

34
35 This proposal would have minimal impacts
36 on subsistence users because few subsistence hunters have
37 harvested cow or calf moose in the past and most of the
38 harvest occurs between August and September.

39
40 The four month long any bull season would
41 still provide an opportunity to take a moose during the
42 fall if caribou are not available.

43
44 That concludes my presentation, if there
45 are any questions.

46
47 CHAIRMAN DEMIENTIEFF: Thank you.
48 Written public comments.

49
50 MS. CHIVERS: Thank you, Mr. Chair. For

1 the record my name is Michelle Chivers, Council
2 Coordinator for the Northwest Arctic Council. We did
3 receive one comment from the Kobuk Valley National
4 Subsistence Resource Commission in opposition. However,
5 Ken Adkisson, when he comes up to do public testimony,
6 he's going to cover that.

7
8
9

Thank you.

10 CHAIRMAN DEMIENTIEFF: Thank you. We
11 will now call Ken Adkisson who signed up to testify.

12
13

MR. ADKISSON: Mr. Chair. Board members.
14 My name is Ken Adkisson. And while I work for the
15 National Park Service, my position requires that I work
16 closely with the Kobuk Valley and Cape Krusenstern
17 Subsistence Resource Commissions, which perform vital
18 functions in subsistence management for the National Park
19 Service for those Park units. And since none of them
20 could be here, I wanted to reinforce the position that
21 they had taken on several proposals.

22
23

With respect to Proposal 05-18, the Kobuk
24 Valley Commission met just prior to the Regional Advisory
25 Council meeting and they did take a position on that
26 proposal, and that was to oppose the proposal as written,
27 with one small exception which is probably not worth
28 going into but it relates to a two week closure in the
29 Noatak area.

30
31

There was a good deal of discussion at
32 the SRC meeting regarding that proposal. And it focused
33 largely on the status of the moose population, issues
34 surrounding dual management, the confusion or problems
35 that could be associated with differing seasons and
36 harvest limits and so forth. But when it finally came
37 down to it, the Commission felt that perhaps not enough
38 had been done to try to restrict further use by non-local
39 folks, and that if restrictions were necessary that they
40 ought to go there first and not on to the local users.

41
42

They also felt that, because of the
43 origin of the proposal, and how it appeared in the RAC
44 late at the meeting and so forth, there really had not
45 been adequate time for discussion with the proposal and
46 they felt it was serious enough that it needed to go back
47 to the communities and so forth for further discussion.

48
49

I can answer questions if you have, but
50 much of the biology and so forth will be covered through

1 the minority opinion and so forth of the Staff Committee.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. Any
6 questions at this time.

7

8 MS. GOTTLIEB: Mr. Chair.

9

10 CHAIRMAN DEMIENTIEFF: Judy.

11

12 MS. GOTTLIEB: Ken, maybe you could just
13 outline how many Park units might be affected by this
14 proposal just so people get a sense of it.

15

16 MR. ADKISSON: Well, it's a Federal
17 proposal and so, yeah, it would include more than the
18 Parks, but essentially the Park units that would be most
19 affected by it, of course, would be Cape Krusenstern
20 National Monument and Kobuk Valley National Park, and the
21 reason that is is because they're completely closed to
22 hunting under the State system, so whatever the Federal
23 system adopted would apply only there. The other areas,
24 you're going to have further complications because of
25 State and Federal management.

26

27 MS. GOTTLIEB: Thank you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you.
30 Regional Council recommendation.

31

32 MR. STONEY: Thank you, Mr. Chairman. We
33 met the last meeting in Kotzebue, the locals strongly
34 request to table this proposal. The reason why they want
35 to table it is they need input from all the villages, for
36 instance, Kotzebue, Noatak, Kivalina, Kobuk, Shungnak,
37 Ambler, Kiana, Noorvik, Selawik, Buckland and Deering.

38

39 They would like to see a new proposal at
40 the fall meeting.

41

42 The reason why mostly they request this
43 is from concerned people from most of the villages in
44 that Northwest Alaska, because moose population in that
45 area is still getting lower and lower every year. So
46 we'd like to see a new proposal with recommendations from
47 the Resource Commissions, Upper Kobuk and Cape
48 Krusenstern after this fall meeting.

49

50 CHAIRMAN DEMIENTIEFF: Thank you. Staff

1 Committee.

2

3

MR. PROBASCO: Thank you, Mr. Chair.

4 Staff Committee comments or recommendations can be found
5 on Page 150, 151 and 152, they're fairly lengthy and I
6 will just hit the high points if I may, Mr. Chair.

7

8

The Interagency Staff Committee did not
9 reach consensus on this proposal. The majority of the
10 Staff Committee support the proposal, contrary to the
11 recommendation of the Northwest Arctic Regional Advisory
12 Council. The moose population in Unit 23 is at low
13 densities and has been in decline for over a decade.
14 Recruitment is so low that the moose population cannot
15 recover without improved production and overwinter of
16 survival of calves and without the replacement of older
17 breeding cows lost in natural mortality and human
18 harvest. It is likely that the rate of decline in the
19 moose population will increase. According to the best
20 available data, the vast majority of the moose harvest
21 occurs prior to the end of December. Accordingly, the
22 reduction in the length of season from nine months to six
23 months ending on the 31st of December will minimize any
24 disruption of the traditional harvest patterns of the
25 area's residents. The elimination of the January through
26 March portion of the season will assist in minimizing
27 disturbance of pregnant cows during the time of greatest
28 forage limitation increasing their chances of surviving
29 the winter and thus increasing their contribution to the
30 herd's recovery.

31

32

The Regional Council recommended tabling
33 the proposal in part to obtain input from affected
34 villages before deciding whether to support the proposal.
35 However, the Staff Committee noted that all the local
36 Fish and Game Advisory Committee's representing the
37 villages in the area where proponents of identical
38 regulatory changes for resident hunters submitted to and
39 adopted by the Alaska Board of Game in 2003.

40

41

Mr. Chair, the minority opinion of the
42 Staff Committee was to table the proposal consistent with
43 recommendation of the Northwest Arctic Regional Advisory
44 Council. This view supports, as I stated, this
45 recommendation. And at the fall 2004 Council meeting,
46 the Alaska Department of Fish and Game suggested a need
47 for a Federal proposal to deal with moose management.
48 The Council supported the development of a proposal and
49 this proposal was created as the Council as the sponsor.
50 At the winter 2005 meeting the Council reviewed the

1 analysis and had a very lengthy discussion.

2

3 On the biological issues, there is no
4 disagreement among biologists or users that the moose
5 numbers have declined in portions of Unit 23. In
6 contrast, densities have not declined in the more
7 productive areas, western portions of the Noatak National
8 Preserve. Care must be taken to understand that spring
9 surveys count all adults, not just cows. As such these
10 spring surveys yield calf/adult ratios that are biased to
11 the low side as adult bulls must be subtracted out to
12 yield more accurate numbers for calf/cow ratios. Too
13 heavily weighted the spring survey yields an incomplete
14 picture of the overall health.

15

16 This area has been compared to other
17 areas of the state suggesting that the population density
18 are not as high as other areas. This is true. However,
19 such comparisons are of little value without the
20 information to carefully compare the habitat and its
21 ability to support moose. We believe comparison of
22 density without habitat context is without merit. Some
23 argue that the spring portion of the subsistence
24 represents a small percentage, approximately seven
25 percent of the harvest, we agree. However, we argue that
26 the spring hunt is locally important. We all agree that
27 people in the region prefer caribou if they are
28 available, yet, the caribou move frequently and their
29 annual migration routes vary from year to year. In this
30 sometimes lean time of year moose represent an
31 alternative food source that is locally important
32 especially if caribou have not been near a village.

33

34 In the fall 2005, the agencies should
35 comply with the request of the Council to provide an
36 updated briefing about moose in Unit 23 and to the extent
37 possible, this information should be shared with the
38 region's village organizations.

39

40 Mr. Chair.

41

42 CHAIRMAN DEMIENTIEFF: Thank you.
43 Department comments.

44

45 MR. HAYNES: Thank you, Mr. Chairman.
46 The Department supports this proposal consistent with the
47 majority Interagency Staff Committee recommendation.

48

49 Department Staff worked with the
50 Northwest Arctic Regional Advisory Council in drafting

1 this proposal which addresses growing conservation
2 concerns for moose in Unit 23 and would result in more
3 closely aligned State and Federal regulations. Retaining
4 the current harvest limits and Federal seasons of eight
5 to nine months are difficult to justify when moose
6 numbers and recruitment rates are low throughout much of
7 Unit 23. Moose regulations have been a dominant topic at
8 State Fish and Game Advisory Committee meetings in Unit
9 23 for more than 10 years, and, in fact, the current
10 regulations are in part a result of Board of Game changes
11 made in 2003 that followed a joint meeting of all the
12 Unit 23 Advisory Committees to work with the Department
13 in drafting a proposal that led to the current State
14 seasons.

15
16 The State moose hunting regulations in
17 Unit 23, again, are essentially a product of joint
18 Department Advisory Committee proposals submitted to the
19 Board of Game. The Department's concerns with this
20 proposal would be partially addressed if the Federal
21 regulations were changed to prohibit the harvest of calf
22 moose and to close the antlerless season on December
23 31st. Data recorded in household surveys in selected
24 Unit 23 communities indicate that since 1998, 97 percent
25 of the moose harvested by these communities in Unit 23
26 occurred in the fall or early winter months. Cow moose
27 taken after December 31st comprise less than one percent
28 of the recorded moose harvest.

29
30 In general, most local residents do not
31 actively seek moose during the months of January through
32 March. The hunting patterns of local residents during
33 this time show a preference for harvesting caribou which
34 typically are available in late spring on their northward
35 migration and in some years throughout the winter months.

36
37 Thank you, Mr. Chairman.

38
39 CHAIRMAN DEMIENTIEFF: Thank you. Keith.

40
41 MR. GOLTZ: Terry, I have some questions
42 about how the State has been addressing the conservation
43 concerns, and if we could look together at Page 110 of
44 the handy-dandy, it looks to me like in this area you
45 have both subsistence and non-subsistence hunts, am I
46 reading that correctly?

47
48 MR. HAYNES: Mr. Chairman. Mr. Goltz.
49 We do have both subsistence hunts for State residents and
50 very limited non-resident hunts.

1 MR. GOLTZ: The non-resident hunt is
2 limited to 50-inch, is that the limitation?
3
4 MR. HAYNES: That's correct, one bull
5 with 50-inch antlers or antlers with four or more brow
6 tines on at least one side, and then a September 1 to 20
7 season.
8
9 MR. GOLTZ: And the subsistence season is
10 longer?
11
12 MR. HAYNES: Yes, in all parts of Unit 23
13 the subsistence seasons are longer.
14
15 MR. GOLTZ: It says the subsistence is a
16 registration hunt, can you explain for the record what
17 that means?
18
19 MR. HAYNES: Well, a registration hunt,
20 first of all indicates that the Department has and the
21 Board of Game have an interest in monitoring the harvest
22 closely so it -- and there is the ability for some types
23 of sideboards to be put on the hunt, if necessary, but it
24 requires the hunter come in and register for the hunt and
25 then return the registration permit.
26
27 MR. GOLTZ: Is there a limitation on the
28 number of registrations?
29
30 MR. HAYNES: Not in these particular
31 hunts.
32
33 MR. GOLTZ: I see that the prospective
34 hunter can only go to the Unit 23 villages to get one of
35 these registration permits; is that correct?
36
37 MR. HAYNES: Mr. Chairman. Mr. Goltz.
38 Yes, that's correct. The permits are available in person
39 at licensed vendors in Unit 23 villages during a
40 specified period of time well before the hunting season
41 in some instances.
42
43 MR. GOLTZ: What is that period of time?
44
45 MR. HAYNES: June 1 to July 15th.
46
47 MR. GOLTZ: And is that -- can I infer
48 that that's to place a constructive limitation on
49 Anchorage hunters, Fairbanks and Juneau, so it would be
50 more difficult for them to get a permit, is that why it's

1 constructed that way?

2

3 MR. HAYNES: Mr. Chairman, I'll let Mr.
4 Regelin respond to that.

5

6 (Laughter)

7

8 MR. REGELIN: Mr. Chairman, as you're
9 well -- and Mr. Goltz, you're well aware that the State
10 cannot differentiate on basis of where a person lives on
11 whether they can -- the State Constitution prohibits a
12 rural priority. And anyone from Anchorage or Fairbanks
13 or Juneau that wants to fly up from June 1st to July 15th
14 to get a permit will get one.

15

16 MS. GOTTLIEB: Mr. Chair.

17

18 CHAIRMAN DEMIENTIEFF: Judy.

19

20 MS. GOTTLIEB: I'd like to ask Brad
21 Schultz, our wildlife biologist to come up and give us a
22 little bit more background on this proposal, please.

23

24 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

25

26 MR. SCHULTZ: Mr. Chair and other Board
27 members. Good afternoon and thank you for the
28 opportunity to brief you on Proposal WP-18 on behalf of
29 the National Park Service and Bureau of Land Management.
30 My name is Brad Schultz and I've been the wildlife
31 biologist for Western Arctic National Park Lands for 13
32 years.

33

34 Today, in support of the Northwest Arctic
35 Regional Council's recommendation I want to emphasize
36 three points relative to this proposal.

37

38 First, there's no disagreement among
39 agency biologists and the public that moose abundance
40 across Unit 23 has declined since the early 1990s.
41 However, there is disagreement over the numeric magnitude
42 of the decline and it's persistence across the years.
43 Consequently there's a healthy debate over the best
44 course of regulatory change to prevent any further
45 decline in abundance as a result of harvest.

46

47 Moose populations decline in abundance
48 when adult mortality exceeds the recruitment of calves as
49 young adults. Based on two years of NPS field work in
50 the Noatak River between 1998 and 2000, we can say that

1 moose productivity in Unit 23 is not the problem. Cow
2 moose pregnancy rates exceed 90 percent, twinning rates
3 around 40 percent were observed indicating the
4 nutritional health of the cow moose and the underlying
5 reproductive potential of the population. Moose calves
6 are born, but suffer high mortality that approaches 60
7 percent during the first month of life. This is
8 consistent with previous moose studies in other areas of
9 Alaska where bears and wolves are present.

10
11 Adding to the early mortality is the
12 subsequent overwinter mortality that leaves only 10 to 30
13 percent of the calves produced each May alive during the
14 following spring as new recruits in the population. The
15 number of surviving calves must equal the number of adult
16 moose who die from natural causes and hunting for the
17 population to remain stable. We believe that this has
18 probably been the case in areas of Unit 23.

19
20 Our second point is that regulatory
21 changes do have an impact on qualified Federal
22 subsistence users, even when results from subsistence
23 studies show that a level of harvest is low. Harvest of
24 an alternative resource like moose for a single hunter or
25 a family during lean times when no caribou are available
26 should be considered important even if only a small
27 number of people actually need the resource.

28
29 Our final point is that we agree that
30 some regulatory changes could be made in Unit 23 to
31 ensure conservation of healthy moose populations but we
32 would like the Northwest Arctic Regional Advisory Council
33 to play a stronger role in the regulation development
34 process. They've indicated a willingness to do this by
35 making their recommendation. We do not agree that the
36 need for regulatory change is immediate because
37 population crash is eminent. For example, comparison of
38 survey data and population statistics collected between
39 2001 and 2005 just recently in the Noatak and Squirrel
40 River indicate that this population is stabilized at a
41 low density. Despite above average snowfalls during the
42 past five winters and the 2003/2004 winter snowfall total
43 being the second highest recorded since 1949, no high
44 adult mortality was observed as was the case in the
45 highest recorded snowfall in the winter of 1991, they
46 differed by three millimeters.

47
48 We suggest that low density of moose
49 populations will persist for many years in the region as
50 long as predator populations are healthy. We also want

1 to emphasize that restrictive regulatory changes should
2 be viewed as changes for a minimum of at least five
3 years. Furthermore, we contend that regulatory changes
4 for qualified Federal subsistence hunters should be
5 changed less often since subsistence patterns change
6 little over time when resource abundance of key species
7 remain stable. In addition, regulatory stability allows
8 for evaluation of desired population conditions following
9 regulation implementation.

10

11 In conclusion, we suggest the following
12 as discussion points for regulation changes at the fall
13 2005 Northwest Arctic Regional Advisory Council meeting.

14

- 15 1. Prohibit the harvest of calf
16 moose.
- 17
18 2. Reduce the harvest season for cow
19 moose but consult the communities
20 to determine which months an open
21 season should span to accommodate
22 traditional harvest practices.
- 23
24 3. Limit regulatory changes to major
25 drainages such as the Noatak, the
26 Kobuk, and Selawik River
27 drainages where population
28 surveys, radio telemetry data and
29 harvest data are available
30 instead of an all encompassing
31 unit-wide regulation like we now
32 have in effect. Unit 23 is a
33 43,000 square mile unit that is
34 not divided into management
35 subunits as other large units in
36 the state are. This contributes
37 to a unit-wide regulatory
38 approach that lacks specificity.
39 At least 22 aerial population
40 surveys and three radio telemetry
41 research projects have been
42 completed in Unit 23 since 1992.
43 These data are drainage and/or
44 population specific and can be
45 used to tailor regulations more
46 appropriate to specific
47 geographic areas. This approach
48 will allow for more precise
49 management of populations in
50 varying ecological habitats.

1 This approach would also limit
2 the negative impacts across the
3 unit that create undue hardship
4 in local communities while
5 allowing for more conservative
6 regulations in areas where
7 declines are of greater concern.
8

9 That concludes our comments, and I'd be
10 happy to answer any questions that you might have.

11
12 CHAIRMAN DEMIENTIEFF: Thank you.

13
14 MS. KESSLER: Mr. Chair.

15
16 CHAIRMAN DEMIENTIEFF: Yes.

17
18 MS. KESSLER: So the proposal to shorten
19 season, it's your view that that would not have a
20 significant positive effect on the population concern
21 that exists; is that correct? That there's other things
22 that should be looked at, this particular one of
23 shortening the season is not going to be helpful; is that
24 correct?

25
26 MR. SCHULTZ: I think the portion to
27 prohibit the harvest of calf moose would make a
28 difference and certainly restricting the cow season to
29 some shorter season would help.

30
31 MS. KESSLER: Uh-huh. So of the
32 proposal, the part about the calf restriction would be a
33 significant help?

34
35 MR. SCHULTZ: Yes.

36
37 MS. KESSLER: Okay, thanks.

38
39 CHAIRMAN DEMIENTIEFF: Thank you.

40
41 MR. O'HARA: Mr. Chairman, can I ask the
42 biologist a question?

43
44 CHAIRMAN DEMIENTIEFF: Go ahead, Dan.

45
46 MR. O'HARA: Apparently you got a
47 predator control problem both with Grace's area and in
48 Northwest, so maybe it's time the Feds decide to deal
49 with a predator control program.
50

1 Maybe your boss wants to answer that
2 question.
3
4 MS. GOTTLIEB: Mr. Chair.
5
6 CHAIRMAN DEMIENTIEFF: Yes.
7
8 MS. GOTTLIEB: I guess I'll mention, I'm
9 sure Dan hasn't had a chance to read all the consent
10 agenda proposals but there may be help on the way for
11 some of that. But I guess I wanted to ask Brad, what
12 would be the risk that this Board or the RAC would take
13 in waiting until the fall meeting and trying to devise
14 some of these ideas more from the bottom up?
15
16 MR. SCHULTZ: We believe that we've
17 already reached the bottom, we've been on a slow decline
18 since 1990, '91 when we suffered a pretty tough winter.
19 We've had several tough winters since then and we feel
20 that there's no immediate need that we can't do anything
21 -- we don't necessarily need to do anything right now.
22 The densities are going to remain at low levels for a
23 long time. So we think there's plenty of time to craft
24 regulations that work for everybody.
25
26 MS. GOTTLIEB: Thank you.
27
28 CHAIRMAN DEMIENTIEFF: Thank you. Other
29 discussion.
30
31 (No comments)
32
33 CHAIRMAN DEMIENTIEFF: Hearing none, is
34 somebody prepared to offer a motion.
35
36 MS. GOTTLIEB: Mr. Chair.
37
38 CHAIRMAN DEMIENTIEFF: Yes.
39
40 MS. GOTTLIEB: I would like to make a
41 motion to support the Northwest Arctic Regional Advisory
42 Council's recommendation to table this discussion until
43 their fall meeting and allow them to have more
44 consultation and discussion.
45
46 CHAIRMAN DEMIENTIEFF: Is there a second
47 to that motion.
48
49 MR. LOGAN: I'll second.
50

1 CHAIRMAN DEMIENTIEFF: Discussion on the
2 motion.
3
4 MR. ROEHL: Mr. Chair.
5
6 CHAIRMAN DEMIENTIEFF: Go ahead.
7
8 MR. ROEHL: Yeah, I believe that contrary
9 to this biologist's testimony, we've heard testimony that
10 told us just the opposite, that there is a decline in
11 moose population and I believe that it goes contrary to
12 the fish and wildlife management principles not to do
13 something now. So to support the motion to table while
14 the moose continue to decline is not very -- not very
15 wise, let's just put it that way. So I'll be voting to
16 adopt the original proposal.
17
18 CHAIRMAN DEMIENTIEFF: Todd, did you have
19 something?
20
21 MR. LOGAN: Yes. I guess the position of
22 the Fish and Wildlife Service, this is an opportunity to
23 support the recommendations of the Regional Advisory
24 Council. The Park Service is also the predominate land
25 manager, and they've taken, I guess support the minority
26 position which is that it's not a crises, I think there's
27 large agreement that moose populations are a problem but
28 it's not a crises that we need to react immediately.
29
30 The entire Selawik National Wildlife
31 Refuge is in this unit and manager LeeAnne Ayres is also
32 very comfortable with the Regional Advisory Council
33 taking this issue up and trying to further refine it at
34 their fall meeting.
35
36 CHAIRMAN DEMIENTIEFF: Judy.
37
38 MS. GOTTLIEB: Thank you, Mr. Chair. I
39 guess we could -- I think this Board has seen several
40 examples in the past where some of the biologists have
41 different opinions and interpretations and I think there
42 are some reasons where there are differences this time
43 having to do with recent changes in regs, having to do
44 with different survey techniques. So I guess if Paul
45 would want more information, I think Brad can supply some
46 of the reasons for some of these differences.
47
48 But I would continue to support the
49 Council's knowledge and recommendation and their wish to
50 consult with communities before making changes in the

1 regs.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4

5 MS. KESSLER: Mr. Chair.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MS. KESSLER: I'm wondering, Judy,
10 whether there's a possibility for maybe some middle
11 ground here. And what I heard was that there's
12 opportunity to have a significant positive impact by
13 restricting the calves. I wonder if maybe a modified or
14 an amendment to the motion that would allow at least that
15 action to be taken if that's an action that's going to
16 have a significant helpful affect. It might be
17 appropriate.

18

19 CHAIRMAN DEMIENTIEFF: Thank you. Any
20 others.

21

22 (No comments)

23

24 CHAIRMAN DEMIENTIEFF: I think the one
25 thing that's clear is we have heard a commitment to
26 continue to work on the issue and if it's a little bit
27 preliminary so I know for that reason I intend to support
28 the Regional Council recommendation. Given that work
29 because I have heard the commitment that there's going to
30 be work that's going to be done.

31

32 So allowing that process to move forward,
33 I think is, you know, real, real well. These things
34 don't go away, they're works in progress basically. And,
35 we have, again, the tools to manage any situation in
36 terms of our in-season management delegation.

37

38 Go ahead, you had something.

39

40 MR. OVIATT: Thank you, Mr. Chair. We,
41 too, would like to take the opportunity to support the
42 Regional Council. However, we would like this deferral
43 to be limited to one year for additional consultation.
44 In other words, let's put limits to our consultation.

45

46 MS. GOTTLIEB: Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Yes.

49

50 MS. GOTTLIEB: I'd like to ask, Raymond,

1 I was looking through your transcripts from your RAC
2 meeting and I know Brad and others were there too, and
3 you did have specific discussions about tabling it but
4 discussing it again in September, as I recall, as well as
5 the commitment to follow through on this. So if you can
6 say a little bit more about that perhaps that would be
7 great.

8

9 CHAIRMAN DEMIENTIEFF: Go ahead, Ray.

10

11 MR. STONEY: Mr. Chairman. This
12 recommendation was not just from the RAC Council. The
13 recommendation from most of the villages, that is why it
14 has come up to our attention today. It's not because of
15 the -- it's the villages recommendations to table the
16 proposal.

17

18 CHAIRMAN DEMIENTIEFF: Thank you.
19 Further discussion.

20

21 MS. KESSLER: Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Yes.

24

25 MS. KESSLER: I would like to move to
26 amend the motion a bit to not allow the harvest of the
27 calf, to retain that portion of the proposal.

28

29 CHAIRMAN DEMIENTIEFF: There is a motion
30 to amend the main motion. Is there a second to that.

31

32 MR. ROEHL: Well, I would second Wini's
33 motion. I also want to say that, you know, we believe --
34 my default position is to generally go with the RAC. You
35 know, the RACs are there for a reason, they represent the
36 local residents of those areas, so they generally know
37 what's best for themselves. So that's almost always my
38 default position.

39

40 But in this case I believe that the moose
41 population could be at risk, contrary to some of the
42 differing opinions, so I would like to include the calf
43 restriction language in the motion too -- while you table
44 this, have the calf restriction part of it.

45

46 CHAIRMAN DEMIENTIEFF: Thank you. We
47 have a motion that's been made and seconded to amend. Is
48 there any further discussion on the amending motion.

49

50 MS. GOTTLIEB: Mr. Chair.

1 CHAIRMAN DEMIENTIEFF: Judy.

2

3 MS. GOTTLIEB: Mr. Chair. I would be
4 reluctant to insert something like this before the RAC
5 has had a full chance to discuss it. And not to pin
6 Raymond down on behalf of his Regional Council, but if
7 you have any thoughts on it right now, I guess we'd be
8 interested. But I think it would be like most matters,
9 it would be difficult until the whole RAC hears this.

10

11 CHAIRMAN DEMIENTIEFF: Ray, do you have
12 any additional thoughts with regard to Judy's question?

13

14 MR. STONEY: No further discussions.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. Ralph.

17

18 MR. LOHSE: Mr. Chair, just for
19 clarification for in the future. Can you amend a motion
20 that you're tabling, because if you amend the motion and
21 then vote to table the motion the motion with its
22 amendment is tabled, isn't it? I mean just for our use
23 later on.

24

25 CHAIRMAN DEMIENTIEFF: Basically, you
26 know, there is a difference, we're voting to support the
27 Regional Council recommendation, that's the motion, okay,
28 and that's the operative here. Normally a tabling motion
29 there is no discussion on a tabling motion, somebody
30 moves and seconds the table, it's voted on without
31 discussion. But that is not the nature of the motion, so
32 it is not a tabling motion, it is just merely supporting
33 the Regional Council recommendation.

34

35 Jack.

36

37 MR. REAKOFF: Thank you, Mr. Chair. I
38 sit on Gates of the Arctic Subsistence Resource
39 Commission and we have not reviewed this proposal. We
40 have a meeting coming up around May 16th, in about two
41 weeks, I would like to review this proposal with
42 Commission members who are from the Upper Kobuk drainage,
43 this affects the Upper Kobuk also. And so I would -- as
44 a Commission member, Vice Chair of that Commission, I
45 would enjoy in reviewing this proposal and as Ms.
46 Gottlieb has stated.

47

48 CHAIRMAN DEMIENTIEFF: Yeah, I think from
49 my perspective, just given the fact that there is a
50 learning curve with regard to the issue that it needs

1 more work. I don't -- I actually speak against the
2 amendment for that reason until we can get the work done
3 basically. And that's the reason why that basically
4 people need to get more awareness before we advance any
5 kind of amendment or accept part of the proposal, and I
6 think it's been clearly documented that there is work
7 that needs to be done, and, again, people are willing to
8 do the work. I would just rather get that done prior to
9 taking any action, so I speak against the amendment for
10 that reason.

11

12 Further discussion.

13

14 (No comments)

15

16 CHAIRMAN DEMIENTIEFF: Hearing none, all
17 those in favor of the amendment, please signify by saying
18 aye.

19

20 MS. KESSLER: Aye.

21

22 MR. ROEHL: Aye.

23

24 CHAIRMAN DEMIENTIEFF: Those opposed,
25 same sign.

26

27 IN UNISON: Aye.

28

29 CHAIRMAN DEMIENTIEFF: The amendment
30 fails. We now have the main motion before us, which is
31 to support the Northwest Arctic Regional Council and for
32 the same reasons that I spoke of with regard to the
33 amendment, I also support the main motion because I'm
34 very comfortable with the level of commitment that we're
35 hearing, you know, from Subsistence Resource Commission
36 members, from the Regional Council, that they are going
37 to work and bring us something that we can use.

38

39 So I intend to vote for the motion as
40 made.

41

42 MS. GOTTLIEB: Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Yes.

45

46 MS. GOTTLIEB: I guess is it fair to say
47 as our process has in the past, that if there's some sort
48 of problem before the RAC meets or after the RAC meets
49 and hunting season pursues that there is that option for
50 special actions or any sort of in-season closure so we

1 can be assured on the conservation side.

2

3 I also wanted to address, there was one
4 comment about how local Advisory Committees had supported
5 the proposal, but I think it's good for us to remember
6 that our Regional Advisory Council members, while many of
7 them may wear both hats and perhaps serve on some of
8 those same committees, they have a different job to do on
9 the Regional Advisory Council.

10

11 So I will, once again, say I'll vote in
12 favor of the Regional Council.

13

14 CHAIRMAN DEMIENTIEFF: Further
15 discussion.

16

17 (No comments)

18

19 CHAIRMAN DEMIENTIEFF: Hearing none, all
20 those in favor of the motion, please signify by saying
21 aye.

22

23 IN UNISON: Aye.

24

25 CHAIRMAN DEMIENTIEFF: Those opposed,
26 same sign.

27

28 (No opposing votes)

29

30 CHAIRMAN DEMIENTIEFF: Motion carries.
31 And with that, we're going to take a break.

32

33 (Off record)

34

35 (On record)

36

37 CHAIRMAN DEMIENTIEFF: Okay, just so we
38 understand each other, theoretically these next two
39 proposals could go fairly smooth.

40

41 (Laughter)

42

43 CHAIRMAN DEMIENTIEFF: But we often meet
44 hitches in our giddy-up but we are going to try to
45 complete these two and then we're going to call it a day
46 and if we're done early so be it. But we're not going
47 to do the bear stuff until we're fresh in the morning.

48

49 MR. O'HARA: You want us to have a good
50 night's sleep before we do bear?

1 CHAIRMAN DEMIENTIEFF: Yeah. Anyway, I
2 had -- John's been complaining about the security camera
3 that's sitting right above him. I told him we just
4 needed to keep a special eye on him. But John thinking
5 back, years ago, at one of the Federal Board meetings in
6 one of the hotels, and it had a lower ceiling and I'm not
7 kidding, the damn light exploded right over my head.

8
9 (Laughter)

10
11 CHAIRMAN DEMIENTIEFF: I mean, ah,
12 they're after me, I took off running, so anyway it's not
13 as bad as all that John. I think you'll be okay. Go
14 ahead.

15
16 MR. LITTLEFIELD: Mr. Chair, I think
17 that's something you see quite often around here, it's
18 called, the sky is falling.

19
20 (Laughter)

21
22 CHAIRMAN DEMIENTIEFF: Okay, well, let's
23 get to work. Proposal 19, Staff analysis.

24
25
26 MS. H. ARMSTRONG: Thank you, Mr. Chair.
27 For the record, I'm Helen Armstrong from Office of
28 Subsistence Management. Proposal WP05-19 was submitted
29 by the Cape Krusenstern Subsistence Resource Commission
30 as well as the National Park Service.

31
32 It requests establishment of a season and
33 harvest limit for muskoxen in Cape Krusenstern National
34 Monument. Also requested was the establishment of an
35 annual harvest limit of one bull by Federal permit within
36 the Monument with a harvest quota of two bulls and that
37 the permits be available to only those resident zone
38 community members with permanent subsistence camps within
39 the Monument and the immediately adjacent Napaktuktuk
40 Mountain area.

41
42 There's been a long interest by the
43 Northwest Arctic Regional Advisory Council and the Cape
44 Krusenstern Subsistence Resource Commission to develop a
45 muskoxen management plan and hunt for the Cape
46 Krusenstern National Monument. The population within the
47 Monument, the muskox population within the Monument has
48 grown to the point where a small subsistence hunt within
49 the Monument is possible.

50

1 The proponents believe that a small
2 subsistence hunt would be consistent with Title VIII of
3 ANILCA and the Monument's enabling legislation, the Park
4 Service regulations prohibit non-subsistence uses in the
5 Monument, thus there's no need to close Federal public
6 lands to non-Federally-qualified users. This proposal
7 requires a distinction then between Federally-qualified
8 users -- eligible Federally-qualified users which
9 requires implementation of a Section .804 analysis of
10 ANILCA.

11
12 Currently there is no Federal season so
13 there is no existing regulation. The proposed regulation
14 would read Unit 23 Cape Krusenstern National Monument,
15 one bull by Federal permit, annual harvest quotas and any
16 needed closures will be announced by the superintendent
17 of Western Arctic National Park Lands. Cape Krusenstern
18 National Monument is closed to the taking of muskoxen
19 except by the resident zone community members with
20 permanent subsistence camps within the Monument and the
21 immediately adjacent Napaktuktuk Mountain area. And the
22 season would be from August 1st to March 15th.

23
24 There are two maps in your proposal book
25 and the first one is on Page 167 with a general map of
26 the area and then there is another one which didn't
27 reproduce as clearly as I would have liked but it is
28 visible on Page 170, which shows the Napaktuktuk Mountain
29 area. We sat down with people from the region to define
30 what that meant so that we could define it in regulations
31 and there the lat and longs on that map.

32
33 The only Federal public lands affected by
34 this proposal are in the Monument which, of course, are
35 managed by National Park Service.

36
37 The customary and traditional use
38 determination for muskox in Unit 23 is the rural
39 residents of Unit 23 east and north of the Buckland River
40 drainage, that includes the communities of Selawik,
41 Noorvik, Kiana, Shungnak, Kobuk, Ambler, Kotzebue,
42 Kivalina and Point Hope. All of these communities except
43 Point Hope are also resident zone communities for the
44 Monument. So all of them except for Point Hope would be
45 potentially have C&T to take muskoxen in the Monument.

46
47 There has never been a Federal harvest of
48 muskoxen in the Monument since the initiation of the
49 Federal Subsistence Program. There currently is a State
50 Tier II hunt for the Cape Thompson muskox population that

1 began in 2000 in the area north and west of the Noatak
2 River in Unit 23. But the Monument during that time has
3 remained closed.

4
5 Muskoxen were reintroduced in 1997 and
6 the population has grown at about an average annual
7 growth rate of eight percent. By 1997 the muskox
8 population had increased and the muskoxen were
9 distributed almost continuously between Cape Krusenstern
10 and Cape Lisburne. The population is currently estimated
11 to be over 363 animals and the range is the entirety of
12 the Monument. The population has averaged around 150
13 animals for the last several years. The composition data
14 indicates that mature bulls make up about 20 percent of
15 the population, which is about 30 bulls.

16
17 There has not been a muskox management
18 plan completed yet. Actually I don't even know if it's
19 begun but they have begun talking about it and the Park
20 Service hopes to have a plan established in the next few
21 years.

22
23 Since the State initiated its Tier II
24 muskox hunt in Northwest Unit 23 during 2000, six permits
25 for one bull muskox have been issued annually totaling 24
26 permits in the past four years.

27
28 No State Tier II hunters reported taking
29 muskox in 2001/2002 and five out of six hunters reported
30 taking muskox in 2002/2003. All of the muskoxen that
31 have been taken in the Northwest portion of 23 have gone
32 to the residents of Point Hope, Noatak and Kivalina. No
33 Monument residents have received a permit or taken a
34 muskox. And this time, for the first time, two residents
35 of Kotzebue got Tier II permits but neither of them has
36 reported taking a muskox.

37
38 The biologist estimate that the muskox
39 population in the Monument could sustain a Federal
40 harvest of two bulls and if the proposal were to be
41 adopted it would allow the harvest of two bulls which
42 would be an annual take of seven percent of the
43 population, which is 30 bulls. At the same time about
44 three bulls per year could be expected to be recruited
45 into the population and grow to maturity.

46
47 So we've established that we could have a
48 very small harvest, then we have to decide who gets to
49 harvest them and since there are so many communities that
50 have C&T and are resident zone communities we have to do

1 an .804, as I previously discussed in the other analysis.
2 I won't go through all the criteria this time since we
3 just went through those.

4
5 The proposal requests that the Monument
6 be closed to muskox hunting except by resident zone
7 community members with permanent subsistence camps within
8 the Monument and the immediate adjacent Napaktuktuk
9 Mountain area. The problem we had with the idea of camps
10 is that camps are not defined in regulation and as we
11 discussed this more and more decided we should go with a
12 concept of residency rather than camps. So I looked at,
13 through talking to people familiar with the area in the
14 Northwest area, what I discovered was that you could
15 really put people into four categories.

16
17 There are permanent residents living
18 year-round in the Monument, which I actually didn't know
19 so that was interesting to discover. I think I was
20 actually surprised that there were people living there
21 permanently and they've been living there for decades and
22 these are people who have always lived there. There are
23 about three families of permanent residents.

24
25 There are then part-time residents living
26 in the Monument about six months of the year and there
27 are about three families.

28
29 And then there are families with
30 permanent cabins in or adjacent to the Monument area who
31 use their cabins at one time or the other during the year
32 and that's about 35 families. And of those families,
33 about six are from Noatak and the remaining are from
34 Kotzebue.

35
36 Then there are families who use the
37 Monument occasionally but they have tents and don't have
38 cabins.

39
40 So I broke them up into four different
41 classifications.

42
43 So when I looked at the first criteria,
44 customary and direct dependence upon the populations as a
45 mainstay of livelihood, I determined that -- or actually
46 none of them are dependent on muskoxen since they've
47 never had a hunt there, but -- so what I looked at was
48 whether they were dependent on resources in the Monument.
49 And what I found was that the people living in the
50 Monument year-round are the most dependent on the

1 resources of the Monument for their livelihood. They
2 also lack the resources to participate in hunting
3 opportunities outside of the area. They can't afford the
4 gas to go long distances and that they obtain the
5 majority of their livelihood directly from the land.
6 They are true subsistence hunters and fishermen.

7
8 None of the families with permanent
9 subsistence cabins in the Monument area have applied for
10 or received Tier II permits for muskoxen on State lands,
11 and I don't know if this is because it's too far or lack
12 of interest, we don't know, but they have not done it.

13
14 Under local residency, proximity to the
15 resource. Only the year-round permanent families who are
16 permanent residents of the monument area have the closest
17 proximity to muskoxen. The others who have permanent
18 cabins but who do not live in their cabins year-round are
19 also in close proximity but less often as those who live
20 predominately in Kotzebue and in Noatak.

21
22 The remaining communities that have
23 resident zone community status are not in as close
24 proximity as those with permanent year-round cabins.

25
26 Point Hope is the only other community
27 that has customary and traditional use determination for
28 muskoxen in Unit 23 but it is not a resident zone
29 community and it is not in close proximity.

30
31 So under this criteria the families who
32 maintain their permanent residence in the Monument area
33 are in closer proximity to muskoxen in the Monument than
34 other resident zone community members.

35
36 The third criteria, availability of
37 alternative resources. The permanent residents in the
38 Monument area rely on a variety of resources found in the
39 Monument, which I listed but I won't go through. The
40 other resident zone communities under consideration also
41 rely on a wide variety of subsistence resources and they
42 depend on the -- the communities depend on the same
43 resources as those in the Monument with the exception
44 that the inland communities don't depend on marine
45 mammals.

46
47 The permanent residents in the Monument
48 area have the highest dependency on the subsistence
49 resources in the Monument and lack the monetary resources
50 to hunt outside as I said. These families obtain the

1 majority of their livelihood directly from the land
2 including fish, wildlife, plants, but also wood, water
3 and ice. Their cash income is tied to the land in the
4 form of selling, bartering and trading resources and also
5 occasional camp related to work, such as trail staking.
6

7 It is a little bit different from
8 anything we've ever done looking at sort of subgroups,
9 rather than looking at communities, and as you'll hear, I
10 know the State has a problem with this, but there's
11 nothing in ANILCA that says we can't do that. And we
12 actually had a lot of discussion about this, could we do
13 this, you know, what would happen if these few families
14 didn't apply for permits and didn't go hunting for
15 muskox. Park Service, I think, will work with them to
16 encourage them to apply for them, and if they don't, then
17 next year we'll do something else, I think. But I do
18 think that giving -- this is what .804 is designed for,
19 is to give those people who are in the closest proximity
20 and the highest dependency and have the fewest
21 alternative resources the ability to have priority and
22 these people who live there year-round in the Monument
23 are precisely those people.
24

25 If the proposal were adopted with the
26 modification to limit the hunt to the three families who
27 have permanent residency, a muskoxen harvest would
28 provide additional subsistence opportunities for those
29 families. The harvest of one or two bulls from the
30 muskoxen population of 150 animals is believed to be
31 sustainable so there would be minimal impact on the
32 muskoxen population.
33

34 For those families to have another
35 resource such as muskoxen available to them would provide
36 another source of meat and warm wool or hides for warmth
37 and clothing. Having the ability to take muskoxen in
38 their area would enable them to add to the diversity and
39 value of their resource with nominal additional cost.
40

41 Other residents of Unit 23 including
42 those residents of resident zone communities with
43 subsistence cabins in the Monument will still have an
44 opportunity to participate in muskoxen hunting in the
45 region through participation in the State Tier II hunts
46 as they already are.
47

48 Without implementation of this Section
49 .804, Selawik, Noorvik, Kiana, Shungnak, Kobuk, Ambler,
50 Kotzebue, Noatak and Kivalina would all be eligible for a

1 harvest limit of just two bulls under a registration
2 permit hunt. This would make distribution of the permits
3 more complicated and management of the hunt, that is,
4 closing it after two muskoxen were harvested very
5 difficult. While a drawing permit hunt is an option, it
6 carries the implication that applicants are equally
7 qualified under the criteria of Section .804. This
8 Section .804 analysis shows that there are distinctions
9 between proximity and available resources.

10
11 Another portion of the proposal is
12 delegating the authority to Park Service to create annual
13 quotas and announce needed closures. This will allow
14 more flexibility in the regulations and eliminate a need
15 to revisit this regulation annually and ultimately create
16 better management of the resource.

17
18 That concludes my analysis, Mr. Chair.

19
20 CHAIRMAN DEMIENTIEFF: Thank you.
21 Written public comments.

22
23 MS. CHIVERS: Thank you, Mr. Chair. We
24 did receive one written public comment from the Cape
25 Krusenstern National Monument Subsistence Resource
26 Commission in support of this proposal, and Ken will be
27 covering that under public testimony.

28
29 Thank you.

30
31 CHAIRMAN DEMIENTIEFF: Thank you. Ken
32 Adkisson.

33
34 MR. ADKISSON: Mr. Chairman. Board
35 members. Ken Adkisson with the National Park Service.

36
37 Again, on the support for the two
38 Subsistence Resources Commissions, the Cape Krusenstern
39 and Kobuk Valley Commissions, I think Helen did a really
40 good job in the Staff analysis of providing the overview,
41 so there's only a few points related to the Commission
42 actions that I would like to stress and highlight for
43 you.

44
45 The first one, of course, is that this
46 proposal does reflect a long standing interest in the
47 region with trying to establish a subsistence hunt for
48 Cape Krusenstern so it truly came from the bottom up.

49
50 Secondly, it's a product of two meetings

1 for the Krusenstern Commission, at which a large portion
2 of both of those meetings was spent on discussion and
3 working on the proposal and discussing and working
4 through the issues related to it. It was also endorsed
5 through two meetings of the Kobuk Valley Commission. And
6 also in its earliest form was endorsed by the Kotzebue
7 Local Fish and Game Advisory Committee. So I think it
8 would be fair to say that a good many folks were quite
9 aware of the implications of the need to fairly narrowly
10 restrict the harvest opportunity.

11
12 Turning to that for a moment, very early
13 on it was recognized by the Krusenstern Commission that
14 because of biological circumstances, it was going to be
15 necessary to restrict the harvest to a very low allowable
16 harvest, as you can see we're proposing two bulls. That
17 meant the hunt needed to be tightly controlled, there
18 weren't really opportunities for issuing permits in
19 excess of the allowable harvest and that kind of thing.
20 There was a lot of interest and continues to be interest
21 in providing opportunity for as many folks as possible
22 but, again, when it came down to it, the Commission
23 focused on what they felt in accordance with .804, where
24 those folks that should be the most likely to benefit
25 from the proposal based on the criteria that Helen has
26 outlined to you. And the proposal has changed very
27 little in that regards except as Helen indicated,
28 redefining the pool of eligibles to something more in
29 accordance with definitions and manageable and redefining
30 the hunt area or the area for the pool of eligibles in
31 terms of geographic coordinates. So it's, through two
32 meetings, it's actually undergone very little change.

33
34 And as Helen has mentioned, the
35 Commission is very aware of some of the problems that
36 have been raised with it and considered as a work in
37 progress.

38
39 Other options that have been proposed
40 have been harvest limits allocated among communities and
41 so forth but, you know, we're a ways from getting there,
42 but if there are problems that develop under subscription
43 or whatever, we'll be back with the Commission and we'll
44 be, you know, working on finding something else.

45
46 But for now, and with the low allowable
47 harvest, the Commission, both Commissions as is the
48 Regional Advisory Council comfortable with the .804
49 analysis and that that really meets their intention and
50 what they wanted to have happen.

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Any
4 questions. Regional Council recommendation.

5

6 MR. STONEY: Thank you, Mr. Chairman.
7 The RAC supports with modification. The Council supports
8 the proposal but with modification to limit muskox hunt
9 Cape Krusenstern National Monument and the resident
10 community members within permanent residency of that
11 monument.

12

13 Also the proposal was supported by the
14 Kobuk Valley National Park and Cape Krusenstern National
15 Monument Subsistence Resource Commission due to the
16 muskox population, it's increasing and therefore it
17 should be able to support this small harvest.

18

19 So we support it.

20

21 Mr. Chairman.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. Staff
24 Committee.

25

26 MR. PROBASCO: Thank you, Mr. Chair. The
27 Staff Committee's recommendation can be found on Page
28 163. The Interagency Staff Committee recommends to
29 support the proposal with modification consistent with
30 the recommendation of the Northwest Arctic Regional
31 Advisory Council to provide permits only to permanent
32 residents who live year-round in the monument or
33 immediately adjacent to the Napaktuktuk Mountain area.
34 And, Mr. Chair, the language, the regulatory language is
35 on Page 163.

36

37 The justification, briefly, is harvest of
38 muskox bulls would allow additional subsistence
39 opportunities for those eligible subsistence users who
40 have permanent residence in the Monument or immediately
41 adjacent to the Napaktuktuk Mountain area. The families
42 who live year-round in the Monument demonstrate the
43 highest dependency on resources within the Monument.
44 While there have never been Federal harvest opportunities
45 within the Monument and no history of customary and
46 direct dependence on muskox, the permanent residents
47 demonstrate the highest dependency on the resource within
48 the Monument and the closest proximity to the resource
49 year-round. Permanent residents in the Monument also
50 lack resources to participate in hunting opportunities

1 outside the Monument.

2

3 The Park Service is planning on
4 completing a Muskox Management Plan in the near future,
5 and with the current population of muskox it's
6 anticipated that an annual harvest of seven percent of
7 the bull population in the Monument would be sustainable.

8

9 And finally, Mr. Chair, delegating
10 authority to the Park Service to create the annual quotas
11 and announcing any closures will allow for more
12 flexibility in the regulations and eliminate a need to
13 revisit the regulations annually.

14

15 Mr. Chair.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Department comments.

19

20 MR. HAYNES: Thank you, Mr. Chairman.
21 Let me begin by saying that, you know, this is great, we
22 have a situation where there's a new growing muskox
23 population that could be harvested and it's a great new
24 opportunity.

25

26 With that in mind we support the proposal
27 with modification. We question whether participation in
28 this hunt should be restricted to a subset of resident
29 zone community members as requested in the original
30 proposal. If eligibility is limited to the few
31 households that permanently reside within or adjacent to
32 the Cape Krusenstern National Monument boundary and none
33 of these households chooses to obtain a permit for the
34 hunt, the proposed regulation has no provision to
35 authorize participation by other residents from other
36 adjacent areas who are qualified to hunt in the Monument.
37 The State Tier II hunts in the area are fully subscribed,
38 that is the muskoxen Tier II hunts, there are more
39 applicants than there are more permits available so there
40 may well be other local residents who would be interested
41 in hunting so we would hate to see opportunity for this
42 limited hunt to be lost if the three eligible households
43 chose not to participate.

44

45 And I will just let it go at that, Mr.
46 Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Thank you, very
49 much. Discussion, Keith.

50

1 MR. GOLTZ: Terry, I learned this morning
2 that there are two kinds of attorneys, those who hunt and
3 those who need a doctor's appointment. So I'm not really
4 concerned about Mitch having to take one attorney with
5 him, but the point of my question is does he have to take
6 two, one State and one Federal? I'm not trying to excite
7 litigation or to embarrass anyone with these questions.

8
9 CHAIRMAN DEMIENTIEFF: He's looking for a
10 job.

11
12 (Laughter)

13
14 MR. GOLTZ: And, I think, happily this is
15 probably the last question I'm going to have along this
16 line.

17
18 I'm looking at Page 110 of the handy-
19 dandy and it says that there is a Tier II hunt and we
20 haven't explained Tier II and I don't believe we've ever
21 put anything on the record, so if you could just tell us
22 a little bit about what a Tier II hunt does and how it
23 relates to rural Alaska residents.

24
25 MR. HAYNES: Mr. Chairman. Mr. Goltz.
26 Thank you for the opportunity.

27
28 (Laughter)

29
30 MR. HAYNES: There are similarities
31 between the State's Tier II hunts and the Section .804
32 provisions of ANILCA in that there are criteria that are
33 used to separate people and to qualify them. The State's
34 -- I guess there are some differences in this instance,
35 in that, the State Tier II hunts do not apply to Park
36 Service lands. So if you are eligible to participate in
37 the State Tier II hunt, you're not automatically eligible
38 to hunt on the Park lands because there could be State
39 Tier II permittees who are not Federally-qualified
40 subsistence users from a resident zone community.

41
42 I think most people will follow the point
43 there.

44
45 So in that respect, if you qualify and
46 obtain a State Tier II permit for a muskox hunt in
47 Northwest Alaska, you may be a State resident who lives
48 somewhere other than Northwest Alaska, that is a
49 possibility. Whereas the Federal permits, the Federal
50 hunting opportunities provided for in this proposal,

1 could not be provided to other State residents. They
2 would already -- the potential users are resident zone
3 community residents who qualify to hunt within the
4 Monument.

5
6 MR. GOLTZ: So would it be fair to say
7 that the two systems are similar but not the same?

8
9 MR. HAYNES: Yes.

10
11 MS. GOTTLIEB: Mr. Chair.

12
13 CHAIRMAN DEMIENTIEFF: Judy.

14
15 MS. GOTTLIEB: I want to thank Ken and
16 the SRC's and the RAC, because this has been a long time
17 in the making. There have been many, many discussions.
18 And while the quota would be small and the number of
19 families who are potentially eligible are small, I think
20 it's fair to say there's been a high degree of interest
21 in opening up this area for a hunt for many years now,
22 and for part of it was just kind of waiting for the
23 population to get to the right size and even so we need
24 to watch it pretty carefully.

25
26 So I guess I don't think we have the fear
27 that they're not going to be enough applicants for the
28 quota or, I guess as Ken and others have expressed, if
29 so, then there can be some cause for adjustments perhaps.

30
31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Further discussion.

33
34 MR. REAKOFF: Mr. Chairman.

35
36 CHAIRMAN DEMIENTIEFF: Jack.

37
38 MR. REAKOFF: Mr. Chairman, I'm very
39 interested in this deliberation on this C&T process for
40 this species. I had a muskox go through my yard last
41 summer and there's lots of interest in those by people in
42 my area and so I'm very interested. I do feel that this
43 process towards this .804 priority is the correct process
44 on Federal lands for the limited resource, and as that
45 expands that could include other residents nearby.

46
47 But I do feel that a huntable population
48 should be allocated towards the local people who harvest
49 other species there, bears, wolves and other animals that
50 would affect the muskox population and I do feel that

1 utilizing those resource, that criteria is warranted.

2

3 Thank you.

4

5 MS. CROSS: Mr. Chair.

6

7 CHAIRMAN DEMIENTIEFF: Grace.

8

9 MS. CROSS: I also think it's very
10 important that a good management plan be in place, just
11 like it is in my region and on the North Slope.
12 Especially with the slow growth of that population. If
13 one is not going to be implemented before the hunt then
14 one should be implemented soon.

15

16 Thank you.

17

18 CHAIRMAN DEMIENTIEFF: Thank you.

19 Further discussion. Yes, Sue.

20

21 MS. ENTSMINGER: Thank you, Mr. Chair.
22 We, in our region, would be interested in this process
23 and what you're going through here because it would
24 affect the people if something like that ever happened in
25 our region. But I would like to understand in my mind so
26 I can carry it back. What Mr. Haynes is trying to say is
27 that if these three families don't come up with two
28 people that want to take those muskox there's nothing in
29 place to allow that other one or two people to go because
30 I see that sometimes could happen if something happened
31 to a family and they moved out.

32

33 Thank you.

34

35 CHAIRMAN DEMIENTIEFF: Thank you.

36

37 MS. GOTTLIEB: Mr. Chair.

38

39 CHAIRMAN DEMIENTIEFF: Yes.

40

41 MS. GOTTLIEB: Maybe I'll ask Ken and
42 Helen to ask, but I understood that as part of the .804
43 it was not only the three permanent resident families but
44 there were also a couple of other families that had part-
45 time cabins or part -- or who lived there part-time that
46 might also be included.

47

48 I'll let you go ahead.

49

50 MS. H. ARMSTRONG: No, that's not

1 actually the way the Staff Committee recommendation is.
2 It's for the people who have permanent residency in the
3 Monument, and those are only three families. I think
4 there, if I remember correctly, six adults between them.
5

6 CHAIRMAN DEMIENTIEFF: Paul.

7
8 MR. ROEHL: Thank you, Mitch. Anybody's
9 who has had a mouse infestation in the house can attest
10 to the fact that population growth is expediential so the
11 muskox that aren't harvested per se will be around to
12 produce even more muskox and so in the future it will be
13 a good benefit to the region as a whole.
14

15 CHAIRMAN DEMIENTIEFF: Thank you.
16 Further discussion.

17
18 (No comments)

19
20 CHAIRMAN DEMIENTIEFF: Is somebody
21 prepared to offer a motion.

22
23 MS. GOTTLIEB: Mr. Chair.

24
25 CHAIRMAN DEMIENTIEFF: Go ahead, Judy.

26
27 MS. GOTTLIEB: I'll move to support the
28 recommendation of the Northwest Regional Advisory
29 Council.

30
31 CHAIRMAN DEMIENTIEFF: Thank you. Is
32 there a second to the motion.

33
34 MS. KESSLER: I'll second.

35
36 CHAIRMAN DEMIENTIEFF: Okay. Further
37 discussion.

38
39 (No comments)

40
41 CHAIRMAN DEMIENTIEFF: I certainly
42 support the work that has been done to get here, and I
43 compliment people for taking the effort. And I also
44 appreciate the other regions that have spoken up that are
45 appreciating this information and opening up, I see light
46 bulbs going off over people's heads because of this
47 process, so I appreciate that. And I think if we get,
48 maybe if you guys get with Ken over there after the
49 meeting he might be able to shed some more light on the
50 process that was employed in advancing this as far as it

1 is.

2

3 Is there any further discussion.

4

5 (No comments)

6

7 CHAIRMAN DEMIENTIEFF: Hearing none, all
8 those in favor of the motion please signify by saying
9 aye.

10

11 IN UNISON: Aye.

12

13 CHAIRMAN DEMIENTIEFF: Those opposed,
14 same sign.

15

16 (No opposing votes)

17

18 CHAIRMAN DEMIENTIEFF: Motion carries.
19 With that we'll change Staff and prepare to do Proposal
20 21 from Eastern Interior. That completes our work in
21 Northwest and thank you all again for your work.

22

23 (Pause)

24

25 CHAIRMAN DEMIENTIEFF: Go ahead you can
26 introduce the proposal.

27

28 MS. GREFFENIUS: Good afternoon, Mr.
29 Chair and members of the Board and Council Chairs. My
30 name is Laura Greffenius, and I'm on the Staff with the
31 Office of Subsistence Management with the U.S. Fish and
32 Wildlife Service. I shall provide a summary of Wildlife
33 Proposal WP05-21, which begins on Page 184 of your Board
34 book.

35

36 This proposal was submitted by the
37 Cheesh-na Tribal Council. It requests adding the
38 residents of Chistochina to the customary and traditional
39 use determinations for moose in the portions of Unit 12
40 where they are not currently included.

41

42 The existing regulation for Unit 12
43 moose, customary and traditional use determination is
44 listed on Page 187. And the proposed regulation follows
45 it and is also on Page 1897. You can see Chistochina
46 listed in bold. And next, please refer to Map 1 on Page
47 188 and this will assist you as I proceed.

48

49 Residents of Chistochina located in Unit
50 13(C) are included in the customary and traditional use

1 determination for moose in the portion of Unit 12 labeled
2 as A in the regulatory descriptions of this analysis and
3 labeled as A on Map 1. The proponents are requesting a
4 positive determination for moose in the (B) or eastern
5 area and (C), the northern portion of Unit 12 described
6 in the proposed regulation and, again, shown on this map,
7 again referred to Map 1 on Page 188.

8
9 Note that the Federal public lands in
10 Unit 12 are comprised of Wrangell-St. Elias National Park
11 and Preserve, which is nearly half, 48 percent, and
12 Tetlin National Wildlife Refuge which is 11 percent.

13
14 The customary and traditional use
15 determinations for all or parts of Unit 12 are shown in
16 Table 1 on page 191.

17
18 Chistochina is an AHTNA community that
19 traditionally harvested moose in Unit 12. The analysis
20 details documentation of kinship ties between Copper
21 River AHTNA and Upper Tanana residents in pursuing
22 subsistence activities. Chistochina subsistence use
23 activities in Unit 12 extend beyond the area labeled (A)
24 on the Unit 12 map including parts of areas labeled (B)
25 and (C).

26
27 Under factors for determining customary
28 and traditional uses, Factor 4, which begins on Page 192
29 addresses their consistent harvest for the area. The
30 available permit information for Chistochina residents
31 from 1991 to 2002 shows the harvest of moose in the
32 portion labeled (A) of Unit 12 where the community has an
33 existing customary and traditional use determination.
34 However, mapping of community resource harvest areas for
35 Chistochina residents undertaken in conjunction with 1982
36 household surveys showed traditional moose harvest
37 occurred in a larger area than existing Federal
38 regulation allows. For Unit 12 mapping of moose harvest
39 areas showed residents of Chistochina used the Nabesna
40 River drainage beyond the (A) portion, plus Pickerel Lake
41 in the northern area and along drainages east of the
42 Nabesna River in the (B) area.

43
44 Referring to Map 2 on Page 189,
45 additional information on the use of the eastern and
46 northern portions of Unit 12 by Chistochina was provided
47 in the investigation reports for historical and site
48 applications submitted by AHTNA. Historical occupancy
49 and use of sites on a seasonal basis for subsistence
50 activities, including moose harvesting, throughout the

1 1970s was described for locations indicated by triangles
2 on Map 2 for the (B) portion and the Pickerel Lake
3 locations north of the winter trail for the (C) portion.
4 Again, these are found on Map 2 on Page 189 in your board
5 book.

6
7 Chistochina has a customary and
8 traditional use determination for moose in other units as
9 well, specifically Units 11 and 13. Information
10 presented in each of the other factors for customary and
11 traditional uses are detailed in the proposal analysis
12 and describes their overall traditional use of moose in
13 Unit 12.

14
15
16 In summary the effects of this proposal,
17 adoption of Proposal WP05-21 would recognize the
18 residents of Chistochina as customary and traditional
19 users of moose in the other portions of Unit 12, which is
20 (B), east of the Nabesna River and Nabesna Glacier, south
21 of the Winter Trail from Pickerel Lake to the Canadian
22 Border and (C), the northern portion of Unit 12.

23
24 Written documentation shows that
25 residents of Chistochina have used moose in these areas
26 since the late 19th Century.

27
28 This concludes my presentation. Thank
29 you, Mr. Chair.

30
31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Written public comments.

33
34 MR. MATHEWS: Yes, Mr. Chair. I'm Vince
35 Mathews, the Regional Council Coordinator for Eastern
36 Interior. We had two written public comments, they're on
37 Page 186, or I should say they're summarized there and we
38 do have full text if you'd like to see the full letter.

39
40 There was two public comments that were
41 in support, one from the AHTNA Subsistence Committee.
42 They support the rural subsistence users who reside in
43 Chistochina because they have a customary and traditional
44 use of the area. They also hunt for caribou, moose,
45 sheep and other wildlife there. Unit 12 is their
46 traditional area to hunt and they have used these areas
47 for thousands of years.

48
49 The Wrangell-St. Elias National Park
50 Subsistence Resource Commission also took up this

1 proposal and they support the proposal unanimously. The
2 analysis presented clearly documents that the residents
3 of Chistochina have customary and traditionally harvested
4 moose in all three areas of Unit 12 for which there are
5 C&T determinations.

6
7 Mr. Chairman, that's all the public
8 comments. I did check today to see if there was any
9 comments that would have come in from local communities,
10 there was none faxed in to my fax and to my knowledge
11 there was none faxed into the Anchorage office.

12
13 Thank you.

14
15 CHAIRMAN DEMIENTIEFF: Thank you. We
16 have one additional request for public testimony at this
17 time. Wilson Justin.

18
19 MR. JUSTIN: Thank you, Mr. Chairman. I
20 appreciate the opportunity to come over and provide some
21 additional testimony on the proposal.

22
23 The proposal is kind of a setting the
24 record straight proposal. Inadvertently the community of
25 Chistochina was left out of the C&T process. Over the
26 years we've talked about establishing a C&T for the
27 community because it was originally our intent to do so.
28 All of the residents of Chistochina, including the non-
29 Native residents have established a clear and relatively
30 consistent use of Unit 12, perhaps not very visible but
31 still clear use.

32
33 My family is from that particular area
34 between Nabesna and Chishana. Mr. Joe, who lives in
35 Chistochina hunts mostly in Chishana now. Other members
36 of the family from that area between Pickerel Lakes and
37 the Chishana River still reside in Chistochina and
38 Mentasta. The pattern is very clear and very consistent,
39 if lacking in public acknowledgement. And the
40 Chistochina Tribal Council is very, how I should say, the
41 Tribal Council is very insistent that the proposal be
42 passed because we believe that it's just a fundamental
43 correction of our previous subsistence rights in a
44 particular locality.

45
46 And, again, my name is Wilson Justin, I
47 serve as the subsistence advocate for Cheesh-na Tribal
48 Council and Mentasta. I work for Mount Sanford Tribal
49 Consortium. And I can state for the record that to my
50 knowledge every particular resident in Chistochina has

1 subsistence rights to 11, 12 and most of 13, and I'll
2 leave it at that.

3
4 Thank you.

5
6 CHAIRMAN DEMIENTIEFF: Thank you. Any
7 questions.

8
9 MS. ENTSMINGER: Mr. Chairman.

10
11 CHAIRMAN DEMIENTIEFF: Sue.

12
13 MS. ENTSMINGER: Could I ask a question,
14 yes, thank you, Mr. Chair.

15
16 Wilson, are you aware that Mentasta does
17 not qualify for that southern piece that they're calling
18 (B)?

19
20 MR. WILSON: Yes.

21
22 MS. ENTSMINGER: Can you tell me why you
23 didn't include them in the proposal?

24
25 MR. WILSON: We had -- my intention was
26 to ask Mentasta Tribal Council what they wanted to do.
27 The way proposals are developed within the regions and
28 probably all across the state, tribal councils are very
29 sensitive to other individuals or other advocates
30 speaking on their behalf at any given level within the
31 development of proposals and I respect that. If I would
32 have been able to put the two proposals together from
33 Cheesh-na and Mentasta I would have. But I just thought
34 it would be better if Mentasta wants me to do a complete
35 separate proposal, that's fine, and if they want to be
36 added on later, that's fine. It's entirely up to them in
37 my estimation of how they want to approach the issue.

38
39 CHAIRMAN DEMIENTIEFF: Thank you, Wilson.

40
41 MS. GOTTLIEB: Mr. Chair.

42
43 CHAIRMAN DEMIENTIEFF: Yes.

44
45 MS. GOTTLIEB: Thank you, Wilson for
46 coming in today, we always appreciate hearing from you.
47 I wondered if you could talk just a little bit about your
48 or your tribe's links to Dot Lake and the Tanacross area.

49
50 MR. WILSON: The linkage as you might

1 refer to is actually on two levels. The first one is the
2 potlatch activity. From Healy Lake all the way over to
3 down the White River and nearly all the way to Copper
4 Center, probably around Gakona, there's an extended
5 family system within the clans that demands allegiance to
6 how potlatches are developed.

7
8 For instance, the last Chief potlatch in
9 Healy Lake, residents of Nabesna were invited over and
10 this was like 1935 or 36, and they were invited over
11 because they were not only a part of the clan system that
12 enveloped Healy Lake but there were family members that
13 had been a part of the marriage system in that upper area
14 for quite an extensive period of time.

15
16 The other link, or the other level is the
17 fact that Healy Lake provided the lower level access and
18 outlet for trading activities that occurred in Nabesna
19 just as Tuwany Lake provided the other access doorway to
20 trading activities.

21
22 The trading activities that occurred for
23 my clan in that particular region between let's say
24 Batzulnetas and Chishana had four outlets, Healy Lake,
25 Tuwany Lake, Kinik and Eyak, and all of our activities
26 were one of those four.

27
28 So there's two very consistent and
29 historical ways that Healy Lake is hooked into our area.

30
31 MS. GOTTLIEB: Thank you.

32
33 CHAIRMAN DEMIENTIEFF: Any other
34 questions.

35
36 (No comments)

37
38 CHAIRMAN DEMIENTIEFF: Thank you very
39 much, Wilson, appreciate it.

40
41 MR. WILSON: Again, thank you.

42
43 CHAIRMAN DEMIENTIEFF: Let me see, I
44 think we have two Regional Council recommendations.
45 Southcentral and then Eastern.

46
47 MR. LOHSE: Mr. Chair. The Southcentral
48 Council unanimously agreed that there was sufficient
49 evidence to support having Chistochina added to the C&T
50 for moose in Unit 12.

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4 Eastern.

5

6 MS. ENTSMINGER: Thank you, Mr. Chair. We
7 also agreed that Chisto should be included, but knowing
8 the demographics of the area I was a little concerned
9 that all of Unit 13 was not added to that because we're
10 giving Chistochina that area. And I understand what
11 Wilson has brought forth and I just wanted to let the
12 Board know that we'll probably be seeing a proposal to
13 bring that up to you. So we support the proposal and
14 you'll probably see another one.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. Staff
17 Committee.

18

19 MR. PROBASCO: Thank you, Mr. Chair. The
20 Interagency Staff Committee recommendation can be found
21 on Page 185. The Staff Committee supports the proposal
22 consistent with recommendations of both the Southcentral
23 Alaska and Eastern Interior Regional Advisory Councils.

24

25 Documentation of the customary and
26 traditional use of moose in other portions of Unit 12(B)
27 and (C) by residents of Chistochina is shown through
28 community harvest resource mapping and site specific
29 investigations within these areas. Their levels of use
30 are very similar to the communities that have a positive
31 customary and traditional use determination in these
32 portions of Unit 12. The documented uses by Chistochina
33 residents are concentrated in a portion of Unit 12. The
34 Interagency Staff Committee noted that both the
35 Southcentral and Eastern Interior Regional Councils
36 affected by this proposal supported a finding of
37 customary and traditional uses for the whole of Unit 12
38 rather than defining a new portion of the unit in which
39 the uses would be recognized.

40

41 The Interagency Staff Committee concurs
42 with the two Councils, that no additional benefit to
43 management occurs from creating new portions of a unit
44 for customary and traditional findings in Unit 12.

45

46 Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Thank you.

49 Department.

50

1 MR. HAYNES: Thank you, Mr. Chairman.
2 The Department supports the proposal with modification.

3
4 Evidence presented in the Staff analysis
5 demonstrates that the Chistochina residents have hunted
6 moose in some areas of the southern part of Unit 12 for
7 which they currently do not have a positive customary and
8 traditional determination. However, the evidence
9 presented for the eight factors indicates that this
10 pattern occurs primarily in the southern part of Unit 12.

11
12 No documentation is presented showing
13 that Chistochina has hunted moose in the northwestern
14 part of Area (C), which are all State managed lands or
15 near the communities of Tetlin and Northway in the
16 northeastern part of Area (C).

17
18 Subsistence eligibility for moose hunting
19 in Unit 12 by Chistochina residents should be extended
20 only to those parts of the unit where the community has
21 established a customary and traditional pattern of use.
22 Documentation of Chistochina moose hunting areas includes
23 subsistence use area maps for the period 1964 to 1984
24 compiled by the Department of Fish and Game and
25 descriptions of the community's moose hunting areas in
26 Holly records 1983 subsistence report for the Cooperative
27 Parks Studies Unit and in the Backskatter Radar System
28 Background Study prepared in the late 1980s.
29 Consequently, we believe the community's use patterns are
30 well documented.

31
32 This proposal is very similar to a series
33 of customary and traditional determination proposal
34 submitted to the Federal Board several years and in our
35 view should be evaluated in a similar way. At its April
36 1997 meeting, the Federal Board voted to establish
37 customary and traditional eligibility for moose in part
38 of Unit 11 to communities in Unit 12. In that case and
39 on the basis of the available evidence, the Board limited
40 the customary and traditional finding only to the
41 northern part of Unit 11, that is the area north of the
42 Sanford River and not to areas farther south in which the
43 Board concluded that Unit 12 residents had not
44 established a customary and traditional pattern of use.
45 The Interagency Staff Committee justification in the
46 Staff analysis for these proposals stated, in part,
47 "there was insufficient information to justify extending
48 this determination to all of Unit 11 and the uneven
49 record of harvest and the long distances of travel argue
50 against this proposal for all of Unit 11, however, the

1 documentation does support a positive determination for
2 the portion of Unit 11 north of the Sanford River."

3
4 The Department recommends that this
5 proposal be evaluated in the same careful manner as were
6 the Unit 11 customary and traditional determination
7 proposals in 1997.

8
9 Thank you.

10
11 CHAIRMAN DEMIENTIEFF: Thank you.
12 Discussion. Keith.

13
14 MR. GOLTZ: Terry, if you look on Page
15 188 there's a map of Unit 12, and I'm particularly
16 concerned with your comments as they relate to the (C)
17 section.

18
19 Now, you do understand, I know, that the
20 Federal subsistence regulations only apply to Federal
21 public lands, so the fact there's a lot of State lands in
22 the northwest is really not relevant; is that correct?

23
24 MR. HAYNES: Through the Chair, yes, I do
25 understand that.

26
27 MR. GOLTZ: All right. So with that
28 understanding, is there any reason to think that adoption
29 of the Council recommendation would adversely affect non-
30 subsistence users?

31
32 MR. HAYNES: Through the Chair. One of
33 my concerns is that there's very little evidence
34 presented to show that there is much of the -- there's
35 not a documented customary and traditional use of most of
36 the Federal lands in that area (C), the southern part of
37 the Tetlin Refuge appears to be accessed by river or --
38 in that area. The Tetlin Refuge, one of my concerns --
39 the bottom line really is that moose population on the
40 Tetlin Refuge in Unit 12 is shaky, at best.

41
42 Once there is an increase in the number
43 of Federally-qualified subsistence users that's eligible
44 to hunt those moose, there's increasing pressure to close
45 the lands to non-Federally-qualified users because of the
46 potential for demand outweigh and supply, and that's one
47 reason why we'd like to see further evidence that there
48 is use of more of these lands in Unit 12. We haven't
49 seen the documentation for that. And the, you know,
50 where is the customary and traditional use pattern for

1 lands farther north in Unit 12.

2

3 MR. GOLTZ: Do you see anything in this
4 proposal that's going to increase the take of Chistochina
5 residents?

6

7 MR. HAYNES: Through the Chair, adoption
8 of this proposal would make Chistochina residents
9 eligible to hunt moose throughout Unit 12 on the Federal
10 lands, including areas where they are not currently
11 eligible. The potential is there.

12

13 MR. GOLTZ: To increase the take?

14

15 MR. HAYNES: Yes. If they're not
16 eligible to hunt now, they become eligible to hunt in the
17 future.

18

19 MR. GOLTZ: Well, the take in this area,
20 I agree. But are you suggesting that by increasing the
21 C&T Chistochina residents are somehow going to get more
22 moose?

23

24 MR. HAYNES: Through the Chair.
25 Currently Chistochina residents are not eligible to hunt
26 moose on all Federal lands in Unit 12 as I understand the
27 reason for this proposal. If they become eligible to
28 hunt in a new area, then there certainly is the potential
29 that they could take moose they haven't taken before.

30

31 MR. GOLTZ: In that area, but.....

32

33 MR. HAYNES: Now, the other question.....

34

35 MR. GOLTZ:aren't they still
36 limited to the number of moose they can take?

37

38 MR. HAYNES: If I could add another
39 point, through the Chair, we would anticipate seeing a
40 proposal from Mentasta Lake coming in too and so you're
41 increasing the pool of eligible users by the action
42 you're taking and we don't believe that there's been
43 documentation showing an established customary and
44 traditional pattern of use throughout Unit 12.

45

46 CHAIRMAN DEMIENTIEFF: Sue.

47

48 MS. ENTSMINGER: Thank you, Mr. Chair. I
49 took some time to -- in some maps that I have here to try
50 to understand this proposal, and it's very complicated

1 because of the description of these areas. In other
2 GMU's you have (A), (B), (C) and (D), and in this you
3 have a description, and not like Subunit (A), (B), (C).
4 And the area that Mr. Haynes is speaking of is the Refuge
5 and it has a 10 day longer season than the rest of the
6 unit. November 20th to November 30th. More than the
7 State would have. And you can feasibly snowmachine in
8 there in the winter where you wouldn't have access the
9 rest of the year. So I would say that, you know,
10 somebody that wants to go out and get freezing cold in
11 November, because that's a different type of a hunt than
12 hunting in the fall. I mean my son has taken a November
13 moose and you need to get on it whenever you start
14 dissecting a moose and you don't want to sit and wait,
15 you need to get it apart, you need to get it out to where
16 you can deal with it.

17
18 I don't really see that there would be an
19 increase in it. But I do see that there would be some
20 opportunity for people that want to work hard at getting
21 a moose.

22
23 CHAIRMAN DEMIENTIEFF: I agree with you.
24 We've taken moose sometimes at 50, 60 below, one time I
25 know it was 67 below for a funeral potlatch, and I
26 guarantee you when it's cold like that you can do it in
27 20 minutes, load it in the sled, there is no dilly-
28 dallying, just like you pointed out.

29
30 (Laughter)

31
32 CHAIRMAN DEMIENTIEFF: Further
33 discussion. Sometimes when the Game Warden's are flying
34 over, too, we can.....

35
36 (Laughter)

37
38 CHAIRMAN DEMIENTIEFF:no, I joke,
39 that's legal, we all know it's legal.

40
41 MS. ENTSMINGER: Mr. Chair.

42
43 CHAIRMAN DEMIENTIEFF: Go ahead.

44
45 MS. ENTSMINGER: Yeah, Mr. Chair, I'd
46 like to just say that I really appreciate some of the
47 testimony that Mr. Haynes is bringing forth because he
48 and I go back a long, long ways when this Board first
49 started the communities of Upper Tanana were working for
50 eight years to get a C&T in the Wrangell Park that we

1 had. We had it before this C&T process evolved and then
2 we lost it. And actually it was at that time, it was
3 just the Tok community listed as a resident zone
4 community and then through the process, and we had to go
5 and you guys, I know you've been through this, eight
6 years to get these Upper Tanana communities back into it
7 and then suddenly the boundary changed to this line that
8 he's talking about, the 62nd parallel, so people south of
9 the Sanford River are -- I mean we, in Unit 12, could not
10 hunt south of the Sanford River, when we could when all
11 of this stuff all started, and then we couldn't do
12 anything and then we got people back in and some of this,
13 I mean I don't know how much all of you have been
14 through, but, we, as the user, have been through a lot
15 and I can understand some of this stuff that he's trying
16 to bring out here today.

17

18 CHAIRMAN DEMIENTIEFF: Thank you. Ralph.

19

20 MR. LOHSE: Mr. Chair. If we take a look
21 at our map on Page 189 and we look at what we're
22 discussing. Basically we take a line from Slana and we
23 take it over across the top of the Tetlin National
24 Wildlife Refuge and we just look at the documented places
25 that they put on it. They've got one document place, oh,
26 about, I'll say a fourth of the way into the Tetlin
27 National Refuge. They got one documented place probably
28 right in the middle of what we'd call the (B) portion on
29 the map on Page 188. They've got the other documented
30 places, and those are just specific documented places.

31

32 Now, I don't know about you but I know
33 that if somebody hunts out of a place that's documented
34 there, they're basically hunting that area. And I think
35 we could -- I mean as a Council, we felt that we could
36 say that they hunted in Tetlin National Wildlife Refuge.
37 Now, whether they hunted all of Tetlin National Wildlife
38 Refuge we couldn't say that but they did hunt in Tetlin
39 National Wildlife Refuge. They did hunt in Wrangell-St.
40 Elias National Preserve, both portions (A) and (B).
41 That's why we felt that, it's true that if you read this,
42 when you first read it, you know, they've got -- we're
43 saying that they've got C&T up at Tok and Tanacross and
44 Tetlin and all the rest of it but there's no Federal land
45 there. What we looked at as a Council, is we looked at
46 the fact that there was Tetlin National Wildlife Refuge
47 and there's Wrangell-St. Elias National Park.

48

49 And Terry's right, there's some little
50 other chunks of Federal land up there along the road

1 system between Northway and Tetlin Junction, there's a
2 couple of little chunks of land that's kind of blocked
3 off below Northway, and I would be real surprised knowing
4 the people, that if they went as far as Pickerel Lake
5 didn't go up to Northway to visit somebody. I can
6 remember one time that I went along with somebody from
7 our local area and we went up to Northway to go muskrat
8 trapping and we headed in from Northway to the Chishana
9 River just basically in that same area right there. It
10 would just really surprise me if they didn't. But we do
11 know that they did go into Tetlin National Wildlife
12 Refuge and they did go into Wrangell-St. Elias National
13 Park and that's why we voted to support their C&T.
14

15 CHAIRMAN DEMIENTIEFF: Yeah, I think,
16 too, for me I support the actions of the Regional
17 Councils, and if we get to a motion I intend to vote for
18 it. Because I do know, having been to very many of their
19 potlatches as Wilson pointed out, they have an
20 established utilization of that resource by visiting each
21 other and eating each other's foods on those occasions,
22 and so that, to me, is an established utilization of that
23 particular resource because I do know that goes on. Like
24 I said I've been to many of their potlatches and I
25 probably have an established utilization.
26

27 But, yeah, we all know that goes on and
28 that is a subsistence activity.
29

30 So having said that I wonder if
31 somebody's prepared to offer a motion.
32

33 MS. GOTTLIEB: Mr. Chair.
34

35 CHAIRMAN DEMIENTIEFF: Go ahead.
36

37 MS. GOTTLIEB: Chistochina is one of the
38 original resident zone communities for Wrangell-St. Elias
39 National Park and Preserve so I think it would be only
40 fitting to support the Regional Advisory Councils,
41 plural, recommendations on this and I think we've heard
42 substantial evidence towards that.
43

44 CHAIRMAN DEMIENTIEFF: Is that a motion.
45

46 MS. GOTTLIEB: And I so move.
47

48 CHAIRMAN DEMIENTIEFF: Okay, is there a
49 second to that motion.
50

1 MR. ROEHL: Second.
2
3 CHAIRMAN DEMIENTIEFF: I'm getting my
4 fast gavel again, sorry. No, we've done diligence with
5 this, good work, and I commend the two Councils for
6 working together as you have on many issues, you know, to
7 kind of get cooperation with each other, I know it takes
8 a while to do that. But I'm glad that you guys are
9 there, I really appreciate that effort.
10
11 Further discussion.
12
13 (No comments)
14
15 CHAIRMAN DEMIENTIEFF: Hearing none, all
16 those in favor of the motion, please signify by saying
17 aye.
18
19 IN UNISON: Aye.
20
21 CHAIRMAN DEMIENTIEFF: Those opposed,
22 same sign.
23
24 (No opposing votes)
25
26 CHAIRMAN DEMIENTIEFF: Motion carries.
27 Something about bear parts or something like that
28 tomorrow morning. Actually Tom will go through it, we're
29 going to take it in the same manner that the Southeast
30 Regional Council did, in the three parts and Tom will
31 talk about that in the morning as how we're going to deal
32 with it, probably even before we do the Staff analysis,
33 we can talk about that. We've learned a little lesson in
34 how to deal with this issue and everything we can to make
35 it go better.
36
37 So with that, I don't know what time it
38 is but whatever time it is we will take up bear in the
39 morning, Proposal 1.
40
41 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

 THAT the foregoing pages numbered 2 through 141 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 3rd day of May 2005, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center in Anchorage, Alaska;

 THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

 THAT I am not an employee, attorney, or party interested in any way in this action.

 DATED at Anchorage, Alaska, this 11th day of May 2005.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08