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7 FISH AND WILDLIFE SERVICE FEDERAL SUBSISTENCE BOARD

8 ANCHORAGE HILTON HOTEL

9 ANCHORAGE, ALASKA

10

11

12 VOLUME II

13

14 MAY 14, 2002

15 8:30 o'clock a.m.

16 PUBLIC MEETING

17

18 MEMBERS PRESENT:

19

20 Mitch Demientieff, Chair

21 Gary Edwards, Fish and Wildlife Service

22 Charlie Bunch, Bureau of Indian Affairs

23 Judy Gottlieb, National Park Service

24 Taylor Brelsford, Bureau of Land Management

25 Dr. Wini Kessler, U.S. Forest Service (Telephonically)

26

27 Keith Goltz, Solicitor

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1 PROCEEDINGS

2

3 (Anchorage, Alaska - 5/14/2002)

4

5 CHAIRMAN DEMIENTIEFF: Good morning. We  
6 will call the meeting of the Federal Subsistence Board to  
7 order. We are moving into the Southeast region where I  
8 understand that Proposal No. 7 has been withdrawn. Ken,  
9 can you verify that.

10

11 MR. THOMPSON: That's correct, Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: For those of you  
14 on line, we're standing down trying to deal with Ken  
15 Thompson's electric personality.

16

17 (Pause)

18

19 CHAIRMAN DEMIENTIEFF: So we're going to  
20 verify that you have a written withdraw for WP02-07, Ken,  
21 is that our understanding, I just want to get that on the  
22 record.

23

24 MR. THOMPSON: Yes, Mr. Chairman, we have  
25 that in writing. That was withdrawn last week, I  
26 believe. With that we'll move on to WP02-09 and we're  
27 ready for the Staff analysis.

28

29 MR. JOHNSON: Thank you, Mr. Chair, Board  
30 members. My name is David R.J. Johnson. I'm the  
31 subsistence coordinator for the Tongass National Forest.  
32 Wildlife Proposal WP02-09 was submitted by the Craig  
33 Community Association, the Hydaburg Community Association  
34 and Kasaan IRA. All three of these are Federally-  
35 recognized tribes on Prince of Wales Island which is in  
36 Unit 2. Information concerning this proposal can be  
37 found under Tab E, starting on Page 67.

38

39 The proposal requests that the Federal  
40 public lands in Unit 2 be closed to deer hunting except  
41 by Federally-qualified users during the period August 1  
42 to August 31st and October 16th through November 14th.

43

44 Proponents of this proposal allege that  
45 they are unable to get the deer they need due to

46 increased competition from non-rural and an overall  
47 decline in the deer population in Unit 2. In 1997, a  
48 similar proposal came before this Board that would  
49 restrict non-rural deer hunters and at that time one of  
50 the reasons for not supporting it was a lack of

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1 substantial evidence as indicated by the Board. Most of  
2 the land in Unit 2 is managed by the Forest Service with  
3 the remainder being owned by several Alaska Native  
4 Village and regional corporations. And again, as a  
5 result of the decision of the Board in 1997, additional  
6 research was undertaken to get a better handle on both  
7 the amount of deer, as far as the biological part of the  
8 equation and the ability to provide for the need for deer  
9 harvesters in Unit 2 as required in Title VIII.

10

11           There are four primary sources of data  
12 that were used in this analysis. The first is the deer  
13 pellet survey that is done, both by the Forest Service  
14 and by the State. We've been involved in collecting this  
15 data in Unit 2 since about 1986. In addition to that,  
16 there have been a number of other cooperative studies  
17 with ADF&G that deal with various aspects of deer in Unit  
18 2. The second data source was hunter harvest data,  
19 again, this was from ADF&G and is provided primarily  
20 through a mail-back harvest report that hunters are  
21 required to return. Thirdly, house to house survey that,  
22 again, was initiated following the Board meeting in '97,  
23 which included in addition to the house to house survey  
24 key respondent interviews with hunters in Unit 2. And  
25 the fourth data source was traditional ecological  
26 knowledge provided primarily by Mike Douville who is a  
27 Regional Council member on the Southeast Council and has  
28 had considerable experience in hunting and fishing and  
29 trapping and is very, very knowledgeable of Prince of  
30 Wales Island and the outside islands adjacent to the  
31 Prince of Wales Island.

32

33           From the deer pellet survey information  
34 we get the following information that states that the  
35 deer population on Prince of Wales Island is likely to  
36 decline over time due to changes in the habitat  
37 capability. Wolf predation on deer is a significant  
38 factor in this management unit. While we have no  
39 accurate population count for deer in Unit 2 at the  
40 present time, deer pellet count data indicate that deer  
41 densities are at the low end of the 20 year range. The  
42 data are indicative of a declining deer population in  
43 most of the area studied. Based on deer pellet data for  
44 Unit 2 there appears to be a conservation concern for  
45 deer in this management unit.

46

47 Hunter harvest data. The overall hunter  
48 harvest trend is ambiguous for Unit 2. The total number  
49 of deer taken and the number of deer taken by subsistence  
50 users shows no clear trend over time. The data did not

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1 reflect any increase or decrease in subsistence harvest  
2 in spite of dramatic population increases in Prince of  
3 Wales communities during the past decade. In fact, one  
4 source indicated that Craig was the fastest growing  
5 community in Alaska in the middle '80s. There has been  
6 no striking change in the number of non-subsistence  
7 hunters hunting on Prince of Wales Island nor in the  
8 proportion of deer that they take, again, based on hunter  
9 harvest data. Non-subsistence harvest has accounted for  
10 about 30 percent per year of the total deer harvest in  
11 Unit 2 during the last 11 years.

12

13           Household harvest survey. Again, as a  
14 result of the 1997 Federal Subsistence Board decision,  
15 key respondent surveys and household harvest survey work  
16 that was conducted in Prince of Wales Island communities  
17 and in Ketchikan during 1998/1999/2000. Research was  
18 done by Alaska Department of Fish and Game that involved  
19 Dr. Robert Schroeder, Dr. Robert Wolf and Mike Turek and  
20 Amy Paige of the subsistence division of ADF&G. Research  
21 was done by interviewing randomly chosen households in  
22 study communities. Sample sizes were large enough to  
23 produce statistically meaningful results. If you'll look  
24 on Pages 85, 86 and 87 in your book, assessing public  
25 opinion on critical deer questions was one of the main  
26 goals of these studies. Tables 4, 5 and 6 present the  
27 results of these survey efforts. Note, that the  
28 questions changes slightly from year to year. Craig and  
29 Klawock residents were interviewed both in 1998 and in  
30 2000. Overwhelmingly respondents in all study  
31 communities in the three study years thought that over  
32 the past five years it was taking more or much more time  
33 and effort to harvest deer in the areas that they hunt.  
34 This also held true for Ketchikan residents were 67  
35 percent agreed with this statement as well as for the  
36 Prince of Wales Island communities. Earlier interview  
37 data collected indicate that hunters believe that deer  
38 populations are declining and that increased competition  
39 has made it harder to get deer. Similarly, respondents  
40 in all communities in the study years thought that the  
41 deer population was declining in the areas they have  
42 hunted over the past five years. For Craig and Klawock  
43 communities surveyed in 1998 and 2000 the proportion of  
44 respondents who thought that deer population was  
45 declining went up across this two year period from 70 to

46 81 percent for Craig and from 75 to 82 percent for  
47 Klawock.

48

49 Respondents of all the Prince of Wales

50 Island communities thought that Ketchikan and other non-

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1 Prince of Wales hunters were having a negative or very  
2 negative impact on their household's deer hunting  
3 success.

4

5 I might add the Proposal 8 that was also  
6 a proposal that was submitted dealt with restricting  
7 other rural users and the reason that proposal did not  
8 get to your table today, one of the reasons is that  
9 before restricting other rural users Title VIII has some  
10 things to say about other non-rural users. So the people  
11 that submitted this proposal made it pretty clear in  
12 discussions with them that it had nothing to do with  
13 where people lived it was just outside people hunting  
14 here and the increased competition.

15

16 Respondents in Craig, Hydaburg and  
17 Klawock were asked in the 1998 surveys whether community  
18 needs for deer were met in the previous year. In Craig,  
19 52 percent of the respondents said that harvest was  
20 somewhat lower or much lower than needed. 69 percent of  
21 Hydaburg and 62 percent of Klawock respondents thought  
22 harvests were somewhat or much lower than needed.

23

24 The final opinion question asked Prince  
25 of Wales Island respondents household reliance on deer  
26 and as we might expect households show high or very high  
27 reliance on deer. The household harvest data show that  
28 respondents believe that it is taking more time and  
29 effort to harvest deer on Prince of Wales and that the  
30 island deer population is in decline. A large proportion  
31 of respondents believe Ketchikan and other off-island  
32 hunters were hurting their hunting success. Community  
33 deer harvests were perceived as being less than what was  
34 needed for Craig, Hydaburg and Klawock for the 1997  
35 harvest year.

36

37 Again, this proposal was submitted by  
38 three tribal governments whose members believe that the  
39 deer population has been declining and that subsistence  
40 needs are not being met. An additional tribal government  
41 raised similar concerns in Proposal 8 closing Federal  
42 land to non-subsistence hunters for two months of the  
43 five month season, would potentially reduce overall deer  
44 harvest in Unit 2 and reduce competition for subsistence  
45 hunters.



46

47           The last source of data, traditional  
48 ecological knowledge was provided by Mike Douville,  
49 Regional Council member at both before the March 12  
50 through 14 meeting and further supported by his testimony

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1 at the March 12 through 14 meeting, that he believes  
2 based on his experience that there is, in fact, a decline  
3 in the deer population and it has been occurring over the  
4 last several years.

5

6 Again, in summary, deer pellet data show  
7 that the deer population in Unit 2 is in decline and that  
8 an unhealthy deer population exists whereas prescribed by  
9 Title VIII requires that healthy populations must be  
10 managed. The household survey data and earlier key  
11 respondent interviews conclusively prove that respondents  
12 believe that the deer population is in decline and that  
13 more time and effort is needed to harvest deer in Unit 2.  
14 Resident surveys in these communities felt that their  
15 communities were unable to meet subsistence needs. The  
16 number of deer per hunter, based, again, on this  
17 information has gone down in recent years and hunter  
18 effort has gone up. However, it should also be noted  
19 that overall deer harvest as well as subsistence harvest  
20 for Unit 2 has been maintained possibly due to increased  
21 hunter effort.

22

23 This concludes a summary of my analysis.  
24 I welcome your comments and questions. Thank you, Mr.  
25 Chair.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. Any  
28 questions. Summary of written public comments.

29

30 MR. SCHROEDER: Mr. Chairman, members of  
31 the Board. I have with me some and only some of the  
32 public comments that we've received on Proposal 9. The  
33 situation with deer on Prince of Wales has been extremely  
34 controversial and we received a great deal of public  
35 response. Some of that public response is summarized in  
36 your Board books on Page 93 through 99. All totaled, if  
37 we count individual responses, we have something like 980  
38 people responding, some of those may be duplicates where  
39 people signed a petition and also sent in a letter.

40

41 We have in those of the almost 1,000  
42 public comments we've received, among those are something  
43 like 100 or slightly more personal letters which are  
44 extremely difficult to summarize. I've read through them  
45 and what I see is in looking at these letters is that

46 people feel very strongly about this issue on Prince of  
47 Wales. The petitions have circulated quite widely.

48

49 A synopsis of the letters that people

50 have sent in, the letters from mainly Prince of Wales

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1 Island have been supportive of this proposal. They speak  
2 of the importance of subsistence harvest in people's  
3 lives and increasing difficulty in getting deer on Prince  
4 of Wales and ask for some relief and a belief that some  
5 reduction should take place in off island hunters coming  
6 to hunt in Prince of Wales.

7

8           A summary of the letters which come  
9 mainly from the Ketchikan area would point to how people  
10 believe -- they point to their own, quite often, long  
11 histories of hunting on Prince of Wales Island. Some  
12 respondents say that at one time they lived on Prince of  
13 Wales Island, they continue to go back and they have  
14 family connections on Prince of Wales Island. And they  
15 also simply don't believe that Ketchikan should be  
16 discriminated against and that Alaskans should be  
17 excluded from hunting in any area.

18

19           Again, I wish that we could spend time  
20 going through, in some detail, of what people had to say  
21 because people took a great deal of time putting their  
22 comments together.

23

24           I'll give you a little bit of a flavor.  
25 The largest -- we also received a great deal of comment  
26 after the Board book was prepared so we've been receiving  
27 comment up to today. The largest petition that we  
28 received has 570 signatures on it. The undersigned  
29 public land users and tax payers of Game Management Unit  
30 2 do not support Proposal 9. We believe that Proposal 9  
31 is unnecessary based on current data and is based on  
32 greed rather than scientific facts. We did not support  
33 legislation that excludes certain user groups from public  
34 land nor do we support public land closures that are not  
35 based on sound, factual and objective collected data. We  
36 ask that the Federal Subsistence Board discard Proposal  
37 9.

38

39           Similar sentiments were expressed in a  
40 form letter that we received mainly from Ketchikan  
41 residents, from 141 Ketchikan residents which, again,  
42 called in question the very notion that urban residents  
43 might be excluded from use of public lands for deer  
44 hunting.

45

46            Our largest number of responses from  
47 Prince of Wales was on a petition circulated by the  
48 tribal communities on the island and they simply asked  
49 that the Board recognize their proposals and make  
50 accommodation to subsistence harvest. They supported

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1 both Proposal 8 and 9.

2

3 Mr. Chairman, that concludes my brief  
4 summary of public comments. If there are any questions I  
5 could answer those.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. We'll  
8 call on you if there is. At this time we'll open the  
9 floor to public testimony. We have Lisa Trimmer who has  
10 signed up to testify.

11

12 MS. TRIMMER: Hello. I'm Lisa Trimmer,  
13 I'm with the Craig Community Association. I am also here  
14 representing the Organized Village of Kasaan and I also  
15 have a written comment from the Alaska Native Brotherhood  
16 Camp 9.

17

18 I'd like to start off with my own written  
19 comment. I live on Prince of Wales Island. I've been on  
20 Prince of Wales Island for 12 years. I was one of the  
21 individuals who had written Proposal 9. Proposal 9 was  
22 written from community members from Craig, Klawock,  
23 Hydaburg and Kasaan which had originated from comments  
24 that had been made from the Federal Subsistence Board  
25 that was held in Craig at the Craig Tribal Hall. Several  
26 meetings have been held regarding this proposal since  
27 that meeting with a total of 112 signed petitions and I  
28 have brought with me 34 written comments supporting this  
29 today including my own.

30

31 I strongly support Proposal No. 9. We  
32 all know that the deer population on Prince of Wales is  
33 declining. Many of us Prince of Wales subsistence users  
34 are not meeting our subsistence needs, one of which is  
35 the harvesting of deer. Deer meat is a part of our daily  
36 diet and is a customary and traditional use. We eat deer  
37 meat at home, gatherings and potlatches. It is getting  
38 harder for most of us, including myself, to harvest deer.  
39 My husband and I have only been able to gather the last  
40 year two deer and the year before, only two deer.

41

42 A big concern that Prince of Wales  
43 residents are facing is that the logging and fishing  
44 industries are going down. That, therefore, subsistence  
45 users will be relying on all of our subsistence foods,

46 including deer meat.

47

48           There are written records showing that  
49 the deer population is declining on Prince of Wales  
50 Island, therefore Prince of Wales residents subsistence

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1 users need to take control before that resource is wiped  
2 out also. We need to protect our resources for ourselves  
3 and future generations to come. This proposal is not a  
4 racial issue, it's about protecting our resources, our  
5 subsistence foods.

6

7 Title VIII states that the sound  
8 management principles on the conservation of healthy  
9 populations of fish and wildlife, the use of public lands  
10 in Alaska is to cause the least adverse impact possible  
11 on rural residents who depend on subsistence uses of the  
12 resources of such lands. This purpose of this title is to  
13 provide the opportunity for rural residents engaged in a  
14 subsistence way of life to do so. It also states, to  
15 protect and provide the opportunity for continued  
16 subsistence uses on public lands. By closing the period  
17 of August it will let our Prince of Wales subsistence  
18 user harvest deer needed to make it through the winter.

19

20 And I would like to thank the Board for  
21 giving me the opportunity to voice my concern and hope  
22 that you support it and take it into consideration. I  
23 would also like to read comments from our tribal  
24 president of the Craig Community Association, Millie  
25 Stevens, if that's okay.

26

27 CHAIRMAN DEMIENTIEFF: Go ahead.

28

29 MS. TRIMMER: It says, Dear Fellow  
30 Alaskans. I write this letter of plea to you as Board  
31 members. I have lived on Prince of Wales Island most of  
32 my life. Craig is my hometown. As a child our  
33 traditional way of life was good. We never had to worry  
34 about getting deer, seal, all the species of salmon,  
35 abalone, crab, shrimp, gumboots and seaweed. This was  
36 all abundant, especially halibut and red snapper.

37

38 For the last several years it takes us  
39 much longer to get our deer. We are caring, sharing  
40 people. We have always shared with our elders, people in  
41 need, we never overharvest. Now, that we, on Prince of  
42 Wales have a pretty decent road system, there are a lot  
43 of off-island deer hunters, too many. We, the local  
44 people do not dare go hunting on opening day, too many  
45 hunters. We think that it would be fair if the first two



46 weeks to the month that the hunting season be open to the  
47 people of Prince of Wales. Again, we don't overharvest.  
48 Last year we did not get one single deer for our family.

49

50           Your consideration of this request will

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1 be deeply appreciated. Would like to thank you for the  
2 deer permits for elders and for our potlatches. Our  
3 elders are very appreciative when we deliver their fresh  
4 deer meat. The look on their faces is priceless.

5

6 I understand that Ninilchik was able to  
7 do the one month opening for their local people. I  
8 really do not think that our request is not too much,  
9 unreasonable. Thank you for your consideration. Millie  
10 Stevens.

11

12 And then I also have a written comment  
13 from the President of the Organized Village of Kasaan, if  
14 I can read that?

15

16 CHAIRMAN DEMIENTIEFF: Go ahead.

17

18 MS. TRIMMER: It says, To Whom it May  
19 Concern. I am writing this letter as a lifetime resident  
20 of Kasaan. Kasaan is a small rural community located on  
21 Prince of Wales Island. The people here in Kasaan  
22 because of its remoteness of lack and sustainable economy  
23 rely heavily on subsistence as a means of our feeding our  
24 families. Deer have traditionally been a main food  
25 source as well as fish, seal and other local species. As  
26 the fish have been on the tragic decline or dependence on  
27 our deer to feed our families has only grown. But  
28 unfortunately the amount of deer is also on the decline  
29 and it's getting harder and harder to harvest enough deer  
30 to make it through the winter months.

31

32 I would like to extend my thanks to you  
33 and the Federal Subsistence Board for taking our sincere  
34 concerns into consideration. Richard J. Peterson.

35

36 And then I also have another written  
37 comment from the Alaska Native Brotherhood, Camp 9.

38

39 CHAIRMAN DEMIENTIEFF: Go ahead.

40

41 MS. TRIMMER: It says, Dear Chair,  
42 Federal Subsistence Board. Formal action was taken last  
43 night at the May meeting of Klawock ANB/ANS Camp No. 9 to  
44 support Wildlife Proposal WP02-09. We agree with the  
45 proponents of this proposal and we believe the deer

46 population where we have traditionally hunted is  
47 declining. We also agree that we are not getting the  
48 deer we need to support for our families. During the  
49 past several years we have found it increasingly  
50 difficult to find deer, bucks or does. It is taking more

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1 effort to get fewer deer. Venison has been an important  
2 part of our diet for centuries. We are concerned about  
3 the future of our children to be able to harvest the deer  
4 meat they need.

5

6           We have raised concerns in the past about  
7 the number of deer leaving our island. Now, with the new  
8 island ferry system, hunters will be able to come and go  
9 every day during the deer season. We believe that both,  
10 August and mid-October, mid-November should be closed to  
11 non-subsistence users. But we understand why the  
12 Regional Advisory Council decided to modify WP02-09 to  
13 exclude non-rural hunters only during the month of  
14 August.

15

16           Please accept this letter of support for  
17 the Federal Subsistence Wildlife Proposal WP02-09.  
18 Signed by James Martinez, Sr. and Ernestene Kato of  
19 Alaska Native Brotherhood.

20

21           CHAIRMAN DEMIENTIEFF: Thank you very  
22 much. Is there any questions for Lisa?

23

24           MR. NICHOLIA: I have one.

25

26           CHAIRMAN DEMIENTIEFF: Gerald.

27

28           MR. NICHOLIA: Are you seeing more of  
29 your subsistence being taken away by sports of commercial  
30 uses instead of just actually being subsistence?

31

32           MS. TRIMMER: Yes. I believe most of the  
33 deer that are leaving the island are from trophy hunters  
34 or people just sporthunting or only taking what could be,  
35 you know, the heads or the hindquarters. They're not  
36 taking the full, you know, all the meat or what our  
37 elders and people could be using. We use all parts and  
38 do not waste.

39

40           MR. NICHOLIA: And do you feel that these  
41 sport and commercial users are infringing on your  
42 traditional culture, your way of life, of living that  
43 your grandfathers and grandmothers taught you?

44

45           MS. TRIMMER: Yes.

46

47 CHAIRMAN DEMIENTIEFF: Other questions.

48 Taylor.

49

50 MR. BRELSFORD: Mr. Chairman. Lisa, I

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1 believe the information we heard just prior to your  
2 testimony was that about a third, 30 percent, of overall  
3 deer harvest on Prince of Wales is by non-island  
4 residents. Could you help us -- can you think out loud  
5 for us about how that -- if that figure is right then  
6 your perception might be a little more difficult so how  
7 come the measures come up showing only a third and no  
8 growth in the harvest by off-island people? Do you think  
9 that's mismeasured in some way?

10

11 MS. TRIMMER: Yes. During the first part  
12 of the month of August it is so packed, overcrowded with  
13 off-island hunters from out of state, in state, from  
14 Anchorage, all over the island and I believe that the  
15 calculations are wrong.

16

17 CHAIRMAN DEMIENTIEFF: And Dave, these  
18 are based on actual harvest returns?

19 MR. JOHNSON: Mr. Chair, Board. They're  
20 not actual harvest returns, they are a percentage of the  
21 numbers of hunters that actually receive a mail-back  
22 questionnaire and then there is a percentage of that  
23 percentage that returns the questionnaire. So that's  
24 what that information is based on.

25

26 MR. NICHOLIA: Mr. Chair.

27

28 CHAIRMAN DEMIENTIEFF: Yes.

29

30 MR. NICHOLIA: I'm going to say something  
31 right here and you guys all got to understand this. You  
32 guys are all going on percentage and assumptions, to  
33 every limit on the state, I see this all across the  
34 state. Where what actually this Board is doing is trying  
35 not -- you're not really protecting subsistence you're  
36 going around this little loop-hole things, all the way  
37 around to protect sport and commercial. It's just how  
38 these guys are doing it right here. It's just how you  
39 guys are going to agree to it. But you guys got to learn  
40 something right here, you're Title VIII, ANILCA, to  
41 protect subsistence, now let's do it.

42

43 CHAIRMAN DEMIENTIEFF: Any other  
44 questions. Thank you very much Lisa for your testimony,  
45 appreciate it. Regional Council recommendation.

46

47 MR. THOMAS: Regional Council

48 recommendation is to support.

49

50 CHAIRMAN DEMIENTIEFF: My little notes

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1 say with some modification.

2

3 MR. THOMAS: Okay, the modification would  
4 be Federal public lands are closed to the hunting of deer  
5 except by Federally-qualified subsistence users during  
6 the period of August 1 to August 31.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
9 Committee recommendation.

10

11 MR. THOMPSON: Yeah, Mr. Chairman. The  
12 Staff Committee was divided on this proposal. Five  
13 members recommend the Board reject the proposal. The  
14 viewpoint of one Staff Committee member was to recommend  
15 adopting the proposal as modified by the Southeast  
16 Council.

17

18 For that minority viewpoint, which is  
19 important and we've heard some of that already this  
20 morning, the minority is to adopt the modified proposal  
21 which would exclude non-Federally-qualified subsistence  
22 users only during the period of August 1 through August  
23 31st. And that member of our committee who supports the  
24 proposal places more importance on the survey which  
25 indicates hunters believe deer populations are declining  
26 and greater effort is required to harvest deer. That  
27 person also places emphasis on the need to begin  
28 addressing long-term trends in decline in habitat  
29 suitability and it's carrying capacity for deer on  
30 heavily logged portions of Unit 2.

31

32 Staff Committee noted that this proposal  
33 was strongly supported by the tribal governments of  
34 Craig, Hydaburg, Kasaan and Klawock as we've heard this  
35 morning from Lisa.

36

37 The two Fish and Game Advisory Committees  
38 in Unit 2 communities supported this proposal and a third  
39 had concerns about the continued doe hunt in Unit 2.  
40 They also noted strong support in written comments from  
41 most of Unit 2 residents, opposition from the east Prince  
42 of Wales Advisory Committee members and opposition from  
43 numerous Ketchikan hunters.

44

45 The Staff Committee member with this



46 viewpoint believes that the deer population in Unit 2 has  
47 been declining and there may be a conservation concern  
48 for deer in this unit at this time. Based on information  
49 from Federal and State biologists, indications are that  
50 the decline will continue since it is caused mainly by

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1 the effects of logging rather than by hunters or non-  
2 human predators or by bad weather. Documented statements  
3 by known active members in Unit 2 said they had firsthand  
4 experience in observing fewer deer or less deer sighting  
5 in areas they know. This served to confirm a wider  
6 public opinion measures from the quantitative survey data  
7 that the deer population is in decline and that it is  
8 taking more time and effort to get deer.

9

10 The Staff Committee member also concluded  
11 that while the numbers of deer harvested overall may not  
12 have declined that hunters, including subsistence hunters  
13 are spending more time and effort to get to the deer they  
14 need.

15

16 That was the minority viewpoint Mr.  
17 Chairman.

18

19 For the majority, five members of the  
20 Staff Committee recommend rejecting the proposal. And  
21 those members of the Staff Committee believe the  
22 following. In order to close public lands to non-  
23 subsistence hunters, Title VIII requires that such  
24 closure be determined to be necessary for the  
25 conservation of the deer resource or to maintain  
26 subsistence opportunity. A decline in the deer  
27 population has indicated from both deer pellet group  
28 density analysis and reports from residents, however,  
29 there is a general agreement that hunting is not causing  
30 the decline and restrictions on harvest would likely have  
31 little effect on the population trend.

32

33 From the community survey information and  
34 oral testimony as Dave pointed out this morning, it is  
35 clear that many local residents believe that non-  
36 subsistence hunters are negatively impacting their  
37 ability to obtain deer they need for subsistence.  
38 However, the hunter and harvest data do not show a trend  
39 of reduced local hunter success, either in terms of the  
40 percentage of successful hunters or the number of deer  
41 per hunter. The number of hunters on Prince of Wales  
42 Island, both subsistence and non-subsistence has been  
43 relatively stable over the past decade as has the number  
44 of deer taken. Local residents indicate having to expend  
45 more time hunting to harvest deer but the average number

46 of days to take deer reported by local residents has not  
47 increased significantly over the past 10 years. The  
48 available data on hunter success suggests that the  
49 ability of subsistence hunters to take deer has not been  
50 significantly affected.

00070

1           The Council recommends closing Federal  
2 public lands to non-subsistence hunters during the month  
3 of August, even though the preferred hunting time for the  
4 proponents and other local residents is during October  
5 and November. Competition in the field between local and  
6 non-local hunters is strong in the latter part of the  
7 season as the majority of both groups of hunters take  
8 deer. Closing Federal public lands to non-subsistence  
9 hunters in August will likely have the effect of shifting  
10 a substantial amount of the early season non-subsistence  
11 effort to later in the season largely offsetting the  
12 benefits of a reduced non-local harvest in August while  
13 intensifying the competition and encounters between these  
14 user groups in October and November.

15

16           Finally, the Staff Committee further  
17 recommends that the concerns of local subsistence users  
18 be addressed through a cooperative planning effort  
19 involving the Regional Council, local Advisory  
20 Committees, community representatives, tribal  
21 organizations along with the Forest and Department of  
22 Fish and Game Staffs.

23

24           That concludes the Staff Committee  
25 remarks, Mr. Chairman.

26

27           MR. THOMAS: Mr. Chairman.

28

29           CHAIRMAN DEMIENTIEFF: Bill.

30

31           MR. THOMAS: I found a bunch of remarks  
32 under here I didn't identify as the justification only  
33 because of the structure of this printout. If I may, I'd  
34 like to read that.

35

36           CHAIRMAN DEMIENTIEFF: We'll give you an  
37 additional opportunity, we'll go ahead, unless you have a  
38 question specifically about the Staff Committee  
39 recommendation, you'll have ample opportunity.

40

41           MR. WILLIAMS: Department comments.

42

43           MR. HAYNES: Thank you, Mr. Chairman.

44 With me this morning.....

45

46 CHAIRMAN DEMIENTIEFF: Hang on, is this  
47 about the Staff Committee report?

48

49 MS. CROSS: Yes.

50

00071

1 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

2

3 MS. CROSS: It seems like when you were  
4 talking there was no significant decline but there is a  
5 decline.

6

7 MR. THOMPSON: That's correct, Grace.

8

9 MS. CROSS: What is considered  
10 significant?

11

12 MR. THOMPSON: Those kinds of decisions  
13 are tough calls to make. I believe that is somewhat  
14 incumbent on the Board to help identify what should be  
15 considered significant and not significant. There is no  
16 magical number that I know of.

17

18 MS. CROSS: Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Maybe, Dave, do  
21 you have additional information that will respond to  
22 Grace's question.

23

24 MR. JOHNSON: The only response I have is  
25 someone said the difference between a major heart attack  
26 and a minor heart attack, a major one is when I have one  
27 and a minor one is when you have one. That is the only  
28 difference that I know, Grace.

29

30 MR. BRELSFORD: Mr. Chairman.

31

32 CHAIRMAN DEMIENTIEFF: Go ahead, Taylor.

33

34 MR. BRELSFORD: With due respect, I  
35 believe there are actually some tables and some  
36 statistical analysis on this question and since some of  
37 our decision will turn on the matter of how we read  
38 complicated data, I wonder if we could ask Dr. Schroeder  
39 to repeat some of the presentation that he's provided  
40 earlier in other venues about the statistical  
41 significance, the trend lines and the statistical  
42 analysis of those trend lines. So I believe the question  
43 here had to do with whether harvest levels show a  
44 statistically significant decline and if I remember  
45 correctly, the tables, the figures that bear on this

46 question are found in the analysis Figure 7.

47

48           CHAIRMAN DEMIENTIEFF: I think maybe  
49 we'll give Mr. Schroeder a chance to go ahead and prepare  
50 that. But why not, let's get all the information on the

00072

1 table here first and go ahead and proceed on because  
2 we'll have ample opportunity to deliberate. Bill, would  
3 it be too much for -- we can go back and ask any  
4 questions you want but what I'm trying to do right now is  
5 just get all the information on the table. If we let the  
6 Department give their reports we'll have ample  
7 opportunity to ask any one of the presenters any  
8 questions.

9

10 MR. THOMAS: Well, I'm trying to delay  
11 their involvement as much as I can.

12

13 (Laughter)

14

15 CHAIRMAN DEMIENTIEFF: That's why they  
16 give me this priority button on this microphone.

17

18 (Laughter)

19

20 CHAIRMAN DEMIENTIEFF: When I go to  
21 Southeast you Chair, when you come here I Chair, okay.

22

23 (Laughter)

24

25 CHAIRMAN DEMIENTIEFF: Go ahead, Terry.

26

27 MR. HAYNES: Thank you, Mr. Chairman.  
28 With me this morning is Kim Titus who is the regional  
29 supervisor for Division of Wildlife Conservation in the  
30 Southeast region of the state and he'll present our  
31 comments.

32

33 CHAIRMAN DEMIENTIEFF: Go ahead.

34

35 MR. TITUS: Thank you, Chairman and good  
36 morning everyone. This is an important issue for our  
37 Staff and myself and the State and it has been for some  
38 time and it will continue to be. The Department opposes  
39 this proposal and supports the Staff Committee  
40 recommendations to oppose this proposal.

41

42 As I will briefly state, we also have  
43 three data sources that relate to this proposal. These  
44 include this interagency deer pellet program, subsistence  
45 harvest surveys and the regional deer hunter survey.



46 Regarding this deer pellet program that you've heard of  
47 and now we've heard some inferences about statistics and  
48 biological interpretation of this trend. Trend analysis  
49 of this deer pellet data for Unit 2 for the last 10, 11  
50 years indicates a slight but statistically significant

00073

1 decline in the deer population probably has occurred.

2

3           Let me break with my testimony in here  
4 and say that statistical significance is arbitrary and  
5 ultimately it's incumbent on the people that look at the  
6 information and that, in this case is us or you in the  
7 case of the Federal Board, you have to determine  
8 ultimately whether there's biological significance to  
9 that information. Statistics can help do that but in and  
10 of itself there is no magic out there and I agree with  
11 that statement that was made awhile ago. In fact, we  
12 conducted an analysis of the same data that the Forest  
13 Service did and we also have a decline, however our  
14 analysis was done differently than the Forest Service's  
15 analysis and our decline is not as steep. So you know,  
16 we could sit here and debate that for a long time but I  
17 don't think it's going to provide any magic answers out  
18 there.

19

20           To further add to that complication is  
21 the fact that this deer pellet data has been collected  
22 inconsistently over the last 10 or 12 years, more  
23 consistently in the last four or five years because the  
24 issue has risen. So that really, in addition,  
25 complicates the analysis. Note, however, that two  
26 watershed sampled on Prince of Wales with the most  
27 consistent long-term data show in fact, no trend. These  
28 deer pellet data are conducted in a variety of  
29 watersheds, some are conducted every year, some were  
30 conducted only every four years. So therefore, the  
31 statistics, in fact, get fairly complex and, of course,  
32 the interpretation then gets further muddled. And I just  
33 said, two of the watersheds with the best long-term data  
34 don't show a trend at all, basically said the population  
35 is flat there.

36

37           So what this suggests is that the  
38 patterns of trends and deer numbers on Prince of Wales  
39 are certainly complex. Deer aren't doing the same thing  
40 across the island, it's not just one big population of  
41 deer. Different watersheds have probably different  
42 responses relative to logging. Overall the Department's  
43 interpretation of the deer pellet data is that they do  
44 not support the notion that deer are in a severe decline  
45 or really that a major conservation concern exists. If,

46 in fact, a major conservation concern existed for deer we  
47 would recommend that the hunting season be closed for  
48 everyone, all users.

49

50           Regarding the other source of

00074

1 information, the subsistence harvest surveys, like the  
2 Forest Service we find consistency in the pattern of deer  
3 harvest by households over time. Hunting opportunity  
4 remains stable and Federally-qualified users are  
5 harvesting an adequate number of deer equal to that of  
6 more than a decade ago. We, in the Department, certainly  
7 don't dispute the impression of some hunters that they  
8 may have been more difficulty obtaining deer than in the  
9 past. This certainly could be caused by many factors  
10 including changes in habitat and the closing in of clear-  
11 cuts that makes it more difficult to see deer. We're  
12 seeing this all across Prince of Wales Island now where  
13 clear-cuts are now 15 to 25 years old and deer may be  
14 much harder to see in that type of habitat.

15

16           Regarding the deer hunter harvest  
17 surveys. Following the Southeast Regional Advisory  
18 Council meeting my staff further analyzed these survey  
19 data to look more in detail. The hunter harvest data do  
20 not show any significant trends in deer harvested, the  
21 number of hunters, the percent of hunters successful or  
22 days hunted per deer for the period of 1990 to 2000. The  
23 number of hunters from Ketchikan has not increased and  
24 harvest by Ketchikan hunters do not appear to be  
25 increasing. And for all intents and purposes, that 30  
26 percent non-Federally-qualified users hunting deer on  
27 Prince of Wales Island is by and large from Ketchikan.

28

29           In summary, the Department does not  
30 support restricting non-Federally-qualified deer hunters  
31 in Unit 2 at this time, nor do we believe that there is a  
32 serious conservation concern at this time. In our  
33 opinion, there is not substantial evidence that further  
34 restricting non-Federally-qualified users who can only  
35 harvest bucks or male deer would produce more deer for  
36 Prince of Wales Island residents over the long-term. You  
37 can't stockpile deer. The principles of wildlife  
38 conservation suggest that productivity of the deer herd  
39 is determined by female reproductive success and that  
40 habitat, forage conditions, and predation, in this case  
41 by wolves and black bears, will play the most significant  
42 roles in the long-term health of the population of deer.

43

44           The elimination of non-Federally-  
45 qualified users in our opinion is not necessary at this

46 time to meet the needs of the Federally-qualified  
47 subsistence users in Unit 2. We agree with some  
48 testimony that there will be unintended consequences of a  
49 eliminated non-Federally-qualified users from hunting in  
50 August should this proposal be adopted. These hunters,

00075

1 especially those from Ketchikan, many of whom have a long  
2 tradition of deer hunting in Southeast Alaska may simply  
3 change their hunting times or they may choose to hunt in  
4 other parts of Southeast Alaska where, in fact, other  
5 restrictive regulations are in effect. Deer populations  
6 may decline in the future and we believe they will,  
7 largely as a result of the legacy of timber harvest on  
8 Prince of Wales Island. Which simply, Prince of Wales  
9 Island is not like the rest of Alaska. There are  
10 thousands of miles of road down there.

11

12           The Department anticipates recommending  
13 regulatory changes to the Board of Game at that time in  
14 working through this process. Conversely this downward  
15 trend may be a short-term phenomena in terms of deer  
16 numbers and deer populations may increase in the coming  
17 years especially if mild winters occur.

18

19           Finally, the Department has certainly  
20 been aware of this deer problem for years, we have warned  
21 the Forest Service over the last 20 years that this is a  
22 likely consequence and a likely issue we would be facing.  
23 We're facing it now at this time and we'll face it into  
24 the future. We certainly -- I certainly believe and the  
25 State does, we need to find a solution to this issue that  
26 is useful for all parties and we'd like to see something  
27 in this arena that doesn't pit Alaskans against Alaskans  
28 and provides a subsistence and a priority preference out  
29 there without the exclusion of some other user groups and  
30 craft a way to do that that involves, especially the  
31 stakeholders out there. We certainly support the notion  
32 of a stakeholder planning process and hope that that can  
33 bring some near term or mid term solutions to this issue  
34 that is primarily of better use to the subsistence users  
35 and the Ketchikan hunters who have a long tradition of  
36 hunting on Prince of Wales Island.

37

38           Thank you.

39

40           CHAIRMAN DEMIENTIEFF: Thank you. Are  
41 you ready with your response to Taylor's question?

42

43           MR. SCHROEDER: Mr. Chairman, Taylor.  
44 Could you be a little specific about what you'd like me  
45 to cover? I could give a full presentation on various

46 things considering this proposal or I could focus simply  
47 on certain survey data.

48

49           MR. BRELSFORD: I believe the specific  
50 question put to us was whether subsistence harvests have

00076

1 shown a significant decline and I believe the Staff  
2 presentation suggested that there had not been a  
3 statistically significant decline shown. I wonder  
4 whether you could walk us through the graphics, the  
5 figures that display the data on which that conclusion  
6 was reached?

7

8 MS. CROSS: Mr. Chairman, may I make a  
9 correction in my question?

10

11 CHAIRMAN DEMIENTIEFF: Go ahead, Grace.

12

13 MS. CROSS: My question was has there  
14 been a deer decline?

15

16 CHAIRMAN DEMIENTIEFF: Go ahead.

17

18 MR. SCHROEDER: Mr. Chairman. I think  
19 there are two questions and one has to do with whether  
20 the deer population has declined and I think Forest  
21 Service Staff Committee and Fish and Game agree that the  
22 data shows a decline in the deer population on Prince of  
23 Wales. To this date no one has -- since we didn't know  
24 exactly how many deer were there to start with and we  
25 can't count deer there right now, we don't know exactly  
26 what that decline would be. But the evidence points to a  
27 decline. So that would be that question, Grace.

28

29 Should I proceed with talking about  
30 subsistence Mr. Chairman?

31

32 CHAIRMAN DEMIENTIEFF: Well, yeah, I mean  
33 we've got the information in front of us. I think  
34 basically to make the question more succinct is basically  
35 is there a decline in the subsistence harvest, I think is  
36 the point that you're trying to get at, Taylor?

37

38 MR. BRELSFORD: Yes.

39

40 MR. SCHROEDER: Mr. Chairman, Taylor.  
41 Let me just ad lib, I worked with these data quite  
42 extensively. There are basically two sets of how do you  
43 know -- the question there is, how do you know how much  
44 deer or how much of a subsistence resource that people  
45 are harvesting. In some completely 1984 world, we know



46 exactly what subsistence harvesters took and exactly what  
47 they were doing at any time. Hopefully, we'll never get  
48 to that point that we won't infringe on people's life so  
49 much to require them to do that sort of reporting.  
50

00077

1           We basically have three data sources,  
2 three quantitative data sources that address the question  
3 of subsistence harvest. One data source comes from the  
4 mail-out survey questionnaires that are sent to anyone  
5 who receives deer tickets in Southeast, a sample of those  
6 people. Those of us from Southeast are familiar with  
7 these, they come in the mail, the response is voluntary.  
8 This is about the only data we have for really long-term  
9 trends because this is a survey effort the Division of  
10 Wildlife Conservation does every year. Looking at these  
11 data we believe that these data are particularly good for  
12 the large urban places where response rates are high and  
13 where people have bought into the system of State  
14 management and use of deer tickets. The accuracy of that  
15 information for small communities is a bit less because  
16 people may not choose to respond to the voluntary  
17 questionnaire.

18

19           With that, that's kind of my footnote on  
20 what are the quality characteristics of these data.  
21 Looking at that set of data, that is the hunter reports  
22 through this mail-out system, we basically don't see a  
23 strong trend. In fact, we don't see any trend that we  
24 can identify that would show that either subsistence  
25 harvests are going up or going down over the last 10 year  
26 period.

27

28           Now, another footnote that I've put on  
29 that would be that deer hunting in Southeast may be  
30 affected by a lot of other things. We have good years  
31 and we have bad years across the whole region and in  
32 certain areas of Southeast. But that data source does  
33 not demonstrate a decline or an increase. Your best bet  
34 on that would be that it's pretty much of a straight  
35 line. Those data would be shown on, let's see, on Figure  
36 6 and 7, Page 56 and 57.

37

38           The second source of data is much more  
39 accurate and you might say, well, why don't we have  
40 accurate data for each year and the much more accurate  
41 data comes from subsistence harvest assessments which are  
42 household surveys that are done in study communities when  
43 Forest Service and Department of Fish and Game have the  
44 funding and resource to do them and when we feel that we  
45 can impose that burden on respondents to sit down with a

46 researcher for an hour or more and go through exactly  
47 what they've harvested in previous years.

48

49           Table 3 presents data from the data that  
50 are available from harvest surveys. We have data from

00078

1 '87 from a survey effort which was done jointly by Fish  
2 and Game, U.S. Forest Service and the University of  
3 Alaska-Anchorage. The Tongass Resource Use Cooperative  
4 Survey. We also have data from a recent round of surveys  
5 which were conducted on Prince of Wales over a three year  
6 period, '96, '97 and '98, different communities were  
7 surveyed each year. These surveys would produce what we  
8 believe to be very accurate data on subsistence harvest.

9

10           Since we are digging deeply into these  
11 data, I would just, in this table that is particularly  
12 opaque and difficult to read, I'd just like to highlight  
13 how this table works. If we're looking at Page 59, the  
14 top line, Craig, deer and I'd just like you to consider  
15 the 87 pounds, which is 40.6 and the 97 pounds, 43.7.  
16 These figures refer to pounds of deer per capita in Craig  
17 for those two survey years.

18

19           Well, we only have two data points for  
20 the communities on Prince of Wales. Looking across these  
21 two data points we were interested in seeing, was there  
22 some pattern there, such that if we were dealing with  
23 this situation up north where the one year was a year  
24 when the caribou herd came close and the other year was a  
25 year when there were no caribou, we'd definitely see a  
26 trend like this. With this data set, we don't see -- we  
27 can't demonstrate a difference between the two years  
28 meaning that the early harvest is about the same as the  
29 later harvest in a statistical sense.

30

31           Are there any questions about either of  
32 those two data sources?

33

34           MR. NICHOLIA: Yeah, I have a question.

35

36           MR. SCHROEDER: Gerald.

37

38           MR. NICHOLIA: Yeah, do you take any data  
39 from the elders or the people that actually live on  
40 Prince of Wales, do you actually talk to them instead of  
41 going with that presence, do you actually go up to them  
42 like a friend and ask them what's going on or do you just  
43 go up to them with a paper and ask them to put little  
44 things on there, do you actually talk to the elders on  
45 the island?

46

47 MR. SCHROEDER: Mr. Chairman, Mr.

48 Nicholia. I've talked about two sets of data so far.

49 The mail-out is completely impersonal, no one's talking

50 to anybody.

00079

1 MR. NICHOLIA: No, no, I'm not asking the  
2 data, I'm asking do you actually talk to the elders on  
3 that island? Do you ask them is this deer population  
4 declining, is it affecting my way of putting food on the  
5 table for my children and their grandchildren? Do you  
6 actually ask them that?

7

8 MR. SCHROEDER: Mr. Chairman, Mr.  
9 Nicholia. Let me get there. The deer surveys, the ones  
10 shown in Table 3 were done in cooperation with the tribal  
11 communities on Prince of Wales and they use local  
12 interviewers and were reviewed by tribal governments  
13 before these data are out. So this is a survey effort.  
14 This particular effort was not geared to interviewing  
15 elders.

16

17 MR. NICHOLIA: Well, I'm going to tell  
18 you this.....

19

20 CHAIRMAN DEMIENTIEFF: That's enough  
21 Gerald. Mr. Schroeder, so is that your third information  
22 stream that you haven't got to yet?

23

24 MR. SCHROEDER: Mr. Chairman, I'd like to  
25 get to the third one.

26

27 CHAIRMAN DEMIENTIEFF: Is that the third  
28 one?

29

30 MR. SCHROEDER: Yeah.

31

32 CHAIRMAN DEMIENTIEFF: Let's go ahead and  
33 hear that.

34

35 MR. SCHROEDER: Perhaps it will be useful  
36 if we move to the next page, Page 60. This was a  
37 slightly different effort from the how much, how many.  
38 This may not really address the question of Mr. Nicholia.  
39 Because we were doing -- because surveys were going to  
40 take place in Prince of Wales in '96, '97 and '98, Forest  
41 Service and Fish and Game, and we knew that the deer  
42 question was really controversial, these sets of  
43 questions were added to these household surveys that were  
44 done at that time. An additional effort was undertaken  
45 in Ketchikan because everyone recognized that Ketchikan

46 hunters used deer on Prince of Wales. These data are the  
47 data that Dave Johnson reported in his summary.

48

49               So these data are asking people what are  
50 their impressions of what's going on. And Dave's gone

00080

1 through these overwhelmingly residents of Prince of Wales  
2 and Ketchikan believe that the deer population is going  
3 down on Prince of Wales and it's taking them more time  
4 and effort to get the deer that they need. These tables  
5 go on at some length, it's Tables 4, 5 and 6. And in one  
6 year the question was asked whether or not people are  
7 able to get the deer they need for subsistence harvest.  
8 That's in Table 4 on the top of Page 61. And what I'm  
9 reporting here are the survey outcomes.

10

11 Just a final response to Mr. Nicholia is,  
12 yes, there was a research effort on Prince of Wales where  
13 Division of Subsistence Staff went and interviewed elders  
14 and knowledgeable deer hunters about the situation with  
15 deer on Prince of Wales. That basically came a little  
16 bit before this survey effort. And it was from the  
17 conversations with elders that led to the addition of  
18 these questions in the surveys so that there would be  
19 quantitative information before the Board.

20

21 If I could just sum up without taking  
22 more of the Board's time, I think what we have here is a  
23 number of different vectors. Some things point to a real  
24 problem on Prince of Wales, definitely the opinion data  
25 where people are saying that they're taking more time and  
26 effort to get deer. That they may not be getting the  
27 deer that they need. And that the situation's gotten  
28 worse. That points to a problem. There's the  
29 information that's been presented concerning the deer  
30 population. However, our harvest data, such as we have  
31 it doesn't demonstrate that there's a significant change  
32 in deer harvesting numbers on Prince of Wales Island.

33

34 If anybody has any questions I,  
35 obviously, like to talk about deer on Prince of Wales.  
36 Mr. Chairman.

37

38 MS. GOTTLIEB: Mr. Chair.

39

40 CHAIRMAN DEMIENTIEFF: Yes.

41

42 MS. GOTTLIEB: I did have one question.  
43 You mentioned the mail-out survey to deer ticket holders,  
44 are those to people who registered through the State or  
45 does that also include the Federal registration hunters?



46

47           MR. SCHROEDER: Mr. Chairman, Ms.  
48 Gottlieb. The mail-out survey goes to anyone who gets a  
49 State license and who gets deer tags -- not anyone, to a  
50 sample of people who get these. It's through a State

00081

1 permit. There is no separate permit for deer hunting,  
2 general deer hunting on Prince of Wales Island.

3

4 CHAIRMAN DEMIENTIEFF: Mr. Titus may have  
5 additional information to that.

6

7 MR. TITUS Thank you, Mr. Chairman. Ms.  
8 Gottlieb, my Staff are the ones that, in fact, have done  
9 that for the last 15 or so years. And basically in the  
10 large communities we send a random sample to 33 percent  
11 of the people that pick up deer harvest tickets, in the  
12 small communities it goes out to 100 percent of the  
13 individuals to try to get a larger sample from the  
14 smaller communities. With regard to what we acknowledge  
15 as the under-reporting that we're pretty confident occurs  
16 in the smaller communities, we, in fact, have looked at  
17 that with subsistence staff and we've had lots of  
18 discussions over the number of years with my Staff and  
19 the Forest Service Staff about the small communities and  
20 how to deal with it. Hence, some of these small  
21 communities, subsistence Staff have gone in and done  
22 household surveys and talked to elders and others. And  
23 from that, we know that, yes, we, in some cases depending  
24 on the community we can be grossly under-reporting  
25 harvest through the mail survey. And one thing we do  
26 see, though, is a consistent pattern over time. So at  
27 least the numbers track, if not -- I mean excuse me, the  
28 trends track if not the absolute numbers. So in that  
29 sense it's somewhat encouraging. And once again, our  
30 survey cost in the vicinity of \$20,000 a year to conduct  
31 and we get thousands of respondents back -- in fact we  
32 get lots of information.

33

34 One of the pieces of information we get  
35 now has to do with the doe harvest. Because the doe  
36 harvest is allowed under Federal regulation but not under  
37 State regulation, we, in fact, capture information about  
38 doe harvest out there that really isn't captured any  
39 other way because there's no Federal survey system to  
40 capture that. So we do the best we can with our survey  
41 and we understand the problems and I think we've got some  
42 pretty good people working on it in terms of survey  
43 sampling

44

45 Thank you.

46

47

CHAIRMAN DEMIENTIEFF: Questions. Yes,

48 Dave.

49

50

MR. JOHNSON: Mr. Chair. Just to comment

00082

1 on the doe harvest information. The Forest Service does  
2 get that information. It actually comes back to the  
3 Office of Subsistence Management. And this year we had  
4 90 percent response of returns and it calculated out for  
5 Unit 2 to be 97 does was the actual number.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Other  
8 questions. Bill.

9

10 MR. THOMAS: I don't have a question, can  
11 I go on with my dissertation?

12

13 CHAIRMAN DEMIENTIEFF: Yes, turn your  
14 mike on and you can go ahead.

15

16 MR. THOMAS: Thank you, Mr. Chairman.  
17 Really I had a six hour presentation prepared but when I  
18 recognize some good technical writing on Page 100 that  
19 kind of short-circuited my intent. But I think it  
20 paraphrases me very well. Thank you, Mr. Chairman.

21

22 Some proposals close Federal land to non-  
23 Federally-qualified deer hunters in Unit 2 were before  
24 the Council some years ago. Because of the controversy  
25 surrounding possible closures on Federal land, U.S.  
26 Forest Service and ADF&G Division of Subsistence  
27 undertook studies to address Unit 2 deer issues. Now,  
28 get this, because of the controversy. Responding to the  
29 controversy, let's keep that in mind.

30

31 The ensuing years also provided more data  
32 from deer pellet transections in Unit 2. These data  
33 provided better trend indications than were available in  
34 the mid-1990s when the Council was first asked to close  
35 Federal lands to non-Federally-qualified. The Council  
36 relied heavily on these new substantial data sources in  
37 making its recommendation. The deer pellet data for 1985  
38 to 2001 period showed that the deer population in Unit 2  
39 was declining. Both State and Federal biologists pointed  
40 to a downward sloping graph of deer pellet densities, the  
41 graph provided by Federal biologists showed a decline of  
42 41 percent over these 16 years. Given the problems of  
43 interpreting deer pellet data the Council was cautious.  
44 A decline in deer pellet samples might not be a perfect  
45 measure of the number of deer in Unit 2. The Council

46 also heard from State and Federal biologists that large  
47 scale logging on National Forest and Native corporation  
48 land seriously reduced availability of deer habitat.  
49 Analysis suggests that a number of deer can be supported  
50 by habitat in Unit 2 will be but half what it once was

00083

1 after the effect of logging is fully experienced.

2

3           The Council was concerned about the  
4 apparent overall downward trend of the deer population.  
5 I want you to pay close attention, especially to the  
6 concerns of the Council as we were presented with this  
7 information. The Council heard that based on hunter  
8 mail-out surveys overall deer harvest and deer per hunter  
9 and hunter effort did not show evidence of a decline.  
10 Subsistence harvests were estimated in 1987 and more  
11 recently in 1996 and 1999 for Prince of Wales communities  
12 per capita, deer harvests were about the same in both  
13 time periods. The Division of Subsistence data based on  
14 household interviews in all the Unit 2 communities and  
15 hunter interviews in Ketchikan showed the majority or a  
16 large majority of interviews in all communities that the  
17 deer population in Unit 2 was declining. And they had to  
18 spend more time and effort to get deer there. Craig,  
19 Klawock and Hydaburg residents were asked if their  
20 community got the deer that were needed. A large number  
21 of respondents indicated that they did not think the  
22 communities needs were being met.

23

24           In these intensive studies, 330 household  
25 surveys were conducted in 1998, 276 surveys in 1999 and  
26 446 surveys in 2000. In its deliberation the Council  
27 noted that this proposal was strongly supported by the  
28 tribal governments of Craig, Hydaburg, Kasaan and  
29 Klawock. Council member Douville contacted three of the  
30 Fish and Game Advisory Committees in these communities.  
31 Two supported the proposal, the third had concerns about  
32 the continued doe hunt in Unit 2. The Council also noted  
33 strong support in written comments from Unit 2 residents.  
34 Opposition from East Prince of Wales Advisory Committee  
35 members and opposition from numerous Ketchikan hunters,  
36 the Council noted that ADF&G deer management staff had  
37 given contradictory newspaper interviews indicating that  
38 people were seeing most deer -- I think that should be  
39 more deer -- than ever, from the island road system.

40

41           The Council evaluated the data presented  
42 and concluded that the deer population in Unit 2 has been  
43 declining and that there may be a conservation concern  
44 for deer in this unit at this time. Based on information  
45 from the Federal and State biologists, indications are

46 that the decline will continue. This is caused mainly by  
47 the effects of logging rather than by hunters or non-  
48 human predators or by bad winter survival. Council  
49 member Douville said that he and other active hunters  
50 with whom he had spoken in Unit 2 had first hand

00084

1 experience in observing less deer signs in areas they  
2 know well. This served to confirm the wider public  
3 opinion measures that the quantitative survey data that  
4 the deer population is in decline and that it's taking  
5 more time and effort to get deer.

6

7           The Council also concluded that while the  
8 numbers of deer harvested overall may not have declined  
9 -- concluded that it may not have declined that hunters,  
10 including subsistence hunters were having to spend more  
11 time and effort to get the deer they need. The Council  
12 noted in Unit 2 a healthy predator population that feeds  
13 primarily on deer resource. Increased ferry traffic  
14 expected in 2002 is a further factor considered by the  
15 Council in daily ferry service, which will improve access  
16 for urban residents wishing to hunt in Unit 2 and is  
17 likely to increase competition from this user group.

18

19           In weighing these sources of information,  
20 the Council recommended conservative action to maintain  
21 subsistence opportunity by closing Federal land to non-  
22 Federally-qualified deer hunters during the first month  
23 of a five month deer hunting season. This closure will  
24 provide subsistence users with the opportunity to harvest  
25 deer without urban competition during this part of the  
26 season. It will also lower the expected non-subsistence  
27 deer harvest. The Council believed that closing Federal  
28 lands later in the season during the rut was unnecessary  
29 at this time and would put an undo hardship on urban  
30 residents who have long histories of hunting deer in Unit  
31 2. In addition, uncorrected errors in material  
32 circulated by the Office of Subsistence Management did  
33 not give the public the opportunity to comment on the  
34 possibility of the closure in the season.

35

36           Finally, the Council points out that this  
37 closure is necessary for sound management of deer in this  
38 unit. The Council recommends acting in this regulatory  
39 cycle rather than waiting until the deer population has  
40 declined more drastically and further erosion of  
41 subsistence harvest has taken place.

42

43           Okay, now, that concludes the written  
44 report. I have some other observations I'd like to  
45 share, Mr. Chairman, if I could.



46

47           We were discussing caribou yesterday and  
48 contrary and contrary to the caribou proposal, doesn't  
49 have a strength level in Unit 2 and so we really don't  
50 have a baseline. And a decline is agreed by all parties

00085

1 involved.

2

3           A couple of other things to take note on,  
4 that's never happened before, was in our RAC meeting, the  
5 only people that had a recommendation for this proposal  
6 was the Advisory Council, the Staff didn't have a  
7 recommendation, the Department had a recommendation  
8 without justification at that time. Now, it was  
9 mentioned earlier that we want to include tribes and  
10 members of the community and all this kind of stuff,  
11 they're already involved. One thing I learned when I was  
12 a younger guy, if you discover a snake in your boot, you  
13 don't form a snake committee, you get rid of the snake  
14 and so we need to consider that here, you know.

15

16           No other user group would be confronted  
17 with this type of a reaction to a concern they've had.  
18 That would be dealt with right away.

19

20           It's obvious that information that we got  
21 from the Department and I respect their rationale for the  
22 information they give us, the key thing there is that  
23 they really don't embrace any part of Title VIII. That's  
24 the whole key. There's no controversy, there's  
25 disagreement. That's all it is. It's a political area  
26 of disagreement. If it was controversial that would mean  
27 it could go either way, in this case it's going down,  
28 there is no way -- there's no other way to go.

29

30           Some of the language we've heard was  
31 probably, not severe at this time, major concern -- if  
32 there was a major concern we'd close it for everybody.  
33 At this time, you know, none of these expressions are  
34 really appropriate for sound management of wildlife.  
35 It's very irresponsible. And there was made mention of  
36 steep, how steep is steep? You know, there are terms  
37 like significance. Significance was a tough question to  
38 answer. So we know there's a decline, we know there's a  
39 problem but we also know there's disagreement. The  
40 disagreement comes without any hard data. In many cases,  
41 no data at all. Most of it is opinions. I respect the  
42 comments from all those that said they have a history of  
43 hunting on Unit 2 and that they don't feel like they  
44 should be affected by cutting the season short.

45

46           The Council feels the responsibility to  
47 be part of this management scheme. And management  
48 suggests that there's responsibility with the people that  
49 are doing the managing. And the Federal Subsistence  
50 Board is mandated to pay close attention to what the

00086

1 Regional Advisory Councils bring to them. There was talk  
2 about talking with elders, talking with people, that's  
3 what RAC's do. We talk with elders. We talk with  
4 people. We talk with organizations. We talk with  
5 everybody. You know, we don't discriminate on who we  
6 talk to. But there's -- I just have a distinct feeling  
7 that there's been interagency interaction on this that  
8 leaves me with an instinctive feeling that the choice is  
9 already made regarding this matter.

10

11 I brought some material with me. I'm not  
12 going to through it unless you want me to and I'd be  
13 happy to, but I got a transcript of this proposal that  
14 occurred at our March meeting. And I have in excess of  
15 two dozens of expressions and agreements that agree with  
16 the decline at this time. It's trying to be minimized.  
17 But as far as subsistence is concerned, there is no  
18 minimal decline. There's no minimal growth. Every  
19 fraction of change is important to the healthy stock of  
20 what we're targeting.

21

22 That concludes my comments, Mr. Chairman.  
23 Thank you very much.

24

25 CHAIRMAN DEMIENTIEFF: Thank you, Bill.  
26 Mr. Titus, when does the Board of Game take this issue up  
27 again?

28

29 MR. TITUS: The Board of Game will meet  
30 in November in Southeast Alaska, most likely in Juneau.

31

32 CHAIRMAN DEMIENTIEFF: I guess I --  
33 pardon, do you have something?

34

35 MR. TITUS: Thank you, Mr. Chairman. I  
36 wanted to add that I believe I received a message that  
37 proposals would be due for Southeast Alaska through the  
38 State Board of Game process in August, I believe. So  
39 that's the time frame, August -- mid-August, late August  
40 with the Board meeting in November, sir.

41

42 MR. THOMAS: Mr. Chairman.

43

44 CHAIRMAN DEMIENTIEFF: I guess -- well,  
45 let me just go ahead and make one little comment here.

46 It's obvious to me by all presentations we have a  
47 declining population. It's obvious to me from the  
48 testimony of the subsistence users that they're having a  
49 harder and harder time to harvest their meat. That's the  
50 bottom line. Also it's obvious to me that there is

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1 enough deer population to provide opportunities for non-  
2 Federal subsistence users, people who have traditionally  
3 hunted in that area. Those people are -- most of them,  
4 I'm hearing are from Ketchikan. These things are  
5 obvious. Now, the obvious cries for a solution and it  
6 cries for a joint Federal/State solution. And I see no  
7 reason why we can't work something out.

8

9 Now, we have, in the State system, we  
10 have a Tier II system where we have declining populations  
11 and people are having a harder and harder time to harvest  
12 the resource. The State system has that. We have that  
13 at home in Nenana. And it provides for an opportunity  
14 for Tier II qualified hunters which are urban and rural,  
15 provides an opportunity for Tier II qualified hunters to  
16 have a time and place advantage to harvest the resource.

17

18 I like what the Southeast Regional  
19 Council has proposed in terms of a compromise in  
20 providing that same opportunity based on our regulations.  
21 And I know it's not going to be timely to provide some  
22 relief this year because of the timing of the State Board  
23 of Game meeting. But it's just a real bad situation  
24 where we have the mix of State lands around those  
25 villages and Federal lands throughout most of the Prince  
26 of Wales Island. But this situation calls for a  
27 compromise. And what I'm suggesting that all parties  
28 look at is a joint proposal to the Board of Game for a  
29 Tier II situation in which you will find that, of course,  
30 people from Ketchikan are going to get some of those  
31 permits. People who have a tradition of harvesting that  
32 resource will be allowed to go out and hunt. And what  
33 I'm suggesting or what I would like to do in this case is  
34 to defer action on this proposal and look to see if there  
35 is a possibility that we can get a proposal to the State  
36 Board of Game and get that opportunity so that we can  
37 have a situation that will possibly work out.

38

39 Now, I know there's going to be a lot of  
40 complications with that. But clearly, you know, it's  
41 going to limit a lot of things but I just think it's  
42 possible. I mean I see no reason why it isn't. But we  
43 need to do something. We need to do something on both  
44 sides and we need to do it cooperatively. This business  
45 of standing back and hollering it out and I know I've

46 done this before in situations where in other  
47 controversial areas where we've been in conflict, the  
48 State and the Federal program and the local users and  
49 we've sent these issues back in the past. And by God  
50 when it comes to push to comes to a shove, people find a

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1 way to work it out to where it works for everybody. And  
2 this is a situation that's crying for that.

3

4 We need to do something before the  
5 decline is so severe and I've heard nobody dispute the  
6 fact that there is a decline in the population. Of  
7 course, logging was also the other element. That this is  
8 going to continue. We don't have to wait until there's  
9 not a damn deer left on Prince of Wales Island before we  
10 do anything. And I'm willing to call the Board back  
11 prior to November, to the November meeting, I mean our  
12 Board, in the hopes that between now and then we can get  
13 together with the villages, with the RACs, with the  
14 Advisory Committees and sit down and see if we can't work  
15 something out because it's just not working. You know,  
16 given that, not being able to happen, you know, the Board  
17 is going to have to be forced to make a decision with  
18 regard to this. But I'd like to give this one chance to  
19 try to work something out and I think it's possible if we  
20 can be inclusive in terms of not cutting people out,  
21 particularly from Ketchikan where I'm concerned about,  
22 who have, I'm sure, a long history of harvesting that  
23 resource on Prince of Wales Island.

24

25 Bill.

26

27 MR. CHAIRMAN: Thank you, Mr. Chairman.  
28 Prior to my leaving for this meeting I got a call from  
29 our Council person in Unit 2 and they discussed the  
30 original proposal of closing from August 1 to August 31st  
31 and they say that they firmly believe that amending WP02-  
32 09 to read August 1 to August 10, that's eliminating 20  
33 days of the 30. Would still give residents of Unit 2  
34 ample opportunity to harvest deer in the areas most  
35 affected by non-subsistence users. This would give those  
36 Federally-qualified users with the greatest need to get  
37 deer a better opportunity to harvest deer while lessening  
38 the impact on other users.

39

40 This was sent to me, sent with me to  
41 share with you because Unit 2 is acting in good faith, in  
42 good spirit, they do have the attitude of sharing.  
43 They're not trying to injure anybody else's opportunity.  
44 They're trying to make it as successful as they can for  
45 everybody and there's nobody like people in the local



46 areas to assess that. And I think your comments were  
47 really well taken.

48

49           Thank you.

50

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1 CHAIRMAN DEMIENTIEFF: So I know it's  
2 going to be limiting if we, under the State regulations,  
3 if we go through a Tier II because of the small amount of  
4 State land that would be available. But it would provide  
5 opportunities. It wouldn't be an exclusive kind of a  
6 situation. So I just think it's, I don't know, let's  
7 hear from some of the other Board members if we'd be  
8 willing to revisit this prior to the November Board of  
9 Game meeting. Ken.

10

11 MR. THOMPSON: Mr. Chairman, I just  
12 wanted to check to make sure my Board member's still on  
13 line.

14

15 MS. KESSLER: Yes, I am. I would like to  
16 speak to this issue, if I could.

17

18 CHAIRMAN DEMIENTIEFF: Yes.

19

20 MS. KESSLER: Okay, thank you. One of  
21 the things that comes across from the various people who  
22 have spoken is that although the population data aren't  
23 fully conclusive, they definitely suggest there's a  
24 decline in the deer population may be underway, which, of  
25 course has implications for the supply of deer available  
26 for subsistence users. And this is a productivity issue.  
27 It warrants serious consideration. With that in mind, I  
28 can't support Proposal 9 because it does nothing to  
29 address that fundamental concern.

30

31 In fact, what I see happening is that it  
32 may, in fact, be distracting from the needed attention to  
33 that concern, that productivity concern.

34

35 Let me explain my response a little more  
36 if I could. I found in deliberating over this issue in  
37 great lengths, over this proposal, that it really does  
38 fail on three accounts. I found that it's not supported  
39 by substantial evidence, in that, we don't have  
40 substantial evidence that subsistence users are unable to  
41 meet their needs at this time. We have lots of tables of  
42 data there. We've already gone through all that so I  
43 won't go through it again, except that we don't have the  
44 substantial evidence to say that needs are not being met  
45 at this time.

46

47           Now, that does not diminish the  
48 possibility that shortages may develop if a population  
49 decline of deer is, in fact, underway. In that respect,  
50 I find that Proposal 9 fails because it's inconsistent

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1 with principles of fish and wildlife conservation. The  
2 only way in which a declining productivity trend can be  
3 reversed is for more female deer to survive and reproduce  
4 in the spring. Excluding some of the hunters from the  
5 harvest of bucks in August is going to have no bearing on  
6 that fundamental relationship and it's not going to do  
7 anything to address the underlying productivity issue.  
8 In fact, it might be argued that if fewer bucks are taken  
9 it might even detract from the desired result by raising  
10 competition among bucks and does if there's limitation of  
11 winter habitat forage.

12

13           Now, finally, I believe in some sense  
14 that Proposal 9 may even be detrimental to the  
15 satisfaction of subsistence needs because it distracts  
16 attention from the real issue and the issue is one of  
17 supply as a function of deer productivity. So although I  
18 cannot support Proposal 9 for those reasons stated, I do  
19 believe and I think, Mr. Chairman, this is what you were  
20 speaking to just a short while ago, I do believe that we  
21 need to address this possibility of declining deer  
22 productivity on Prince of Wales Island. Because that  
23 trend, if real, has significant implications for the  
24 future supply of deer for subsistence users.

25

26           There's a number of things that we could  
27 do. For example, the data indicates that there is a  
28 significant illegal harvest of does going on whether  
29 knowingly or unknowingly or both and I think that problem  
30 could -- it certainly warrants attention through  
31 heightened education, through enforcement efforts. I  
32 think we need to closely monitor the population data to  
33 try to determine more conclusively whether a downward  
34 trend is, in fact, indicated and the magnitude of that  
35 trend and based on those results we will need to look  
36 more intensely at other possible limiting factors such as  
37 habitat condition and trend.

38

39           So while I fully accept that, the data we  
40 have does suggest a decline may be underway, I can't  
41 support Proposal 9 because it does nothing to remedy that  
42 situation.

43

44           Thank you.

45

46 CHAIRMAN DEMIENTIEFF: Yes, Bill.

47

48 MR. THOMAS: Bill Thomas. If you got a  
49 decline going on now and you're going to wait to educate  
50 people and you're going to look at other means, it looks

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1 to me like you're trying to create a snake committee.  
2 And it's very possible that the decline could become  
3 irreversible by the time all this happens. I'm really  
4 surprised to hear your comments because I don't find your  
5 comments consistent with the intent of the language in  
6 Title VIII and that bothers me. It sounds to me like  
7 you're on a different team. But what you say does bother  
8 me, it worries me and I'm really surprised.

9

10 The data that we have is good data. The  
11 decline is there. So how long do you think it would take  
12 for education and all these other things to happen and  
13 what kind of a result would you anticipate arriving at?

14

15 MS. KESSLER: May I respond, Mr. Chair?

16

17 CHAIRMAN DEMIENTIEFF: Yes.

18

19 MS. KESSLER: Yeah, thank you. Yes, I'm  
20 not disputing the decline, it seems to be indicated.

21 It's just that -- and that we should do something about  
22 that. It's just that the proposal that has been put  
23 forward to restrict some of the people who harvesting  
24 bucks will have no bearing on that decline. It will have  
25 no positive effect at all. If we want to have an effect  
26 on the decline we need to look at the factors which do  
27 stand a chance of having an effect. And the obvious  
28 things that really come to bear is we need to look at the  
29 situation with the does. That's the most obvious thing  
30 we can do.

31

32 The data do suggest that there's illegal  
33 harvest taking place. Presumably some of that illegal  
34 harvest people do unknowingly because they're reporting  
35 that they're taking does in situations where that's  
36 illegal. So, you know, immediately we could do something  
37 there to help those people understand that that's an  
38 illegal activity as well, we have evidence that there's  
39 illegal doe harvest that's substantial. We heard  
40 testimony in the Council about spotlighting and some  
41 other problems. These are things that we could take  
42 steps immediately to deal with to try to stem that  
43 mortality of does, which would have a direct bearing on  
44 the productivity problem. The lowering of bucks, if even  
45 in fact a total net lowering of buck kills were to occur

46 would have no effect on the problem of deer supply. And  
47 that's the thing that's at issue. That's the thing I'm  
48 hearing is that people are concerned about having that  
49 supply of deer to rely on for their needs.  
50

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1           And so what I'm arguing for is to focus  
2 our attention on activities, on measures, things that we  
3 can work out together that have a chance to address that  
4 supply problem.

5

6           CHAIRMAN DEMIENTIEFF: Yes, Wini, I  
7 think, and I've said this many times through the years,  
8 even prior to being on this Board, that if you don't have  
9 a regulation, I mean you could talk all the education in  
10 the world, but if you don't have a regulation that local  
11 people can buy into all you do is make criminals out of  
12 otherwise honest citizens. People have to buy into the  
13 program. People have to feel like they're making a  
14 difference. Education and all the regulations in the  
15 world aren't going to stop people from doing what they're  
16 going to do to put food on their table. That's one fault  
17 with that that I see, Wini.

18

19           Bill, go ahead.

20

21           MR. THOMAS: Thank you, Mr. Chairman.  
22 Wini, you're the first person in Federal subsistence  
23 management I've heard express yourself like that with  
24 regards to the harvesting of does. The decline goes back  
25 much farther than when this Board adopted a doe harvest  
26 of one doe per season. And you did a survey of people  
27 that notice deer on the road when they're driving. Most  
28 hunters will tell me that they'll see a hundred does  
29 before they'll see a buck. And so I'm really concerned  
30 about the direction you're coming from and because it  
31 doesn't sound representative of this process.

32

33           Thank you, Mr. Chairman.

34

35           MS. KESSLER: May I respond?

36

37           CHAIRMAN DEMIENTIEFF: Yes.

38

39           MS. KESSLER: Yeah, I'm speaking  
40 biologically here when I say that if, in fact, there's a  
41 productivity issue, the only thing we can do to remedy  
42 that is to do whatever we can to make sure does survive  
43 to the spring and are able to reproduce. That's the only  
44 way we can do anything about the productivity and the  
45 supply issue. And we know that those are being killed



46 that are not legal to be killed, the subsistence take of  
47 does is legal. And so if there is the one thing we  
48 wanted to do to address the supply question, we would  
49 need to focus on that harvest. In the short-term, that's  
50 the most immediate thing that we could do. There's other

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1 things that we could do, too. You know, the habitat  
2 issues have been brought up, those are things that we can  
3 do. But the point that compels me here to vote the way  
4 that I intend to vote is that Proposal 9, as it's stated,  
5 has no bearing, it has no possibility to help this  
6 underlying problem of the supply of deer for subsistence  
7 users. It doesn't have a chance to do that. It appears  
8 to almost distract from that and that's why I'm having to  
9 go the way I am on this one.

10

11 CHAIRMAN DEMIENTIEFF: Outside, I guess,  
12 of the obvious, which is that it would -- if the  
13 Southeast Council recommendation which modifies Proposal  
14 No. 9 would provide opportunity for subsistence users to  
15 have an easier time to get their meat for the winter, I  
16 mean there's no question about that. I mean that's the  
17 obvious benefit of the Southeast Regional Council  
18 recommendation.

19

20 Judy.

21

22 MS. GOTTLIEB: Mr. Chair, thank you.  
23 This is a really difficult and complicated one and we've  
24 seen similar situations in other areas where there are  
25 questions about biological productivity, where there's  
26 questions about user conflicts and so I certainly support  
27 your suggestion, Mr. Chair, and I'm sure other Regional  
28 Advisory Council Chairs who have been involved in  
29 cooperative management groups could speak to the benefit  
30 of working on on the ground solutions while all parties  
31 are involved. I think there are so many different  
32 factors going on here today it would be really difficult  
33 for us to make a decision today.

34

35 CHAIRMAN DEMIENTIEFF: Taylor.

36

37 MR. BRELSFORD: Mr. Chairman, thank you.  
38 I believe that my Board member, Fran Cherry, has often  
39 spoken in favor of acting in concert with the State and  
40 in some cases trying a little harder than we had the  
41 first time. So I believe your suggestion of deferral and  
42 to engage actively in some local discussions with a  
43 strategy of bringing a proposal to the State Board of  
44 Game and potentially to the Federal Board a joint course  
45 of action; I think that's a very wise proposal at this

46 point. So I'll be prepared to support that suggestion.

47

48                   CHAIRMAN DEMIENTIEFF: Bill, what do you

49 think?

50

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1           MR. THOMAS: Thank you, Mr. Chairman. I  
2 think the tail is wagging the dog. You know, we've never  
3 had a Board meeting to where we've never said, I think we  
4 should work in concert with the State. But I have yet to  
5 hear the State say, we need to work in concert with the  
6 Feds. That's significant. That needs to happen. If  
7 we're going to be cooperative, let's be cooperative and  
8 let's have the dog wag the tail.

9

10           And there's some serious fundamental  
11 errors that are occurring in our process of reasoning, of  
12 deciding, of accessing, of decision-making. This is a  
13 plea. And to have it stopped dead by disagreement we  
14 call controversy, it's political. We're dealing with a  
15 situation where another agency has a different management  
16 philosophy than what we have and it's never been kind to  
17 the subsistence community. This is the first glimmer of  
18 hope the subsistence community has had since government's  
19 been introduced in Alaska.

20

21           With the mention of taking does  
22 illegally, again, you're talking about law. When people  
23 are going out to harvest subsistence, they get whatever  
24 they can however they can. There were several times when  
25 I was going to submit a proposal to make artificial light  
26 legal because that's an effective way of harvesting. If  
27 you have a limit to satisfy what difference does it make  
28 how you gather or how you harvest. You know? I mean we  
29 put too many technicalities in here and those  
30 technicalities result in failure of management. These  
31 are not good management practices. You know, excuse me,  
32 I don't have the Western science parchment behind my  
33 chair like many of you do but I know the beaches, I know  
34 the tides and I know the habits of the creatures that are  
35 on there and that's why I'm here.

36

37           But, no, I don't agree with a lot of what  
38 I heard. I will relinquish my position to the  
39 consideration of a deferral to see if we can come up with  
40 a cooperative approach to this. But if that fails then  
41 we're behind another year and the decline will continue.  
42 But I appreciate the good deliberation, the comments that  
43 were made. I think everybody's spoke their conviction.  
44 But the underlying thing is our responsibility as  
45 stewards of this resource.

46

47 Thank you, Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: So then the bottom

50 line is if it were the Board position to defer until the

00095

1 fall, I know we're going to lose another year and I spoke  
2 to that but you think you can motivate the RAC to give it  
3 one more good try to come up with a joint solution?  
4 We've done it before in several areas of the state on  
5 very controversial issues.

6

7 MR. THOMAS: I don't know what else we  
8 could do and I don't know if the RAC does without  
9 betraying the people we represent. I really don't. I  
10 think this is our best effort and I don't see an  
11 improvement down the road coming from us. We think we  
12 delivered a pretty good product.

13

14 CHAIRMAN DEMIENTIEFF: I agree with you.  
15 I agree with you 100 percent. I think it's a fair  
16 compromise. And it also gives opportunity for other  
17 users. Go ahead.

18

19 MR. SCHROEDER: Mr. Chair, I don't know  
20 if I'm out of line here but I've had the opportunity to  
21 read through the extensive public comment and as these  
22 things go this is extremely controversial and people have  
23 very heated feelings on this issue. And I know there  
24 have been real successful efforts at co-management  
25 agreements or agreements that bring everyone around to  
26 the table. Just from my perspective as a Staff person,  
27 unless you really believe in miracles, I think that  
28 bringing this group together would probably take a bit  
29 longer than we have to meet a Board of Game deadline for  
30 the fall.

31

32 I'd like, if it's in order, to see what  
33 Mr. Titus thinks about this as well.

34

35 CHAIRMAN DEMIENTIEFF: Yeah, Mr. Titus.

36

37 MR. TITUS: Thank you, Mr. Chairman. I  
38 guess if it's the will of the Board to expedite this  
39 process, we'll do our best to be at the table. We've  
40 discussed this at length at Staff, I will say that Mr.  
41 Schroeder's comments are relative to the issue of how  
42 fast can we deal with this. There are, in fact, public  
43 comments out there from some Ketchikan hunters to say,  
44 maybe we should do this or maybe we should do that in a  
45 regulatory fashion, they, themselves, not understanding

46 the differences necessarily between the State system and  
47 the Federal system and all these details. But clearly,  
48 there is at least some of the user groups in Ketchikan  
49 that are willing to give things up, so to speak, whatever  
50 that means to maintain opportunity to hunt on POW.

00096

1           So I mean if it's the wish of this group  
2 to try to expedite that process, you know, we could see  
3 how that will work, particularly through the Regional  
4 Advisory Committee. I view them, in particular, and Mr.  
5 Thomas as being key to this issue.

6

7           CHAIRMAN DEMIENTIEFF: Yeah, go ahead.

8

9           MR. BOS: Thank you, Mr. Chair. I, too,  
10 would support a deferral. I think I agree with you that  
11 the issues here do call out for joint resolution with  
12 participation by stakeholders and development of  
13 recommendations moving forward to the State and Federal  
14 Boards. I'm not sure that under the State's reasonable  
15 opportunity standard amounts necessary that the State  
16 Board could reach a Tier II circumstance there. But  
17 there are a variety of options available the State can  
18 use to modify the harvest structure on Prince of Wales  
19 Island. And I think there really needs to be a better  
20 dialogue between the affected users, both on Prince of  
21 Wales and from Ketchikan and involvement in a joint  
22 planning process, an urgent one, I think, to move forward  
23 quickly here is in order.

24

25           I don't think the information presented  
26 to us on a legal basis is a sufficient basis under .815  
27 to support a closure at this time to non-subsistence  
28 hunters. But I think your suggestion to go for a  
29 deferral is a very positive one.

30

31           CHAIRMAN DEMIENTIEFF: You know, the  
32 first thing I want to say is this management by  
33 controversy, that's where I'm going from at all, I'm not  
34 scared in the least bit of controversy. It's certainly  
35 not the first time we've danced the Prince of Wales dance  
36 at this Board and it's not the first time that we've  
37 danced with controversy. But it's just, as I said  
38 earlier, just try to find a solution if it's possible.  
39 And we've been criticized, yes, very many times by the  
40 State for, you know, making decisions or not working  
41 together and certainly the Memorandum of Agreement, you  
42 know, has been brought up before us, you know, that we're  
43 not -- but this is an effort to try to cooperate.  
44 Whether or not it can be done, I don't know that. But  
45 all I'm saying is that before I vote and send any kind of



46 message to anybody I just want one last chance to see if  
47 there is some way to compromise and to work out a  
48 solution for all of the stakeholders who hunt on Prince  
49 of Wales Island and see that there is an opportunity.  
50

00097

1 Well, anyway, that's just where I'm  
2 trying to go with this.

3

4 MR. O'HARA: Mr. Chairman.

5

6 CHAIRMAN DEMIENTIEFF: Yes.

7

8 MR. O'HARA: It sounds to me like you  
9 have a lot of Federal land down there and a little bit of  
10 State land?

11

12 CHAIRMAN DEMIENTIEFF: Right. There's a  
13 substantial amount of Federal land, yes. Dave, maybe you  
14 can answer that better than I.

15

16 MR. JOHNSON: There's approximately two  
17 million acres in Unit 2 which includes all of Prince of  
18 Wales Island and the surrounding islands. Of that,  
19 approximately 280,000 are on Native corporation lands,  
20 the remainder is on National Forest land.

21

22 MR. O'HARA: So it's Federal land that  
23 you're mainly dealing with so it really is a Federal  
24 issue. And when we had the decline of the North  
25 Peninsula Caribou Herd in Bristol Bay we had 40 percent  
26 Federal lands and 40 percent State lands and  
27 approximately the rest is private lands, Native lands and  
28 the decline was pretty rapid. And so the Tier II was the  
29 most logical way to go. However, if I were going to make  
30 a decision today on this issue, I would, I don't know,  
31 you can just talk about this as long as you want, but if  
32 you got a decline and you got Title VIII to take care of,  
33 and you could reduce some effort by closing it in August  
34 to non-qualified subsistence users, I would close it in  
35 August and give the subsistence user the opportunity they  
36 have to go ahead and use that resource.

37

38 I think you ought to do something. I  
39 don't think this waiting another year and having a bigger  
40 decline is going to help any issue at all. I wouldn't  
41 have any problem making that decision.

42

43 Thank you.

44

45 CHAIRMAN DEMIENTIEFF: Grace.

46

47 MS. CROSS: With that much Federal land,  
48 I would encourage all of you to start moving now. In my  
49 region we have -- we're going to be Tier II'd and .804 to  
50 death because people waited too long because of the

00098

1 words, pitting Alaskans against Alaskans. Now, we're at  
2 the position where we're asking for special actions,  
3 we're asking for .804 situations. Pitting Alaskans has  
4 gone away because there's no more resources. And if you  
5 keep waiting and not making any action the same thing is  
6 going to happen. Historically you can see it in other  
7 parts of Alaska. Then the excuse of pitting Alaskans  
8 against Alaskans goes away because there's nothing to pit  
9 over so please don't wait that long.

10

11 Thank you.

12

13 MR. GUNDERSON: Mr. Chairman, I have a  
14 question.

15

16 CHAIRMAN DEMIENTIEFF: Paul.

17

18 MR. GUNDERSON: Mr. Chairman, Board  
19 members. Sitting here listening to this whole  
20 conversation, 20 years ago I went through the same thing  
21 with the State Board of Game with the same type of  
22 proposal on the South Peninsula Caribou Herd. We were  
23 getting exactly the same answers from biologists and  
24 Board members as some of the people are getting here  
25 today. What had happened, that herd was depleted right  
26 down to we never had a hunt season for like five or six  
27 years and they did not listen to our cries. Everything  
28 was deferred. Everything was okay, we'll check and see  
29 what the biologists will do, the cow ratio, the whole  
30 same ball of wax. I feel like Dan or Mr. O'Hara feels, I  
31 think we should do something. I think the longer we sit  
32 on our hands, the worse the situation is going to get. I  
33 saw it happen before and I don't want this working body  
34 to in a way that I saw other ones go before.

35

36 CHAIRMAN DEMIENTIEFF: Dan.

37

38 MR. O'HARA: Yes, the paper today said  
39 that the legislature did not approve any of Governor  
40 Knowles' appointees and you probably don't even have a  
41 quorum for a Board anymore, so, you know, you're really  
42 flogging a dead horse. It's really hard to ride those  
43 ponies.

44

45 MS. KESSLER: Hello.

46

47           CHAIRMAN DEMIENTIEFF: Wini, yes.

48

49           MS. KESSLER: I think you turned your  
50 microphone off, Mitch, I'm sorry.

00099

1 CHAIRMAN DEMIENTIEFF: No.

2

3 MS. KESSLER: Oh, was there just a long  
4 silence?

5

6 CHAIRMAN DEMIENTIEFF: Yeah.

7

8 MS. KESSLER: Okay. Could I just clarify  
9 one point and I'd feel a lot better if I could. May I  
10 speak?

11

12 CHAIRMAN DEMIENTIEFF: Yes.

13

14 MS. KESSLER: Okay. I just want to  
15 clarify that I would be the last one to suggest that we  
16 should do nothing with respect to an apparent population  
17 decline. I want to emphasize though that the particular  
18 proposal, my stand on the particular proposal is because  
19 that, biologically is doing nothing for that problem,  
20 okay, so I wouldn't want it to be construed that I would  
21 argue that nothing needs to be done or that we should  
22 drag our heels or whatever. Again, it's just that I  
23 would be in favor of taking actions and doing things and  
24 working possibilities that will help the problem that  
25 we're all concerned about which is an apparent population  
26 decline.

27

28 Thank you.

29

30 CHAIRMAN DEMIENTIEFF: Okay. I think  
31 we're going to take a short break here so we're going to  
32 stand down about five minutes.

33

34 (Off record)

35

36 (On record)

37

38 CHAIRMAN DEMIENTIEFF: We're going to get  
39 started again. We'll go ahead and call the meeting back  
40 to order. Do we have all of our Board members, who are  
41 we missing? Taylor and Judy.

42

43 MS. FOX: She's in the room.

44

45 CHAIRMAN DEMIENTIEFF: Wini, are you

46 still on line?

47

48 MS. KESSLER: I am.

49

50 CHAIRMAN DEMIENTIEFF: Okay. I've

00100

1 considered over the break some of the things Staff has  
2 pointed out being, in particular that we may not be able  
3 to advance any kind of discussions with regard to the  
4 issue in this particular case. You know, I certainly am  
5 prepared to vote today if additional discussions won't be  
6 held, it's just something that we try to do. Yet, I  
7 cannot support the regulation as written. It's just not  
8 something at this particular time that I can support.  
9 But we do have a recommendation from the Southeast  
10 Regional Council. And as I'd indicated before, I think  
11 it is a great compromised position with regard to -- and  
12 I think the Regional Council really did its work and this  
13 is a recommendation of the full Regional Council that we  
14 close the season from August 1 to August 31 to non-  
15 Federally-qualified subsistence users and leave the rest  
16 of the season from September 1 to December 31st intact.  
17

18 I think that, you know, clearly, and  
19 we've heard testimony that there is a biological concern  
20 here. Now, with the fact that we have a full  
21 recommendation of the Southeast Regional Council, you  
22 know, we have to, again, examine the reasons why we can  
23 turn down that Southeast Regional Council recommendation.  
24 And there are three criteria, violates the principles of  
25 fish and wildlife conservation. We've heard evidence  
26 that we have a declining population. Lack of substantial  
27 evidence. We have heard evidence from both the State and  
28 Federal managers that there is a declining population  
29 again. And a detriment to subsistence users. We have  
30 heard substantial evidence of those on Prince of Wales  
31 Island that they're having a harder time. They're not  
32 meeting their subsistence needs and this clearly would  
33 give them an opportunity.  
34

35 From my observation, and I'll raise that  
36 to the Board, to see if anybody else sees anything else,  
37 we fail on all three counts in going against the  
38 Southeast Regional Council recommendations, all three of  
39 them. So I'd just like to hear from any of the Board  
40 members with regard to that particular issue, to see  
41 where we fail or can make an argument that we need to go  
42 against the Southeast Regional Council recommendation and  
43 I'm talking about that in the nature of a substitute to  
44 the actual proposal because as I already indicated, the  
45 proposal as it stands is not something I can support.



46 But we do have an obligation under .805 with the Regional  
47 Council recommendation and so if there's a Board member  
48 on line or in person here that can make an argument about  
49 going against the Southeast Regional Council  
50 recommendation I would like to hear that.

00101

1 MS. KESSLER: Mr. Chair, I would like to  
2 speak to that, may I proceed?

3

4 CHAIRMAN DEMIENTIEFF: Go ahead.

5

6 MS. KESSLER: Okay. So in my  
7 deliberations on this one I referred to those three  
8 conditions frequently and I've pretty much framed my  
9 views on this around that. And in my view it does fail.

10

11 The proposal fails because the basis  
12 being put forward here is that there is an apparent  
13 decline in the deer population. And Proposal 9 fails  
14 because it does nothing to address that population  
15 decline problem.

16

17 CHAIRMAN DEMIENTIEFF: Wini, if I  
18 might....

19

20 MS. KESSLER: Yeah, uh-huh.

21

22 CHAIRMAN DEMIENTIEFF: .....if we can  
23 speak to the Southeast Regional Council recommendation,  
24 which is not the proposal.

25

26 MS. KESSLER: Yes, okay, I'm sorry, the  
27 recommendation. The recommendation involves restricting  
28 hunters who are harvesting bucks. And that will have no  
29 bearing on the problem which is a productivity problem.  
30 If the declines are under way, the only way that -- the  
31 only recommendation or actions that could help that would  
32 address the need to ensure that more does survive to the  
33 spring and reproduce. So I find that the recommendation  
34 is not consistent with principles of fish and wildlife  
35 management because there's no bearing on the productivity  
36 problem that's being cited as the concern here, as the  
37 problem that's likely to limit supply.

38

39 CHAIRMAN DEMIENTIEFF: I guess the only  
40 exception I would take to that Wini is that, you know,  
41 part of principles of the big part of fish and wildlife  
42 conservation there's no justifiable way that you could  
43 make an argument that restricting the number of people  
44 who are harvesting the resource during the month of  
45 August would not cut down on the harvest for that

46 particular period of time.

47

48 MS. KESSLER: Well, I think that we don't  
49 really -- I guess the point there is with the number of  
50 bucks being taken would be less which means that

00102

1 subsistence harvest would have more and I don't think we  
2 have any evidence of that. We are deferring the access  
3 for some of the access. Quite a lot of letters have  
4 poured in on this suggesting that they would primarily  
5 shift their activity. It's not going to affect the total  
6 number necessarily and, as well, that change in -- if  
7 there were a change in number of harvest of bucks it  
8 would have no bearing on the population question that  
9 we're -- that is being put forward here as the problem.

10

11 CHAIRMAN DEMIENTIEFF: Yes, Ken.

12

13 MR. THOMPSON: Yes, Mr. Chairman, if I  
14 may restate a couple of key points in the Staff Committee  
15 recommendation that might be helpful to you. The  
16 majority of the Staff Committee does not believe that we  
17 are violating the principles of conservation. We  
18 recognize that the carrying capacity of the habitat in  
19 Southeast perhaps has been diminished and may be a factor  
20 in reducing the populations but the fact is Western --  
21 principles of conservation dictate that you manage to  
22 achieve the carrying capacity or the ability of the  
23 habitat to carry deer. So what we believe is taking the  
24 action that the Council is proposing does not address the  
25 conservation principles.

26

27 And with respect to supply, the Staff  
28 Committee, the majority of the Staff Committee believe  
29 that hunter and harvest data do not show a trend of  
30 reduced local hunter success, either in terms of  
31 percentage of harvest of successful hunters or the number  
32 of deer per hunter. So we believe that those two  
33 principles are met by the Staff Committee recommendation.

34

35 CHAIRMAN DEMIENTIEFF: Well, I don't know  
36 where any other conversation is going to change anybody's  
37 vote at this particular time. It's obvious that deferral  
38 is probably not the route to go, we're not going to  
39 accomplish anything. My recommendation to the Board at  
40 this time is that we deal straight up with the Southeast  
41 Regional Council recommendation. And what I would  
42 suggest to the Board is that we get a motion to modify  
43 the proposal in the nature of a substitute with the  
44 Southeast Regional Council recommendation and just vote  
45 the proposal up or down as modified by the Regional

46 Council.

47

48                   Procedurally that's probably how we ought

49 to deal with this and just vote it up or down.

50

00103

1 Bill.

2

3 MR. THOMAS: Thank you, Mr. Chairman.  
4 I've just been reminded that the legal precedence in the  
5 Ninilchik case, the Ninth Circuit Court has ruled that  
6 Federal Subsistence Board has to provide subsistence  
7 opportunity when local subsistence users say they are not  
8 meeting their subsistence needs. And even an August 1 to  
9 August 10th closure would provide that opportunity. So  
10 there's a precedence set, a legal precedence that  
11 occurred, it would behoove us to observe that.

12

13 CHAIRMAN DEMIENTIEFF: Right, it's  
14 reasonable opportunity, I'll just make that little  
15 correction. So that's why I'm saying that procedurally  
16 we should -- I'd like to have a motion to modify the  
17 proposal with the Southeast Regional Council  
18 recommendation and then just vote it up or down.

19

20 MR. BRELSFORD: Mr. Chairman.

21

22 CHAIRMAN DEMIENTIEFF: Yes.

23

24 MR. BRELSFORD: As a point of information  
25 in your recent comments you've mentioned that you will  
26 understand new information to say that a working group or  
27 an opportunity to advance a compromise proposal to the  
28 Board of Game is no longer possible, could you clarify  
29 your information on that?

30

31 CHAIRMAN DEMIENTIEFF: Well, in just  
32 listening to the Staff testimony that feeling no, that  
33 that's not going to happen, you know, I just said we  
34 might as well deal with it now. That certainly doesn't,  
35 you know, waive off any other cooperative efforts in the  
36 future, but it's clear we have to -- we're not going to  
37 gain anything by doing that. And if there is opportunity  
38 in the future I'm certainly willing to revisit it but  
39 it's just clear that it's not going to -- it's not going  
40 to benefit any process to hold it off. What it does do  
41 is, you know, lose us another year. So I'm certainly  
42 prepared to deal with the Southeast Regional Council  
43 recommendation.

44

45 Again, it's clear. We've had

46 overwhelming testimony that subsistence users, they're  
47 having a hard time meeting their needs and just let it  
48 play out after that. But I think we've got to deal  
49 procedurally with the Southeast Regional Council  
50 recommendation. As a matter of fact it's required by

00104

1 .805.

2

3 MR. BOS: Yes, for my clarification, Mr.  
4 Chair, was it Federal Staff that indicated they would be  
5 unable to join in a joint effort to develop alternatives  
6 or State Staff saying that they would not be able to  
7 accommodate that process on their schedule?

8

9 CHAIRMAN DEMIENTIEFF: Well, it was  
10 basically, you know, what I reconsidered was our Staff  
11 who basically said that they didn't see where that would  
12 help, that this issue has been so divisive, that we're  
13 not going to gain -- that we'd have a hard time gaining  
14 anything by November and I also heard that from Mr.  
15 Titus, that it would be hard to get something done by  
16 this November.

17

18 So that really doesn't rule out anything  
19 in the future, I mean I'm not saying that. I'm not going  
20 there. I certainly want to do that. But it's clear that  
21 if it's not going to happen, at least by November, we  
22 need to move on with this. And, you know, we have the  
23 opportunity to come back and revisit this issue certainly  
24 again in the spring but I think we need to go ahead and  
25 make a decision on the Southeast Regional Council  
26 recommendation and, again, it's based on those three  
27 criteria.

28

29 So anyway, yes, Charlie.

30

31 MR. BUNCH: Mitch, I'd like to make a  
32 motion to accept the Southeast Regional Council  
33 recommendation with the modification that the closure  
34 period be from the 1st through the 10th of August.

35

36 CHAIRMAN DEMIENTIEFF: There's a motion,  
37 is there a second?

38

39 MS. GOTTLIEB: I'll second.

40

41 CHAIRMAN DEMIENTIEFF: Okay, so we now  
42 have Proposal 9 as modified by the motion -- the  
43 Southeast Regional Council recommendation shortened from  
44 August 1 to August 31 to August 1 to August 10. That's  
45 the proposal we will have before us when we vote.



46

47 Bill, you can snivel now.

48

49 MR. THOMAS: Mr. Chairman, I mentioned  
50 yesterday at our Chairs/Board meeting that I sensed a

00105

1 fragmentation of this process as compared to what it was  
2 10 years ago. We were all going in the same direction  
3 with a common cause. I'm really distressed at the  
4 obvious effort that the Staff Committee, who is supposed  
5 to be working in concert with the Regional Advisory  
6 Council are turning out to be an adversary and that  
7 bothers me. A lot of effort went into coming up with the  
8 language they came up with at this point. And there is  
9 something systematically wrong here. There's the  
10 deterioration of protocol, ethics, cooperation. I see  
11 all of this disappearing and when that's gone there's no  
12 way that this body can be responsible in sound management  
13 of resources.

14

15 Thank you, Mr. Chairman.

16

17 CHAIRMAN DEMIENTIEFF: Any further  
18 discussion on the motion. I'm going to call for a roll  
19 call vote. Wini.

20

21 MS. KESSLER: I.....

22

23 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry,  
24 hang on, Greg has something -- Greg.

25

26 MR. BOS: Yes, Mr. Chair, I think it  
27 would be important for the Board to provide a record for  
28 its decision and I guess I would like to make a statement  
29 about how I intend to vote as part of that, whichever way  
30 the vote goes.

31

32 CHAIRMAN DEMIENTIEFF: Yes.

33

34 MR. BOS: I'm going to vote in opposition  
35 to the motion. And I think there is a basis for  
36 rejecting the Regional Council's recommendation. First,  
37 I think while there's general agreement that there has  
38 been a decline in deer population that, in itself,  
39 doesn't translate into a conservation concern. In fact,  
40 I think if there has been a reduction in supply of deer  
41 for subsistence users it hasn't been reflected in the  
42 empirical data.

43

44 I think there is substantial evidence,  
45 mixed evidence here. On the one hand we have the

46 empirical information, the harvest data that suggests or  
47 indicates actually that there has not been decline in the  
48 number of deer harvested, success rates. There hasn't  
49 been an increase in the amount of time necessary to take  
50 deer. And all of those measures indicate that the

00106

1 harvest opportunities of subsistence users on Prince of  
2 Wales has not been materially affected by hunting by non-  
3 local hunters, primarily from Ketchikan.

4

5           Given that there is a decline in deer  
6 numbers, I think there's also general agreement that  
7 hunting has not caused the decline and restricting the  
8 taking of bucks by non-local residents is not going to  
9 affect the trend in deer abundance.

10

11           Finally, I think that if this motion were  
12 to pass, Mr. Chair, the closure of August 1 to August  
13 10th is, in my view, a meaningless measure to address the  
14 concerns here. I think we'll find displacement of non-  
15 local hunters, they'll just come a little later in August  
16 or they're going to come to hunt on Prince of Wales  
17 Island during October/November which is a more important  
18 time for local residents to harvest their deer. So there  
19 may not be any net decline in the number of deer  
20 harvested by non-local residents and, in fact, there  
21 might be increased competition at a time of year that's  
22 more important to the local residents and that concerns  
23 me as well.

24

25           Thank you.

26

27           CHAIRMAN DEMIENTIEFF: Yes, Charlie.

28

29           MR. BUNCH: If I may, I doubt that it's a  
30 meaningless proposal because it does give the local  
31 residents 10 days in which to meet their subsistence  
32 needs without competition from outside forces. I've  
33 listened to a lot of testimony here today and there does  
34 seem to be some confusion or disagreement about what the  
35 impact of all of this is. But all of that aside, I would  
36 think that if there is some confusion or if the lines  
37 aren't clearly drawn in the sand, that both the legal and  
38 moral mandate of this Board would be to come down upon  
39 the side of subsistence users.

40

41           CHAIRMAN DEMIENTIEFF: I guess, yeah,  
42 that's a good point, Greg [sic], that you brought up, I  
43 was going to do that but I forgot. I certainly intend to  
44 support the proposal as modified to meet part of the  
45 Regional Council recommendation. It's clear we've heard

46 testimony by both State and Federal managers that we have  
47 a decline in the population, albeit, some of it caused by  
48 predation, by bears or wolves, there is no program in  
49 place or contemplated to do something about that  
50 predation issue. And certainly the logging that's going

00107

1 on -- has gone on has changed the habitat which has  
2 contributed, we've heard testimony by both State and  
3 Federal managers to the decline in populations on Prince  
4 of Wales Island. There's no plan to do anything about  
5 that.

6

7           It's clear that this would have an  
8 impact, a positive impact on the stocks because for a 10  
9 day period it would reduce the number of people that can  
10 harvest. And it's clear from overwhelming testimony by  
11 those villages that they're having a harder and harder  
12 time. And it's clear that we are by voting against the  
13 Regional Council recommendation, we would be providing a  
14 detriment to Federally-qualified subsistence users. And  
15 finally, it has nothing to do with the three principles  
16 of why we can't turn down the Southeast Regional Council  
17 recommendation, the bonus of this and it's certainly not  
18 our mandate, but it still provides ample opportunity for  
19 non-Federally-qualified subsistence users to harvest,  
20 continue to harvest their resource. So it's not an  
21 exclusive situation.

22

23           So I do intend to vote for the proposal  
24 as modified.

25

26           Anything else.

27

28           Well, let's go ahead and call for a roll  
29 call vote. Wini.

30

31           MS. KESSLER: I do not support the motion  
32 for the reasons already explained. We don't have  
33 substantial evidence that the users at this time are  
34 unable to meet their needs and as well, the biological  
35 aspect that the basis put forward is if the population  
36 decline that's suspected to be underway and this motion  
37 does nothing to address that. So I must vote a negative.

38

39           CHAIRMAN DEMIENTIEFF: Thank you,  
40 Charlie.

41

42           MR. BUNCH: I vote in favor of the  
43 recommendation. It's apparent to me that the Regional  
44 Advisory Council has put in a lot of time and effort on  
45 that and it's a well worded, well justified proposal

46 whereas the evidence against it is not clear and  
47 convincing enough to me to overturn the Regional  
48 Council's recommendation.

49

50           CHAIRMAN DEMIENTIEFF: Thank you. Greg.

00108

1 MR. BOS: I vote in opposition to the  
2 motion. I do not find that this proposed action is  
3 necessary to conserve the resource nor to maintain  
4 subsistence uses.

5

6 CHAIRMAN DEMIENTIEFF: I vote yes. Judy.

7

8 MS. GOTTLIEB: Another minute, please.

9

10 CHAIRMAN DEMIENTIEFF: Okay.

11

12 MS. GOTTLIEB: Mr. Chair.

13

14 CHAIRMAN DEMIENTIEFF: Yes.

15

16 MS. GOTTLIEB: Well, I think as Sandy  
17 says, we're in a really imperfect situation here. And I  
18 don't feel comfortable crafting this almost last minute  
19 solution to what is a very, very complex problem. We've  
20 heard a great deal of information, often times and I  
21 don't say this negatively, but in conflict because again  
22 we have sort of imperfect information. We don't know the  
23 population of deer, we know a lot about estimates and we  
24 know a lot about how many may be taken but I also think  
25 it sounds like some of the ways that information is  
26 gathered is imperfect because there's a State hunt on  
27 Federal lands and there's a Federal hunt on Federal lands  
28 as well.

29

30 I, unfortunately, don't see this as the  
31 solution to maintaining or preventing the decline of the  
32 deer and I do see from the evidence that, while it may be  
33 more difficult for subsistence users and non-subsistence  
34 users to have the opportunity or to acquire as much as  
35 they would like. It's more difficult but people are  
36 still getting a good amount of deer.

37

38 So I'm afraid I cannot support this  
39 proposal. I would very much like to advocate for our  
40 earlier idea of having a working group organized by this  
41 Board through the Forest Service and whatever other  
42 assistance the Board can provide and involve all parties  
43 and let's keep working on crafting a solution that will  
44 be in compliance with the principles that we're concerned  
45 with.



46  
47  
48  
49  
50

Thank you.

CHAIRMAN DEMIENTIEFF: Taylor.

00109

1 MR. BRELSFORD: Mr. Chairman, I'm obliged  
2 in this instance to vote in the perspective of Fran  
3 Cherry, the State director and with a heavy heart I will  
4 have to vote in opposition to the motion. My judgment on  
5 this is that other alternative solutions including the 10  
6 day solution have not received the thorough discussion in  
7 the region that we might hope. I am concerned that we  
8 have not necessarily considered all of the ramifications  
9 of the 10 day advance start, the potential to achieve  
10 biological population benefits and the potential to avoid  
11 redirection of effort so that the net gain to subsistence  
12 users would be eliminated by more intense competition in  
13 October.

14

15 I would have preferred the solution of  
16 deferral at the present time and working to proceed  
17 urgently for increased local discussion, new local  
18 discussion on a package of harvest management strategies  
19 that would have a greater certainty of improving the  
20 biological circumstance and improving the allocation for  
21 on island subsistence users.

22

23 Thank you.

24

25 CHAIRMAN DEMIENTIEFF: Okay, the motion  
26 fails. In parting, you know, we needed to make a  
27 decision today, we made a decision but that doesn't  
28 preclude any of the earlier statements I had about  
29 continuing to work on this issue. I just felt it was  
30 important for us to go ahead and make a decision, given  
31 the fact that the November time frame appears to be  
32 unreasonable towards working out a longer term solution.  
33 But I do not want the effort to go away to try to do  
34 that. I mean that's just something I want to make clear  
35 in closing the issue.

36

37 With that, we're ready to move on to  
38 WP02-13.

39

40 MS. KESSLER: Mr. Chair.

41

42 CHAIRMAN DEMIENTIEFF: Yes.

43

44 MS. KESSLER: I need to get back to my  
45 other meeting here and I'm going to then ask Ken Thompson

46 to take over my seat.

47

48           CHAIRMAN DEMIENTIEFF: Okay.

49

50           MS. KESSLER: Thank you.

00110

1 CHAIRMAN DEMIENTIEFF: Good luck, Wini.

2

3 MS. KESSLER: Uh-huh, bye-bye.

4

5 CHAIRMAN DEMIENTIEFF: We'll go ahead  
6 with the Staff analysis.

7

8 MR. JOHNSON: Thank you, Mr. Chairman,  
9 Board. Proposal 13 was submitted by the Forest Service.  
10 The proposal would establish a quota in the subunits of  
11 5(A). This was generated in part because of the number  
12 of special actions that have been required both at the  
13 State level and at the Forest Service level -- or by this  
14 Board, I should say, over the past several years. It was  
15 felt that if there was a quota established it would  
16 ensure that subsistence users that were also unable to  
17 get goats late in the season because the quota had  
18 already been reached and it would also provide better  
19 cooperation between the two agencies that are responsible  
20 for managing goats there.

21

22 It was also recognized that the aerial  
23 surveys that were conducted in 2000 and 2001, that there  
24 appears to be little interaction between these  
25 subpopulations, if you will, and that portions of them  
26 are stable while the other portions of them appear to be  
27 in decline.

28

29 The proposal requests in-season authority  
30 to give local managers the ability to regulate harvest in  
31 a timely and efficient manner. This is particularly  
32 important when managing hunts on small populations that  
33 recover slowly from excessive harvest or natural  
34 mortality and have narrow harvest guidelines. This  
35 proposal establishes a quota system that addresses the  
36 concerns of the local subsistence users. Subunits will  
37 only open if a harvestable surplus exists and closed when  
38 the Federal subsistence quota and ADF&G harvest  
39 guidelines have been met or the season ends.

40

41 Aerial surveys in 2001 suggest it is  
42 likely that the Nunatak Fjord area will close again next  
43 season by special or temporary action. This is 5(A)(2).  
44 The State emergency closure process can occur early in  
45 the season creating a restriction to late season

46 subsistence goat hunters.

47

48           By conservatively managing these herds as  
49 separate populations adequate protection will allow goat  
50 numbers to increase to harvestable levels in depressed

00111

1 areas and providing increased opportunity for rural  
2 subsistence users.

3

4 Just a note, Mr. Chairman, after the  
5 original proposal was submitted, there was additional  
6 discussion between the Yakutat Tlingit Tribe and ADF&G  
7 and the Forest Service and rather than establishing a two  
8 goat quota in each of those subunits it was felt that  
9 5(A)(2) was the area of greatest concern.

10

11 Federal public lands comprise a 100  
12 percent of the goat habitat in Unit 5(A), the lands  
13 affected by this proposal are approximately 90 percent in  
14 Forest Service ownership and 10 percent National Park  
15 Service ownership. Residents of Unit 5(A) have a  
16 positive C&T use determination to harvest goats in Unit  
17 5(A). There have been five regulatory actions related to  
18 goat management in 5(A) and the last two years are  
19 related to the early closure of the Nunatak Fjord area.  
20 The emergency orders from ADF&G closed the State goat  
21 hunting season early in the Nunatak Fjord area in 2000  
22 and again in 2001. In 2000 the Federal Subsistence Board  
23 also closed the season early through a special action and  
24 again in 2001 by a special action which expired after 60  
25 days requiring a temporary action to keep the Nunatak  
26 Fjord area closed to goat hunting.

27

28 Prior to 2000 there was no complete  
29 survey data for the goat populations in Unit 5(A). And  
30 following a high harvest in '99 the Nunatak Fjord goat  
31 population became a special concern to both ADF&G and  
32 Forest Service biologists. Aerial surveys conducted  
33 again in 2001 showed that the highest counts observed in  
34 proposed Unit 5(A)(2) were 82 goats in 2000 and 53 goats  
35 in 2001. This is in Table 1 in your booklet.

36

37 The reported harvest in Unit 5(A)  
38 demonstrates a relatively consistent pattern of harvest  
39 until 1999 when the second highest recorded harvest  
40 occurred when 23 goats were reported harvested. The  
41 harvest remained near the upper recorded limits in 2000  
42 even with the early closures that year in the Nunatak  
43 Fjord area.

44

45 For local subsistence users, the Nunatak

46 Fjord area is traditionally a late season harvesting  
47 area. Generally goats have moved to their winter range  
48 areas and are found at lower elevations where they're  
49 easier to be harvested than at other locations and times.  
50 Local subsistence users, many of which are commercial

00112

1 fishermen, can only afford to wait until later in the  
2 season to hunt due to the economic considerations and/or  
3 logistical expenses associated with harvesting elsewhere  
4 in the unit.

5

6           The logistics for hunting the Russell  
7 Fjord area are fraught with danger requiring an  
8 approximately 100 mile round trip, traditionally in open  
9 skiffs and few locals attempt such a journey except  
10 during the winter months when calving ice and ice flow  
11 are at their minimum.

12

13           The non-subsistence hunting effort  
14 typically occurs earlier in the season when weather  
15 windows are easier to predict, making guided trips easier  
16 to plan, non-subsistence hunters typically borrow, rent  
17 or provide boats to access Russell Fjord and the Nunatak  
18 area. Typically areas farther to the south proposed  
19 subunit A(4) are done through guided hunts and are only  
20 reasonably accessible by small plane. Also traditionally  
21 the Dry Bay people harvested goats in the Brabazon Range  
22 and Deception Hills area which also is proposed subunit  
23 A(4).

24

25           The effect of the proposal would be that  
26 in establishing Federal quotas it would reduce the  
27 potential for adversely affecting non-subsistence hunters  
28 while still ensuring the rural priority is being met for  
29 subsistence users. Cooperation between both Federal and  
30 State biologists further helps ensure conservation of  
31 healthy goat populations. Establishing these subunits  
32 will have no noticeable affect on either subsistence or  
33 non-subsistence users other than complicating the  
34 regulation with area boundary descriptions. ADF&G  
35 currently manages their harvest guidelines based on  
36 survey areas in Unit 5(A) that correspond to these  
37 subunit proposals that are mentioned.

38

39           Mr. Chairman, that concludes my  
40 presentation.

41

42           CHAIRMAN DEMIENTIEFF: Thank you.  
43 Summary of written public comments.

44

45           MR. SCHROEDER: Mr. Chairman, we got one



46 public comment from the Wrangell-St. Elias National Park  
47 Subsistence Resource Commission. The Commission supports  
48 this proposal. They feel that the proposal was well  
49 thought out and it was designed by an interagency and  
50 tribal committee. That's the extent of our public

00113

1 comments.

2

3 CHAIRMAN DEMIENTIEFF: We have no request  
4 for additional public testimony at this time. Regional  
5 Council recommendation.

6

7 MR. THOMAS: Support.

8

9 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
10 Committee.

11

12 MS. FOX: Thank you, Mr. Chair. The  
13 Staff Committee recommendation is to adopt the proposal  
14 with a modification. The Staff Committee modification is  
15 intended to meet the harvest quota objectives of the  
16 Southeast Regional Council recommendation and their  
17 intent to provide local management decision-making in  
18 cooperation with Fish and Game without the complexities  
19 of establishing additional subunits.

20

21 Aerial surveys and harvest records do not  
22 indicate a resource conservation concern in any of the  
23 originally proposed subunits except that are between  
24 Hubbard Glacier and West Nunatak Glacier on the north and  
25 east sides of Nunatak Fjord, otherwise referred to in the  
26 analysis as subunit A(2). The Staff Committee recognizes  
27 that ANILCA does not allow for limiting other users where  
28 fish and wildlife populations are healthy, there are no  
29 public safety concerns or when there are subsistence  
30 opportunities to use such populations.

31

32 In the case of proposed subunit A(2), the  
33 committee sees that there is clearly a conservation  
34 concern as evident by the closures in 2000 and 2001. It  
35 is also anticipated that when proposed subunit A(2) has  
36 recovered sufficiently to support harvest again, the  
37 joint Federal/State harvest guideline will be low,  
38 probably allowing for a few animals to be taken. A  
39 harvest quota of two or less would preclude an  
40 opportunity for non-subsistence users to harvest goats in  
41 the area. When harvest quotas increase beyond non-  
42 subsistence users will most likely follow recent harvest  
43 patterns by taking those animals early in the season.  
44 This situation will necessitate a closure to non-  
45 subsistence users allowing subsistence hunters the

46 opportunity to harvest later in the season as  
47 traditionally done. There is a safety concern that will  
48 be addressed by establishing a Federal subsistence quota  
49 in proposed subunit A(2). Exposure time to calving  
50 glaciers as subsistence hunters travel past Hubbard

00114

1 Glacier in small boats equates to risk. The location of  
2 goats in proposed subunit A(2) during the winter makes  
3 them the most efficient population to harvest, thereby  
4 minimizing exposure times for subsistence users in the  
5 Nunatak Fjord area.

6

7 While there are other populations in Unit  
8 5(A) that can be and are harvested by local subsistence  
9 users, socioeconomic, seasonal weather conditions and  
10 temporal factors all play a critical role in determining  
11 when and where they can and will harvest.

12

13 Because of the complications inherent in  
14 management of goat populations, managers need to  
15 proactive and have the authorities necessary to regulate  
16 harvest in a timely and efficient manner. This is  
17 particularly true in depressed population if recovery of  
18 that herd is achieved and still allow for harvest. The  
19 current process of closing the season through special or  
20 temporary actions is neither timely nor efficient. By  
21 establishing and publishing a quota and the conditions  
22 under which the season will be closed, local managers can  
23 immediately close the season with a public notice thereby  
24 minimizing the possibility of overharvest.

25

26 The Staff Committee considers the  
27 establishment of subunits A(1), A(3) and A(4) as  
28 unnecessary.

29

30 The Department of Fish and Game currently  
31 utilizes these same areas when establishing harvest  
32 guidelines and has reported harvest levels consistently  
33 below the harvestable surplus within these proposed  
34 subunits. Establishment of subunits A(1), A(3) and A(4)  
35 would, therefore, needlessly complicate the existing  
36 regulations. Establishment of a four goat harvest quota  
37 for subsistence users in this area is likely also  
38 unnecessary, however, it would ensue subsistence harvest  
39 opportunity in the event of unanticipated hunting effort  
40 by non-local hunters.

41

42 Thank you, Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Department.

45

46           MR. TITUS: Thank you, Mr. Chairman. The  
47 Department has a few comments on this proposal. The  
48 Department does not support adoption of this original  
49 proposal or the proposal as modified by the Staff  
50 Committee. In fact, we've had numerous discussions over

00115

1 this proposal for the last six months with numerous  
2 teleconferences and other in person discussions with the  
3 Forest Service Staff as late as this morning when I've  
4 had some of those.

5

6           Either version of this proposal would  
7 establish goat subsistence harvest quotas for Federally-  
8 qualified subsistence users in Unit 5(A). We do not  
9 believe that the proposed action is required to provide  
10 opportunity for Yakutat residents to hunt goats in areas  
11 they have traditionally used. As was stated, the  
12 Department currently manages Unit 5(A) goats by  
13 registration permit. Recent aerial surveys have  
14 confirmed the appropriateness of these harvest guideline  
15 levels as established by the State back in 1989 for goat  
16 hunting in the subunit. Although increased hunting  
17 effort and success required closing Nunatak Fjord area by  
18 emergency order in 2000 and 2001, the remainder of Unit 5  
19 was open and provided ample opportunity for local  
20 residents to harvest goats. And in fact, in the late  
21 December hunt in 2001, just this past year, two Yakutat  
22 residents harvested two goats in the south side of  
23 Nunatak Fjord less than two miles from the closed area.  
24 So we feel there's more than adequate opportunity out  
25 there.

26

27           As defined in the original proposal,  
28 Units sub A(3) and A(4) are the primary goat hunting  
29 areas now included in the remainder of Unit 5(A).  
30 Subarea 5(A), in that area, the goat population is  
31 healthy and the Department and the Forest Service, both,  
32 have no conservation concerns. Hunting has remained open  
33 there for the entire season every year since 1984 because  
34 the guideline harvest level is not reached. Quite  
35 frankly, goat hunting by residents in Yakutat is not that  
36 big of an issue and not that many goats are harvested.  
37 In the fall of 2001, for example, the Department set a  
38 harvest guideline in that area of seven goats and this  
39 area had only two male goats taken, therefore, the point  
40 count was quite low.

41

42           We believe this illustrates that the  
43 current regulatory structure provides ample opportunity  
44 for Federally-qualified subsistence users to hunt goats  
45 in the subarea and the implementation of the Federal

46 quota is not needed.

47

48                   Aerial surveys also reveal a healthy goat  
49 population of subarea 5(A)(4) and the Department  
50 currently has no conservation concern for goats there.

00116

1 The hunting season in this subarea has never been closed  
2 due to overharvest. In the fall of 2001 the harvest  
3 guideline level was set at 11 goats and only three were  
4 taken leaving much additional opportunity unused. Once  
5 again, implementing a Federal quota is not necessary for  
6 ensuring that Federally-qualified subsistence users have  
7 an opportunity to hunt goats in this subunit.

8

9           So in summary the Department does not  
10 believe that the current situation warrants the creation  
11 of separate quotas in Unit 5(A) for mountain goat hunting  
12 in the Federal subsistence regulations. If some type of  
13 modified proposal is adopted the Department recommends  
14 that it be limited only to that A(2) area that has been  
15 mentioned in the past testimony and that the hunt be  
16 administered by a Federal permit and not a joint  
17 Federal/State permit. We currently have a State permit,  
18 registration hunt permit in place so we may need to go to  
19 the Board of Game to fix that if we go to a joint permit.  
20 That's unclear to me at this time.

21

22           Limiting the change in this manner would  
23 be in keeping with the interagency discussions and the  
24 recommendations made by the Department in correspondence  
25 to the Yakutat Ranger District earlier this year. My  
26 discussions with the Yakutat District Ranger this morning  
27 reaffirms that District Ranger O'Connor desires only  
28 taking action in that Unit A(2). Administration of this  
29 hunt by a joint Federal/State permit is not practical and  
30 may require action by the Board of Game, as I said since  
31 a State registration permit is in place.

32

33           And I guess one final comment is that the  
34 Department is somewhat confused by the last paragraph on  
35 Page 114 of the book suggesting that Staff Committee  
36 considers the establishment of Units A(1), A(3) and A(4)  
37 as unnecessary and then if you go to Page 113, the  
38 modified regulation would read as Unit 5(A) that is, in  
39 fact, the two that large block up there in bold italics  
40 and then it has Unit 1 (5)(A) remainder where it appears  
41 that the other three areas are rolled into one larger  
42 hunt and that seems to be in conflict with Page 114.

43

44           Thank you for the opportunity comment.

45



46 CHAIRMAN DEMIENTIEFF: Thank you. Board  
47 discussion. Peggy, you have something?

48

49 MS. FOX: I was just going to respond to  
50 Mr. Titus' comment relative to the Staff Committee

00117

1 recommendation if that's all right.

2

3 CHAIRMAN DEMIENTIEFF: Go ahead.

4

5 MS. FOX: As I recall the conversation  
6 had to do with establishing four subunits -- or four or  
7 five versus two. As you'll see in the proposal, the  
8 proposal was to establish four subunits plus the  
9 remainder and what the Staff Committee recommendation is  
10 is to just identify two subunits, if you will, one is the  
11 -- I mean as described in the Staff Committee  
12 recommendation as opposed to five ways of dividing up  
13 Unit 5(A).

14

15 CHAIRMAN DEMIENTIEFF: Board discussion.

16 Yes, Greg.

17

18 MR. BOS: Yes, Mr. Chair. I'd like to  
19 ask Mr. Titus, it's my understanding that when the Staff  
20 Committee reviewed this proposal and developed its  
21 recommendation that there was State Staff on line, the  
22 area biologist and it's my understanding that the  
23 position of the State at that time was that a joint  
24 Federal/State permit was preferable to avoid confusion  
25 among users and to get more timely and accurate harvest  
26 reporting information. And I just want to make sure that  
27 the State's position has changed and that the State would  
28 prefer to have a dual permitting system in this area.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MR. HAYNES: Mr. Chairman, I was present  
33 at that Staff Committee meeting and I don't recall that  
34 specific position being stated by Department Staff at  
35 that meeting. At this point if some version of this  
36 proposal is adopted we don't believe it's practical and  
37 we don't believe we can administer, have a State  
38 registration permit that's already specified in the State  
39 regulation book that's gone to press and have the same  
40 hunt administered by a joint State/Federal permit.  
41 Perhaps a joint permit could work in the future but not  
42 for this year. We just don't see how that could be  
43 managed.

44

45 CHAIRMAN DEMIENTIEFF: Yes, Mr. Titus.

46

47           MR. TITUS: Thank you, Mr. Chairman. Mr.  
48 Bos, I think ultimately the way to go after considering  
49 the situation we have with moose in Unit 5 which is  
50 something that may come before this Board in a desire to

00118

1 have a joint permit, I think ultimately that's the way to  
2 go. Whether we can be there this year or not, I'm not  
3 sure.

4

5 CHAIRMAN DEMIENTIEFF: Yes, Ken.

6

7 MR. THOMPSON: Yes, Mr. Chairman. This  
8 was our agency that originally submitted this proposal  
9 somewhat out of frustration of trying to deal with the  
10 in-season management action process for responding to  
11 conservation issues which come to our attention in rather  
12 short notice. And we're trying to find a way to address  
13 this management problem. Setting quotas is something we  
14 have done elsewhere in the state, as the Board well  
15 knows, it has worked very well. However, we do recognize  
16 that it's not so urgent perhaps at this time to establish  
17 those quotas in subunits A(3) and A(4). It's perhaps  
18 more likely that we're going to face another in-season  
19 action this year that we would have to deal with. This  
20 process, we believe, would circumvent that awkward  
21 process that we were faced with last year.

22

23 To get something on the table, I might  
24 offer a motion if you're ready.

25

26 CHAIRMAN DEMIENTIEFF: Yes, go ahead.

27

28 MR. THOMPSON: I would move that we adopt  
29 the proposal as modified by the Staff Committee with the  
30 additional modification that for this year, this year  
31 only, it would be a Federal permit and that we would work  
32 with the State to identify a joint permit option for the  
33 following season.

34

35 CHAIRMAN DEMIENTIEFF: There's a motion,  
36 is there a second?

37

38 MS. GOTTLIEB: Second.

39

40 CHAIRMAN DEMIENTIEFF: It's been moved  
41 and seconded. Discussion on the motion. Hearing none,  
42 all those in favor of the motion please signify by saying  
43 aye.

44

45 IN UNISON: Aye.

46

47

48 sign.

49

50

CHAIRMAN DEMIENTIEFF: Those opposed same

(No opposing votes)

00119

1 CHAIRMAN DEMIENTIEFF: Motion carries.  
2 It's now 10 to 12:00. I think we're just going to pick  
3 up Proposal 14 at 1:00 o'clock. We'll go ahead and  
4 recess for lunch.

5

6 (Off record)

7

8 (On record)

9

10 CHAIRMAN DEMIENTIEFF: We'll call the  
11 Board meeting back to order. The next item we have  
12 before us WP02-14 and Dave's going to give the Staff  
13 analysis.

14

15 MR. JOHNSON: Thank you, Mr. Chairman,  
16 Board members. Dave Johnson, again, with the Forest  
17 Service. Proposal 14 was submitted by Kevin Allard of  
18 Haines, Alaska and would establish a Federal subsistence  
19 moose season in Units 1(C) and 1(D) extending from  
20 September 15th to October 15th with a harvest limit of  
21 one bull by State registration permit. The proposal  
22 would also limit harvest only to qualified rural  
23 residents.

24

25 Under current Federal subsistence  
26 regulations for moose, Unit 1(C) is divided into several  
27 areas, each managed separately in the portion south of  
28 Point Hobart, including all of Port Houghton drainages,  
29 one antlered bull with spike-fork or 50-inch antlers or  
30 three or more brow tines on either antler by State  
31 registration permit from September 15th to October 15th.  
32 The Berners Bay drainages there is no open season. And  
33 the remainder of Unit 1(C) one antlered bull can be  
34 harvested by State registration permit from September  
35 15th to October 15th. All hunts are open to all  
36 residents and non-residents.

37

38 Federal public lands in Unit 1(C)  
39 comprise, 98 percent is in Federal ownership, 63 percent  
40 being the Forest Service and 35 percent National Park  
41 Service. In Unit 1(D), Federal public lands comprise  
42 approximately 51 percent and consist of 29 percent being  
43 National Park Service, Glacier Bay National Park which is  
44 closed to subsistence harvest and 22 percent in Forest  
45 Service ownership.

46

47           In the past Proposal WP99-01, 1999,  
48 submitted by Marilyn Wilson of Haines, Alaska sought to  
49 establish a moose season in 1(D) extending from September  
50 15th to October 15th with a harvest limit of one bull by

00120

1 Federal registration permit. She withdrew the proposal  
2 during the Southeast Regional Council meeting after  
3 seeing results of the aerial survey and learning that few  
4 moose existed on Federal land in Unit 1(D). And I would  
5 say that's largely the same issue that's before you today  
6 in this proposal, is the lack of Federal land that is  
7 suitable for moose hunting or that has a huntable moose  
8 population.

9

10 The State currently conducts a Tier II  
11 hunt in Unit 1(D) which allows rural residents increased  
12 opportunity to harvest moose there. 200 permits are  
13 issued annually for this hunt with between 250 and 300  
14 applicants that have applied in recent years. The State  
15 is currently considering increasing the number of permits  
16 issued for this hunt.

17

18 Moose populations in Unit 1(C) and (D)  
19 appear to be healthy and have been increasing. As  
20 mentioned before, some Federal lands are excluded from  
21 hunting moose, Glacier Bay National Park and the  
22 combination of mild winters and good moose habitat and  
23 relatively inaccessibility has contributed to the healthy  
24 moose population.

25

26 Management objectives set by the State  
27 for moose in area 1(C) includes, south of Point Hobart  
28 managed with the Ferrugut Bay, Thomas Bay population, to  
29 the south Units 1(B) and 3, there's no specific objective  
30 set for Unit 1(C). The Taku River area post hunting  
31 population of 100 and an annual harvest of 10. Berners  
32 Bay, a post hunting population objective of 90 with an  
33 annual harvest of 18. And the Chilkat Range, post  
34 hunting population of 200 and annual harvest of 20.  
35 Little information is available for moose in the Taku  
36 River area or the area south in Unit 1(C). The moose in  
37 Berners Bay are probably near carrying capacity and above  
38 the population objective based on aerial surveys  
39 conducted in 2000. Numbers in the Chilkat Range appear  
40 to be increasing based on harvest records. The status of  
41 this population remains unknown. Moose likely move back  
42 and forth between the Chilkat and Glacier National Park.

43

44 All Federal subsistence hunts in Unit  
45 1(C) except Berners Bay are currently implemented with



46 State registration permit with no hunt quota. Also  
47 virtually all moose harvested in Berners Bay were taken  
48 by Alaska residents as demonstrated in Table 2. 91  
49 percent were from Juneau and the remainder of Unit 1(C),  
50 approximately 38 percent were harvested by rural

00121

1 residents, 61 by non-rural and one percent by non-  
2 residents. Much of the moose in Unit (D) inhabit non-  
3 Federal lands and selected but not conveyed lands within  
4 the Chilkat River watershed in the Chilkat Peninsula on  
5 the westside of Lynn Canal.

6

7 With respect to the C&T use  
8 determination, I'll turn that portion over to Bob  
9 Schroeder, if that's okay, Mr. Chair.

10

11 CHAIRMAN DEMIENTIEFF: Go ahead.

12

13 MR. SCHROEDER: Mr. Chairman, there's no  
14 Federal subsistence priority for moose in the Berners Bay  
15 drainages. There's a legacy negative of C&T  
16 determination for moose in Berners Bay. This proposal  
17 would require a C&T determination to be made for their to  
18 be a Federal hunt in Berners Bay.

19

20 That's all I had to say.

21

22 MR. JOHNSON: That concludes my  
23 presentation also, Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Okay, thank you.  
26 Summary of written public comments.

27

28 MR. SCHROEDER: Mr. Chairman, we received  
29 no written public comments on this proposal.

30

31 CHAIRMAN DEMIENTIEFF: There are no  
32 additional requests for public testimony. Regional  
33 Council recommendation.

34

35 MR. THOMAS: Regional Council  
36 recommendation defer.

37

38 CHAIRMAN DEMIENTIEFF: Staff Committee.

39

40 MS. FOX: The Staff Committee has broken  
41 this proposal out into three components and so I will  
42 refer to each one of those individually.

43

44 The first one is that we defer, recommend  
45 deferring the proposal for the Berners Bay portion of

46 Unit 1(C) in support of the recommendation of the  
47 Southeast Alaska Regional Advisory Council. There is  
48 currently a negative customary and traditional  
49 determination finding for moose at Berners Bay. Staff  
50 Committee recommends deferral of this portion of the

00122

1 proposal until a new determination can be conducted.  
2 This recommendation is consistent with that of the  
3 Regional Advisory Council. Staff will contact the  
4 proponent of this proposal who lives in a remote location  
5 to clarify his intent. The Forest Service Staff will  
6 then prepare an updated C&T analysis for presentation to  
7 the Regional Council at their spring 2003 meeting.

8

9           The State currently uses three management  
10 strategies on Federal public lands in Unit 1(C) to  
11 maximize opportunity to harvest moose at sustainable  
12 levels. The proponent is not proposing any change to the  
13 area south of Point Hobart. The Taku drainage, Berners  
14 Bay and Chilkat Range are disjunct populations, each of  
15 which should be managed separately to aid in conservation  
16 as well as maximizing harvest. The State is currently  
17 issuing an unlimited number of registration permits for  
18 the rest of Unit 1(C) so opportunity is already available  
19 and there have been no emergency closures during these  
20 hunts.

21

22           A second part of the proposal relative to  
23 Unit 1(D), the Staff Committee rejects that portion for  
24 1(D) as well on the hunt. Federal public lands do not  
25 support a harvestable surplus in Unit 1(D). The State  
26 currently conducts a successful Tier II hunt in Unit 1(D)  
27 where greater than 95 percent of the moose are harvested  
28 by local rural residents.

29

30           With regard to closing Federal public  
31 lands to non-rural residents, the Staff Committee also  
32 recommends rejecting that portion of the proposal. There  
33 is no indication of a lack of opportunity to harvest  
34 moose on Federal public lands in Unit 1(C) as stated  
35 above and therefore no justification for closing Federal  
36 public lands to non-rural residents. The State issues an  
37 unlimited number of registration permits for hunters in  
38 Unit 1(C). In Unit 1(D), greater than 95 percent of the  
39 moose are harvested by local rural residents. Only a  
40 small portion of Unit 1(D) occurs on Federal public land,  
41 that's the -- I'm not sure how to say that Katzehin area.  
42 Limited survey data indicates a lack of harvestable  
43 surplus of moose in this location therefore closing these  
44 lands to non-rural residents would not achieve the  
45 proponent's objective.

46

47

Thank you, Mr. Chair.

48

49

CHAIRMAN DEMIENTIEFF: Department.

50

00123

1 MR. HAYNES: Mr. Chairman. The  
2 Department supports the Staff Committee recommendation to  
3 oppose establishment of a Federal moose hunt in Unit 1(D)  
4 and to oppose closing Federal public lands to non-rural  
5 residents. However, the Department does not support  
6 deferring that portion of the proposal for the Berners  
7 Bay area in Unit 1(C). A customary and traditional use  
8 determination for moose in the Berners Bay portion of  
9 Unit 1(C) is required before action can be taken on the  
10 season and bag limit portion of this proposal.

11  
12 Moose did not inhabit the Berners Bay  
13 area before being transplanted there in 1958 and 1960.  
14 The Department manages the small and isolated moose  
15 population there very conservatively in order to sustain  
16 harvest and administers the hunt by drawing permit.  
17 Nearly 1,800 applications were submitted for the 20  
18 drawing permits issued in year 2000. Most persons  
19 participating in this hunt typically are from Juneau.  
20 The Berners Bay area also lies within the State's Juneau  
21 non-subsistence area and, therefore, under State  
22 regulation is not open for subsistence uses and appears  
23 to be, at least, partially inside the Federal Juneau non-  
24 rural area and we believe there should be some  
25 clarification as to what portion the Berners Bay area is,  
26 in fact, rural land. It's unclear from -- we don't have  
27 a large enough scale map to make that determination.

28  
29 The majority of lands that support moose  
30 and moose hunting in Unit 1(D) are managed by the State.  
31 Most of the State's Tier II permits for this hunt are  
32 issued to residents of Unit 1(D) and can be used to hunt  
33 on Federal public lands in this subunit, thereby  
34 providing rural residents with a reasonable opportunity  
35 to hunt moose. The Department opposes establishment of a  
36 Federal subsistence moose hunt administered by State  
37 registration permit in Unit 1(D) as the Board of Game has  
38 not authorized a State registration permit hunt for  
39 regulation of moose hunts in Unit 1(D) since the late  
40 1980s.

41  
42 Thank you.

43  
44 CHAIRMAN DEMIENTIEFF: Thank you. Board  
45 discussion. Yes, Ken.

46

47           MR. SIMMONS: Yes, Mr. Chairman. I did  
48 intend to support the Staff Committee recommendation on  
49 this. Because there currently is a negative customary  
50 and traditional use determination for moose at the

00124

1 Berners Bay and to me a deferral seems appropriate at  
2 this time until a sufficient evaluation can be done to  
3 reevaluate that C&T determination. Further, Federal  
4 public lands do not support a harvestable surplus of  
5 moose in Unit 1(D) and only a small portion of Unit 1(D),  
6 the Katzehin area occurs on Federal public lands.  
7 There's no indication of a lack of opportunity to harvest  
8 moose on Federal public lands in Unit 1(C) and,  
9 therefore, no justification for closing public lands to  
10 non-rural residents.

11

12           And I'll make a motion to that effect  
13 when you think it's appropriate, sir.

14

15           CHAIRMAN DEMIENTIEFF: There is a motion,  
16 is there a second?

17

18           MS. GOTTLIEB: Second. Mr. Chair.

19

20           CHAIRMAN DEMIENTIEFF: Yes.

21

22           MS. GOTTLIEB: Could I ask the Forest  
23 Service if we can then expect the C&T determination by  
24 next season so the RAC can deliberate on it then?

25

26           MR. THOMPSON: Mr. Chairman, that could  
27 perhaps be a technical question. I'd like to defer to  
28 Dr. Schroeder.

29

30           MR. SCHROEDER: Mr. Chairman, Ms.  
31 Gottlieb. That is the intention and I will point out  
32 that the Regional Advisory Council, when they deferred  
33 this, deferred it to a specific date and expect to be  
34 briefed appropriately on that question at their meeting  
35 next year.

36

37           CHAIRMAN DEMIENTIEFF: Additional  
38 discussion. Hearing none, all those in favor of the  
39 motion please signify by saying aye.

40

41           IN UNISON: Aye.

42

43           CHAIRMAN DEMIENTIEFF: Those opposed same  
44 sign.

45



46 (No opposing votes)

47

48 CHAIRMAN DEMIENTIEFF: Motion carries.

49 That concludes our business in Southeast. Thank you

50 gentlemen, very much. We'll move on to the Yukon-

00125

1 Kuskokwim Delta region. Proposal WP02-28 (A)(B),  
2 analysis.

3

4 MS. JURGENSEN: Yes, thank you, Mr.  
5 Chair. I'm Laura Jurgensen, Staff anthropologist with  
6 the Office of Subsistence Management. Proposal 28 was  
7 proposed by the Native Village of Quinhagak and it seeks  
8 to revise the caribou customary and traditional use  
9 determination in Unit 18. A (B) portion of this proposal  
10 will be addressed by my colleague, Pete DeMatteo, after  
11 the 28(A).

12

13 The proposed changes do away with using a  
14 specific herd termed the Kilbuck Caribou Herd for  
15 biological management in Unit 18. Currently 29  
16 communities have a positive C&T determination for caribou  
17 for at least one of three portions and these are termed  
18 north of the Yukon River, south of the Yukon and Unit 18  
19 remainder which is south and east of the Kuskokwim. The  
20 proposed regulations would add an additional 11  
21 communities in Unit 18. They would also recognize the  
22 mixing or assimilation of caribou herds in the area which  
23 are the Kilbuck, Mulchatna, Western Arctic and  
24 Andreafsky.

25

26 Federal lands in Unit 18 are constituted  
27 mostly by Fish and Wildlife Service with 61 percent  
28 represented by the Yukon-Delta, with three percent by the  
29 Togiak National Wildlife Refuge and with BLM having also  
30 eight parcels, 2.4 percent. An interim customary and  
31 traditional use determination was put in place in  
32 December 1991 at the beginning of the Federal Subsistence  
33 Program. There have been many attempts at enlarging the  
34 customary and traditional use determination by many  
35 different villages and agencies. The Yukon-Kuskokwim  
36 Delta Council asked the Federal Subsistence Board to  
37 defer these proposals until more information was  
38 collected from interested village, agencies and  
39 individuals. 1997 was the last year this issue came  
40 before the YK Council for recommendation.

41

42 Since that time, former subsistence  
43 coordinator John Andrew and Staff anthropologist Pat  
44 McClenahan collected large animal customary and  
45 traditional use questionnaires for Units 17, 18, 19 and

46 21 with caribou use prehistoric, historic and  
47 contemporary figuring prominently. John Andrew also  
48 collected what's known as traditional ecological  
49 knowledge or indigenous knowledge as late as 2000 on uses  
50 of caribou by elders and other residents. Opportunistic

00126

1 harvesting has always occurred across this region and  
2 this was also facilitated by many trails, again, north to  
3 St. Michael, south to work in the Bristol Bay canneries  
4 and again the movement was east and west depending on the  
5 animals fluctuating cycles.

6

7           Caribou are known to have fluctuated  
8 widely through recorded history in this area.  
9 Archeological evidence in the form of campsites, hunting  
10 lookouts and stone caribou fences indicate prehistoric  
11 presence of large numbers of caribou across the Delta.  
12 Elders testified at a 1997 meeting held in Hooper Bay  
13 that caribou, quote, once were everywhere and if I live  
14 long enough I'll see them return. Other elders from the  
15 same area agreed and also added that word of mouth about  
16 caribou accessibility spread between villages as  
17 precondition of a hunt.

18

19           Caribou were killed off in the second  
20 half of the 19th Century on Nunavak and Nelson Islands.  
21 Mainlanders would travel to these islands to harvest  
22 these caribou when they were gone from their coastal  
23 areas. Village shared kinship alliances also facilitated  
24 this exchange and when one area was absent of caribou the  
25 relatives would trade or provide them with that resource,  
26 just like sea mammal products.

27

28           Now, if adopted, the effect of the  
29 proposal would be omit the requirement to hunt a  
30 particular caribou herd and it will also remove present  
31 confusion. Biologists cannot distinguish between the  
32 herds. Caribou are growing but there is not expected to  
33 be a significant increase in harvest since parts of the  
34 Delta are still without caribou yet, at least today. In  
35 the future village residents such as on Nunavak and  
36 Nelson should have the opportunity to continue their long  
37 traditional practice on the mainland. This proposal  
38 would recognize the shared harvest patterns and  
39 subsistence rounds of all the communities. And it seemed  
40 from my analysis that the portions were mostly for  
41 biological management.

42

43           So recommend to support the proposal with  
44 modification. And the modification is to add additional  
45 villages not listed in the proposers language and

46 eliminate any geographic descriptors, south of/north of.  
47 So the proposed regulation would read Unit 18 caribou,  
48 residents of 18 and residents of Togiak, Twin Hills,  
49 Manokotak, Upper Kalskag, Stebbins and St. Michael.  
50 Culturally all villages in Unit 18 have a positive C&T

00127

1 finding for at least one of the areas caribou herds.  
2 With a lot of evidence and local Native evidence also  
3 indicating that the caribou are increasing it's  
4 impossible to distinguish the herds from each other. And  
5 all geographic descriptors should be eliminated and it  
6 could just be regionwide like it is in neighboring Unit  
7 17.

8

9 In conclusion, I spoke with a few  
10 representatives of the proponent and they support the  
11 Staff recommendation that we went beyond what they had  
12 originally intended and did away with the all geographic  
13 descriptors and also were happy that they did not intend  
14 that their proposed language would unintentionally  
15 exclude Togiak and Twin Hills which already have a  
16 positive finding for south of the Yukon.

17

18 Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Summary of written  
21 public comments.

22

23 MR. NICK: Mr. Chairman. Alex Nick,  
24 regional coordinator for YK. There are no written  
25 comments.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. We  
28 have no requests for additional public testimony. With  
29 that we'll move on to the Regional Council  
30 recommendations. I think we have three. I'll just go as  
31 we list them. Harry.

32

33 MR. WILDE: Mr. Chairman. Yukon-Kuskokwim  
34 Delta Regional Advisory Council support WP02-28 (A) with  
35 the following modifications. Remove the village of Lower  
36 Kalskag which is located within the boundary of Unit 18  
37 from the Staff analysis and add the village of Upper  
38 Kalskag which is located within the boundary of Unit  
39 19(A). Yukon-Kuskokwim Regional Advisory Council support  
40 21(A) [sic] with the modification because the Kilbuck  
41 Caribou Herd and the Mulchatna Caribou Herd do not  
42 migrate north of the Kuskokwim River for the reasons  
43 unknown. Both caribou herds arrival in the Yukon-  
44 Kuskokwim Delta remain in the group of mountains until  
45 the early winter and when they move on an area south of

46 Kuskokwim River and remain there for the remaining of the  
47 subsistence caribou season. Yukon-Kuskokwim Delta  
48 residents from Nelson Island, Scammon Bay and Nunavak  
49 Island also harvest of these caribou herds during the  
50 caribou hunting season irregardless of distance oral

00128

1 histories were presented to the Council documenting the  
2 caribous was once more spread out across the Delta  
3 including on both Nunavak and Nelson Island.

4

5           So Advisory Council of Yukon-Kuskokwim  
6 motion pass on this 28(A).

7

8           CHAIRMAN DEMIENTIEFF: Thank you.  
9 Bristol Bay.

10

11           MR. O'HARA: Yes, Mr. Chairman. Dan,  
12 Chair of Bristol Bay. We supported the proposal with a  
13 modification that you would find a new C&T finding. This  
14 caribou herd sometimes goes from just a Naknek community,  
15 northside of Naknek there, swings all the way on up  
16 through Lake Iliamna, various places, all the way up to  
17 Aniak, all the way up to Quinhagak and all the way down  
18 to Goodnews, a massive swing. Of probably 200,000 is the  
19 Mulchatna herd. It encompasses other herds as it goes  
20 along and all that we were saying is that now that the  
21 boundaries have been taken out this is a different C&T  
22 than it was when we had the lines drawn.

23

24           Thank you.

25

26           CHAIRMAN DEMIENTIEFF: Seward Penn.

27

28           MS. CROSS: Seward Penn supports Proposal  
29 28 (A) with modification. Delete any geographic  
30 descriptors for caribou harvest and to add the  
31 communities of Togiak, Twin Hills, Stebbins and St.  
32 Michael which currently have a positive C&T determination  
33 in communities in Manokotak and Lower Kalskag. The  
34 Council considered this proposal in conjunction with  
35 Proposal 28(B), the Council believes this proposal will  
36 provide more opportunity for meeting subsistence needs.

37

38           Thank you.

39

40           CHAIRMAN DEMIENTIEFF: Staff Committee.

41

42           MR. BOS: Thank you, Mr. Chair.  
43 Interagency Staff Committee recommends adopting Proposal  
44 28(A) with modifications consistent with the  
45 recommendations of the YK-Delta, Seward Peninsula and



46 Bristol Bay Regional Advisory Councils. Available  
47 harvest information demonstrates a long-term customary  
48 and traditional pattern of use of caribou by the villages  
49 in and adjacent to Unit 18. Periodic fluctuations in  
50 numbers and distribution of caribou in the unit have

00129

1 interrupted or modified use patterns over time. But with  
2 recent reoccupation of winter ranges in the unit by large  
3 numbers of caribou harvest of this resource is, again, an  
4 important and widespread of subsistence use by area  
5 villages. The recommended determination will expand  
6 Federal eligibility to many villages previously deferred  
7 when the Board established limited findings for the small  
8 Kilbuck Caribou Herd in the early 1990s.

9

10 That concludes the Staff Committee  
11 recommendation. Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: Thank you.  
14 Department comments.

15

16 MR. HAYNES: Mr. Chairman, the Department  
17 does not support this proposal or the proposal as  
18 modified and instead recommends the following version to  
19 revise the C&T use determinations for caribou in Unit 18.  
20 We would divide Unit 18 into three units, three subunits.  
21 Unit 18 north of the Yukon River where the residents of  
22 Unit 18, Stebbins and St. Michael would have C&T  
23 eligibility. In Unit 18 south and east of the Kuskokwim  
24 River we would recommend that residents of Unit 18,  
25 Togiak, Twin Hills and Lower Kalskag have C&T  
26 eligibility. And in the remainder of Unit 18 residents  
27 of Unit 18 would have C&T eligibility.

28

29 If the current C&T use determination for  
30 caribou in Unit 18 is revised the evidence presented in a  
31 very detailed and well done analysis does not support  
32 making a single finding that applies to all of Unit 18.  
33 And we also note that some of the available evidence  
34 supporting a positive finding for some Unit 18 coastal  
35 communities is very limited.

36

37 Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Board discussion.

40

41 MS. GOTTLIEB: Mr. Chair.

42

43 CHAIRMAN DEMIENTIEFF: Judy.

44

45 MS. GOTTLIEB: I wonder if there's a

46 response to the Department's concern about the C&T.

47

48 MS. JURGENSEN: As far as opening it up  
49 and lead to a possible .804, because I'm not -- I believe  
50 that there -- they want it more specific -- more related

00130

1 to where the herds are now, perhaps or, you know, again,  
2 going with the geographic descriptors. I misunderstood  
3 your question, I'm sorry.

4

5 MS. GOTTLIEB: I'm not sure. Mr. Chair,  
6 I guess Terry outlined three different possibilities and  
7 that's different than what was presented and then also  
8 mentioned that some of the information on the coastal  
9 communities may not be as complete, so if you can address  
10 those two points, please.

11

12 MS. JURGENSEN: Well, I think I do beg to  
13 differ in that in the appendix I believe it is A, I put a  
14 lot of supplemental information and archeological  
15 evidence that goes back 7,000 years. And again, the  
16 Yup'ik are really -- it's documented, there's many  
17 archeological sites with caribou remaining all through  
18 that area and I tried to supplement that with as much  
19 recent evidence but obviously since they were gone by  
20 that area, about 100 years ago, you don't have as much  
21 evidence, word of mouth. So right now the herds have  
22 recessed and now they're expanding again and that's what  
23 the locals say.

24

25 CHAIRMAN DEMIENTIEFF: Additional  
26 discussion. Yes.

27

28 MR. BOS: Mr. Chair, maybe I could make a  
29 motion at this time.

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 MR. BOS: I'd move to adopt Proposal  
34 28(A) as modified and recommended by the Yukon/Kuskokwim,  
35 Seward Peninsula and Bristol Bay Regional Councils and  
36 the Staff Committee.

37

38 CHAIRMAN DEMIENTIEFF: There is a motion,  
39 is there a second?

40

41 MR. THOMPSON: Second.

42

43 CHAIRMAN DEMIENTIEFF: Discussion on the  
44 motion. Yes, Greg.

45

46           MR. BOS: Mr. Chair, this action will  
47 provide a positive customary and traditional use  
48 determination for the residents of Unit 18 and residents  
49 of Upper Kalskag, Togiak, Twin Hills, Manokotak, Stebbins  
50 and St. Michael for caribou in Unit 18. This would

00131

1 establish a broader Federal eligibility of the harvest of  
2 caribou in Unit 18. It has been delayed for a number of  
3 years due to deferrals pending community use surveys and  
4 the need for more expansive review of available  
5 information.

6

7 The review of historical use provided in  
8 the analysis, I think, demonstrates a long-term customary  
9 and traditional pattern of use of caribou by the villages  
10 listed for inclusion in this determination.

11

12 CHAIRMAN DEMIENTIEFF: Additional  
13 discussion.

14

15 MR. NICK: Mr. Chairman.

16

17 CHAIRMAN DEMIENTIEFF: Yes.

18

19 MR. NICK: I just want to make one  
20 comment on the Department's recommendation. When the  
21 proposal was presented to the Yukon/Kuskokwim Regional  
22 Advisory Council it was presented in such a way that the  
23 Regional Council were more or less comfortable with with  
24 respect to the analysis that were presented to them. I'm  
25 a little worried about the changes, major changes that  
26 were laid out by the Department because the fact that  
27 would -- you know, if the Board decides to go in that  
28 route, then it would have to be reconsidered by the  
29 Regional Council.

30

31 Thank you.

32

33 CHAIRMAN DEMIENTIEFF: Thank you.  
34 Further discussion. Hearing none, all those in favor of  
35 the motion signify by saying aye.

36

37 IN UNISON: Aye.

38

39 CHAIRMAN DEMIENTIEFF: Those opposed same  
40 sign.

41

42 (No opposing votes)

43

44 CHAIRMAN DEMIENTIEFF: Motion carries.

45 Next item.

46

47           MR. DEMATTEO: Mr. Chair, the next  
48 proposal is Proposal 28(B) and the analysis begins on  
49 Page 51 in the book. This proposal was submitted by the  
50 Native Village of Quinhagak and they requested that the

00132

1 Kilbuck Caribou Herd be considered as part of the  
2 Mulchatna Caribou Herd in Federal regulations for Unit  
3 18. The proponent also requests that the Board provide  
4 an August 1 through March 31st season for caribou in Unit  
5 18, that portion south of the Yukon River with a harvest  
6 limit of five caribou per season. The proposed changes  
7 would align State and Federal regulations in the proposal  
8 area of Unit 18.

9

10           The Kilbuck Caribou Herd traditionally  
11 used the Kilbuck Mountain Range for its traditional  
12 calving grounds. In 1998, the Department of Fish and  
13 Game conducted a population survey and revealed that  
14 there were approximately 1,800 animals in the Kilbuck  
15 herd. Since then, as Ms. Jurgensen just mentioned, the  
16 two herds have become indistinguishable so we consider  
17 that the Kilbuck herd and also the Mulchatna herd have  
18 melded together. The Mulchatna herd, which you heard is  
19 much larger is approximately 160 to 175,000 animals and  
20 the current harvest rate is approximately five percent of  
21 the total herd which is about 5,300 animals for Unit 18.  
22 The current Federal regulations and also the management  
23 and harvest objectives specifically reflect conservation  
24 of the Kilbuck Caribou Herd. But since the two herds are  
25 no longer distinguishable, this eliminates the need to  
26 have specific mention of herd specific regulations in  
27 Federal regulations so that is the basis of this  
28 proposal, is to change the regulations to eliminate  
29 language that refer to the Kilbuck Caribou Herd.

30

31           So the proposed language would be Unit  
32 18, that portion south of the Yukon River, five caribou.  
33 It would also eliminate the language that describes the  
34 seasons, the to be announced season and sets the  
35 permanent season, which is August 1st through March 31st,  
36 which is 243 days of opportunity.

37

38           The adoption of this proposal should not  
39 have negative effects on the Mulchatna Caribou Herd. It  
40 should not have any adverse effects on those who harvest  
41 caribou in Unit 18 and would also align regulations  
42 between the State and the Federal regulations.

43

44           One additional note is that the State  
45 regulations were just changed in November of 2001 to



46 reflect the proposed changes that are in this proposal.

47 That is all I have, thank you.

48

49 CHAIRMAN DEMIENTIEFF: Written public

50 comments.

00133

1 MR. NICK: Mr. Chairman, there are no  
2 written public comments.

3  
4 CHAIRMAN DEMIENTIEFF: We have no request  
5 for additional public testimony at this time. Regional  
6 Council comments.

7  
8 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim  
9 Regional Advisory Council support Proposal 28(B) with the  
10 following modification. Establish the caribou season  
11 from August 1 to March 31 with a special provision that  
12 all edible meat must remain on the bone throughout the  
13 caribou hunting season until the meat is removed from the  
14 field and processed for human consumption. Subsistence  
15 caribou hunters from different villages with the Yukon-  
16 Kuskokwim Delta have witnessed wanton waste of caribou.  
17 Council voted unanimously to support the first motion to  
18 support Proposal 28(B) and second motion is supported to  
19 modification and passed.

20  
21 CHAIRMAN DEMIENTIEFF: Thank you. Seward  
22 Penn.

23  
24 MS. CROSS: Seward Penn supports this  
25 motion with the modifications stipulated that the portion  
26 of Unit 18, south of the Yukon River, all edible meat on  
27 the front quarters and hindquarters of the caribou  
28 harvested prior to October 1st must be left on the bones  
29 until the meat is removed from the field or is processed  
30 for human consumption. The Council considers this  
31 proposal to be consistent with management for  
32 conservation and to be consistent with local practices.

33  
34 Thank you.

35  
36 CHAIRMAN DEMIENTIEFF: Thank you.

37  
38 MR. O'HARA: Yes, we support it. Yes.

39  
40 CHAIRMAN DEMIENTIEFF: Okay. Pete.

41  
42 MR. DEMATTEO: Yes, Mr. Chair. Just as a  
43 point of clarification, if anyone's confused, on the  
44 power-point slide on the wall there it says that the meat  
45 must remain on the quarter, this is true, but actually it

46 says that meat should remain on the bone because as we  
47 know there are more components to the moose's body than  
48 just the quarters. So it should say remain on the bone.

49

50           Thank you.

00134

1           CHAIRMAN DEMIENTIEFF: Thank you. Thanks  
2 for that clarification. Staff Committee.

3

4           MR. SIMMONS: Mr. Chair, the Staff  
5 Committee recommends adopting Proposal 28(B) as amended  
6 by the YK-Delta, Bristol Bay and Seward Peninsula  
7 Regional Advisory Councils with the addition of a meat on  
8 the bone requirement for the entire harvest season as  
9 recommended. Adoption of the modified proposed  
10 regulatory changes would increase subsistence opportunity  
11 for caribou in Unit 18. The proposed changes would  
12 liberalize the harvest limit, provide for a 243 day  
13 season and align Federal and State seasons and harvest  
14 limits south of the Yukon River. Adoption of the meat on  
15 the bone provision would reduce spoilage of meat in the  
16 field. Although this provision would be more restrictive  
17 than State regulations which require that the meat remain  
18 on the bone only prior to October 1st. The YK Delta  
19 Council intends to propose the same restrictions to the  
20 Alaska Board of Game.

21

22           In the interim this provision would not  
23 adversely effect Federally-qualified rural users because  
24 they can take caribou under State regulations.

25

26           That concludes Staff Committee  
27 recommendations.

28

29           CHAIRMAN DEMIENTIEFF: Thank you.  
30 Department comments.

31

32           MR. HAYNES: Mr. Chairman, the Department  
33 supported the original modified proposal as it would have  
34 aligned the State and Federal regulations for caribou  
35 hunting in Unit 18, south of the Yukon River. The Yukon-  
36 Kuskokwim Regional Council modifications to extend for  
37 the entire season the requirement that edible meat must  
38 remain on the bones until after being removed from the  
39 field changes that situation. This proposed action  
40 prevents alignment with the State regulation which  
41 requires keeping meat on the bone only for caribou  
42 harvested prior to October 1. As a practical matter, we  
43 question the need for the edible meat on bone requirement  
44 at this time of the year after the weather turns cold and  
45 wastage of meat is not as much of an issue as it is

46 earlier in the season.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: Board discussion.

00135

1 Yes, Greg.

2

3 MR. BOS: I note that there's some  
4 differences with respect to the bone on meat requirement  
5 after October 1 among the recommendations of the Regional  
6 Councils with the Yukon-Kuskokwim Council asking for the  
7 meat on bone requirement through the whole season, Seward  
8 Peninsula only until October 1 and I'm not sure about the  
9 Bristol Bay Council, where they landed on that one but we  
10 probably ought to figure this out. And also understand  
11 that because the State regulations are more lenient after  
12 October 1 that if the Board were to adopt this  
13 requirement, meat on bone requirement for the period  
14 October 1 to March 31 it would really be an unenforceable  
15 regulation because people could just claim that they were  
16 taken under State regulations. So everybody understands  
17 what we're trying to do.

18

19 But I'd like to know how the other  
20 Councils felt about the October 1 period versus the full  
21 season.

22

23 MR. O'HARA: I don't think Bristol Bay  
24 addressed that at all and that's what I was kind of  
25 looking for when you sprung the trap there. We did not  
26 address that issue at all in Bristol Bay.

27

28 CHAIRMAN DEMIENTIEFF: Dan, if I may, Mr.  
29 Chair.

30

31 MS. CROSS: If I remember correctly, I  
32 think we were just trying to be consistent with the State  
33 regulations and also that time of the year it's cold and  
34 we try to get our meat home -- usually it comes home  
35 intact.

36

37 CHAIRMAN DEMIENTIEFF: Greg.

38

39 MR. BOS: Dan, in your area I know that  
40 there has been a meat on the bone requirement for a  
41 number of years and that is required prior to October 1,  
42 does that worked pretty well in your area?

43

44 MR. O'HARA: Yes, it does work well in  
45 our area. And the only thing that would -- might be

46 helpful for meat on the bone would be same day airborne  
47 in Unit 9 and I think in 17, too, where the Mulchatna  
48 herd is at, the Anchorage hunter has a tendency sometimes  
49 to leave a lot of stuff that might not come out. That's  
50 about the only thought we had along that line.

00136

1 CHAIRMAN DEMIENTIEFF: Further  
2 discussion. What is it Alex?

3

4 MR. NICK: Mr. Chairman, when the Council  
5 deliberated on the proposal, some of the Regional Council  
6 members informed us that, you know, they actually witness  
7 wanton waste out in the field and that's the reason why  
8 they wanted meat on bone throughout the season.

9

10 CHAIRMAN DEMIENTIEFF: Chairman Wilde  
11 noted that in his statement earlier. Further discussion.  
12 I'm sorry, Terry.

13

14 MR. HAYNES: Thank you, Mr. Chairman. I  
15 wonder if we could get some legal clarification on the  
16 point that Greg was making about whether a Federal  
17 regulation that's more restrictive would even be  
18 enforceable given the State regulation under which the  
19 hunters could hunt and if that would just -- having a  
20 more restrictive regulation that is not enforceable would  
21 just be more confusing. Is there someone who could offer  
22 a legal interpretation of that?

23

24 MR. GOLTZ: I guess I'm the expert on  
25 confusion. I guess it wouldn't be our first unenforceable  
26 regulation. There are other values that we sometimes tie  
27 into when we put regulations on the books and one of the  
28 values is wanton waste. And one of the purposes of law  
29 that we sometimes forget is education. And we are  
30 probably advancing that ethical principle with this  
31 regulation, whether it's enforceable or not.

32

33 CHAIRMAN DEMIENTIEFF: When does the  
34 Board take this matter up again, do you know? Do you  
35 know what the Board cycle is for the Board of Game?

36

37 MR. HAYNES: Every two years, at least.  
38 The Board just adopted this this last year.

39

40 CHAIRMAN DEMIENTIEFF: Grace.

41

42 MS. CROSS: For your information, Seward  
43 Penn and Bristol Bay met before Yukon-Kuskokwim did. We  
44 had our meetings prior to them.

45



46 CHAIRMAN DEMIENTIEFF: Yes, Greg.

47

48 MR. BOS: At this time I'd like to make a  
49 motion, Mr. Chair, to adopt Proposal 28(B) as modified by  
50 the Yukon-Kuskokwim Regional Council and recommended by

00137

1 the Staff Committee.

2

3 CHAIRMAN DEMIENTIEFF: There is a motion,  
4 is there a second?

5

6 MR. BRELSFORD: Second.

7

8 CHAIRMAN DEMIENTIEFF: Taylor seconds.  
9 Discussion on the motion.

10

11 MS. GOTTLIEB: Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: Yes.

14

15 MS. GOTTLIEB: I would just like to thank  
16 all three Councils for having put time and effort into  
17 this matter.

18

19 CHAIRMAN DEMIENTIEFF: Yes, and I think  
20 I'm going to support it and I do realize but I'm pretty  
21 sure Terry that the State Game Board is going to get a  
22 regulation changed to, you know, put this into  
23 compliance, I think, with the Federal from the way it  
24 sounds. People will probably advance it to that forum at  
25 the next opportunity, I imagine.

26

27 Further discussion. All those in favor  
28 of the motion signify by saying aye.

29

30 IN UNISON: Aye.

31

32 CHAIRMAN DEMIENTIEFF: Those opposed same  
33 sign.

34

35 (No opposing votes)

36

37 CHAIRMAN DEMIENTIEFF: Motion carries.  
38 Proposal 29.

39

40 MR. DEMATTEO: Mr. Chair, Proposal 29 was  
41 submitted by Pete Peterson of Mountain Village and he  
42 requested a change in the existing moose season for Unit  
43 18, remainder. The proposed regulation would change the  
44 existing September 1 through 30 season to August 20  
45 through September 20. The current C&T determination for

46 the proposal area is residents of Unit 18, residents of  
47 Upper and Lower Kalskag have a customary and traditional  
48 use determination for moose in the remainder of Unit 18.

49

50           Mr. Peterson submitted this proposal

00138

1 based on the fact that he said during years of low salmon  
2 harvest this earlier moose season would help those folks  
3 out as far as meeting their needs.

4

5           The existing fall season September 1  
6 through 30 began in 1990 through present, except for 1994  
7 at the request of the Village of Kwethluk, they requested  
8 an August 25 season which the Board supported. The  
9 following year, 1995, at the request of the Lower Yukon  
10 River Moose Management Committee and also the Council,  
11 requested that the season be reverted back to September 1  
12 through 30 which the Board also supported and it's been  
13 September 1 through 30 ever since.

14

15           Basically the September 1 through 30  
16 season can be said it has evolved from the needs and the  
17 hunting preferences of the local residents of Unit 18.  
18 The harvest success rate is 90 percent amongst the  
19 communities that harvest moose in this area. Adoption  
20 would favor moose population growth because statistically  
21 the hunter success rate in August is lower than it is in  
22 September. The hunters who hunt moose in September,  
23 particularly mid to late September generally have a  
24 higher success rate because of the cooler temperatures,  
25 also because the leaves have tended to drop from the  
26 trees or in the process of doing so. And also hunters  
27 have better access to moose as moose make their migration  
28 toward the rivers and also the streams. In August you  
29 have warmer temperatures, you have leaves standing on the  
30 trees and, of course, there's less access to moose as  
31 they tend to be further away from the rivers during the  
32 warmer weather.

33

34           The population in the proposal area for  
35 moose is 2,000 to 2,500. Also I'll mention that there's  
36 a cooperative planning effort that has been very  
37 successful that's been going on for some time. It is  
38 between the Council, it's also members of the Lower Yukon  
39 Fish and Game Advisory Committee, the Lower Yukon Moose  
40 Management Committee and also members of the State and  
41 Federal agencies. This has been a successful planning  
42 project. But the point is successful realization of any  
43 cooperative requires that the regulations and also the  
44 harvest be aligned between the State and Federal  
45 regulations which we have now. And then alignment of the

46 regulations could prove that the harvest will not favor  
47 harvest guidelines and management objectives for this  
48 herd.

49

50           That is all I have Mr. Chair.

00139

1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Written public comments.

3  
4 MR. NICK: Mr. Chairman, no written  
5 comments were received.

6  
7 CHAIRMAN DEMIENTIEFF: Thank you. We  
8 have no additional request for public testimony at this  
9 time. Regional Council recommendations.

10  
11 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim  
12 Delta Regional Advisory Council recommend deferral of  
13 Proposal 29 because of the harvest by the regional rural  
14 residents is estimated approximately 90 percent of early  
15 moose hunting season could adversely affect the fall and  
16 winter hunting season because of Department of Fish and  
17 Game might close the season 10 days earlier than usual to  
18 protect the most population and early moose hunting  
19 season could also cause hardship for the subsistence  
20 moose hunters during the late warm summer temperature for  
21 meat to spoil.

22  
23 CHAIRMAN DEMIENTIEFF: Thank you.

24  
25 MR. SAM: Western Interior opposes, Mr.  
26 Chairman. We were concerned about the warm weather plus  
27 we believe if you open one area earlier, people would be  
28 opportunistic and may decimate the moose population of  
29 just one area and that's our reasoning for being in  
30 opposition of this proposal.

31  
32 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
33 Committee.

34  
35 MR. SIMMONS: Mr. Chair. Staff Committee  
36 recommends rejecting Proposal 29 consistent with the  
37 recommendation of the Western Interior Regional Advisory  
38 Council. Adoption of the proposed season change would  
39 not provide additional opportunity for subsistence users  
40 under Federal regulations and would disadvantage local  
41 hunters who are occupied with subsistence fishing in  
42 August.

43  
44 The majority of local Federal  
45 subsistence hunters are reported to favor the existing

46 season because late September provides cooler  
47 temperatures and higher rates of success. An earlier  
48 August opening would also require subsistence hunters to  
49 determine the boundaries of Federal lands and avoid  
50 hunting in areas under State jurisdiction that are closed

00140

1 until September 1st.

2

3           Considerable effort has been expended  
4 over the years by the local moose management planning  
5 group working in concert with the Regional Council and  
6 Federal and State management Staff to establish aligned  
7 seasons that support cooperative management objectives  
8 and harvest guidelines.

9

10           That concludes Staff Committee  
11 recommendation, Mr. Chair.

12

13           CHAIRMAN DEMIENTIEFF: Thank you.  
14 Department comments.

15

16           MR. HAYNES: Mr. Chairman, the Department  
17 supports the Staff Committee and Western Interior  
18 Regional Council recommendation to oppose this proposal.  
19 The proposed season in the remainder of Unit 18 would add  
20 two days to the current Federal season and is not  
21 warranted due to the current harvest rates. The Federal  
22 season would be out of alignment with the corresponding  
23 State season and would effectively provide 42 days of  
24 hunting opportunity for local rural residents. If the  
25 proposed Federal season is adopted and opens 12 days  
26 before the State season, the Department may have to  
27 emergency close the State season 12 days early in the  
28 area above Mountain Village and seven days early in the  
29 area below Mountain Village in order to conserve the  
30 moose population.

31

32           Alignment of the State and Federal  
33 seasons since 1994/95 has helped to reduce potential  
34 confusion over land status in this area.

35

36           The moose population in the area affected  
37 by this proposal is currently estimated at 2,000 to 2,500  
38 animals and is below it's potential sustainable size.  
39 Based on a bull/cow ratio of 20:25 bulls per 100 cows,  
40 there are an estimated 400 to 625 bulls in this  
41 population. Harvest data indicate that the harvest of  
42 bulls already is high in the Yukon River portion of Unit  
43 18 averaging 106 over the past four years or between 17  
44 and 27 percent of the available bulls in the population.  
45 Not all moose harvested are reported so the percentage of



46 bulls harvested probably exceeds these percentages.

47

48           The majority of riparian habitat in Unit

49 18 is on State or private lands. During the fall season,

50 most hunters access hunting areas along the Yukon River

00141

1 by boat and hunt primarily on State managed lands. The  
2 State and Federal seasons currently are in alignment.  
3 Changing the Federal season would result in confusion  
4 over land status and result in hunters not knowing which  
5 areas were open and closed to hunting.

6

7 Thank you.

8

9 CHAIRMAN DEMIENTIEFF: Thank you. Board  
10 deliberation. Discussion.

11

12 MS. GOTTLIEB: Mr. Chair.

13

14 CHAIRMAN DEMIENTIEFF: Yes, Judy.

15

16 MS. GOTTLIEB: It seems this is an area  
17 where we have another good example of a management  
18 planning committee group and they've thought this out and  
19 made some really good recommendations and I would be in  
20 agreement with respecting the seasons that they have  
21 outlined for us.

22

23 CHAIRMAN DEMIENTIEFF: Yes, Greg.

24

25 MR. BOS: Mr. Chair, I'm inclined to  
26 support the Staff Committee but I'd also respect the  
27 position of the Regional Council in the home region for  
28 Unit 18. I wonder, Harry, if you intended this proposal  
29 to come back before the Board next year, were you  
30 deferring it for a certain time period to have something  
31 happen between now and another subsequent Board meeting?

32

33 MR. WILDE: Yeah, Mr. Chairman, we  
34 considered -- we usually work very close with upriver  
35 subsistence hunters and we were looking at, because these  
36 moose are going down towards ocean we were figuring that  
37 one of these days upriver will not -- unable to get their  
38 subsistence moose if most of their moose is in Unit 18,  
39 maybe there is a way to work together upriver that they  
40 would have some priority for subsistence hunting in Unit  
41 18. But that's a long range thing and however we work  
42 with the upriver people in our subsistence way of  
43 hunting.

44

45 CHAIRMAN DEMIENTIEFF: Thank you. Yes,

46 Greg.

47

48 MR. BOS: If I could have a follow-up.

49 Would you support a rejection of the proposal at this

50 time and then as you work with upriver people in the next

00142

1 year or two and want to come back before the Board with a  
2 modified regulation you'd have the opportunity to do  
3 that? Is that something you could support?

4

5 MR. WILDE: Personally, myself. I'm not  
6 talking about my Advisory Council. Personally, myself,  
7 yes.

8

9 CHAIRMAN DEMIENTIEFF: To have the  
10 proposal deferred if there's no plan for time specific,  
11 anybody has the opportunity to make proposals every year.  
12 It would probably be easier on us if we just took care of  
13 it now. Everybody has the opportunity to make proposals  
14 as opposed to having something deferred off with no  
15 particular plan in place at this time. My recommendation  
16 is to go with Western on this one.

17

18 MR. BOS: If I may then, Mr. Chair, I'd  
19 move to reject Proposal 29 as recommended by the Western  
20 Interior and the Staff Committee for the reasons  
21 expressed by the Staff Committee.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. Is  
24 there a second?

25

26 MR. BRELSFORD: I'll second.

27

28 CHAIRMAN DEMIENTIEFF: Discussion.  
29 Hearing none, all those in favor of the motion signify by  
30 saying aye.

31

32 IN UNISON: Aye.

33

34 CHAIRMAN DEMIENTIEFF: Those opposed same  
35 sign.

36

37 (No opposing votes)

38

39 CHAIRMAN DEMIENTIEFF: Motion carries.  
40 We'll change Staff as we've completed our work in the YK  
41 region and we'll move on to Western Interior. We'll  
42 begin consideration in Western Interior WP02-30. Vince,  
43 are you going to present this?

44

45 MR. MATHEWS: Yes, Mr. Chairman. I'm the

46 regional coordinator for Western Interior and I'll be  
47 presenting the Staff analysis on Proposal 30. Proposal  
48 30 was submitted by the Western Interior Regional  
49 Advisory Council. It essentially requests establishing a  
50 parallel regulation on potlatch similar to what the State

00143

1 has.

2

3           As you're probably aware, existing  
4 Federal regulations has a general provision authorizing  
5 this Board to provide ceremonial harvest of fish and  
6 wildlife outside of the established seasons and harvest  
7 limits. Presenting in the area in question here, which  
8 is Unit 21 and 24, you have regulations that deal with  
9 Nuchalwoyya and Nulato Stickdance.

10

11           The proposed regulation is found on Page  
12 4 under Tab I, but basically it would allow taking of  
13 wildlife outside the seasons or harvest limits provided  
14 that this part for food and traditional religious  
15 ceremonies which are part of a funerary or mortuary  
16 cycle. And it would require no permit or harvest ticket  
17 required, just kind of paraphrasing it, and a person who  
18 takes wildlife under this regulation shall, as soon as  
19 possible but not more than 20 days after the ceremony  
20 submit or make sure that a written record of the reported  
21 harvest be given to the nearest Federal office,  
22 specifying the person's name, address, the number and sex  
23 of wildlife harvested, dates and location of harvesting  
24 and identity of the decedent for which the ceremony was  
25 held and that the harvest of meat was used in customary  
26 and traditional Alaska Native religious Native  
27 ceremonies.

28

29           The reasoning behind Western Interior  
30 submitting this proposal are three-part. One, is they  
31 wanted recognition of protection of traditional  
32 religious ceremonies in Federal regulations. Two, in  
33 some cases Federal are more readily accessible to provide  
34 this data reporting. And lastly, adoption of this  
35 proposal would not increase any harvest of moose since  
36 the practice is ongoing under State regulations.

37

38           I won't cover the relevant State  
39 regulations because I believe the State will discuss that  
40 when they bring up their recommendation.

41

42           The customary and traditional use  
43 determinations are listed in your analysis so that would  
44 tell you who qualifies and I won't summarize that but it  
45 is in your booklet there. Again, there is extensive

46 Federal land in the area so it would apply to those  
47 Federal lands. There's wildlife refuges in the area as  
48 well as Park Service lands and Bureau of Land Management  
49 Lands.  
50

00144

1           The Board, since 1992 has dealt with  
2 quite a few communal or cultural ceremonial harvests and  
3 this has been done through different permitting processes  
4 and different actions and those were summarized in your  
5 book on Page 8 and 9. I won't go through those but you  
6 have a history of addressing and meeting the needs for  
7 ceremonial harvests.

8  
9           The social cultural background on this  
10 proposal, just for the record, because I don't want to  
11 offend any people who are present here, it is very  
12 important to have ceremonial recognition when someone  
13 passes away, both at the time and then a year later, and  
14 so it is an important practice within the Interior to  
15 recognize those and follow traditional Native religious  
16 practices.

17  
18           With that, I'm just going to jump right  
19 down to the biological background. Already covered  
20 pretty much, there will be no additional harvest expected  
21 because it's already in effect under State.

22  
23           So the effects of this proposal would  
24 allow individuals with customary and traditional use  
25 determinations for Unit 21 and 24 to harvest resources  
26 for food and traditional religious ceremonies that are  
27 part of the funerary or mortuary cycle. Adoption of this  
28 proposed regulatory change should have no impact as  
29 already stated. It's an ongoing practice since day one.  
30 Adoption of this proposal might improve harvest reporting  
31 in areas where Federal Staff is more accessible than Fish  
32 and Game Staff.

33  
34           With that, I'll leave it up to you to ask  
35 questions if more information is needed out of the  
36 analysis. Thank you, Mr. Chair.

37  
38           CHAIRMAN DEMIENTIEFF: Summary of written  
39 public comment.

40  
41           MR. MATHEWS: Mr. Chairman, there were no  
42 written comments.

43  
44           CHAIRMAN DEMIENTIEFF: Okay. Stanley,  
45 did you wish to testify?



46

47           MR. NED: Yeah, another way to -- I want  
48 to hear what the State has to say on this before I give  
49 testimony.

50

00145

1 CHAIRMAN DEMIENTIEFF: Now, is the  
2 opportunity to testify if you wish to testify.

3

4 MR. NED: Yeah, my name is Stanley Ned. I  
5 work for Tanana Chiefs as a staff researcher for the  
6 program. We are in support of Proposal 31 as written and  
7 we've practiced this traditional ceremony since time and  
8 memorial.

9

10 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry, no,  
11 wait, Stanley, I don't mean to interrupt you but we're  
12 doing 30, 31 is the one you wanted to.....

13

14 MR. NED: I'm sorry, 30. I want to on 30.

15

16 CHAIRMAN DEMIENTIEFF: Oh, okay.

17

18 MR. NED: My mistake.

19

20 CHAIRMAN DEMIENTIEFF: Yeah, okay, I'm  
21 sorry.

22

23 MR. NED: But we've been practicing that  
24 since time and memorial and I don't think we're ever  
25 going to change. And there's one wording in there that  
26 you had to report within 12 months, in some cases we do  
27 have potlatches three years or four years after the  
28 person has passed on, simply because the person that's  
29 related to the person that's passed on don't have enough  
30 funds to gather all the necessary material for the  
31 potlatch. So I think the 12 month thing should be  
32 changed a little bit in there, too.

33

34 Thank you.

35

36 CHAIRMAN DEMIENTIEFF: Thank you.  
37 Questions. Regional Council recommendation.

38

39 MR. BRELSFORD: Actually, Mr. Chairman,  
40 just very quickly to reassure Mr. Ned. Nothing in the  
41 regulation that's proposed would limit the memorial  
42 potlatches to just one year following. The reporting  
43 requirement that's mentioned here is that after a  
44 harvest, it's an obligation to report on that particular  
45 harvest.

46

47 MR. NED: Okay.

48

49 MR. BRELSFORD: But the opportunity for  
50 the community to convene a memorial potlatch is not

00146

1 limited by the regulations here so I believe that we  
2 could put to rest the concerns that Stanley raised.

3

4 CHAIRMAN DEMIENTIEFF: Thank you, Taylor.  
5 Regional Council recommendation.

6

7 MR. SAM: Western Interior submitted this  
8 proposal and we fully support this proposal. We did make  
9 a friendly amendment at our recent meeting. Instead of  
10 leaving the word Native in there, we amended it to read  
11 Alaska rural residents because we have more and more non-  
12 Natives that are making their homes permanent out within  
13 our villages and they are all wishing to be buried there  
14 also. So that was more recognition than anything else,  
15 if it's their final wish we want to have them included.

16

17 Thank you.

18

19 CHAIRMAN DEMIENTIEFF: Thank you. YK.

20

21 MR. WILDE: Mr. Chairman, the Regional  
22 Council passed this recommendation after listening to the  
23 briefing and draft analysis and hear from Ron Sam Western  
24 Interior Regional Council Chair on the importance of  
25 potlatch for his region.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
28 Committee.

29

30 MR. SIMMONS: Mr. Chair, the Staff  
31 Committee recommends adopting Proposal 30 with  
32 modifications consistent with the recommendation of the  
33 Western Interior Regional Advisory Council.

34

35 This proposal provides for the harvest  
36 and use of wildlife for food in traditional religious  
37 ceremonies and is similar to Federal regulations that  
38 provide for such use in Units 1 through 5. No additional  
39 biological impact on wildlife populations is anticipated  
40 because the practice is allowed under State regulations.  
41 The change in wording from Alaska Native to rural Alaskan  
42 reflects the fact that Federal subsistence priority is  
43 for all rural Alaskans. The addition of Provision 4  
44 addresses the conservation mandates of ANILCA.

45

46                Staff Committee noted that the YK Council  
47 supported the proposal as written however the Staff  
48 Committee recommendation is consistent with the intent of  
49 the Council's recommendation.  
50

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1 That concludes Staff Committee  
2 recommendation. Mr. Chair.

3

4 CHAIRMAN DEMIENTIEFF: Thank you.  
5 Department comments.

6

7 MR. HAYNES: Thank you, Mr. Chairman.  
8 The Department supports this proposal with modification.  
9 State regulations authorizing the taking of big game for  
10 certain religious ceremonies apply to both State managed  
11 and Federally managed lands. Consequently the Department  
12 does not believe this proposed Federal regulation is  
13 needed. if adopted, it would apply only to Federal  
14 public lands and therefore would be more restrictive than  
15 the corresponding State regulation. If the primary  
16 objective is to provide residents of Units 21 and 24 with  
17 an alternative reporting mechanism for wildlife harvested  
18 for use in traditional religious ceremonies, such an  
19 option could be submitted for the Board of Game to  
20 consider when it revisits the current State ceremonial  
21 harvest regulation this coming fall.

22

23 I might add that Will Mayo has been  
24 conferring with rural residents in the Interior to look  
25 at the ideas they might have for making fine-tuning  
26 modifications to the State ceremonial harvest regulation.  
27 So the Board of Game did discuss this at its last meeting  
28 and will be taking it up again next fall.

29

30 The Department continues to support the  
31 customary and traditional harvest of wildlife for use in  
32 traditional religious ceremonies that are part of a  
33 funerary or mortuary cycle. But it does not support the  
34 proposal as modified to substitute rural Alaskan for  
35 Alaska Native with reference to the types of customary  
36 and traditional religious ceremonies to which this  
37 proposed regulation would apply.

38

39 The Staff analysis states that this  
40 change reflects the fact that the Federal subsistence  
41 priority applies to all rural Alaskans. However, this  
42 change would amend the definition of religious ceremonies  
43 because subsections 1 through 4 of the proposed  
44 regulation provide the requirements for taking wildlife  
45 outside the established seasons and harvest limits. The

46 proposed change to subsection 4 would broaden the  
47 definition of religious ceremonies to include all rural  
48 religious ceremonies which might include a broader range  
49 of events than is currently covered or anticipated under  
50 the regulation.

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1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Board  
4 discussion. Yes, Charlie.

5

6 MR. BUNCH: Terry, am I to assume that  
7 the State regulations as currently written don't include  
8 the term rural residents, it's limited strictly to  
9 Natives?

10

11 MR. HAYNES: Mr. Chairman. The State  
12 regulation reads as such, in 5 AAC 92.01.9 subsection  
13 (a), the hunting and taking of big game outside the  
14 seasons or bag limits established in 5 AAC 85 for use as  
15 food in customary and traditional Alaska Native funerary  
16 or mortuary religious ceremonies is what this applies to.

17

18 MR. BUNCH: Thank you.

19

20 CHAIRMAN DEMIENTIEFF: The fact of the  
21 matter is I do know myself that it's the practice that's  
22 ongoing right now irregardless of what any regulation  
23 says and it has to do with, and we all know it, there are  
24 people who are married into our people and they've been  
25 together a very, very long time and as such have moved  
26 into our villages and have adopted the ways of the Native  
27 people. While they're certainly not Alaska Native  
28 people, they're certainly residents of our villages and  
29 long-term residents. And like I said, they live our  
30 ways, they don't take our people out to live their ways  
31 unless they go somewhere else and that's a different  
32 situation altogether. If somebody gets married and goes  
33 into the city, then they adopt that lifestyle and that's  
34 not what we're talking about here.

35

36 But there are a very, very many people,  
37 non-Native who are living and practicing our ways in the  
38 villages. While I understand, maybe the State's position  
39 with regard to that, I'm going to intend to support it  
40 with the Western way because it's consistent with our law  
41 but it also is a recognition of what's real and what is  
42 going on in the villages.

43

44 Yes, Terry.

45



46           MR. HAYNES: And Mr. Chairman, our  
47 comments are not intended to contradict that but the fact  
48 is you're talking about that it's one of your traditional  
49 ceremonies. The way we read this language it would  
50 broaden the potential scope of the ceremonies to be other

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1 than Alaska Native ceremonies and we question whether or  
2 not that is what is intended.

3

4 MS. GOTTLIEB: Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Go ahead, Judy.

7

8 MS. GOTTLIEB: Go ahead.

9

10 MR. SAM: Thank you, Mr. Chair. I was  
11 just going to state that there's only one real religion  
12 being practiced out in the Bush and that's subsistence.

13

14 CHAIRMAN DEMIENTIEFF: Judy.

15

16 MS. GOTTLIEB: Thank you. Terry, you had  
17 earlier said that this would be more -- that this  
18 proposed regulation would be more restrictive than the  
19 States. I wondered if you could explain that because it  
20 did look like the intent of this was to make it easier  
21 for some of the users.

22

23 MR. HAYNES: Mr. Chairman. This proposed  
24 Federal regulation would apply only to Federal public  
25 lands. The current State regulation applies everywhere  
26 in the state. So that extent non-Federally managed lands  
27 would not apply.

28

29 CHAIRMAN DEMIENTIEFF: But they would  
30 still be under the State regulation?

31

32 MR. HAYNES: That's correct. But they  
33 would not be covered under this Federal regulation which  
34 is now proposed to be somewhat different than the State  
35 regulation.

36

37 CHAIRMAN DEMIENTIEFF: I understand that.  
38 But at least it would be no net loss to subsistence  
39 users, given the fact that the State regulation which has  
40 been in existence for some time now would still apply on  
41 State lands and this slightly different model would apply  
42 on Federal lands. So the practice could still go on.

43 Ron.

44

45 MR. SAM: Thank you, Mr. Chair. As many

46 of you know, the whole Koyukuk River Drainage is Federal  
47 lands, almost, in its entirety. And all our residents  
48 feel very secure with Title VIII and the Federal  
49 Subsistence Program and that's why we wanted to include  
50 this within the Federal register to be recognized as

00150

1 users up there.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Yes, Bill.

6

7 MR. THOMAS: Ron is right. It's Federal  
8 land. We make regulations -- or we recommend regulations  
9 and you folks adopt them. And if such a regulation  
10 doesn't exist in the Federal program then it needs to be  
11 there. And like you said, there will be no denial or  
12 consequences during the other regulations. There might  
13 be paralleling regulations but there's no harm in that  
14 either. So you know, to try to find ways to not support  
15 the Council is absurd.

16

17 Thank you.

18

19 CHAIRMAN DEMIENTIEFF: Yes.

20

21 MR. THOMPSON: Yes, Mr. Chairman. No  
22 question in my mind, I intend to vote for this. We have  
23 a number of other post-harvesting reporting practices  
24 we've authorized in our Federal regulations elsewhere in  
25 the state. And the scope of it does not represent an  
26 additional significant impact on the biological  
27 considerations. So I think it's an easy decision.

28

29 CHAIRMAN DEMIENTIEFF: Yes, Greg.

30

31 MR. BOS: There may be some minor  
32 differences in wording and geographical application of  
33 these State and Federal regulations on this topic. I  
34 think as the State -- just the State progresses to  
35 develop a better regulation in religious, funerary,  
36 mortuary celebrations that there may be something there  
37 for the Federal program to consider and adopt as well and  
38 thereby perhaps have more consistent regulations.

39

40 At this time, however, I think I'll move  
41 to adopt Proposal 30 as modified and recommended by the  
42 Western Interior and Yukon-Kuskokwim Council and the  
43 Staff Committee.

44

45 CHAIRMAN DEMIENTIEFF: Is there a second

46 to that motion?

47

48 MR. BRELSFORD: I second that motion.

49

50 CHAIRMAN DEMIENTIEFF: Any discussion.

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1 MR. BRELSFORD: Mr. Chairman. I'd like  
2 to say that I'm prepared to vote in favor of the motion.  
3 I to take seriously the concerned raised by the State  
4 having to do with what variety of ceremonies are to be  
5 provided for under this regulation and I believe that the  
6 concern that's raised actually doesn't hold up because  
7 the first paragraph, the opening paragraph of the  
8 regulation refers to the use of wildlife in food and  
9 traditional religious ceremonies which are part of a  
10 funerary or mortuary cycle including memorial potlatches.  
11 And while that does not say specifically Athabascan or  
12 Alaska Native potlatches, I believe it focuses the type  
13 of religious ceremonies that are intended.

14  
15 So I might have been a little happier  
16 with the original language that referred specifically to  
17 Alaska Native ceremonies. I think there's a recent  
18 history from the Frank case and the development of the  
19 State regulations that was focused on this longstanding  
20 religious traditional, however, I think the proposal here  
21 from the Western Interior Council does no harm to that  
22 and at the same time it does express the welcome on the  
23 part of Interior communities to long-term residents,  
24 Native and non-Native, so I will support the revised  
25 language for that reason.

26  
27 Thank you.

28  
29 CHAIRMAN DEMIENTIEFF: Thank you.  
30 Charlie.

31  
32 MR. BUNCH: Mr. Chair, point of order  
33 here. I believe the motion was to support it as approved  
34 by the Western and Yukon. The wording on those two  
35 proposals are different. The Western Interior has a  
36 support with modification and that's the one that  
37 includes the rural whereas the YK Regional Council has it  
38 as written, Alaska Native.

39  
40 MR. SAM: Mr. Chair.

41  
42 CHAIRMAN DEMIENTIEFF: Ron.

43  
44 MR. SAM: Yeah, the reason for this  
45 oversight is that YK-Delta met a week earlier than the

46 Western Interior so they didn't have any chance to  
47 discuss the modification that Western made later.

48

49           Thank you.

50

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1 CHAIRMAN DEMIENTIEFF: So, yeah, we will  
2 have to rule the motion out of order just because they do  
3 -- and I'm glad you pointed that out, Charlie. Could you  
4 craft another motion?

5

6 MR. BOS: Yes, Mr. Chair. And that's to  
7 adopt Proposal 30 as recommended by the Western Interior  
8 Regional Council and the Staff Committee.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. Is  
11 there a second to that?

12

13 MR. BRELSFORD: I'll repeat my second.

14

15 CHAIRMAN DEMIENTIEFF: Thank you. It's  
16 been moved and seconded for the second time now. Further  
17 discussion. Hearing none, all those in favor of the  
18 motion signify by saying aye.

19

20 IN UNISON: Aye.

21

22 CHAIRMAN DEMIENTIEFF: Those opposed same  
23 sign.

24

25 (No opposing votes)

26

27 CHAIRMAN DEMIENTIEFF: Motion carries.  
28 Proposal 31. Vince, are you doing the analysis?

29

30 MR. MATHEWS: No.

31

32 CHAIRMAN DEMIENTIEFF: Well, who is?

33

34 MR. MATHEWS: Laura.

35

36 CHAIRMAN DEMIENTIEFF: Laura, okay.

37

38 MR. MATHEWS: Laura will be doing that.

39

40 CHAIRMAN DEMIENTIEFF: Okay.

41

42 MS. JURGENSEN: Sorry, I'll surge in.  
43 Thanks, Mr. Chair. I'm Laura Jurgensen, Staff  
44 anthropologist with OSM. Proposal 31 is submitted by Mr.  
45 Pete Peterson of Mountain Village and it seeks to revise



46 the customary and traditional use determination for moose  
47 in Unit 21(E). Currently the determination is for  
48 residents of Unit 21(E) and Russian Mission which is  
49 located in Unit 18. Russian Mission is the sole  
50 community in this unit to have a positive customary and

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1 traditional use determination for moose in Unit 21(E).

2

3           The proposed villages are Nunam Iqua,  
4 Alakanuk, Emmonak, Kotlik, Mountain Village, Marshall,  
5 Toklik, Pitka's Point, Saint Mary's, Andreafsky Town Site  
6 and Pilot Station.

7

8           Federal land holdings represented mostly  
9 by BLM constituting 44% percent of 21(E) and the Innoko  
10 National Wildlife Refuge at 11.4 percent.

11

12           According to Russian Naval Captain  
13 Zagoskin and explorers a hundred years ago, they  
14 indicated that the moose population of the Lower Yukon  
15 had fluctuated to a larger extent than even caribou had.  
16 By 1880, moose were increasing in numbers and moving down  
17 the river and spreading or reoccupying headwaters. These  
18 huge animals were known to be harvested by the Deg Hit'an  
19 Athabascan and Yukon and Kuskokwim River area Yup'ik.  
20 The Yup'ik and Deg Hit'an harvested moose when  
21 opportunity and an animal presented itself. Culturally  
22 both groups shared a great deal in common, including  
23 customs, ceremonies, resource use and technology and  
24 generally had mutually beneficial trading relationships  
25 with some inter-marriage. Moose was prized as a somewhat  
26 rare treat to supplement their seasonal rounds mainly  
27 composed of salmon, freshwater fish and caribou.

28

29           The inland range for the central Yup'ik  
30 was generally as far east as Piamiut to Holy Cross on the  
31 Yukon and the vicinity of upriver on the Kuskokwim to  
32 Sleetmute, Stony River and Crow Village. This Piamiut  
33 Slough area was an active fluidic border and always been,  
34 from what we can tell and generally separated the Deg  
35 Hit'an Athabascan from the Central Alaskan Yup'ik.  
36 Residents from Old Piamiut, Crow Village on the middle  
37 Kuskokwim and Russian Mission have moved to nearby  
38 villages irrespective of what is today a wildlife  
39 management unit.

40

41           In 1993 the Yukon-Kuskokwim Delta  
42 Regional Subsistence Advisory Council requested that all  
43 residents of Unit 18 should be given a positive customary  
44 and traditional use determination finding for moose  
45 harvest in 21(E). One reason cited in the proposal is

46 that the Kuskokwim River drainage people have hunted  
47 moose in Unit 21(E) for generations and should have been  
48 included in the original Federal regulations. The  
49 Federal Subsistence Board deferred this issue as the  
50 suggestion of both the Yukon-Kuskokwim and the Western

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1 Interior Regional Councils.

2

3 Other local villages and agencies have  
4 also requested a positive customary and traditional use  
5 determination for moose in Unit 21(E). A complete  
6 listing of customary and traditional use actions,  
7 regulatory actions taken by the Board can be found on  
8 Pages 56 and 57 of your book.

9

10 From a review of multiple sources of  
11 information that includes oral histories, customary and  
12 traditional use questionnaires, ethnographies and  
13 subsistence land use maps, my analysis indicated there  
14 was a substantial amount of evidence that indicated that  
15 the southern area of Unit 21(E) or Piamiut, Twelvemile  
16 Slough in the Innoko Area have been consistently cited as  
17 areas traditionally used by the Central Yup'ik for  
18 generations. The villages on the lower Yukon show the  
19 most consistent use over the past 40 to 50 years with  
20 some middle Kuskokwim residents also having a pattern of  
21 use.

22

23 I'd like to note that when I look at an  
24 analysis I try to collect all the available information  
25 and that includes what is known as or what Dr. Oscar  
26 Kawagli would call Yup'ik Science and he defines that as  
27 Yup'ik knowledge was based on a blending of the practical  
28 inductive and spiritual realms. And so I think that a  
29 lot of the oral history and views of the local people is  
30 of paramount importance and should be taken on the same  
31 level or sometimes greater than the historical written  
32 accounts because Russians and Americans, as we all do,  
33 see things through their own cultural lens.

34

35 At the recently held Western Interior  
36 Regional Council meeting which was held in McGrath this  
37 past March a draft map showing four traditional use moose  
38 areas in Unit 21(E) was submitted into testimony by  
39 Council member Marvin Deacon from Grayling. The draft  
40 map has been handed out and again this was adapted by a  
41 map that again that was submitted, put into testimony by  
42 Western Interior Council member, Robert Walker. Research  
43 still needs to be done along this line. The data gaps  
44 remain and research that is more detailed is needed,  
45 including the mapping of traditional subsistence land use

46 resource areas in Units 17, 18, 19 and 21. Mapping  
47 efforts have been requested recently by some of the  
48 affected units residents in Grayling, Anvik, Shageluk and  
49 Holy Cross.  
50

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1           In addition, the villages in Unit 18 of  
2 Marshall, Mountain Village, St. Marys and Andreadsky have  
3 recently passed resolutions requesting updated customary  
4 and traditional use studies by the Office of Subsistence  
5 Management as ones we are commonly using are generally 20  
6 to 30 years old.

7  
8           It appears clear that like their Deg  
9 Hit'an neighbors, many Yup'ik adopted boreal forestways,  
10 one of which included the harvesting and respect for  
11 moose despite these animals widely fluctuating migration  
12 patterns. Like caribou the number of animals usually  
13 determines harvest in areas. Elders attest to these  
14 fluctuations and remember when, quote, moose were rarely  
15 seen below Sleetmute or Piamit.

16  
17           The effect of adopting the proposal would  
18 be to recognize the proposed villages in Unit 21(E) and,  
19 again, it would include -- it would expand the customary  
20 and traditional use determination for the entire unit  
21 instead of where the majority of the evidence points to  
22 which is the southern unit.

23  
24           Thank you. That concludes my  
25 presentation.

26  
27           CHAIRMAN DEMIENTIEFF: Thank you.  
28 Summary of written public comments.

29  
30           MR. MATHEWS: Yes, Mr. Chairman. Two of  
31 the Council members from the GASH area, the Grayling,  
32 Anvik, Shageluk and Holy Cross, they brought in or  
33 testified to the effect that all the four villages that I  
34 just mentioned were in opposition to this proposal.

35  
36           In addition we did receive the letter  
37 that Laura already mentioned the map from and I'm  
38 summarizing it here, it was quite a powerful letter, so I  
39 apologize I have to read parts of it but to make sure  
40 what Mr. Marvin Deacon wanted, I hope the Board will bear  
41 with me.

42  
43           Basically Marvin opposes the proposal.  
44 Local elders told him that each village hunted in their  
45 own traditional grounds and respected others hunting

46 grounds similar to the practice of traplines. In the  
47 late 1950s and 60s, he never saw boats from down river  
48 hunting in the GASH area. In the 1970s and 80s when  
49 there was commercial fishing down river was when down  
50 river people had money and boats to travel up here to

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1 hunt moose. Now, if he doesn't go out and hunt on the  
2 first day of the hunting season, someone will be  
3 occupying his hunting camp. He is concerned about the  
4 big boats from down river washing out the river banks.  
5 And he further, in his letter, went on to say how will  
6 the moose population remain stable with this increase in  
7 the number of hunters and more wolves in the area.

8

9 He concluded saying that this is Indian  
10 country, they need to show where they have land claims in  
11 the area. That was submitted, as Laura said, it was  
12 brought in Robert Walker, Regional Council member, he  
13 hand-carried it to the meeting.

14

15 And that's the only written comments we  
16 had, Mr. Chair.

17

18 CHAIRMAN DEMIENTIEFF: Thank you. We  
19 have no additional request for public testimony at this  
20 time. Regional Council recommendations.

21

22 MR. SAM: Mr. Chair. Western Interior  
23 opposed. Our opposition is rather lengthy so I just want  
24 to hit some of the high points or our arguments. And  
25 this is found on Page 58 of Tab I. The Regional Council  
26 did not support this proposal because many of them felt  
27 there needs to be more work done with local elders to  
28 define traditional use areas. Again, we had strong  
29 opposition from the GASH area. And within the GASH area  
30 we are forming a moose working group to address issues  
31 such as these and this would work in the same way that  
32 the Koyukuk River Moose Working Group does. You get all  
33 the user conflicts out on the table and all the users  
34 creating these conflicts at the table. At that group we  
35 have three or four guides out of the Kenai area that go  
36 to our meetings who we meet with and we work out the  
37 traditional uses and defining these areas and the number  
38 of moose that we harvest. We're looking at using that  
39 group as a solution to this problem. If not, we would  
40 request the Federal Subsistence Board appoint some  
41 members from the Western Interior and YK-Delta to hold a  
42 meeting to cover all these user conflicts if there may be  
43 some.

44

45 Thank you, Mr. Chair.



46

47           CHAIRMAN DEMIENTIEFF: Thank you. YK.

48

49           MR. WILDE: Mr. Chairman, Yukon-Kuskokwim

50 Regional Council recommendation support with

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1 modification. I'm going to read this whole thing of what  
2 happened. Lester Wilde make a motion seconded by Bill  
3 McCann and support the Staff recommendation with the  
4 modification to include the village of Hooper Bay, Chevak  
5 and Scammon Bay to the list of villages customary and  
6 traditional use determination for 21(A). And the Council  
7 stated that the three additional villages all have a long  
8 history of hunting moose in Unit 21(A).

9

10 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
11 Committee.

12

13 MR. SIMMONS: Mr. Chair. Staff Committee  
14 recommendation is deferral of Proposal 31. This has been  
15 a difficult issue for the Board since the early 1990s and  
16 it's considered by both -- sir.

17

18 CHAIRMAN DEMIENTIEFF: Grace, what?

19

20 MS. CROSS: Can I make a comment on this  
21 before the Staff Committee does?

22

23 CHAIRMAN DEMIENTIEFF: Go ahead.

24

25 MS. CROSS: Two of our the communities  
26 who are affected by this but we never saw this in our  
27 meeting. So I would like to be able to bring it to our  
28 Council at the next meeting. Thank you.

29

30 CHAIRMAN DEMIENTIEFF: Yeah, you would  
31 get opportunity anyway. Go ahead.

32

33 MR. SIMMONS: Yes, Mr. Chair. Again, the  
34 Staff Committee recommends deferral of this proposal.  
35 This has been a difficult issue before the Board since  
36 the early 1990s and it's considered by both the YK Delta  
37 and Western Interior and of course, the Seward Peninsula  
38 as well as one of the more important issues before them.

39

40 On the one hand, residents of Unit 18  
41 seek formal recognition of their customary and  
42 traditional use of moose in Unit 21(E), on the other hand  
43 residents of 21(E) are concerned about the potential  
44 adverse impacts of Unit 18 hunters on local subsistence  
45 use of moose. Complicating the issue is limited

46 information on the use of moose in 21(E) by many of the  
47 villages in Unit 18 and on the specific areas of use in  
48 21(E). While information for some lower Yukon and  
49 Kuskokwim River villages shows use of moose in 21(E) over  
50 a period of several decades, at least, for the southern

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1 portion of 21(E). The Staff Committee believes  
2 additional information is required before it can  
3 recommend a positive customary and traditional finding  
4 for all of the listed Unit 18 communities. There are  
5 significant data gaps for all potentially affected  
6 villages. Additional sources of information should be  
7 considered, including documented information and  
8 consultation with villagers in both units. Additional  
9 analysis is needed to identify specific areas of use in  
10 21(E) by Unit 18 villages, the time depth of moose  
11 hunting in Unit 21(E) by various Unit 18 communities, the  
12 proportion of various Unit 18 communities moose hunting  
13 in 21(E) and identify distinctions between fall and  
14 winter hunting by Unit 18 communities in Unit 21(E).

15

16 While it is opposed to the proposal as  
17 presented, the Western Interior Council believes  
18 consultation with elders in the villages and between the  
19 two Councils is needed to define traditional use areas  
20 and to work out mutual solutions. The Staff Committee  
21 recommends that the Councils renew their efforts to  
22 jointly resolve this issue. In the interim Unit 18  
23 villagers can continue to hunt moose in 21(E) under State  
24 regulations which provide virtually the same harvest  
25 opportunities as the Federal regulations.

26

27 That concludes Staff Committee  
28 recommendation. Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Thank you. State.

31

32 MR. HAYNES: Thank you, Mr. Chairman.  
33 The Department supports the Staff Committee  
34 recommendation to defer action on this proposal. We  
35 appreciate again the detailed customary and traditional  
36 use analysis that Laura prepared for this proposal but we  
37 did have some difficulty in determining how much and what  
38 kinds of evidence enabled communities to meet Factor 1  
39 concerning a long-term consistent pattern of use.  
40 Specifically as it pertains to the harvest and use of  
41 moose in Unit 21(E).

42

43 Deferral of this proposal will allow  
44 additional time for careful evaluation of the available  
45 data as they apply to the eight factors and possibly to

46 collect information if it is needed to strengthen the  
47 analysis. The Department also recommends that the Staff  
48 analysis examine whether the proposed expanded C&T  
49 finding should apply to all or only a portion of Unit  
50 21(E).

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1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Board discussion.

4 Under discussion, I'm trying to remember when, I think

5 this issue slightly outdates our authorizing legislation

6 ANILCA. Because I can't remember how many years, I've

7 been on State Advisory Committee 25, 30 years or

8 something like that and it's always been a tough one to

9 work on and it remains that way. It's a hard issue, you

10 know, because of a lot of reasons. But when we get to a

11 motion, I intend to set up a deferral or support a

12 deferral per the Staff Committee recommendation but not

13 without a little story.

14

15 I remember these things having gone a lot

16 of different ways. My good friend sitting to the left of

17 me here happened to be president of AVCP so he invited me

18 over to Bethel, the old Wein hanger to be the keynote

19 speaker for AVCP and I was all impressed so I rapidly

20 took the invitation. Well, when I got over there and I

21 found out that there was a huge bone of contention at the

22 convention, the topic that he had selected for me, and

23 I'm wondering how am I going to get out of this meeting

24 alive, you know, this is not my fight. So I told a

25 story, my father, was born and raised in Holy Cross and

26 that's the last Indian village down and I told them,

27 yeah, I got done with my presentation and before I answer

28 any questions I said I got to tell you what my dad always

29 says, you know, since he's from Holy Cross, he says, son,

30 if I'd have been born 20 more miles down river you'd have

31 been Yup'ik and when they were laughing, and I said, any

32 questions, everybody was busy laughing and I got off the

33 podium and got away.

34

35 But I believe there is a way. And I

36 think a working group representative of the two regions.

37 I don't know if we're going to have time this summer to

38 begin the process but the next time you guys meet maybe

39 you guys can decide or if you get it going sooner you

40 could poll your members and see who wants to serve, just

41 a couple members would be fine, I think. But AVCP and

42 Tanana Chiefs Conference have a long history of working

43 together and have worked through some tough issues. And

44 so what I'm going to suggest is also that when you guys

45 get back to me and I appoint the task force to work it

46 out, that we get two from Regional Council and ask AVCP  
47 and Tanana Chiefs to support to get one each also to  
48 serve on the Council because they do have a long history  
49 of working together and if there's anybody that can help  
50 to influence the process to resolve this issue it will be

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1 those two organizations. Maybe they still won't be able  
2 to work it out but at least they'll have a better chance,  
3 I think.

4

5 MS. CROSS: Mr. Chair.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MS. CROSS: Mr. Chair, I would like to  
10 request a representative for Stebbins and St. Michael  
11 also be invited.

12

13 CHAIRMAN DEMIENTIEFF: Yes, okay, that  
14 will be fine.

15

16 MS. GOTTLIEB: Mr. Chair.

17

18 CHAIRMAN DEMIENTIEFF: Yes.

19

20 MS. GOTTLIEB: And I'm not sure, I think  
21 you meant also that I hope the analysis could also look  
22 at the three communities suggested by YK region also, the  
23 Hooper Bay and Scammon Bay and Chevak be part of this.

24

25 CHAIRMAN DEMIENTIEFF: Well, yeah, it  
26 will start with this proposal probably, I mean that's the  
27 whole deferral. But we'll just give it our best efforts  
28 and see what we can do. Oh, your representative is going  
29 to be wined and dined, it will be the swing vote.

30

31 (Laughter)

32

33 CHAIRMAN DEMIENTIEFF: I think actually  
34 in looking and setting up this group, I'm not really  
35 looking at it as a voting group but I mean just to look  
36 to try to build consensus and approach it from that point  
37 of view.

38

39 Okay, with that is there any further  
40 discussion? Taylor, yes.

41

42 MR. BRELSFORD: Mr. Chairman, if we're  
43 ready for a motion.

44

45 CHAIRMAN DEMIENTIEFF: Yes.



46

47           MR. BRELSFORD: I'd like to move that we  
48 defer Proposal 31 and engage a local problem solving  
49 discussion group of the sort that you've just outlined.  
50 It would include representatives from the three Regional

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1 Councils, from the local Advisory Committees that have  
2 been active on this question for some time,  
3 representatives of the regional tribal associations,  
4 namely AVCP and the Tanana Chiefs Conference, I believe  
5 that we would also then look to the OSM Staff to update  
6 the technical work that would be available to support  
7 this discussion group at the local level. So that would  
8 be my motion. Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Is there a second  
11 to that?

12

13 MR. THOMPSON: Second.

14

15 CHAIRMAN DEMIENTIEFF: The understanding  
16 of what I'm trying to do and when I approach AVCP and  
17 Tanana Chiefs I'm going to ask them to pay their own way  
18 for the working group, I want to keep it on our expense  
19 as few as possible, which would be five Regional Council  
20 people is who I intend to support. I know AVCP has an  
21 interest in this and I know Tanana Chiefs does and  
22 they'll probably fund their own participation as with the  
23 Advisory Committees because I want to keep it small  
24 enough because that's great distances they have to travel  
25 to work it out. I want to keep it small enough to where  
26 it's functional. I know the State is a little bit  
27 strapped but if they have their money -- but I don't  
28 intend for us to use our own Federal money, I want to be  
29 able to fund this so they could meet often enough.

30

31 MR. BRELSFORD: Let me incorporate those  
32 comments as a friendly amendment to the motion.

33

34 CHAIRMAN DEMIENTIEFF: Well, you didn't  
35 include funding but that's the -- I'm just telling you  
36 how I intend to implement. Okay, moved and seconded.  
37 Ron.

38

39 MR. SAM: Thank you, Mr. Chair. I think  
40 this is what we were looking for and I would also note  
41 the presence of AVCP president Arthur Lake and we know  
42 that Stanley Ned was around here from Tanana Chiefs and  
43 that's who we are going to look at for further direction.

44

45 Thank you.

46

47           CHAIRMAN DEMIENTIEFF: Yeah, we'll have  
48 some conversations later and get this set up. It's going  
49 to take you guys a few days to get your reps together  
50 anyway. Further discussion. All those in favor of the

00162

1 motion please signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN DEMIENTIEFF: Those opposed same  
6 sign.

7

8 (No opposing votes)

9

10 CHAIRMAN DEMIENTIEFF: Motion carries.

11 Now, we still have a little business to do.

12

13 MR. BOYD: Mr. Chair, on the lighter  
14 topic in terms of setting up the problem solving  
15 committee, certainly my office is here to support that  
16 activity and we would like to know when the Council  
17 Chairs have designated their people so that we can help  
18 facilitate those meetings.

19

20 CHAIRMAN DEMIENTIEFF: Yeah, I'll work  
21 with them. You guys give me a call, I was just going to  
22 appoint a committee just like we've done in the past, so  
23 whenever they're ready they'll get a hold of me and we'll  
24 get them to you.

25

26 Before we complete the other agenda items  
27 we still have Eastern Interior to do and, of course,  
28 we've got the consent agenda. But knowing how -- I just  
29 want to note how much we've progressed and the credit for  
30 that is with the Regional Councils in getting together  
31 and working out tough issues. We were doing a little  
32 tabulating up here, as well as increasing the State  
33 participation, all the work that is done, Staff work,  
34 when we do get to adopting our consent agenda items there  
35 will be 28 consent agenda items adopted and that's left  
36 us with 15 proposals to deliberate. I mean that's almost  
37 two to one. And many of those 15 proposals just needed  
38 minor adjustments and were ready to go. So if we could  
39 Bill home next time we could get done a lot quicker. No,  
40 just kidding. But, you know, that's really noteworthy.  
41 I mean, you think about the progress. I know when I  
42 first came on board seven years ago it took us a full  
43 week but it's by Regional Council's tackling the issues  
44 and getting down and doing the homework that's necessary  
45 to get these proposals worked out and get a cooperative

46 approach so that's really noteworthy and I want to  
47 compliment the Council people as we begin to finish our  
48 agenda off.

49

50           The next item is Eastern Interior and we

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1 have one item and that is the Yukon Flats Moose  
2 Management Plan. And we have two representatives here.  
3 Paul Williams who is on the Eastern Interior Regional  
4 Council [sic] and of course a resident of the Yukon Flats  
5 and Randy Rogers from the Alaska Department of Fish and  
6 Game. It's kind of ironic that we're just now getting  
7 around to giving the final approval or considering the  
8 final approval on the Yukon Flats Moose Management Plan  
9 when the actuality of it is we're using it already. So  
10 welcome gentlemen. I don't know, you guys got your  
11 presentation of who's going to present what? I'll turn  
12 the floor over to you.

13

14 MR. ROGERS: Sure, thank you, Mr.  
15 Chairman. My name is Randy Rogers with the Department of  
16 Fish and Game and I'm honored to be here today with Paul  
17 William, Sr. from Beaver who's been real active on our  
18 planning committee.

19

20 I'm going to try to keep this real short,  
21 you know, I really do appreciate the opportunity to  
22 present this plan to you folks. We've really stressed  
23 doing these planning efforts as cooperative ventures  
24 between the State and Federal sides. We've already been  
25 to the State Board of Game with this but we felt it was  
26 important to also bring this to you folks to understand  
27 what's gone on and the cooperation that's developed out  
28 there. You know, we're not looking at a package of  
29 regulatory proposals for you to act on right now. There  
30 may be some minor proposals that will help to align State  
31 and Federal seasons but it's primarily an information  
32 item here.

33

34 If we could move to the first slide there  
35 and this is what it's all about and I might ask Paul to  
36 go ahead and say the phrase because I really butchered it  
37 at the Board of Game.

38

39 MR. WILLIAMS: (In Native) where's the  
40 moose.

41

42 MR. ROGERS: Anyhow, the main focus of  
43 this planning effort has been looking at ways we can  
44 rebuild the moose population out on the Yukon Flats. As  
45 I said, this has been a cooperative project. It involves

46 representatives of just about every village out there in  
47 the Yukon Flats, Council of Athabascan Tribal  
48 Governments. Yukon Flats National Wildlife Refuge,  
49 Department of Fish and Game, Wildlife Conservation,  
50 Division of Subsistence has been very active and Donald

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1 Mike has also been real supportive for the Office of  
2 Subsistence Management.

3

4           This gives you just a little idea, I  
5 think you're fairly familiar with the Yukon Flats area  
6 over to the northern and eastern part of the state.  
7 We've really focused primarily in Game Management Unit  
8 25(D), which is the blue area. But we built the planning  
9 committee around representation in the Yukon Flats  
10 Advisory Committee, which includes all the way up to  
11 Arctic Village.

12

13           Some of the committee members, let me  
14 just show you real quickly to show you the diversity that  
15 we had, Joel Tritt from Arctic Village; Paul Williams,  
16 Sr., from Beaver; Eddie James, Sr., Birch Creek; James  
17 Nathaniel, Sr., Chalkyitsik; Larry Nathaniel, Circle;  
18 Gary Lawrence; Craig Fleener, Bonnie Thomas from Fort  
19 Yukon. Of course, Craig was the initial link we had with  
20 the Eastern Interior Council. He's been busy in other  
21 duties recently. Jay Stevens from Stevens Village. Jay  
22 is now on the Eastern Interior Council so he's kept that  
23 link. Larry Williams from Venetie; Bob Stephensen from  
24 Fish and Game; and Mark Bertrum from Yukon Flats National  
25 Wildlife Refuge.

26

27           For a little bit of the perspectives on  
28 the plan, the most important features of it, I'd like to  
29 turn it over to Paul here.

30

31           MR. WILLIAMS: If I would learn how to  
32 press these buttons, you know, I haven't gone that far  
33 yet.

34

35           When I was young, you know, I'm pushing  
36 66 now, I remember living up there in the Yukon Flats  
37 that we learn how to go out there on the land and live  
38 off of it, you know, for instance, I didn't hardly go to  
39 school until I was about 15 years old and I started there  
40 at the Wrangell institute at sixth grade so, you know, I  
41 was 15 years old and I could only understand a little bit  
42 of English but I progressed quite rapidly and by the time  
43 I was 21 I was able to graduate from Mt. Edgecumb four  
44 years later.

45



46           And back in them days, you know, we lived  
47 off the land and we've always been taught how to live on  
48 the land, to respect the land and to respect other people  
49 and their way of life, you know. We had our own ways.  
50 There's a lot of ways that are still being used up there

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1 for the purpose of how are we going to act out on the  
2 land, you know, like for instance, you say (In Native),  
3 you know, like down here it says -- that's the word for  
4 moving around, but it's kind of a little bit complicated,  
5 you know, just moving around is the basic moving around  
6 and (In Native), you know, that's another part of it  
7 where you go out there and work and live off the land to  
8 help yourself and other people, you know. Just to  
9 paraphrase that, you know, when somebody goes out there  
10 and gets a moose a long time ago, everybody was happy  
11 because we shared with one another in them days, you  
12 know. You know, young people they've been trained to  
13 recognize the moose just one particular species of animal  
14 that we use, was to go out there and study the tracks.  
15 Summertime, falltime and wintertime, through the snow you  
16 could tell what kind of moose it was. Sometimes you  
17 study the dropping and how it acts. Young man, you know,  
18 who's learning who to become a hunter, you know, for the  
19 village, you know, all of the village people  
20 collectively, the chief and the elders, you know, they  
21 take turns going out there and talking about the  
22 environment and the snowshoes -- how to do snowshoes and  
23 how to weave it, you know, these are important things  
24 that are a hunter -- you know, certain food, he's got to  
25 eat certain food, you know, sometimes the moose run away  
26 and you got to be able to run with it and so you got to  
27 be strong. You got to be able to shoot good, you know,  
28 and you got to be able to live with the environment when  
29 it's closed.

30

31 I'm just saying this just to show that by  
32 doing this Yukon Flat Management for a little bit over a  
33 year we went to each village and we talked about this and  
34 some of it we -- we talked so much, you know, about every  
35 issue that some of this stuff that we used to do a long  
36 time ago is coming back and I think it's good that people  
37 are gaining back local control, that's the reason I'm  
38 saying this. That local control is going to be good for  
39 everybody up here to make them care about the  
40 environment. We just got off of a steel-shot clinic, you  
41 know, how I'm still working for the Fish and Wildlife  
42 Service up in Chalkyitsik and Arctic Village, Venetie,  
43 Stevens Village and Birch Creek. We're trying to save  
44 our environment, you know, we find out that all this lead  
45 that's going into our environment and it's astounding how

46 much lead we're putting out there in the lakes and rivers  
47 and you know, we're trying to stop that. So that kind of  
48 stuff, you know, people are starting to shoot steal shots  
49 instead of shooting lead. So I'm trying to point out  
50 that in the early days, you know, they made laws that

00166

1 didn't fit the people, you know, they'd make regulations  
2 and then the people got to fit into the regulations, you  
3 know, but I hope it's not like that no more where people  
4 are getting more involved and I'm really happy to see  
5 that.

6

7 I recommend that we continue with this  
8 planning effort. It's an ongoing planning effort after  
9 all of this planning has been done, it seems like we're  
10 done with our work but, no, we're just starting, you  
11 know, the people's got to get more involved. We're  
12 talking to the young kids, you know, even little ones in  
13 the third and fourth and fifth grade, we talk to them  
14 about management and how they can get involved with it in  
15 the future, you know, this is not just for my lifetime.  
16 You know, my lifetime is going to be short because I used  
17 most of it up already, just like my friends say in  
18 Beaver.

19

20 But you know, it's really serious what  
21 we're doing and what you guys are doing with regulations  
22 and stuff like that, you know, it's important for the  
23 future for us to get along together. One of our  
24 potlatch, you know, I was really impressed that I feel  
25 like these guys are left out, you know, they shouldn't  
26 be, you know, because they marry into our tribe and they  
27 adopted our way of life and our way of doing things, you  
28 know, that's really good and I support you guys and  
29 commend you guys for that.

30

31 There's other words about living out  
32 here. That's the key points of the plan is to improve  
33 moose harvest reporting. We felt that, like the Chairman  
34 say, you know, all this moose harvest will always go on  
35 but the way we go around that is probably try to get --  
36 harvest them bull moose in the falltime by gaining  
37 control of the permits, both Tier II and the Federal  
38 moose harvest permit. And so, you know, we could at  
39 least try to keep people from harvesting cow and calf,  
40 you know, when the bull moose is in poor shape.

41

42 Reduced predation on moose, you know,  
43 I'll talk about it a little bit more, I don't know how  
44 much time I got but I'm trying to rip through this.  
45 Reduced harvest of cow moose continue providing

46 information on the moose population and the way the  
47 people can use it. The reason we're doing this, more  
48 information, if you try to get people more involved,  
49 they're interested, we got their attention and going to  
50 keep the ball rolling. The planning committee is a good

00167

1 group and the people are resolved to get this job done.  
2 It will be important to continue some meetings of the  
3 planning committee as the need arises.

4

5           Through attending all the village  
6 meetings on the draft plan it is apparent that the people  
7 are beginning to act on what we are doing and these are  
8 the chief points. People are more aware of what happens  
9 when cow moose are taken. People are taking more bears  
10 and wolves when the opportunity comes up. Village  
11 councils are supportive and looking to get more involved.  
12 In Beaver, we are forming a hunting and trapping  
13 organization to promote education and teach our youth  
14 traditional hunting practices.

15

16           This last one, I think, is very  
17 important. We had a preliminary meeting between the  
18 hunters and trappers about two weeks ago and we're going  
19 to work with the -- start off with working with the  
20 agency, Department of Fish and Game and Bob Stephensen  
21 who's the area biologist in the Yukon Flats who will be  
22 up there with that guy on my right, Randy, and we're  
23 going to start by -- they're trying to get our community  
24 harvest for bears and that way all the people are  
25 allotted under present regulations three bears per  
26 person. So you know, everybody don't get their three  
27 bears but just for this purpose, you know, as we begin to  
28 harvest more bears and start to try to make a difference.  
29 Also this hunting and trapping organization will continue  
30 to work throughout the winter and meet and try to get  
31 ahold of funds to continue our meetings and possibly help  
32 other villages to start their organizations. There's  
33 going to be more to it, you know, I don't want to say too  
34 much at this point but you know, I'm really fired up in  
35 trying to get this thing going.

36

37           The plan emphasizes subsistence but we  
38 also recognize the need to provide hunting opportunities  
39 for all hunters. We hope the Federal Subsistence Board  
40 will lend its support to our efforts.

41

42           Thank you. Thank you, Mr. Chair.

43

44           CHAIRMAN DEMIENTIEFF: Thank you. Randy,  
45 do you have more to add?

46

47           MR. ROGERS: Yeah, I'll just wrap up real  
48 quickly here. We'd be happy to answer any questions on  
49 further detail either at the meeting or later in the  
50 hall.

00168

1           But, I guess, just a few key points that  
2 I would emphasize for the sake of moving through this  
3 quickly is, the major emphasis of this planning effort  
4 has really been education information and working closely  
5 with folks out in the Yukon Flats villages to develop a  
6 plan that they want. This plan, probably more than any  
7 other plan that's been developed through the State,  
8 really emphasizes local management through tribal  
9 authorities and working cooperatively between tribal  
10 management, Federal management and State management. I  
11 think we all recognize that ultimately if the moose  
12 population is going to get built up out in Yukon Flats  
13 it's up to the people who live there to decide that's  
14 what they would like to do. So we're not trying to, you  
15 know, come in as the State and say this is what we think  
16 you ought to do, it's really trying to share information.  
17 It's been really heartening to see that our newsletters  
18 have gotten out there. People understand much more what  
19 the impacts of taking cow moose are. Understand the  
20 level of predation on moose from black bears. And  
21 they're starting to form and take action on their own to  
22 deal with some of these problems.

23

24           We're not kidding ourselves either that  
25 this is an easy project. I mean with everything, you  
26 know, lined up as perfectly as it could be, I mean if we  
27 could see a real measurable good increase in 10 years  
28 we'll be doing really well out there. I mean we have not  
29 emphasized predator control but we really have focused  
30 on, you know, trying to take more predators within  
31 regulatory systems and we have this new community harvest  
32 system for black bears out there and that's something we  
33 may want to look at trying to set up a similar system in  
34 the Federal regulations next cycle.

35

36           One of the contentious issues we looked  
37 at out there, a difficult one, is, as you folks are aware  
38 in 25(D) west there is a Federal and State Tier II permit  
39 system right now. During the process there was a  
40 proposal out of Fort Yukon to go that way in the eastern  
41 side of the unit. So we included that as an alternative  
42 in the plan. We looked at three different ways, the  
43 status quo, registration permits or going to Tier II in  
44 Federal permits. As you folks recall, you've heard Randy  
45 Mayo and others when they've had some proposals before



46 your Board, really, they want to bring people into  
47 compliance with law, you know that's part of why we  
48 increased the quota over in the west side. And so we  
49 didn't want to set up a permit system that would be very  
50 difficult getting compliance with and could discourage

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1 people from coming into compliance. So after going  
2 through and talking with folks in all the villages, the  
3 written comment we received on the plan, we recommended  
4 the Board of Game not adopt that. But the moose  
5 population is very close to a Tier II level in 25(D)  
6 east. So I think that's something we're all going to  
7 have to watch and we may be coming back to talk to you in  
8 terms of proposals on that.

9

10           You know, the State Board of Game did  
11 endorse the plan. All the proposals that were  
12 recommended by the planning committee. The Eastern  
13 Interior Regional Council has endorsed it. And we think  
14 it would be great if this Board would choose to do so,  
15 too, and it really sends a good message of support out to  
16 the local folks out there that have contributed their  
17 time in the planning effort.

18

19           Donald Mike had drafted up something for  
20 your consideration. And that's really all I had to say  
21 unless there are questions. Thank you very much.

22

23           CHAIRMAN DEMIENTIEFF: Thank you. Dan.

24

25           MR. O'HARA: Yes, that's a really  
26 interesting presentation. We, in Bristol Bay, brought  
27 back a moose population from about 90 or so, well, over  
28 600 but we don't have any predators in the area and  
29 that's rather interesting. The bears haven't come in  
30 there and neither have the wolves. So the question I  
31 have for you is the biggest situation you have then is  
32 people harvesting the moose and then you got wolves and  
33 bears both that also target the animals, uh, and you're  
34 just going to start -- you know if we get a lot of snow  
35 in Bristol Bay and we're going to get a lot of wolves and  
36 the other day a guy was out walking with his little dog  
37 and the dog took his -- the wolf took his little dog and  
38 he was gone, so they're pretty bold and there's a lot of  
39 them. And we're having to kill them off with  
40 snowmachines and whatever has to be done.

41

42           And one of these times when the Federal  
43 Board says, oh, we'll do same day airborne on wolves, I'm  
44 out of here.

45

46           CHAIRMAN DEMIENTIEFF: Okay. At this  
47 time the Chair would entertain a motion to endorse the  
48 Minto --Yukon Flats Moose Management Plan. Guess who  
49 uses Minto Flats a lot.  
50

00170

1 (Laughter)

2

3 CHAIRMAN DEMIENTIEFF: Is there a motion?

4

5 MR. THOMPSON: So moved, Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Is there a second?

8

9 MR. BUNCH: I second it.

10

11 CHAIRMAN DEMIENTIEFF: Okay. Ron, you  
12 had something?

13

14 MR. SAM: Yes, thank you, Mr. Chair. I  
15 would just like to commend Randy Rogers. He's the one  
16 that helped us get the Koyukuk River Moose Working Group  
17 otherwise we'd have about 30 or 40 proposals every  
18 meeting and I'd just like to commend and recognize that  
19 effort.

20

21 Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. As  
24 well as all the people that worked on it. We love to see  
25 successes.

26

27 All those in favor of the motion signify  
28 by saying aye.

29

30 IN UNISON: Aye.

31

32 CHAIRMAN DEMIENTIEFF: Those opposed same  
33 sign.

34

35 (No opposing votes)

36

37 CHAIRMAN DEMIENTIEFF: Motion carries.  
38 Thank you. Thank you, gentlemen.

39

40 MR. ROGERS: Thank you.

41

42 CHAIRMAN DEMIENTIEFF: At this time the  
43 Chair would entertain a motion to adopt the consent  
44 agenda items including action on Proposals WP02-03, 04,  
45 05, 06, 08, 10, 11, 15, 17, 20(A), 21, 22, 23, 47(A/B),

46 24, 25, 26, 27, 32, 33, 34, 35, 37, 41, 42, 43, 44 and  
47 45.

48

49 MR. EDWARDS: Move to adopt.

50

00171

1 CHAIRMAN DEMIENTIEFF: Is there a second?

2

3 MR. THOMPSON: Second.

4

5 MR. BUNCH: Second.

6

7 CHAIRMAN DEMIENTIEFF: Moved and seconded  
8 to adopt the consent agenda items. All those in favor of  
9 the motion signify by saying aye.

10

11 IN UNISON: Aye.

12

13 CHAIRMAN DEMIENTIEFF: Those opposed same  
14 sign.

15

16 (No opposing votes)

17

18 CHAIRMAN DEMIENTIEFF: Motion carries.

19 As we get to our other business, I've heard this next  
20 item be real short and I've heard it be real long the  
21 three times I've already heard it; streamlining special  
22 actions. You guys want to take a little break, we're way  
23 ahead. The last item 2002 Fisheries Resource Monitoring  
24 Program Project is not ready so we're not going to do  
25 that. So that's taken off the agenda. It's only going  
26 to take two minutes, oh, okay, well, let's go ahead and  
27 do it, that will get us done. Okay.

28

29 MR. KRON: Mr. Chair, members of the  
30 Subsistence Board, Regional Council Chairs. FSA02-01 was  
31 submitted by the U.S. Fish and Wildlife Service to  
32 streamline the special action for the Yukon-Kuskokwim  
33 Rivers during the 2002 season. The proposal is to issue  
34 in-season special actions only when Federal management  
35 actions differ from State management actions. This  
36 administrative change would be implemented on a trial  
37 basis, that is only for the year 2002 at this point and  
38 apply only to the Yukon and Kuskokwim Rivers. Emergency  
39 orders would apply to Federal waters in instances where  
40 State and Federal managers are in agreement designated  
41 Federal fishery managers retaining authority to issue  
42 special actions if needed at any time upon completion of  
43 the fishing season and evaluation of this administrative  
44 streamlining procedure would occur.

45

46            Our current procedures require that each  
47 change in fishery management take place by special  
48 action. With the poor returns in recent years a  
49 considerable number of in-season subsistence fishery  
50 management actions have been necessary. This recommended

00172

1 streamlining does not affect Regional Councils or  
2 coordinating fisheries roles in the Federal fisheries  
3 management decision-making process.

4

5 Joint news releases by the State and  
6 Federal government would continue to be issued to provide  
7 assurance that both State and Federal managers are in  
8 agreement on the specific management action that is to  
9 occur. If the Federal manager does not agree with the  
10 State action, a separate Federal special action and news  
11 release would be issued.

12

13 Consultation with ADF&G occurred on this  
14 requested modification last winter. Briefings on this  
15 request were provided at the winter 2002 meetings of the  
16 Eastern Interior, Western Interior and Yukon-Kuskokwim  
17 Delta Regional Council meetings. There have been no  
18 concerns expressed for this request.

19

20 Thank you, Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Thank you. Any  
23 questions of Mr. Kron? Is there a motion to approve  
24 then?

25

26 MS. GOTTLIEB: Mr. Chair.

27

28 CHAIRMAN DEMIENTIEFF: We'll get  
29 something on the floor here.

30

31 MS. FOX: How about a Staff Committee  
32 recommendation, we have one in here.

33

34 CHAIRMAN DEMIENTIEFF: Oh, do you?

35

36 MS. FOX: Yes.

37

38 CHAIRMAN DEMIENTIEFF: Okay, go ahead,  
39 Staff Committee.

40

41 MR. SIMMONS: Yeah, Mr. Chair. Rod  
42 Simmons, Fish and Wildlife Service Staff Committee.  
43 Interagency Staff Committee supports the recommendation  
44 presented by Fish and Wildlife Service. The specific  
45 wording of the regulation appears in the handout in the



46 bold text that was handed out to you. The purpose of  
47 this request is to streamline the special action process.  
48 The request has been reviewed favorably by all parties.  
49 I presented this initiative to all three effected  
50 Councils and received favorable comments from all three

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1 Councils, particularly as it relates to reducing  
2 confusion for subsistence fishers. And consequently all  
3 three Councils are in favor or provided favorable  
4 comments relative to this initiative. And again, it  
5 would facilitate cooperation between Federal and State  
6 fisheries managers on the Yukon and Kuskokwim and would  
7 help assure that in-season regulations are coordinated.

8

9 That concludes Staff Committee  
10 recommendation.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Is  
13 there a motion?

14

15 MS. GOTTLIEB: Mr. Chair.

16

17 MR. BOS: Move to adopt the regulatory  
18 wording in the handout before us.

19

20 CHAIRMAN DEMIENTIEFF: Okay. You got a  
21 second, Judy?

22

23 MS. GOTTLIEB: I'll second.

24

25 CHAIRMAN DEMIENTIEFF: Okay. And the  
26 Councils we note have all seen, I believe, at their last  
27 Regional Council meeting, you've all seen it? Terry, I'm  
28 sorry.

29

30 MR. HAYNES: Mr. Chairman, I would just  
31 note that the Department does support this request, it  
32 will streamline the process. Facilitate cooperation and  
33 coordination of the State and Federal Subsistence  
34 Fisheries Management Programs and result in less  
35 potential confusion among subsistence users on those two  
36 rivers because of the more efficient coordination in  
37 notifying the public about in-season regulation changes.

38

39 CHAIRMAN DEMIENTIEFF: Okay, thank you.  
40 Any other discussion. Hearing none, all those in favor  
41 of the motion signify by saying aye.

42

43 IN UNISON: Aye.

44

45 CHAIRMAN DEMIENTIEFF: Those opposed same

46 sign.

47

48 (No opposing votes)

49

50 CHAIRMAN DEMIENTIEFF: Motion carries.

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1 Any other items? If not, I got one little note, we're  
2 going to take up the customary trade issue on June 27th  
3 here and we originally were going to do it on the 28th  
4 but we changed it to the 27th so it wouldn't conflict  
5 with the Board of Fish meeting so I'll just note that in  
6 case somebody has the different date.

7

8 And with that, I thank each and every one  
9 of you -- oh, yeah, we also have a handout, too, with the  
10 fish regulation cycle. Yes, Dan.

11

12 MR. O'HARA: 27th of what?

13

14 CHAIRMAN DEMIENTIEFF: June, I'm sorry.

15

16 MR. O'HARA: Why in the world are you  
17 having a meeting in the middle of June, we're all fishing  
18 or doing something, why don't you have it in October? No  
19 one has meetings in June. You don't expect us to come to  
20 a meeting in June, do you? I mean that is really absurd.

21

22 CHAIRMAN DEMIENTIEFF: So you're saying  
23 right now you can't even do that?

24

25 MR. O'HARA: Why, goodness gracious we  
26 don't go to meetings in the summertime. The last thing  
27 I'd like to say, though, Mr. Chairman, it's just like  
28 dealing with deer in Southeast, dance around the island.

29

30 CHAIRMAN DEMIENTIEFF: Pretty much, are  
31 you guys going to all be busy, too, in June? Are you in  
32 favor of waiting until fall?

33

34 MR. O'HARA: I know what Paul's going to  
35 be doing. I know what you're going to be doing Paul.

36

37 MR. GUNDERSON: What's that?

38

39 MR. WILDE: Mr. Chairman, Yukon and  
40 Kuskokwim, that's the only time they're going to be  
41 really busy to try to get subsistence food for the winter  
42 in that month.

43

44 CHAIRMAN DEMIENTIEFF: Ron. Gerald.

45

46           MR. NICHOLIA: I'd probably be able to  
47 make it because I don't got no time to fish anyway.

48

49           MR. SAM: I think Ray could make it.

50

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1 MR. NICHOLIA: But I have concerns for  
2 these other guys that do have fishing and stuff.

3

4 CHAIRMAN DEMIENTIEFF: Duly noted. I mean  
5 it's an important statewide issue and I'm not going to  
6 move it along without -- so we'll just take that 27th  
7 date off and I'll set another date. We need to have full  
8 representation. It's not something we're going to be  
9 able to do and if it's going to put it off until the  
10 fall, it's going to put it off, because we need guidance  
11 on the issue.

12

13 MR. NICHOLIA: How about between fishing  
14 and hunting season?

15

16 CHAIRMAN DEMIENTIEFF: August, okay,  
17 well, we'll have Staff work on dates then. We'll work  
18 out an August date so your coordinators will be getting  
19 ahold of you and seeing what date would be good. It  
20 would probably have to be probably mid-August or  
21 something like that?

22

23 MR. NICHOLIA: Yeah, the last two weeks.

24

25 CHAIRMAN DEMIENTIEFF: Yeah, okay.

26

27 MS. CROSS: The last two weeks will  
28 probably be better. The only hunting in Nome is going to  
29 be mid-August.

30

31 CHAIRMAN DEMIENTIEFF: Dan, you had  
32 something else?

33

34 MR. O'HARA: The only other thing I had  
35 was I'd like you to take note that if the rest of you  
36 Chair-Councils would kind of follow Paul Gunderson and  
37 Dan O'Hara's example and do consent agenda items we could  
38 all be home picking seagull eggs right now.

39

40 (Laughter)

41

42 CHAIRMAN DEMIENTIEFF: We'll pick a time  
43 sometime mid-August anyway, if that's -- we'll figure out  
44 when we can get full participation because we want it.

45

46                So with that, again, I thank everybody  
47 for all of their hard work and even that Dan O'Hara, who  
48 likes to pat himself on the back and tell himself what a  
49 great job he does.....  
50

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1 (Laughter)

2

3 .....thank everybody for all their hard  
4 work in preparing and getting this ready and we are  
5 adjourned.

6

7 (END OF PROCEEDINGS)

8

9

\* \* \* \* \*



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1 CERTIFICATE

2

3 UNITED STATES OF AMERICA )

4 )ss.

5 STATE OF ALASKA )

6

7 I, Joseph P. Kolasinski, Notary Public in and for  
8 the State of Alaska and reporter for Computer Matrix  
9 Court Reporters, do hereby certify:

10

11 THAT the foregoing pages numbered 57 through 176  
12 contain a full, true and correct Transcript of the  
13 FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken  
14 electronically by Nathaniel Hile on the 14th day of May  
15 2002, beginning at the hour of 8:30 o'clock p.m. at the  
16 Hilton Hotel in Anchorage, Alaska;

17

18 THAT the transcript is a true and correct  
19 transcript requested to be transcribed and thereafter  
20 transcribed by under my direction and reduced to print to  
21 the best of our knowledge and ability;

22

23 THAT I am not an employee, attorney, or party  
24 interested in any way in this action.

25

26 DATED at Anchorage, Alaska, this 22nd day of May  
27 2002.

28

29

30

31

32 \_\_\_\_\_  
33 Joseph P. Kolasinski  
34 Notary Public in and for Alaska  
My Commission Expires: 04/17/04