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FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME I

MARRIOTT HOTEL
ANCHORAGE, ALASKA

MAY 16, 2006
8:30 o'clock a.m.

MEMBERS PRESENT:

- MITCH DEMIENTIEFF, CHAIR
- JUDY GOTTLIEB, National Park Service
- NILES CESAR, Bureau of Indian Affairs
- GEORGE OVIATT, Bureau of Land Management
- PAUL BREWSTER, U.S. Forest Service
- GARY EDWARDS, U.S. Fish and Wildlife Service
- WAYNE REGLIN, State of Alaska Representative
- KEITH GOLTZ, Solicitor's Office

Recorded and transcribed by:

Computer Matrix Court Reporters, LLC
3522 West 27th Avenue
Anchorage, AK 99517
907-243-0668
jpk@gci.net

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P R O C E E D I N G S

(Anchorage, Alaska - 5/16/2006)

(On record)

CHAIRMAN DEMIENTIEFF: Okay, we'll go ahead and call the meeting to order. Corrections or additions to the agenda -- oh, wait. For years and years Tom has been making me these opening remarks and they're usually the first things I throw away but since this is his last hooray, I'm going to read them verbatim and if you guys can buddy up with each other and if you go to sleep during the opening comments then you can kindly nudge each other and wake each other up but he's really not used to this because I don't usually use them, usually I have my own opening remarks.

(Laughter)

CHAIRMAN DEMIENTIEFF: So here we go.

Good morning. At this time I'd like to call the meeting to order.

(Laughter)

CHAIRMAN DEMIENTIEFF: First let me welcome everyone to this meeting of the Federal Subsistence Board.

(Laughter)

CHAIRMAN DEMIENTIEFF: Anyway, we know he's got well intentions and I just wanted to acknowledge that he does his job, but, yeah, I hope everyone's having a good a spring as we've had at home.

(Laughter)

CHAIRMAN DEMIENTIEFF: We've already passed you guys up in weather here. I had a wonderful trip to Sitka. Got one coming up to Kodiak and actually I happen to get on the plane flying down here and wouldn't you know it, but I happened to have two -- my two seat mates were from Kodiak so I got my ears bent quite a bit on the 45 minute flight down here. I was glad to have the opportunity to talk to them but I was also glad that the flight was only 45 minutes long. But it was fun though.

1 (Laughter)
2
3 CHAIRMAN DEMIENTIEFF: Anyway so we're
4 here, we have wonderful weather outside so we're going to
5 do our best to try to do diligence and get done so we can
6 be outside and enjoy the beautiful weather that we're
7 having this time of year, so sorry Tom but I'll keep your
8 opening remarks here close to my heart.
9
10 (Laughter)
11
12 CHAIRMAN DEMIENTIEFF: Okay, with that,
13 agenda changes.
14
15 MS. GOTTLIEB: Mr. Chair.
16
17 CHAIRMAN DEMIENTIEFF: Yes.
18
19 MS. GOTTLIEB: I would like to request
20 that we hear Proposal 60 at 8:30 tomorrow morning as we
21 start because of the availability of our Staff person
22 tomorrow morning, I would appreciate that.
23
24 CHAIRMAN DEMIENTIEFF: Can do.
25
26 MS. GOTTLIEB: Introductions.
27
28 CHAIRMAN DEMIENTIEFF: I guess I must be
29 thinking of the warm weather. My name is Mitch
30 Demientieff and I'm the so-called Chairman of the Federal
31 Board, and appreciate everybody being here. And with
32 that we'll go around the table. Keith.
33
34 MR. GOLTZ: I'm Keith Goltz from the
35 Solicitor's office.
36
37 MS. GOTTLIEB: Good morning. Judy
38 Gottlieb from the National Park Service.
39
40 MR. EDWARDS: Gary Edwards, Fish and
41 Wildlife Service.
42
43 MR. BREWSTER: Good morning. Paul
44 Brewster from the U.S. Forest Service.
45
46 MS. CROSS: Grace Cross, Seward Penn.
47
48 MR. STONEY: Raymond Stoney, from the
49 RAC, Kiana.
50

1 MS. SEE: Good morning. Marianne See
2 with Alaska Department of Fish and Game.
3
4 MR. HAYNES: Terry Haynes. Department of
5 Fish and Game.
6
7 MR. DOUGHERTY: Steven Dougherty. Alaska
8 Department of Law.
9
10 MR. WILDE: Harry Wilde. Yukon-Kuskokwim
11 Delta Regional Council Chair.
12
13 MS. LYONS: Nanci Lyons. Bristol Bay.
14
15 MR. BLOSSOM: Doug Blossom. Southcentral
16 RAC.
17
18 MS. GARZA: Dolly Garza. Southeast.
19
20 MR. OVIATT: George Oviatt. Bureau of
21 Land Management.
22
23 MR. CESAR: Niles Cesar with the Bureau
24 of Indian Affairs.
25
26 MR. BOYD: Tom Boyd. Office of
27 Subsistence Management, Fish and Wildlife Service.
28
29 CHAIRMAN DEMIENTIEFF: Okay. Public
30 comment on -- and those of you, again, I'll remind you
31 that the table out in front of the meeting room here has
32 testimony request forms so those of you who wish to
33 testify, please, go ahead and fill them out.
34
35 With regard to non-agenda items, we have
36 two requests. Willard Jackson is the first one.
37
38 MS. HAWKINS: He's out of the room right
39 now.
40
41 CHAIRMAN DEMIENTIEFF: Okay, so Merle are
42 you ready to -- okay, go ahead, you can go first.
43
44 MS. HAWKINS: Good morning. My name is
45 Merle Hawkins, Ketchikan Indian Community. I'm here to
46 testify regarding rural status for Ketchikan. My
47 understanding is that decision will be made soon and this
48 is our last opportunity to testify.
49
50 I believe that Staff did distribute a

1 resolution from Ketchikan Indian Community, did everybody
2 get that.

3

4 (Board nods affirmatively)

5

6 MS. HAWKINS: I also have a draft copy of
7 the executive summary of the Ketchikan Household Survey,
8 my other Council member ran down to make more copies, I
9 don't think I have quite enough copies for everybody, but
10 we'll get those distributed.

11

12 So the resolution is:

13

14 Ketchikan Indian Community Tribal Council
15 accepting the results of the Community Household
16 Subsistence Resource Survey results.

17

18 I'd like to thank the BIA for the funding
19 to do the subsistence survey and I'll read the highlights
20 of it.

21

22 Ketchikan entered into a grant with the
23 BIA to conduct a random household survey
24 regarding subsistence resource use in the
25 Ketchikan area;

26

27 Whereas, the survey was conducted from
28 January 10th through January 13th, 2006
29 by KIC Staff and trained contractors.
30 The survey results were analyzed by
31 Kawarek, an independent subcontractor
32 with experience in subsistence household
33 survey analysis in February and March of
34 2006;

35

36 Whereas, the preliminary survey results
37 show that Ketchikan household use, uses
38 an estimated 224 and a half pounds of
39 resources per year and an estimated 87.9
40 pounds of resources per person. The
41 survey results show that fish, including
42 halibut, king and coho salmon were the
43 three most important species used by the
44 community members;

45

46 Whereas, the survey results show that the
47 dungeness crab, shrimp, blueberry,
48 salmonberry, huckleberry, deer, and
49 sockeye rounded out the top 10 important
50 species harvested;

1 Now, therefore, in consideration of the
2 above facts, it is resolved by the Tribal
3 Council of the Ketchikan Indian Community
4 to accept the results of the Ketchikan
5 Random Household Survey conducted January
6 10th through February 13th, 2006;

7
8 Be it further resolved, Section I, that
9 Ketchikan does possess significant
10 characteristics of a rural nature because
11 of high harvest levels by community
12 members;

13
14 Section II, that Ketchikan should be
15 reclassified as rural;

16
17 Section III, this resolution is in effect
18 upon adoption.

19
20 This was adopted -- it's supposed to be
21 adopted tonight but the survey results were ratified by
22 the full Tribal Council, and let's see, I also have a
23 copy of the executive summary. The Ketchikan Household
24 Survey -- I won't read the whole thing, but this
25 summarizes that the survey was done in the community. We
26 hired a local project leader, the survey was done by
27 community members that are familiar with the households
28 of the area and so this will help you because the survey
29 results are much longer longer than this, so that will
30 help in making that decision.

31
32 Other comments I have. I did bring Mr.
33 Willard Jackson with me. He's a local Tongass Tribe
34 member, which are the original residents of Ketchikan and
35 he will cover much of the customary and traditional use
36 of the area. That it's been a long established
37 consistent pattern of use using beliefs and customs that
38 have been transmitted from generation to generation and
39 has continued to be done. In the community of Ketchikan,
40 we've had a Johnson O'Malley program, which brings
41 education into the school system and our children in the
42 community, not only the Native children but the non-
43 Native community learn the values of our subsistence and
44 they participate in the subsistence activities and the
45 economy. Another way this is done through our tribe is
46 the Ketchikan Indian Community sponsors a cultural camp
47 to teach our children about harvesting of salmon and
48 other resources, the plants, the berries and other
49 things.

50

1 And so I would just like to encourage
2 this Board, the Federal Subsistence Board, to seriously
3 consider that Ketchikan has proven that we have customary
4 and traditional use of our resources and we have had for
5 generations and we should be reclassified as a rural
6 community.

7
8 That about concludes my testimony right
9 now.

10
11 CHAIRMAN DEMIENTIEFF: Thank you, very
12 much. Any questions. Go ahead, Gary.

13
14 MR. EDWARDS: Yes, thank you for your
15 testimony. Who was the subcontractor that you used to
16 assist you with the survey?

17
18 MS. HAWKINS: The Ketchikan Indian
19 Community received the grant from the BIA and the lead
20 project leader was Kathleen Yar, she was hired by the
21 tribe and she hired the six surveyors from the community.

22
23 MR. EDWARDS: Do you know what her
24 background is or.....

25
26 MS. HAWKINS: Kathleen Yar?

27
28 MR. EDWARDS: Yes, ma'am.

29
30 MS. HAWKINS: Yeah. Kathleen Yar once
31 worked for Ketchikan Indian Community. She was a
32 substance abuse counselor and she's also been a teacher
33 in the Ketchikan community and she's received a lot of
34 training, and she does special workshops for our tribe
35 regarding life skills and those types of things.

36
37 Dolly, did you have more information than
38 I do, I wasn't involved in her hiring?

39
40 CHAIRMAN DEMIENTIEFF: Go ahead, Dolly.

41
42 DR. GARZA: Thank you, Mr. Chair. I'd
43 like to clarify that. I am the lead PI for this project
44 and I have 23 years with the University of Alaska as a
45 professor so I did oversee the project. Kathleen's main
46 purpose was to oversee the hiring of the six surveyors
47 and to make sure that the surveyors continued through.
48 I, along with the BIA, did the training for the people
49 that did the survey project, and then also wrote the
50 report as well as the executive summary.

1 So if there are further questions I would
2 be glad to answer those.

3
4 MR. EDWARDS: Yeah, I had one more
5 question, and that is was the survey conducted just of
6 the Ketchikan Indian Community or the entire community of
7 Ketchikan?

8
9 DR. GARZA: Thank you, Mr. Chair. The
10 household survey was done for the Ketchikan community so
11 that is the area of Ketchikan as defined by the Federal
12 Subsistence Board including Penik Island, Gravina Island,
13 from the north end to the south end, they're sort of
14 these random markers. It included about 5,900 households
15 of all households that we could identify through the tax
16 process, so Native and non-Native. We had an estimate of
17 what percent of those households may be Native and so we
18 did try to estimate whether or not we were getting the
19 ratio but the household survey was totally random and was
20 irrespective of race.

21
22 MR. EDWARDS: I guess one last question.
23 Is the survey and the results going to be made available?

24
25 DR. GARZA: Thank you, Mr. Chair. Yes,
26 they will. We did have the analysis that was done
27 through Kawarek up in Nome, who has done this type of
28 work for ADF&G and I think for a couple other agencies,
29 we're still finalizing that data. We have the copy for
30 you, which is an executive summary, it has draft stamped
31 on it. The survey itself in draft form, it's my
32 understanding, through Merle, was just accepted by the
33 Council, but they still have to accept it at a Council
34 meeting, at which point it is their document to
35 distribute and then it will become public. It has not
36 been distributed to this date because it has not gone
37 before the Council.

38
39 CHAIRMAN DEMIENTIEFF: Any other
40 questions.

41
42 (No comments)

43
44 CHAIRMAN DEMIENTIEFF: Thank you, once,
45 again. I see Willard got in the room so we'll go ahead
46 and call on him when he's ready.

47
48 MR. JACKSON: Good morning. My name is
49 Willard Jackson. I'm a Council member for Ketchikan
50 Indian Community. But I'm also a Teikukeidi in the

1 Ketchikan area, Tongass Tribe. When you look at uniforms
2 for people in the back here, U.S. Forest Service, you're
3 aware Tongass National Forest, that's where the name came
4 from. I'm Teikukeidi. My cousin sits in the back of me,
5 Tom Harris, and one of Hitsani's clan speakers for the
6 Tongass people in the Ketchikan area.

7
8 I'm a culture teacher at Culture Camp. I
9 do subsistence in my area. I'll be 59 years old on
10 Friday and subsisting with my grandmother and with
11 Tom, since we were children in the Ketchikan area.

12
13 The history of subsistence, in my
14 personal opinion, and this is only mine, should be
15 placed, another word there, it's a way of life, it's the
16 way it was, and the way it's going to be in the future
17 for our ancestors and our children. We try to teach our
18 children from the time they're small, our grandchildren
19 up to today what culture and tradition means. Anything
20 you do in the forest, anything you do on the land has the
21 spirit walk with them, and that deals with subsistence
22 and a way of life and who we are as First Nation people.
23 Subsistence and the way of life is nothing new, we're the
24 Tlingit people and my brothers and sisters of this great
25 region of Alaska, it's been a way of life since time
26 immemorial and it will continue way after you and I are
27 gone from this table and great discussions that we have
28 to discuss and what can we do to supplement subsistence
29 for our people.

30
31 Culture and our lifestyle were not
32 emulate (ph) Moran Sisters (ph), those of you that are
33 First Nation people and people of this great land, the
34 region of Alaska, you are your ancestors, they live
35 within you and you know who you are, you that are sitting
36 at this table. You are great leaders. There's not one
37 amongst you that I can say I personally know in the
38 reality of life, the history of Ketchikan goes back
39 10,000 years. When you look at the Unuk River, when you
40 look at the Stikine River, they all intertwine with one
41 another, and subsistence began back then and it continues
42 today. It's a harsh word to teach our children what they
43 can't do and when they can't do it and getting permits
44 when our ancestors really didn't need them at the time,
45 they knew how to walk through this land and take what
46 they needed and let the rest be for the next coming
47 season.

48
49 There's a story of the great migration of
50 the bear, who I am, I'm Teikukeidi, I'm brown bear. When

1 you look at the great nation of the Tlingit Nation, that
2 nation was created by the brown bear, that's my people.
3 We are the lost tribe of the Southeast Tribe. Never been
4 recognized in the Land Claims. Never been recognized as
5 a tribe. But, yet, we're the oldest tribe in existence
6 in Alaska. And I'm here to talk on behalf of the
7 Ketchikan Indian Community, and the survey and our
8 subsistence use and our Culture Camps and the way of life
9 and the way it's going to be well after I'm gone.

10

11 There was a story of the great migration
12 of the bear, who, during the flood, that they talk about
13 20,000 years ago, and that movement and the flood the
14 bears, and the animals of this great world were moving to
15 the Interior and they met, just like we are today, a
16 great meeting to discuss how we're to process food and
17 when we're to do it, and how much we're to eat and how
18 much one should have in poundage. They were at this
19 meeting and they were meeting as animals do and
20 discussing, the Interior people were discussing how they
21 could talk to their migrating relatives that came from
22 the sea, that was us, they came to this bear and asked
23 her to make a statement, she was one of the migrating
24 bears, and she said she had no comment, so the meeting
25 went on like we're doing today, and this BlueJay from the
26 Interior asked the bear, to make a closing statement and
27 this is what she said:

28

29 She stood up and this is what the bear
30 said, I know what I know what I know. I
31 know what I have to do to survive.

32

33 The great Alaska Nation of people know
34 what they have to do to survive in subsistence, it's a
35 way of life, it's the way it's going to be, it's the way
36 it's going to be when Merle and I and Dolly or Don,
37 they're going to carry on their traditions and their
38 lifestyles, and for whatever reasons, some of them won't
39 come back to this table.

40

41 Your decisions on subsistence in the
42 great Ketchikan area making it a rural status is going to
43 change the whole lifestyle and the well-being in this
44 great of Alaska so there's a lot sitting at your table.
45 You're making decisions for my grandchildren and their
46 children to come.

47

48 Thank you very much.

49

50 CHAIRMAN DEMIENTIEFF: I thank you very

1 much, Willard, for your comments. I really appreciate
2 them. I think that all of us try to do the same thing
3 that you guys are doing, and we do do it actually, to try
4 to pass these things on to make sure that our younger
5 people have the skills to keep our lifestyle going so I
6 just want to compliment you and let you know that I
7 appreciate that, that you guys are doing it and
8 realistically everybody else is doing the same thing in
9 step to make sure that we have those skills that are
10 passed on.

11

12 Further comments or questions.

13

14 MS. GOTTLIEB: Mr. Chair.

15

16 CHAIRMAN DEMIENTIEFF: Judy.

17

18 MS. GOTTLIEB: I just want to thank both
19 of you for making the effort and taking the time to come
20 up here and speaking in front of us today and for
21 providing the information to us.

22

23 Thank you.

24

25 CHAIRMAN DEMIENTIEFF: Any other
26 questions or comments.

27

28 (No comments)

29

30 CHAIRMAN DEMIENTIEFF: Thank you, once
31 again.

32

33 Okay, at this time we have no public
34 comment requests on consensus agenda items, oh, wait a
35 minute.

36

37 (Pause)

38

39 CHAIRMAN DEMIENTIEFF: No, I'm sorry, we
40 have one more that I just got, Franklin James, Sr., is he
41 here.

42

43 MR. FRANKLIN: Thank you, Mr. Chairman
44 and members of the Board. Yes, my name is Franklin
45 James, Sr., from Cape Fox Corporation from Saxman. I'm
46 from the Kleenadi Tribe and the first Chair holder.

47

48 You know, you guys heard me talk before
49 and I promise to keep this one short. But the truth is,
50 you know, when they start getting what our family eats,

1 you know, you look at me and our household, nobody
2 surveyed my place, you know, from the smoked salmon, from
3 the dried salmon, from the jarred salmon, from the frozen
4 salmon, you know, we use approximately 250 pounds, that's
5 every year. Deer, I usually get my limit of four.
6 Seaweed, three sacks when they're wet, approximately 130
7 pounds. Herring eggs on kelp and branches, at least 200
8 pounds. You know, we're not like the Japanese sitting in
9 a sushi bar when we eat our fish eggs and eat four or
10 five little pieces half the size of your fingernail, I
11 mean finger, no, we make a big meal out of it, just like
12 the seaweed. And our deer, I'd rather eat deer than
13 steaks from the store any time. Berries, blueberries,
14 huckleberries, salmonberries, at least about 30 gallons a
15 year that we go through, you know, and you're being
16 conservative when you say it's about 50 pounds. Sea
17 greens, well, maybe about 10 gallons, I can't estimate
18 the weight. Dungeness crab, at least 40 to 50 a year.
19 Shrimp about 30.

20

21 So when you start trying to cut us down
22 on our food, I'm getting sick and tired of this for the
23 last 20 years that we have to come up and beg for what we
24 want to eat. I'd like to go to that gentleman there and
25 these gentlemen's that are not Natives and go through
26 their households and see what they eat a year, you guys
27 put up an agenda and have somebody -- I mean come up and
28 go through your household, how much bacon you eat, how
29 much pork you eat, how much beef you eat, how much
30 potato's you eat, let's reverse this situation. This is
31 getting old.

32

33 We were eating this food here that you
34 guys are trying to allow us to take just a little amount
35 before you were born. Our carvings on the beach shows
36 that we have over 8,000 years that we lived on this land,
37 there was no restrictions, why are you restricting us
38 now? You guys want us to be sickly like you guys. We
39 were a healthy people for many years. For thousands of
40 years, hardly didn't know what sickness was. Now, you
41 want us to eat this chicken. We used to be able to cut
42 the chicken when it is raw and still cut another
43 vegetable and never get sick, now, if you cut the
44 chicken, you cut the vegetable, salmonella poisoning.
45 all the foods, that the non-Natives put up are hazardous
46 to us, cancer, sugar diabetes.

47

48 To me, we have to come to some kind of
49 conclusion instead of sitting here staring at each other
50 two or three times out of the year or four times out of

1 the year. Is this the way our government say, roll the
2 money.

3
4 I believe it's time your government
5 leaves the Natives alone. And don't give a Native one
6 thing and a non-Native 10 times more. Like I stated in
7 the past, your people that came up here, which were never
8 invited, used to make fun of us, what we used to eat,
9 look at that person eating that ying (ph), your language,
10 sea cucumbers, look at them drying that fish eggs up
11 there, all our different foods that we ate, you made fun
12 of us until you found out you can make money, then you
13 took it away. Now, you want us to eat your foods.

14
15 Like I stated before, if you guys learned
16 to eat our foods there'd be less divorces in your guys
17 people, if you learn how to take care of your home needs.
18 To me, last year -- I can go on, and I'm glad Mitch let
19 me go on last time but I'll keep it short now, is that, I
20 would like to leave Saxman alone, don't even bring that
21 up, making it a nonrural area. That place has been a
22 Native village before my grandfather set foot there when
23 my grandfather was one of the first persons, he was from
24 Craig Norscotland, when he first moved to Ketchikan was
25 (In Native), which means water coming down that creek
26 hitting that big rock as you see it before it turns the
27 corner and there's a hole in it and water shoots out.
28 Non-Natives couldn't pronounce it so they named it
29 Ketchikan. It's not our fault that you fell in love with
30 our country, now you want to change our lifestyle. You
31 took our language away. Now, you're trying to feed it
32 back to us. Now, you're taking our food away. So to me
33 Saxman shouldn't never even be mentioned. You know, you
34 wonder how the United States was born, by roads, by
35 putting roads over -- we didn't ask the road from
36 Ketchikan to be put out to Saxman, let's just blow that
37 road up, if you want to put it into a nonrural area.

38
39 And I, back Willard Jackson, and Merle
40 Hawkins, KIC's got a lot of members and they, too, should
41 be left alone. Just because you non-Natives move into
42 our area, my taste buds doesn't change, I don't care
43 where I go. Whether live in Florida, New York, or
44 Seattle, I still have the same taste buds. A lot of time
45 when I travel, just like when I came up here, I brought a
46 lot of our Native foods, our seaweeds, some of our
47 greens, our gumboots, to some of the people that can't
48 get it.

49
50 So to me it's, again, I'd say leave

1 Saxman alone and Ketchikan, let our people get what's
2 rightfully theirs. I'm tired of going out there and the
3 Fish and Game come board me all the time, why don't they
4 board the sport fishermen, have to have probable cause.
5 I don't understand this. That I go out there and they
6 want to check because I have extra hooks on my boat, they
7 says, well, your intentions, you're going to use them,
8 yes, I'm going to use them if I lose the other, but you
9 always take a spare.

10

11 So to me, again, in closing here, I'd
12 like to say one more time, leave Saxman alone. Right now
13 you see us fighting right here in Puerto Rico, because I
14 belong on the World Conference, on the Indigenous People
15 that fight for the rights, and they're getting sick and
16 tired of coming to you guys, you guys, all you want to do
17 is how can I steal, how can I steal, what can I take from
18 them, how much money can I make from them. That has to
19 come to an end. I don't want to see my grandkids coming
20 up and fighting you guys, I want you guys to start
21 fighting. You come to us asking for your allocations of
22 bacon and pork. You come to us, I guarantee you're going
23 to move to back Europe. We got no place to move because
24 this is our country.

25

26 Thank you, Mr. Chairman.

27

28 CHAIRMAN DEMIENTIEFF: Thank you. Any
29 questions or comments.

30

31 (No comments)

32

33 CHAIRMAN DEMIENTIEFF: Appreciate your
34 remarks, and I thank you for taking the effort to get
35 here.

36

37 MR. FRANKLIN: Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Unit 2 deer report
40 from Southeast. Michael, I guess it's you that's --
41 okay.

42

43 MR. BANGS: Thank you, Mr. Chairman,
44 Board members. My name is Mike Bangs. I'm a member of
45 the Southeast Regional Council, and I'm also a member of
46 the Norwegian Tribe in Petersburg, and I've come today to
47 present the Unit 2 report from our Council.

48

49 Originally this process began with
50 discussions at this Board level in 2003 and the

1 discussions led to a subcommittee idea that went to our
2 Council and it was accepted by our Council and then it
3 was authorized by this Board, and that came about after
4 numerous proposals over several years concerning Unit 2
5 deer, it's been very contentious as access to the Prince
6 of Wales Island area has become a lot easier for the
7 whole region and population changes. And so the Council
8 set up a subcommittee to address these issues and they
9 met over a two year period with six two day meetings and
10 the meetings were procured in all the different
11 communities in the region that were affected by and used
12 Unit 2 deer.

13
14 The Forest Service provided the funding
15 and the Staff support, and this was a costly but very
16 productive endeavor. The subcommittee met in these
17 different communities and the make up was, if you look on
18 Page 7 in the report, which I hope you all have a copy of
19 this Unit 2 report, there is a list of the members of
20 this subcommittee, and what we did was arrange for -- or
21 request that we get a well-rounded make up and we had
22 guides, Staff members were present and we had rural
23 residents from Ketchikan, urban residents, of course,
24 rural residents, Fish and Game Advisory Committee
25 members, tribal representatives and then the agency
26 representatives. The subcommittee members all felt that
27 a big part of the success of this process was the support
28 that they had from the Federal Staff, and another key was
29 hiring a professional facilitator.

30
31 Now, if I could, I'd just go over some of
32 the key points in this report and then maybe I could try
33 to answer any questions you have after I'm done.

34
35 The subcommittee was able to work on a
36 consensus basis and came up with 19 action items and
37 recommended these to the Council. These items are
38 included in the report and a detailed explanation of how
39 they came about and what the action items are.

40
41 The subcommittee also encouraged a lot of
42 public input with advertised meetings and provided
43 flexible times for public testimony. So as we went to
44 these different communities, we advertised ahead of time.
45 We went to Thorne Bay, Craig, Wrangell, Ketchikan, all
46 these outlying communities and also, you know, had a
47 couple meetings in Ketchikan, so there was a lot of input
48 from the whole region that is affected by these proposals
49 on Unit 2 deer.

50

1 Okay, to summarize the key elements I'd
2 like to say that one was the information needs triangle,
3 and that's on Page 13, and it kind of gives you an idea
4 of what we based our information needs around, and that
5 led to the cooperative effort between State and Federal
6 Staff to implement the harvest reporting system because
7 we felt there was a need for more information on who was
8 taking the deer, where they were from, how many deer they
9 were needing and so on, so that was an important key to
10 it. And that was a major accomplishment to get the two
11 agencies to work together to come up with a reporting
12 plan.

13
14 And there was also a request from the
15 subcommittee to understand population trends better, what
16 effects the environment is having on deer populations,
17 increased pressure from lack of habitat and on, there's a
18 lot of need for that. And it resulted in an
19 implementation of a program of enhanced pellet counts
20 using a new DNA sampling technique. And there was a also
21 strong belief that multiple tools should be used to
22 gather population data.

23
24 A most important element is the necessity
25 to determine what the needs of the subsistence users are.
26 This has not been acted on and it needs Staff support for
27 it to happen.

28
29 Another key issue that the subcommittee
30 focused on was the habitat, and the recommendation to
31 implement a program to rehabilitate young growth stands
32 to benefit deer has led to the formation of wildlife and
33 culture personnel to work towards this goal, and they're
34 going to focus on the areas most used by subsistence
35 users.

36
37 Okay, these are just a few of the
38 components of the report, and as you can see it's pretty
39 long and complex and it covers many issues and this Board
40 is probably aware of all the proposals that have come to
41 address Unit 2 deer.

42
43 This subcommittee process was a lot of
44 work and it demands a great deal of commitment from the
45 volunteers and requires agency commitment of funds and
46 Staff. The cooperative planning by the subcommittee does
47 not do anything or substitute for the Council and Board
48 responsibilities, but can be a very, very useful tool for
49 not only moving towards solutions for subsistence users,
50 but educating and involving the public on subsistence

1 issues.

2

3 So with that I'd like to ask if there's
4 any questions. This was an ongoing process, like I say,
5 for the last couple years, and I think it was a very good
6 way to go about addressing these issues because it
7 brought in a big range of ideas and issues, and the
8 education part, I think, was critical. A lot of people
9 don't understand where subsistence stands in the outlying
10 communities and rural areas and urban areas. So is there
11 any -- Dr. Garza, if I missed out on anything, I'd
12 appreciate you adding.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Thank you, very
17 much.

18

19 Sometimes magic works, sometimes it
20 don't. And because of your good efforts and working on
21 this, and were able to come to some consensus, I think
22 Mr. Brewster -- oh, Gary, you have another comment.

23

24 MR. EDWARDS: I just had one question.
25 Are there any differences in the recommendations that
26 came from the subgroup versus what's in the Council's
27 report?

28

29 MR. BANGS: If you read through the
30 report you'll see that there was some alterations done at
31 the Council level, but they were pretty minor. There
32 were four Council members that served on the subcommittee
33 and so there was a lot of communication with the Council,
34 and when the final report went before the Council, they
35 did some fine-tuning and adjusted according to the
36 Council's wishes.

37

38 MR. EDWARDS: So you would characterize
39 that as there wasn't any really significant changes in
40 the recommendations?

41

42 MR. BANGS: No, I wouldn't characterize
43 it as major at all.

44

45 CHAIRMAN DEMIENTIEFF: Dolly.

46

47 DR. GARZA: Thank you, Mr. Chair. I
48 guess I'd like to add on that as well. I think it was an
49 excellent process. I know that you came to Sitka and
50 really promoted the creation of the subcommittee to

1 address this issue. Proposals have come before the
2 Regional Advisory Council for years and you know that
3 because you have seen them all, and it is an issue
4 because we have Ketchikan residents who have easy access
5 to Prince of Wales so that's created the issue and I'm a
6 Ketchikan resident. But there are several parts to it.

7
8 One of the areas, as, I guess, a
9 professor with the University of Alaska, focusing on
10 outreach education, the one thing that I tried to keep
11 focusing on the subcommittee process was education. And
12 people don't understand ANILCA, especially in Ketchikan
13 since they're not considered rural, they haven't kept
14 part of the process in mind, and the just understanding
15 ANILCA was a big issue and then understanding the whole
16 process of how change occurs. I served on the National
17 Marine Protected Areas Committee for three or four years
18 and it is a FACA committee and so I have a better
19 understanding of how things go forward. The U2 Deer
20 Committee was a subcommittee of a FACA committee, and so
21 we have our own little requirements of how things go
22 forward. And so the report that came from the
23 subcommittee were recommendations that we, as a
24 subcommittee, hoped would be enacted by the committee but
25 the report does become and belong to the Southeast
26 Regional Advisory Council. And in terms of the Marine
27 Protected Areas, we had several subcommittee that would
28 work for a year to bring recommendations forward but it
29 was interesting in that FACA process, we were never
30 allowed to keep our recommendations as a subcommittee,
31 once they went to the committee, all our old reports were
32 thrown away, they were basically destroyed, and the final
33 report that came and was approved by the FACA committee,
34 the NPA FACA committee was the only report that was of
35 importance. And so it's difficult when you have a
36 subcommittee of a FACA because it operates a little
37 differently, I think, than other subcommittees and so we
38 had some changes that were made at the Southeast Regional
39 Advisory Council, but I think they were important
40 changes.

41
42 The issue -- one of the recommendations
43 was that we take no action, and the Regional Advisory
44 Council understood fully that we could simply not take no
45 action, that residents have every right to continue to
46 submit proposals for changes to Unit 2 and will continue
47 to do so. We believe that we struck some recommendations
48 that will hurt a little bit to some areas, will help a
49 little bit to some areas, that everybody will complain a
50 little bit, but everybody will live with. But we will

1 continue to have proposals come forward to the Regional
2 Advisory Council, and to the Federal Subsistence Board
3 because that is the whole process that we follow in terms
4 of Federal Subsistence Board management.

5
6 And so that was one of the main
7 recommendations. But you can't, you simply can't do
8 that. And as a Regional Advisory Council we understood
9 that, as a FACA subcommittee, I'm not sure that that was
10 completely understood by people who don't go to all of
11 these meetings and don't have an understanding of the
12 fact that we just simply can't address proposals or put
13 them aside for the next five years.

14
15 Thank you.

16
17 CHAIRMAN DEMIENTIEFF: Gary.

18
19 MR. EDWARDS: Dolly, thank you for that.
20 I think one of the things that you folks did right at the
21 start by ensuring that the people on the committee, or
22 the subgroup understood the parameters of which they were
23 working under in ANILCA and I think that was time well
24 spent and I think it's a good example, in the future, as
25 we move forward with these types of approaches to solving
26 these problems, that I think that's a very important
27 element.

28
29 MS. GOTTLIEB: Mr. Chair.

30
31 CHAIRMAN DEMIENTIEFF: Judy.

32
33 MS. GOTTLIEB: I just wanted to let you
34 know and I hope you'll pass it along to the subcommittee,
35 that this Board pretty much had monthly briefings on how
36 you were doing so we have been watching, you know, with a
37 lot of, I guess, maybe pride or confidence in how you
38 were working with the system in your accomplishment, so
39 thank you for making this presentation today and for
40 completing the effort.

41
42 CHAIRMAN DEMIENTIEFF: Thank you.
43 Anything else before Mr. Brewster -- Dolly, yes.

44
45 DR. GARZA: Just one final comment and I
46 think Mike will agree with this, is that, there were too
47 many meetings to ask of people who donated time, and so
48 if you look at the roster of who attended every single
49 meeting, I think, I'm not sure that anyone made every
50 single meeting, maybe Hernandez made them all. But

1 basically with five or six meetings over a year and these
2 are fishermen, subsistence users, people that work
3 construction in Ketchikan simply could not make all of
4 those meetings.

5
6 And then my final point, again, was that,
7 although I think we -- like you said, we did work to make
8 sure that the subcommittee understood the parameters of
9 ANILCA, the general public still does not. And so in
10 terms of Prince of Wales versus Ketchikan, there was one
11 side there that still did not understand those parameters
12 and that could use some work.

13
14 Thank you.

15
16 CHAIRMAN DEMIENTIEFF: Thank you. Paul.

17
18 MR. BREWSTER: I thank Mike Bangs for
19 coming up from Petersburg today and, again, I just would
20 add to some of the statements that have been made, the
21 thanks the Board has for the diligence of the
22 subcommittee's work here over the past year.

23
24 I would, Mr. Chair, like to move and ask
25 for unanimous consent to adopt a resolution of
26 appreciation to the Southeast Alaska Subsistence Regional
27 Advisory Board, it's being distributed as we speak, and
28 essentially I would just like to note the diligence, the
29 inclusivity, how much effort you've put into trying to
30 consider the wide range of views. I know this issue of
31 deer harvest on Prince or Wales is long and ongoing, and
32 want to just commend and I believe the example you've set
33 for others.

34
35 So, Mr. Chair, if.....

36
37 CHAIRMAN DEMIENTIEFF: We do have a
38 motion, is there a second to the motion.

39
40 MR. EDWARDS: Second.

41
42 CHAIRMAN DEMIENTIEFF: Any objection.

43
44 (No comments)

45
46 CHAIRMAN DEMIENTIEFF: Without objection,
47 so ordered. Again, thank everybody for all their hard
48 effort. It's just a wonderful thing.

49
50 MR. BANGS: Will there be any other

1 questions, Mr. Chairman?

2

3 CHAIRMAN DEMIENTIEFF: Go ahead, you had
4 something else?

5

6 MR. BANGS: I just had one comment I'd
7 like to make to reiterate what Dr. Garza said. I think
8 one of the really important things that we learned from
9 this process is the need for education and I really can't
10 stress that enough, how important that was to the whole
11 process, is bringing the education of ANILCA to the
12 public.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Thank you.

17

18 MS. GOTTLIEB: Mr. Chair.

19

20 CHAIRMAN DEMIENTIEFF: Judy.

21

22 MS. GOTTLIEB: So maybe can I ask then,
23 how you did that exactly, whether that be for Dolly or
24 Michael.

25

26 DR. GARZA: Mr. Chair, thank you. I
27 don't think we did. I don't think we did. That was one
28 of our recommendations, is that, ANILCA education be
29 brought forward. That there be an effort from either
30 Forest Service or OSM to provide that type of education,
31 at least in the Ketchikan area because it doesn't exist.

32

33 At the first subcommittee meeting that we
34 held in Ketchikan, we held it in the back of the
35 Discovery Center which seats about -- would have seated
36 about the subcommittee and maybe 20 people comfortably
37 and we had over 60 people there, I mean people were
38 standing outside.

39

40 The next meeting that we held in
41 Ketchikan we practically had to go out to the street and
42 drag people in, so people were frustrated from the first
43 meeting, they didn't understand the ANILCA process and it
44 just, to me, clearly, clearly stated that we need that
45 type of education. When you're dealing with a
46 rural/nonrural area, the nonrural area really does not
47 keep track of what's going on and needs that type of
48 education.

49

50 Thank you.

1 CHAIRMAN DEMIENTIEFF: Anything else.

2

3 (No comments)

4

5 CHAIRMAN DEMIENTIEFF: If not, Tom was
6 going to review the consent agenda items and I don't
7 know, my agenda in front of me says that we're going to
8 adopt the consent agenda items, we don't do that until
9 the end of the meeting after we deliberate non-consent
10 agenda items in case there's requests to get some of the
11 items pulled off of the consent agenda. So even though
12 it says that, that's not what we're going to be doing.

13

14 So with that we'll ask Tom to introduce
15 our consent agenda items, I think there's 37 you said.

16

17 MR. BOYD: Mr. Chair and Federal Board.
18 The consensus agenda is what we're calling it now, I
19 guess, it's a better name for it.

20

21 CHAIRMAN DEMIENTIEFF: Yeah.

22

23 MR. BOYD: It's hard to get used to the
24 change in the word, but I think it probably is more
25 meaningful to call it that and it's found on Pages 4 and
26 5 in your Board book, there are 37 items that we're
27 recommending to be on the consensus agenda and I'll just
28 quickly go through them.

29

30 From Southeast Alaska, Proposals WP06-06,
31 and then I'll dispense with the prefix there and then go
32 10, 11a, 11b, and 12.

33

34 For Southcentral Alaska, Proposals 3, 4,
35 5, 13, 14, and 15.

36

37 For Kodiak/Aleutians, Proposal 21.

38

39 For Bristol Bay region, Proposals 22, 23,
40 24, 25, and 26.

41

42 For Yukon-Kuskokwim Delta region,
43 Proposal 28.

44

45 For Western Interior Alaska, Proposals
46 33, 35, 36, and 69.

47

48 For the Seward Peninsula region,
49 Proposals 37, 38, 39, 40, 41, and then Proposals 42
50 through 52, so there's several there.

1 So that makes it actually 47 or something
2 like that, Mr. Chair.

3
4 And then for Northwest Arctic, Proposal
5 54 and 55.

6
7 For Eastern Interior, Proposal 56, 61 and
8 62.

9
10 For North Slope, Proposal 65, 66, 67a and
11 67b.

12
13 Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Yeah, you can tell
16 when somebody's getting close to retirement, they go
17 maybe 47 or something like that. But anyway those are
18 the consensus agenda items. And, again, any Board
19 member, at their discretion can have those items pulled.
20 If there are items that you would like to see pulled,
21 then I would suggest that you talk to a Board member.
22 And, again, we will take care of it after we complete the
23 non-consensus agenda items.

24
25 Okay, with that, before we begin
26 deliberation of our proposals, I think we're going to go
27 ahead and just take a brief break right now before we
28 engage in these other items, so we can just go ahead and
29 get up and stretch.

30
31 (Off record)

32
33 (On record)

34
35 CHAIRMAN DEMIENTIEFF: Well, I got the
36 lowdown on this shifting the consent agenda to consensus
37 agenda and Ken is blaming it on his wife, who, of course,
38 is not here, in suggesting the change.

39
40 (Laughter)

41
42 CHAIRMAN DEMIENTIEFF: But we'll honor it
43 no matter what you want to call it, we know what you
44 mean.

45
46 So anyway, my wife's not here, I guess I
47 could blame her on something, too, you know.

48
49 (Laughter)

50

1 CHAIRMAN DEMIENTIEFF: I just happened to
2 think of that too.

3
4 (Laughter)

5
6 CHAIRMAN DEMIENTIEFF: Okay, let me see.
7 Statewide Proposals 06-01. Who is going to do this,
8 okay, Dan.

9
10 MR. LAPLANT: Good morning, Mr. Chairman.
11 Members of the Board. For the record my name is Dan
12 LaPlant with the Office of Subsistence Management.

13
14 Proposal No. WP06-01 the analysis that
15 I'll be going through with you begins on Page 19 of your
16 Board book. This proposal addresses the sales of
17 handicrafts made from bear claws.

18
19 Last year, as you may recall, we had a
20 proposal that addressed several elements of the bear
21 handicraft regulations and the Board adopted several of
22 those elements that were in that proposal. You changed
23 the definition of handicraft. You changed the definition
24 of skin, hide, pelt and fur. And you redrafted
25 regulations, or adopted regulations that clarified that
26 claws could be used in handicrafts for sale.

27
28 However, you deferred part of that
29 proposal that addressed commercial sales. You deferred
30 this part of it to allow the Councils to review some of
31 that modified proposed language that you were considering
32 at the time.

33
34 The language that the Board was
35 considering at last year's meeting is presented in this
36 analysis as to proposed Federal regulation language that
37 you see there in the middle of Page 19. So as you can
38 see under existing Federal regulations, currently there
39 is no regulatory language addressing the commercial sales
40 of handicraft made from bear parts. And the proposed
41 regulation has three elements to it.

42
43 The first paragraph 25(j)8(a) says that
44 you may not sell handicrafts made from
45 the claws of black or brown bear to an
46 entity operating as a business as defined
47 under Alaska statute 43.70.1101 unless
48 the bear was taken in Units 1 through 5.
49 So I'll be referring to this exception 1
50 through 5 as a Southeast exemption. So

1 this first section just states that you
2 may not sell handicrafts to a business.

3
4 The second portion, paragraph 25(j)8(b)
5 says that if you are a business operating
6 under Alaska statute, you may not
7 purchase handicrafts made from claws of
8 black or brown bear as part of your
9 business transaction, again, unless the
10 bear was taken in Unit 1 through 5, so
11 there's that Southeast exemption. If
12 you notice, the language doesn't prohibit
13 a business from selling the handicraft.
14 And many subsistence users who make and
15 sell handicrafts, they do hold a business
16 license, and this language would not
17 prevent those individuals from making
18 sales, it just prohibits businesses from
19 purchasing and it prevents the seller
20 from selling to businesses.

21
22 And then the last section there,
23 25(j)8(c) says that the sale of
24 handicrafts made from nonedible
25 byproducts of brown or black bear, when
26 authorized in this part, may not
27 constitute a significant commercial
28 enterprise.

29
30 So that's the language that the Board
31 left with last year when you were considering the bear
32 handicraft proposal.

33
34 A little regulatory history on the
35 following page. You see that in 2002, in May the Board
36 adopted the first regulation that dealt with handicrafts
37 and that's when you allowed the sale of handicrafts made
38 from black bear fur. And then in 2004 the Board adopted
39 a similar regulation pertaining to brown bear for the
40 specific regions of Eastern Interior, Bristol Bay and
41 Southeast. And at that time you also clarified that the
42 definition of fur at that time does include claws. So
43 the regulatory language was cleared up to identify the
44 fact that those handicrafts that allowed the sale of
45 handicrafts made with fur did include the claws.

46
47 And then last year, as I mentioned
48 already, you made further modifications by changing the
49 definition of handicraft in those other definitions. You
50 also adopted regulations last year that allowed the sale

1 of handicrafts in Unit 1 through 5 to be made from bones,
2 teeth, sinew or skulls taken from bears in those units.

3

4 So those are the actions that you've
5 taken in the past.

6

7 As far as the biological background, now,
8 brown bear populations throughout most of Alaska are
9 generally stable and occupy all of their historic range.
10 Black bears are also quite healthy throughout the state.
11 They range over three-quarters of the state of Alaska.
12 Currently the estimate of population of black bears is
13 about 30,000 to 100,000 animals. There are several
14 locations in Alaska where the State believes that the
15 populations are too high and therefore have predator
16 control plans to reduce the number of these populations
17 and there are also several locations in the state where
18 populations are of a concern, especially brown bear
19 populations in conservation units where special attention
20 needs to be provided. So we're talking about a
21 regulation here that is statewide so there's a wide range
22 of conditions out there that would come under this
23 regulation, again, areas where there's very healthy and
24 maybe too many animals by some and some areas where
25 there's a conservation concern.

26

27 The effects of this proposal is that the
28 proposed restrictions on commercial sales of bear claws
29 handicrafts is consistent with the current interpretation
30 of the Board's previous intent. And we expressed that
31 previous intent in a question and answer sheet that the
32 Board approved last summer, last July.

33

34 This regulation will remove commercial
35 incentives for harvesting bears except in Southeast
36 Alaska, and the goal is to provide additional protection
37 from overharvest of bear populations. The Board's intent
38 in allowing the sale of bear handicrafts has been to
39 provide for the customary and traditional making and
40 selling of handicrafts from bears taken for subsistence
41 use, not to provide a commercial incentive to harvest
42 bears, so that would be the purpose of this prohibition
43 on commercial sales.

44

45 Again, the State recently has provided
46 some commercial incentive. They've passed regulations
47 within the last year to allow sale of bear hides with
48 claws attached in predator control areas, and for brown
49 bear that's particularly in Unit 20(E).

50

1 As I mentioned earlier, this action would
2 have no effect on subsistence users who make and sell
3 bear claw handicrafts to individuals as noncommercial
4 customary and traditional activity, even if they are
5 required to have a State license, they're still able to
6 make and sell these. So this language doesn't prevent
7 those who have a business license from doing the selling,
8 it prevents them from selling to other businesses and it
9 prevents other businesses from buying, but it doesn't
10 prevent the subsistence user who has a business license
11 from making a sale.

12
13 This action will have no effect on sport
14 and recreation users. Again, however, it would reduce
15 the opportunity for commercial users, or for potential
16 commercial users to take advantage of this resource.

17
18 The proposed language will allow
19 commercial sales of handicrafts made from bear claws from
20 bears taken in Unit 1 through 5, again, it will allow the
21 commercial sale in those areas of the state, the
22 Southeast. The Southeast exemption will result in
23 difficulty with enforcement of the regulation as neither
24 the State nor the Federal Subsistence Management Program
25 has a tracking system to monitor the source and the sale
26 of brown or black bear claws. So allowing commercial
27 sales of handicrafts made from bear claws taken in any
28 part of the state without a tracking system may have a
29 significantly detrimental effect on the enforceability of
30 these regulations. So if passed, enforcement officers
31 will be unable to differentiate between these legitimate
32 commercial sales that would be legitimized by passing
33 this regulation, and sales of products from poached bears
34 or bears harvested under State regulations or bears
35 harvested under the Federal regulations from the Eastern
36 Interior and Bristol Bay regions where it would be
37 allowed.

38
39 So, Mr. Chairman, that concludes a
40 summary of the analysis and I'd welcome any questions.

41
42 Thank you.

43
44 CHAIRMAN DEMIENTIEFF: Thank you. Gary,
45 you had a question.

46
47 MR. EDWARDS: Dan, maybe I misunderstood
48 you but did you say that the State had sort of changed
49 the regs with bears taken under -- for predator control
50 on the sale of claws or was.....

1 MR. LAPLANT: Mr. Chairman. The State
2 can correct me if I'm wrong here, but this past
3 regulatory cycle they adopted as part of their predator
4 control program, allowing the sale of for black bear, it
5 applies to the sale of black bear hides, raw hides, with
6 claws attached from any predator control area throughout
7 the state. For brown bear it only applies to brown bear
8 predator control areas which would be Unit 20(E). So
9 there's several black bear control areas, but brown bears
10 is more limited. That allows the sale of raw hides with
11 claws attached and is under a permit system.

12

13 Thank you.

14

15 MR. EDWARDS: I mean could the State
16 verify that.

17

18 MR. HAYNES: Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: Terry.

21

22 MR. HAYNES: Mr. Chairman, yes, that's
23 true, and sealing is required, permits are required so
24 it's a very closely monitored system.

25

26 MR. EDWARDS: So then what does that
27 allow you to do with either the black bear or the brown
28 bear with its hide and its claws?

29

30 MR. HAYNES: Mr. Chairman. It allows the
31 sale of untanned bear hides with claws attached.

32

33 MR. EDWARDS: So it doesn't allow once --
34 if you take it under -- in those areas and then it
35 doesn't allow you to do anything, the claws have to
36 continuously remain attached to the hide?

37

38 MR. HAYNES: That's correct.

39

40 MS. GOTTLIEB: Mr. Chair.

41

42 CHAIRMAN DEMIENTIEFF: Judy.

43

44 MS. GOTTLIEB: Question for Dan, please,
45 and just maybe one general comment on this statewide
46 proposal. This proposal came about, really, as a follow
47 up from our meeting from last year. And the way it was
48 presented to the RACs is that it was a Board proposal,
49 and my sense, from listening to some of the RAC
50 discussions is that some of the RACs felt this was a very

1 top down proposal. So I guess just advise us of this so
2 we think of this -- keep this in mind in the future.

3

4 But my specific question has to do with
5 consignment, is consignment allowed under these proposed
6 regulations?

7

8

MR. LAPLANT: Mr. Chairman.

9

10

CHAIRMAN DEMIENTIEFF: Go ahead.

11

12

MR. LAPLANT: Through the Chair, Ms.
13 Gottlieb. That may be a question more appropriate for
14 the attorneys but I can tell you the answer that we went
15 to the Councils with. We had discussed this at Staff
16 Committee meetings prior to the Council meetings, and we
17 the Councils that if the consignment sale resulted in the
18 business making a profit from the activity then it was
19 the same as them buying it and reselling it. If it was a
20 consignment sale for maybe a co-op group where there was
21 no business actually making a profit above and beyond the
22 handicraft maker, then that would be allowed.

23

24 So that's the message that we brought to
25 the Councils.

26

27

MS. GOTTLIEB: Mr. Chair. I think that
28 could be then, and we'll have more discussion on it, mean
29 a source of potential misunderstandings or, you know, is
30 the burden then on the maker of the handicraft to find
31 out, well, what's your profit margin here and have to
32 make a decision whether they're able to or not able to
33 leave an object for consignment.

34

35

MR. EDWARDS: Mr. Chairman.

36

37

CHAIRMAN DEMIENTIEFF: Go ahead, Gary.

38

39

MR. EDWARDS: It's my understanding,
40 let's say take the Native hospital here in Anchorage,
41 that it would not prohibit them from selling handicraft
42 that would involve bear claws because they are sent there
43 on consignment; is that your understanding?

44

45

MR. LAPLANT: Mr. Edwards. That would be
46 my understanding. But, again, I would encourage the
47 Board to make that clear through your decisions and
48 actions here today, and that would help clarify the
49 message that we bring out to the handicraft makers.

50

1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Further questions or comments.

3
4 (No comments)

5
6 CHAIRMAN DEMIENTIEFF: Written public
7 comments.

8
9 MR. MATHEWS: Yes, Mr. Chairman. I'm
10 Vince Mathews, the coordinator for Eastern and Western
11 Interior. I'll be wearing two hats today because the
12 Chair's representative, Sue Entsminger will be here later
13 due to her husband's illness.

14
15 With that, there were five written public
16 comments provided on this proposal. Two in support with
17 modification, one in support and two in opposition.

18
19 The Defender's of Wildlife support the
20 proposal with the amendment deleting
21 Units 1 through 5 exemption. The sales
22 of claws to businesses as defined in
23 Alaska State statute should apply to all
24 game management units. Without further
25 justification there's no reason to exempt
26 those units.

27
28 The sale of bear claws has been closely
29 restricted in State regulations for
30 obvious commercial incentive involved and
31 the relative ease of procurement and
32 handling and transferring of the desired
33 items in the broad commercial market.

34
35 Exemption for parts of the state are
36 inconsistent and raise serious monitoring
37 and enforcement problems.

38
39 The other one in support was the Denali
40 National Park, Preserve and Subsistence Resource
41 Commission, and the Board should be aware that the Vice
42 Chair for that Commission is present here, that's Ray
43 Collins, so if there's any additional questions on
44 discussions that the Commission had on that, I'm sure Ray
45 could fill in those -- provide that for the Board.

46
47 The Denali Subsistence Resource
48 Commission supported the proposal with
49 modification. The proposed regulation as
50 modified by Staff recommendation will

1 remove commercial incentives for
2 harvesting bears thereby providing
3 additional protection from overharvest of
4 bear populations.
5

6 The one proposal in support was from the
7 Lake Clark Subsistence Resource
8 Commission. They support the measure
9 that allows qualified users to maximize
10 the benefits derived from legally
11 harvested bears.
12

13 There were two in opposition.
14

15 The AHTNA Subsistence Committee opposed
16 it. But they do support small sales by
17 rural residents of handicraft made from
18 the claws of black and brown bears taken
19 under Federal Subsistence hunting
20 regulations.
21

22 Mr. Chairman, the opposition from
23 Wrangell-St. Elias is quite lengthy because it was a
24 split vote.
25

26 But anyways, they oppose the proposal and
27 the proposed modification to remove the
28 Southeast exemption. The Commission
29 opposes the proposal as modified in the
30 Staff recommendation and they wanted the
31 Board to be aware of both positions on
32 this.
33

34 The prevailing opinion was that the
35 proposal was unnecessary.
36 Commercialization is not felt to be
37 common or to cause a conservation concern
38 in the Wrangell-St. Elias area. Thus,
39 the proposal would unnecessarily limit
40 the opportunity for subsistence users to
41 sell handicrafts made from the claws of
42 subsistence harvested bears.
43

44 Those in the minority support the
45 proposal, both for the concerns about the
46 potential commercial sales, to
47 overharvest, and for cultural reasons.
48 Bears are of great cultural significance
49 to some people and the commercialization
50 made from the claws is disrespectful to

1 the bear and its spirit.

2

3 And if there's any questions on the
4 Wrangell-St. Elias Subsistence Commission, I'm sure
5 there's Park Staff here that could do a better job than
6 my summary there.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN DEMIENTIEFF: Thank you, Vince.

11

12 At this time we have no additional
13 requests for public testimony. Regional Council
14 recommendations.

15

16 MR. COLLINS: Yeah, Mr. Chair, we
17 supported with the modifications eliminating the
18 commercial sale of that -- I'm with the Western Interior.

19

20 CHAIRMAN DEMIENTIEFF: Thank you.

21 Additional Regional Council recommendations.

22

23 MS. CROSS: Seward Penn representative
24 Grace Cross. We opposed the proposal, and I'd like to
25 give a little explanation. Normally in the past when
26 this kind of proposal would come we either deferred it to
27 the home region or opposed it for cultural reasons. This
28 time we talked about it and decided that the most
29 important species of grizzly in our region is polar bear
30 and we were afraid, whether we might be coming from the
31 left field or not, we were afraid such a thing would
32 impact or region at some point in time. We do know that
33 the polar bears are regulated under Sea Mammal Act, but
34 we were still afraid because no rules usually sometimes
35 will impact other rulings.

36

37 So we decided we were going to oppose
38 this because it may impact our grizzly species at some
39 point in time.

40

41 Thank you.

42

43 CHAIRMAN DEMIENTIEFF: Thank you.

44 Additional comments. Ray.

45

46 MR. STONEY: Thank you, Mr. Chairman.
47 After a long discussion on this proposal, the Northwest
48 Arctic Subsistence supported this proposal as written
49 with modifications.

50

1 Thank you, Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Any
4 other Regional Council comments. Harry.

5

6 MR. WILDE: Yeah, Mr. Chairman. Yukon-
7 Kuskokwim Delta Subsistence Regional Advisory Council
8 support this proposal, support it during the meeting, for
9 eight Council voted against none. And we honor the
10 beliefs of culture from other part of Alaska being bear
11 claws are used for handicrafts and skin sewing. Also a
12 lot of time that you see bear claws are using for like a
13 dancing, festival time, when the people have gather and
14 dancing be used for like a belt tying on them.

15

16 So Council support these areas that
17 desire to maintain traditional sale opportunity. While
18 preventing the commercialization of sale, there is a
19 desire to display handicrafts in the village, or that's
20 back home what they do, into the small stores they
21 display anything that's made out of like trading sometime
22 -- a lot of time they trade them with groceries, those
23 items.

24

25 So, Mr. Chairman, Yukon-Kuskokwim Council
26 supported.

27

28 CHAIRMAN DEMIENTIEFF: Thank you.
29 Additional comments.

30

31 MS. LYONS: Thank you, Mr. Chair. I
32 wasn't present for this vote or discussion on this
33 proposal so I'd just like to read into the record the
34 comments that were offered.

35

36 The Bristol Bay Subsistence Regional
37 Advisory Council opposed this proposal. The Bristol Bay
38 Subsistence Regional Advisory Council voted to oppose the
39 proposal, the Council did not hear any biological
40 information conveying to them that there is a
41 conservation concern of too many bears being harvested.

42

43 The Council heard concerns from other
44 user groups that the Federal Subsistence Board had
45 approved a portion of the proposal which allowed the use
46 of claws in handicrafts that brown bear harvest would
47 increase. Brown bear harvests have not increased. The
48 Council also stated that sporthunters may go out and
49 harvest a brown bear and then have it out of the hunt
50 area without any restrictions placed upon them,

1 therefore, Council members felt that the restrictions in
2 WP06-01 would be a burden to subsistence users.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.

7 Additional Regional Council comment.

8

9 MS. B. ARMSTRONG: For North Slope
10 Regional Advisory Council, they supported the proposal
11 with modification to remove the Southeast exemption and
12 removal of the proposed Southeast exception is necessary
13 because of the difficulty of enforcing such a
14 regulation. Allowing commercial sales of bear claw
15 handicrafts made from bears taken in any part of the
16 state without a tracking system will have a significantly
17 detrimental effect on the ability of enforcement officers
18 to differentiate between legitimate sales and the
19 commercial sale of products from poached bears, bears
20 harvested under State regulations and bears harvested
21 under Federal regulations in Eastern Interior and Bristol
22 Bay regions.

23

24 Thank you, Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Any

27 other Regional Council comments.

28

29 MS. CHIVERS: Mr. Chair.

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 MS. CHIVERS: I'd like to go ahead and
34 read the Kodiak/Aleutians recommendation into the record.

35

36 The Kodiak/Aleutian supported with
37 modification. The Council was concerned about the
38 potential for abuse if the sale of handicrafts made from
39 bear claws was allowed. The resource and local
40 communities could suffer from overharvest of bears due to
41 the allowed sale of handicrafts made from the bear claws.

42

43 There are many legal points to consider,
44 and a lack of ability to track any sales, only trade,
45 barter and sharing should be allowed. The resource is
46 too valuable to subject to potential problems involved
47 with sales.

48

49 And they did modify the language and it
50 is shown on Page 11.

1 Thank you, Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.
4 Additional Regional Council comment.

5

6 (No comments)

7

8 CHAIRMAN DEMIENTIEFF: Staff Committee
9 recommen -- oh, I'm sorry, go ahead, Dolly.

10

11 DR. GARZA: Thank you, Mr. Chair. I
12 thought we were sort of going around so I was sort of
13 waiting my turn.

14

15 The Southeast Region did oppose this
16 proposal. We did not hear from enforcement that there
17 were any problems in Southeast. In fact, the far
18 majority of bears are taken by guide and sport and so the
19 subsistence harvest is very small. Bear hunting is not
20 an easy to get into activity. It takes a lot of skill
21 and so it's not one where people are just simply going to
22 start going out and shooting up.

23

24 The fact that there may potentially be an
25 issue in the future does not warrant action right now.
26 That was the same language that was used when we tried to
27 get steelhead fishing on Prince of Wales and the argument
28 kept being there'll be overharvest, overharvest,
29 overharvest, we got it through and the first year we had
30 like six steelhead taken. And so I don't think that
31 decision should be made on that type of scare tactic.

32

33 But we felt that, and in terms of
34 monitoring, I mean the State of Alaska does provide for
35 commercial sales through their predator control program.
36 If they have a permitting process, that kind of process
37 could simply be instituted with our process, if
38 necessary.

39

40 And we also had the concern that the
41 proposal did come from the top down. I think we reached
42 a very good position prior to this proposal in terms of
43 what we allow rural residents to do and that is to
44 continue subsistence harvesting of resources on resources
45 that do not have a conservation concern.

46

47 The issue in Ketchikan, of course, is the
48 largest clan, the Teikukeidi, the Bear Clan are nonrural.
49 And so if they want to acquire these bear parts, there's
50 issue as to how they would get them.

1 I heard several questions before and one
2 thing I want to bring up in terms of the complications
3 that it will create is that it was stated that if you own
4 a business you can still sell but you cannot sell to
5 another business. Well, as a basket weaver, I have a
6 business license, and so it would allow me to sell bear
7 parts if I lived on Prince of Wales, however, I couldn't
8 sell it to someplace like in Sitka, Three Men by the Sea,
9 is a major -- they sell all sorts of Native Arts there,
10 well, the owner -- one of the owners would be able to
11 sell at his store but because he couldn't buy from
12 another hunter, he couldn't sell their product and that,
13 in itself, creates an issue. I mean he would have an
14 unfair advantage.

15
16 And I think that this type of proposal
17 would create more issues in terms of enforcement than it
18 would actually resolve.

19
20 Thank you.

21
22 CHAIRMAN DEMIENTIEFF: Thank you. Go
23 ahead.

24
25 MR. BLOSSOM: Yeah, Southcentral Council
26 opposed this much for the same reason as you just heard.
27 We think the subsistence user is going to be so confused
28 and fouled up with this they'll have a hard time figuring
29 it out and that shouldn't be that way.

30
31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Additional Regional Council comment.

33
34 MR. MATHEWS: Yes, Mr. Chairman. The
35 Eastern Interior Regional Council comments are found on
36 Page 10 and 11.

37
38 They support the proposal with
39 modification presented by Staff with the additional
40 modification to move reference to black bear. The
41 Council wanted regulations that avoid commercialization
42 and incentives to kill bears just to sell their claws.
43 Sale of bear parts is a sensitive issue in some Native
44 cultures. There is a need for measures -- there's need
45 for measures with some controls. The Council wants
46 subsistence users to be able to be able to fully utilize
47 the harvested resource. There is not a resource problem
48 at this time.

49
50 If there are problems in the future the

1 Council can address them at that time. And their
2 modification is found on Page 11.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.

7 Additional Regional Council comment.

8

9 (No comments)

10

11 CHAIRMAN DEMIENTIEFF: Before we get to
12 the Staff Committee recommendation, we did get kind of a
13 late request for public testimony but I'm going to --
14 because we're participatory, I'm going to go ahead and
15 allow Mr. Jackson, Willard, if you'd come forward and
16 give your testimony.

17

18 MR. JACKSON: Gunalcheesh. Thank you.
19 Dr. Garza, thank you for recognizing the Teikukeidi. I'm
20 Teikukeidi, I'm brown bear. We've been in this region
21 for over 20,000 years and when I say that, I have to
22 remember my mother Esteshee (In Native) the matriarch of
23 the Teikukeidi has passed on and reestablished a new
24 matriarch in our society, my older sister. Bears. In
25 the Tlingit culture have a spirit, it's called yak, yak
26 is a spirit that we live by as human beings. Tlingit
27 people. That's what it means, human beings. And the
28 awareness of our culture and our clan emblems, Teikukeidi
29 establishes our atu, our belongings that we where on our
30 back, our atu is a crest that we take to another clan
31 that establishes territory. In saying that it's often
32 times when we go into different areas, either to hunt or
33 to go subsistence hunting we have to go to the clan
34 leaders. I, as a bear, as a Teikukeidi and as a
35 spokesperson, a (In Native) of the Teikukeidi, one of the
36 clan leaders in the area, we do not hunt these beings,
37 our human brothers.

38

39 There's a story of the Teikukeidi and
40 I'll share this with you, it's something that needs to be
41 shared with everyone, the recognition of the Teikukeidi
42 in Ketchikan and throughout Southeast Alaska, the
43 Teikukeidi don't just extend from Ketchikan Tongass
44 Island, they go all the way to Yakutat, so we have a
45 massive area that the Teikukeidi once had ownership of.

46

47 There were three brothers and they were
48 out hunting one day, they were hunting the great bear,
49 the (In Native), the brown bear, and they split up, they
50 were overcome by a bear, by a brown bear, and one was

1 chasing one of the brothers and chased him right into the
2 cave, which the she bear was in, he come running through
3 that cave so fast being chased by the he bear, he fell,
4 and he fell upon the bear, the she bear and she bury him
5 underneath him [sic]. The he bear came to the cave and
6 he asked, where's that human being I chased in here and
7 she threw him his mittens, she says, this is all you
8 chased in here, and he ran off looking for that human
9 being. The human being made it with the she bear and had
10 three offsprings, I'm telling you this story for a
11 reason, it establishes the history of the Teikukeidi
12 throughout the great region of Alaska. They had three
13 offsprings and every day the human being would go out
14 hunting for his offsprings. And he'd hunt seal in his
15 canoe, he'd come in every day to the cove and drop the
16 seal off and the three cubs would be down on the beach
17 tearing these seals apart to eat. One day the young man
18 went out hunting and the she bear told him I don't ever
19 want you to talk to your human wife. One afternoon while
20 he was hunting h e was thirsty, so he went to his
21 favorite spring where he drank water with his human
22 family and he happened to run into his wife, his human
23 wife, she made some ungodly remarks about the she bear,
24 he got back in his canoe and he continued to hunt, he
25 came back to the cove where to where he fed his
26 offsprings, this time the offsprings weren't running up
27 and down the beach, all he could see was the little ears
28 in the treeline. He brought the canoe up on the beach,
29 threw the seal off, the young offsprings never came out.
30 The moment the human being jumped off the canoe the three
31 cubs came down and tore him to pieces.

32

33 This is the history of our Teikukeidi
34 people. This is a memorial of our Teikukeidi people.
35 She went off into the mountains like she is today with
36 her three offsprings and the song she was singing, oh
37 where, oh where has my husband gone, oh where, oh where
38 is our people today.

39

40 Gunalcheesh.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Staff
43 Committee.

44

45 MR. PROBASCO: Thank you, Mr. Chair.
46 Staff Committee comments can be found on Page 15 through
47 17. And, Mr. Chair, I will not read all of the comments,
48 I'll just hit the high points. The Staff Committee
49 developed two recommendations. There's a majority
50 recommendation and a minority.

1 The majority recommends to support with
2 modification which, as you know, is contrary to the
3 recommendations of all of the Federal Subsistence
4 Regional Councils, and that is to delete paragraphs 8(a)
5 and 8(b) and a modified regulation would only capture
6 what is titled 8(c):

7
8 The sale of handicrafts made from
9 nonedible byproducts, brown bears and
10 black bears when authorized in this part
11 may not constitute a significant
12 commercial enterprise.

13
14 Mr. Chair. As I stated this
15 recommendation does not coincide with any of the Council
16 recommendations before you, however, it does propose a
17 compromise position, with, which it seems likely that
18 most Councils could agree, possibly with the exception of
19 Southcentral. This recommendation also suggests that the
20 Board consider part of the next Proposal 2, which all
21 Councils, except one found agreeable and adopt the
22 parallel language in this Proposal 1, and that's as I
23 just read.

24
25 Although the sale specified in proposed
26 parts 8(a) 8(b) are currently allowed, no information has
27 been presented that indicates that a problem exists.

28
29 For instance, in Southeast Alaska, Forest
30 Service enforcement stated, currently there are no issues
31 that we are aware of under these circumstances in
32 Southeast or in relations to the selling of bear parts.
33 And, Mr. Chair, I just want to note for the record that
34 the remainder of that paragraph we found was in error, so
35 please note that.

36
37 The majority of the Interagency Staff
38 Committee believe that the proposed language contributes
39 to maintaining the subsistence rather than the commercial
40 nature of the sales of handicraft in the Federal
41 Subsistence Program. In the future if an actual problem
42 does develop, which is not covered by this language,
43 Councils in any affected area could initiate a new
44 proposal.

45
46 Mr. Chair.

47
48 The minority recommendation was to
49 support this proposal, with modification
50 to remove the Southeast region exemption

1 from the prohibition on commercial
2 purchases and sales as recommended by the
3 North Slope, Northwest Arctic and Western
4 Interior Subsistence Regional Advisory
5 Councils, and in respect to the brown
6 bears by the Eastern Interior Regional
7 Advisory Council, in addition Yukon-
8 Kuskokwim Subsistence Regional Advisory
9 Council supported prohibition of
10 commercial sales of bear claws.

11
12 And that language, Mr. Chair, is on Page
13 16 and the top of 17. And just briefly, Mr. Chair:

14
15 The language prevents commercialization
16 of handicrafts made with bear claws by
17 prohibiting sales to and purchases by
18 businesses. This prohibition would apply
19 only to the purchase/sales of handicrafts
20 containing claws not other parts of the
21 bears.

22
23 This regulation will remove commercial
24 incentives for harvesting bears, thereby
25 reducing the potential for illegal take
26 of bears and excessive harvest of
27 honorable bear populations.

28
29 The Board's intent in allowing bear
30 handicrafts should be to provide for the
31 customary and traditional making and
32 selling of handicrafts from bears taken
33 for subsistence not to provide a
34 commercial incentive to harvest bears.

35
36 And, Mr. Chair, reliance only on
37 regulatory language prohibiting that
38 constitute a significant commercial
39 enterprise overlooks the difficulty of
40 enforcing terminology that is undefined,
41 leaving it up to the courts to determine
42 what constitutes a significant commercial
43 enterprise.

44
45 And if you recall, a similar concern
46 prompted the Board to adopt regulations prohibiting
47 commercial purchases and sales of subsistence taken fish.

48
49 And, Mr. Chair, there's more detail there
50 but I just hit the high points.

1 Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.
4 Department comments.

5

6 MR. HAYNES: Thank you, Mr. Chairman.
7 The Department recommends the Board not adopt this
8 proposal.

9

10 The Federal Board has not established a
11 record demonstrating that the sale as opposed to the
12 barter, sharing or use of bear claws, teeth, and bones
13 for making handicrafts for sale is a customary and
14 traditional practice. If action is taken on this
15 proposal, the Federal Board should modify it to restrict
16 sales of these handicrafts only to Federally qualified
17 subsistence users and should remove the exemption for
18 Southeast Alaska.

19

20 The record still would only support
21 limited noncommercial exchanges adhering to customary
22 practices in some areas of the state.

23

24 We don't believe this regulation can be
25 enforced if the exemption for Southeast Alaska is
26 retained and different provisions apply to the Bristol
27 Bay and Eastern Interior regions as was noted in the
28 Staff analysis.

29

30 The proposed provisions of Sections
31 (j)8(a) and (j)8(b) exceed the authority of the Federal
32 Board. Because these sections purport to authorize sales
33 and purchases by entities that are not Federally
34 qualified subsistence users, in violation of State laws.
35 Sale and purchase of bear claws, teeth, skulls and bones
36 are prohibited by Alaska Statute 16.05.920 and 5 AAC
37 92.200. The Federal Board does not have the authority to
38 alter such prohibitions with regard to non-Federally
39 qualified subsistence users. The State may take
40 enforcement action against any non-Federally qualified
41 subsistence user who purchases or sells bear claws,
42 teeth, skulls or bones regardless of any Federal
43 regulation that purports to authorize such sale or
44 purchase.

45

46 Thank you, Mr. Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Board
49 discussion. Gary.

50

1 MR. EDWARDS: Mr. Chairman. I have a
2 question for the State. I'm trying to understand how (a)
3 and (b), which I read, would prohibit the sale by
4 Federally recognized subsistence users to licensed
5 businesses or would prohibit those businesses from
6 purchasing, how is that inconsistent with the State law?

7
8 MR. DOUGHERTY: Through the Chair. We
9 believe that -- we understand that the intent is to be
10 more restrictive with those provisions, but we believe
11 that the Board is stepping further outside its authority
12 which is over Federally qualified subsistence users by
13 purporting to regulate the conduct of businesses within
14 the state of Alaska, rather than regulating the conduct
15 of Federally qualified subsistence users.

16
17 Perhaps, I think we would have less
18 problem with the prohibition on sale to a business
19 because you're talking about the Federally qualified
20 subsistence user in that case, but where you're talking
21 about what a business can do, I think there, the Board is
22 stepping outside its authority.

23
24 CHAIRMAN DEMIENTIEFF: Other discussion.

25
26 MS. GOTTLIEB: Mr. Chair.

27
28 CHAIRMAN DEMIENTIEFF: Yes.

29
30 MS. GOTTLIEB: I had a question for the
31 Department on these more recent regulations regarding the
32 commercial sales of the bear hides with claws. How
33 would you monitor the source of claws if they were
34 somehow separated from the hide after being sealed?

35
36 MR. HAYNES: Mr. Chairman. We'll defer
37 to Mr. Regelin to respond.

38
39 MR. REGELIN: The State regulation allows
40 the sale of brown bear hides that are taken up in the Tok
41 area, as long as they're attached to the hide. If
42 they're detached from the hide it would be illegal and we
43 would cite somebody for selling them. And when you --
44 the bear hide has to be sealed and it has a metal locking
45 tag on it so that we can track that through commerce and
46 that's one of the concerns we have. Once it's just a
47 claw, there's no way for law enforcement to track where
48 it came from and that's why we would prefer to have the
49 law be the same throughout the state rather than an
50 exemption from one area.

1 In Southeast, we know how important bears
2 are to the culture of the people and we have absolutely
3 no problem and we support the sale and trade and barter
4 amongst tribal members or -- I hate to use Federally
5 qualified subsistence users because I realize some tribal
6 members may not be, but among tribal members, that's
7 something that's very customary and traditional. I
8 listened at the last meeting we had with John Littlefield
9 about how they did it and I didn't disagree with him a
10 bit, but I think that it's a great leap to say -- to move
11 from using these for religious and ceremonial purposes
12 within the tribal functions that they have and trading
13 them and using them as gifts among tribal members and
14 selling them to tourists that come into Juneau, I just
15 feel like that can lead to unscrupulous people poaching
16 bears just to sell the claws to make a lot of money.

17
18 And I think that that's why we would
19 prefer to see it a statewide thing, and we would prefer
20 it to not be -- and we like the language you have on the
21 businesses.

22
23 Thank you.

24
25 CHAIRMAN DEMIENTIEFF: Thank you. Gary,
26 you got follow up.

27
28 MR. EDWARDS: Yes, Mr. Chairman, then I
29 have a question for Wayne. So then a brown bear taken in
30 Tok under the predator control parameters, then that, you
31 could sell a brown bear rug if it's taken under those
32 conditions? You could have it tanned and blanket put on
33 the back and sold that way?

34
35 MR. REGELIN: You can sell the -- people
36 -- what the Board was trying to do was increase the
37 harvest of brown bears in an area where they're having a
38 significant impact on the moose population so they're
39 allowing the sale of the raw -- a hunter -- we're trying
40 to encourage hunters to take more bears and then they
41 could sell the hide with the claws attached to a fur
42 buyer or to somebody that would tan it and most of these
43 -- and if anybody takes more bears and does this we'd
44 expect they'd be made into trophies and like rugs and
45 things and, then, yes, they could be sold with the claws
46 attached.

47
48 CHAIRMAN DEMIENTIEFF: Additional
49 discussion.
50

1 (No comments)

2

3

CHAIRMAN DEMIENTIEFF: Gary.

4

5 MR. EDWARDS: I'm going to try to make a
6 motion here. I guess sort of being the lone voice often
7 times on concern with the sale of bear claws in general
8 period, I guess I'm a little concerned about now what the
9 State is further doing, which seems to be contradictory,
10 to at least where I personally wanted to be on all of
11 this.

12

13 But with that said is I guess that my
14 view was that it really never was the intent that fish or
15 game taken for subsistence was to be turned into
16 commercial enterprise, I don't think that's certainly the
17 intent, and usually that's what I hear there and I also
18 recognize concerns maybe the State expressed about
19 putting regulations on commercial businesses, but it
20 seems to me it's kind of what's good for the goose,
21 what's good for the gander, I mean if you've got to tell
22 somebody you can't sell then why would you let somebody
23 buy.

24

25 With that said, I guess I would move that
26 we adopt, as proposed by the Western Interior and the
27 Northwest Arctic and the North Slope Regional Advisory
28 Councils, the proposal with the modifications, and that
29 modification would primarily remove the exemption for the
30 Southeast.

31

32 I believe that this is the right thing to
33 do. I think it certainly would provide a deterrent for
34 the potential, if it hasn't occurred already. The
35 expansion of the sale of bear claws, I think is
36 consistent with what the majority of the Regional
37 Council's have expressed their concerns with increased
38 harvest due to commercialization.

39

40 I think there is language in there then
41 that would allow a business, a Federally recognized
42 subsistence user that was a business to continue to buy
43 and to sell as well and certainly would be my intent,
44 that it would not prohibit handicraft made of bear claws
45 to be sold from a consignment anywhere in the state.

46

47 CHAIRMAN DEMIENTIEFF: Is there a second
48 to the motion.

49

50 MR. OVIATT: I'll second the motion.

1 CHAIRMAN DEMIENTIEFF: Discussion on the
2 motion.

3
4 MS. GOTTLIEB: Mr. Chair.

5
6 CHAIRMAN DEMIENTIEFF: Yes.

7
8 MS. GOTTLIEB: I think any time we do
9 these statewide issues they're very, very difficult
10 because there are such regional differences.

11
12 Having said that we do have a statewide
13 proposal that involves black bears, and then the three
14 regions that are affected by the brown bear. Making and
15 selling handicrafts is something that ANILCA provides for
16 and we've been struggling for the last several years on
17 how to try to maybe define that it not become a
18 commercially significant enterprise, which we don't allow
19 or don't want. But I also think that by adhering to the
20 established limits that this Board has in regulation for
21 the taking of brown and black bears, we're not seeing, we
22 have not seen and we will not see a significant
23 commercial enterprise.

24
25 In my opinion on parts (a) and (b) of
26 this proposed regulation, because of the need for people
27 to put items on consignment where probably the local
28 store may be the best bet to do that and I don't know
29 whether stores make profit or not. But I don't support
30 having (a) and (b) as part of this proposal. But I think
31 (c) can stay as is.

32
33 CHAIRMAN DEMIENTIEFF: Thank you.

34
35 MR. EDWARDS: Mr. Chairman.

36
37 CHAIRMAN DEMIENTIEFF: Gary.

38
39 MR. EDWARDS: I guess my concern with
40 what Ms. Gottlieb has said, is that, if we simply leave
41 (c) in there, we know based upon experience, and what
42 we've been told by the U.S. Attorney's office is that
43 since we cannot define the term significant commercial
44 enterprises, you know, don't bother to bring any cases to
45 them. So it seems to me if we just end up with that
46 we're just better off staying where we are.

47
48 Now, I know we don't have any reported
49 cases, but I do believe we have enforcement folks from at
50 least two of the agencies here and I guess my question

1 is, have we really even looked, and I think certainly
2 from our standpoint, I don't think that our folks have
3 spent, you know, much effort trying to see if this is
4 turning into a commercial enterprise or not. Somebody
5 mentioned the Forest Service, I don't know if the Forest
6 Service folks are here and what kind of effort has been
7 made to actually see, particularly in the Southeast, if
8 bear claws are showing up in various shops and all.

9

10 MR. BREWSTER: Mr. Chair. We do have a
11 Forest Service law enforcement officer here if he could
12 come on up.

13

14 CHAIRMAN DEMIENTIEFF: Okay.

15

16 MR. MYERS: Thank you, Mr. Chair. Good
17 morning to the Board. My name is Marty Myers, I'm the
18 Assistant Special Agent in charge with the U.S. Forest
19 Service, soon to be retired.

20

21 In regards to this, we have looked
22 around, you know, Southeast Alaska pretty much consists
23 of a lot of small communities and if something was to
24 come up it would be fairly easy for us to see what's
25 going on, at least find out what's going on because
26 people aren't closed mouthed about stuff like this when
27 it comes up.

28

29 But as far as we know right now, there
30 hasn't been a problem. And my recollection from a couple
31 of Board meetings ago, a couple years ago, that when we
32 gave testimony on this before, is that, the main emphasis
33 for this was mainly for people to have a method of
34 getting regalia for ceremonial purposes and the real
35 emphasis wasn't putting it into a commercial market.
36 And, of course, our concern is the commercial market,
37 commercializing wildlife, and that's what we don't want
38 to see.

39

40 But to answer Mr. Edwards' question, we
41 haven't seen it in the Southeast but I can't speak for
42 the whole state, but I think if it does occur, it
43 shouldn't be too hard to detect. The real question in my
44 mind, and it's been brought up is this significant
45 commercial enterprise, is we don't know what that is, and
46 it's been tested before with the herring roe, and we lost
47 that case, or the government lost that case, and it's a
48 sense of what the value really is. So it would be
49 difficult for us to -- I mean we could take a case on but
50 I guess it would be up to a judge to decide that that

1 would be and it may not be what the Board intended as far
2 as a limit of whatever that might be. So it tends to put
3 a grey area out there where, for the most part, I think
4 if there were any problems that were starting they
5 probably would be ignored because of the ambiguity of the
6 definition or, in fact, there isn't a definition for
7 significant commercial enterprise.

8

9 CHAIRMAN DEMIENTIEFF: Thank you.
10 Additional discussion.

11

12 (No comments)

13

14 CHAIRMAN DEMIENTIEFF: I suppose before
15 we started deliberating, I should have gone to -- the
16 Board members are all familiar with it, once we do get a
17 motion brought before the Board, the Board members can
18 call, as was the case here, they can call upon additional
19 people, but once we get a motion before the Board it
20 becomes the property of the Board and all the other
21 discussion, unless somebody wants to call on somebody,
22 which is the case at this time, and thank you for your
23 information.

24

25 Further discussion on the motion.

26

27 MS. GOTTLIEB: Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: Judy.

30

31 MS. GOTTLIEB: I guess one more comment.

32 Thank you.

33

34 I think we ought to define commercial
35 enterprise but I don't think we have that definition
36 based on the discussions and the variety of answers and
37 feedback that we got from the RACs.

38

39 CHAIRMAN DEMIENTIEFF: Thank you.

40 Additional discussion.

41

42 MR. EDWARDS: Mr. Chairman. There seems
43 there might be some confusion in my motion with regards
44 to what, you know, my intent was as it applies to
45 handicraft made out of bear claws that would be provided
46 for consignment. And it's certainly was not my intent
47 that we would prohibit that from occurring, in fact, it's
48 my understanding that that is a very customary thing that
49 occurs and we certainly would want to continue to allow
50 that.

1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Additional discussion on the motion.
3
4 (No comments)
5
6 CHAIRMAN DEMIENTIEFF: Hearing none, all
7 those in favor.....
8
9 MR. CESAR: Mr. Chairman.
10
11 CHAIRMAN DEMIENTIEFF: Oh, go ahead.
12
13 MR. CESAR: I'm sorry, I've been sitting
14 here thinking. Would someone explain to me if your
15 motion fails, where are we at? What would be the net
16 results of that? I mean what is the status quo?
17
18 I guess I'm just a little bit confused.
19
20 CHAIRMAN DEMIENTIEFF: Dan, Tom's asking
21 you if you can respond to that question.
22
23 MR. LAPLANT: Mr. Chairman. If the Board
24 does not pass a regulation here then the status quo
25 remains, yes, that there is no limitation on commercial
26 sales of handicrafts made from bear claws.
27
28 MR. CESAR: Mr. Chairman.
29
30 CHAIRMAN DEMIENTIEFF: Yes.
31
32 MR. CESAR: I guess, I mean that's what I
33 thought, I just wanted someone to clear my fuzzy brain
34 here.
35
36 I've not been told there's a problem, you
37 know, and I guess I'm struggling with that somewhat in
38 terms of proposing a regulation for something that hasn't
39 been demonstrated to be a problem. And I think that our
40 process allows us to impose regulation in a reasonably
41 short period of time when a problem is detected and we
42 need to some how reign that in. And I'm a little
43 concerned that we're reaching out and saying, okay, you
44 know, there may be a problem someday so let's put in a
45 regulation now and I'm not sure that we need to do that
46 necessarily.
47
48 MR. EDWARDS: Mr. Chairman, I guess.....
49
50 CHAIRMAN DEMIENTIEFF: Gary.

1 MR. EDWARDS:maybe I can ask Dan
2 one clarification. Isn't what we have now, doesn't the
3 significant commercial enterprise still apply or for bear
4 claws is that even -- even that language doesn't
5 currently apply?
6

7 MR. LAPLANT: Yes, Mr. Chairman. Mr.
8 Edwards. It's my understanding that that does not
9 currently apply, no, that language does not exist in
10 regulation, the significant commercial enterprise. That
11 only applies to customary trade, which does not apply
12 here.
13

14 CHAIRMAN DEMIENTIEFF: From my
15 perspective, the -- you know, enforcement has already
16 said there is not a problem and also you can correct me
17 if I'm wrong, but my understanding of your statement is
18 if there was a problem it would be easily detectable.
19

20 Given that, I'm going to oppose the
21 motion.
22

23 MR. BOYD: You have a motion and a
24 second.
25

26 CHAIRMAN DEMIENTIEFF: Pardon?
27

28 MR. BOYD: You have a motion and a
29 second.
30

31 CHAIRMAN DEMIENTIEFF: Yeah, we do have a
32 motion and a second.
33

34 Just for that reason. I'm confident that
35 our enforcement people can do their job. There hasn't
36 been a problem and I'm sure if there got to be a problem,
37 that we could respond very quickly and I'm sure that we
38 would given our mandates, and, so, therefore, I intend to
39 oppose the motion based on that rationale.
40

41 MS. CROSS: Can I ask a question?
42

43 CHAIRMAN DEMIENTIEFF: Grace, I'll call
44 upon you, go ahead.
45

46 MS. CROSS: I guess I have a question. I
47 know that some of the Native art is being sold through
48 the internet in places like eBay and other areas so would
49 Alaska, would this cover such sales? This is now a
50 worldwide thing, basically, there's some things that are

1 being auctioned off somewhere so I just kind of wondered,
2 is that something that's going to be covered on whatever
3 you adopt?

4

5 MR. EDWARDS: Mr. Chairman, I guess my
6 understanding would be that it would not, that it only
7 applies to those businesses that are licensed in Alaska
8 and without the language on significant commercial
9 enterprise, then it wouldn't even apply to somebody who
10 would set up an internet business, I would assume, then,
11 could sell as much as they would want and there would be
12 no limitation on it. Unless somebody else has a
13 different interpretation.

14

15 CHAIRMAN DEMIENTIEFF: Wayne.

16

17 MR. REGELIN: You know, I hear you say
18 that there's not a problem right now but I think the way
19 I look at it is that there's a high risk of illegal --
20 people doing illegal poaching just to sell bear claws and
21 they can do it on the internet, they can do it anywhere
22 in the state and we're not going to be able to regulate
23 it. And I don't think that by adding these -- we can
24 eliminate a lot of that risk without a down side because
25 I haven't heard anybody saying that they want to do this,
26 that it's essential for them. Everything I've heard is
27 that the main reason that we want to allow the sale of
28 bear claws is for -- so that they can be used for
29 religious and ceremonial purposes, and they already can
30 be. And so I don't think we're restricting anything
31 that's going on but what we're doing is reducing the risk
32 of something that could happen in the future, and we do
33 that all the time with laws and I think it's the
34 responsible thing to do.

35

36 MR. EDWARDS: Mr. Chairman.

37

38 CHAIRMAN DEMIENTIEFF: Gary.

39

40 MR. EDWARDS: Just maybe a follow up to
41 that, and it does appear that -- and I don't think our
42 folks up here in the north have really looked to see
43 whether it's a problem or not and I certainly would
44 accept what the folks from the Forest Service said about
45 the Southeast, but for example we do know that there is
46 significant illegal traffic in bear gall bladders, for
47 example, and we've made some very significant cases
48 because of the market. Unfortunately sometimes when
49 there is monetary incentives out there, and people
50 realize that and motivation increases. It seems to me

1 this is just a prudent thing to do and as Wayne said, it
2 certainly does not prohibit anything that when we
3 authorized this, you know, several meetings ago, what we
4 heard from folks as to how they wanted to use this, I
5 mean this will still all be permissible.

6
7 CHAIRMAN DEMIENTIEFF: Further
8 discussion.

9
10 (No comments)

11
12 CHAIRMAN DEMIENTIEFF: Are we prepared
13 for a vote.

14
15 (No comments)

16
17 CHAIRMAN DEMIENTIEFF: I think probably
18 the best way to do this would be a roll call vote, I
19 think.

20
21 MR. BOYD: Mr. Chair. I'll go from my
22 left to my right, and I'll start with Mr. Brewster.

23
24 MR. BREWSTER: I will oppose the motion
25 for the reason that I don't believe that it's supported
26 by substantial evidence that there is currently a
27 problem.

28
29 MR. BOYD: Mr. Edwards.

30
31 MR. EDWARDS: I'll vote in favor of the
32 motion for all the reasons I've previously stated.

33
34 MR. BOYD: Ms. Gottlieb.

35
36 MS. GOTTLIEB: I will oppose the motion
37 because I think it's to the detriment of subsistence
38 users and I think our existing regulations can carry us
39 forward for another year or until we need to make
40 modifications.

41
42 MR. BOYD: Mr. Cesar.

43
44 MR. CESAR: I will oppose the motion. I
45 believe that if there is a problem looming, that we have
46 a process to be able to deal with that and I don't want
47 to create regulations unnecessarily.

48
49 MR. BOYD: Mr. Oviatt.

50

1 MR. OVIATT: I'm in favor of the motion
2 for the reasons that have been expressed by the State and
3 by Mr. Edwards.

4
5 MR. BOYD: Mr. Chair.

6
7 CHAIRMAN DEMIENTIEFF: I will oppose the
8 motion. Again, having the confidence in our enforcement
9 people and certainly if there's a problem I'm sure
10 they'll come straight forward to us and we can deal with
11 that at that time. And so I have confidence in our
12 system and oppose the motion for that.

13
14 And with that, the motion fails.

15
16 (Pause)

17
18 CHAIRMAN DEMIENTIEFF: 06-02.

19
20 MR. LAPLANT: Mr. Chairman. Members of
21 the Board. The analysis for Proposal WP06-02 begins on
22 Page 36 of your book.

23
24 This proposal was submitted by the Office
25 of Subsistence Management and it requests that the
26 Federal Subsistence Board authorize the sale of
27 handicraft made from nonedible byproducts of wildlife
28 other than bears harvested for subsistence use, so this
29 pertains to all other wildlife other than the bear issue
30 that we just discussed. The proposed regulation will not
31 affect the previous regulation that has just been
32 considered by the Board in addressing bear handicraft.

33
34 The intent of this proposal is to have
35 Federal regulations align more closely with existing
36 State regulations with respect to handicraft and to
37 accommodate existing practices. This proposal affects
38 all regions of the state, in other words, statewide.
39 Many rural residents make and exchange or they barter or
40 they sell handicrafts made from nonedible byproducts of
41 wildlife and this practice is currently allowed under
42 State regulations 5 AAC 92.200 for wildlife harvested
43 under the State's general hunting regulations, however,
44 it's currently prohibited for wildlife harvested under
45 the Federal Subsistence Management Program.

46
47 In Subpart A, Section 7 of the Federal
48 regulations, it states that:

49
50 You may not exchange in customary trade

1 or sell fish or wildlife or their parts
2 taken pursuant to the regulations in this
3 part unless provided for in this part.
4

5 So, therefore, adoption of these
6 regulations will provide Federally qualified users with
7 that same opportunity that they have under State
8 regulations.
9

10 As you can see in the center of the page
11 there under the proposed regulations, the language that's
12 being proposed says that:
13

14 If you are a Federally qualified
15 subsistence user you may sell handicraft
16 articles made of nonedible byproducts of
17 wildlife harvested for subsistence uses,
18 excluding bear, and that is addressed in
19 a separate section, and this will include
20 the skin, hide, pelt, fur, claws, and
21 bones, except the skulls of moose,
22 caribou, elk, deer, bear, goat, and
23 muskox;

24 those bones would not be available to
25 sell as parts of handicraft;
26

27 It would include the teeth, the sinew,
28 antlers and horns, but not the antlers
29 and horns if they're attached to any part
30 of the skull or made to represent a big
31 game trophy and you could also sell the
32 hooves if it was made into handicrafts.
33

34 This language is a little bit cumbersome
35 and the intent here is to be consistent with the existing
36 State regulations.
37

38 The existing State regulations are
39 written in that they allow the sale of these wildlife
40 parts except where specifically prohibited, and they
41 prohibit the bear parts and a few others. In the Federal
42 regulations, as I stated in Section 7 it says that sales
43 are prohibited unless authorized, so the State
44 regulations come at it from a different direction than
45 the Federal regulations and that's why it would be
46 difficult to -- well, that's why this language doesn't
47 match exactly the language that the State has.
48

49 The regulatory history on Page 37, as I
50

1 said earlier, Subpart A regulations is where the
2 prohibition currently is. This was adopted in 1990 by
3 the Secretaries of Interior and Agriculture and they did
4 not originally provide for the sale of subsistence
5 harvested resources, but when Subpart A was modified in
6 1999 it contained language, again, prohibiting the sale
7 of fish and wildlife or their parts unless provided for
8 in Subpart D. And since that time the Board has provided
9 several exceptions in Subpart D that allow the sale of
10 certain items. There's the sale of bear handicrafts that
11 we just discussed, both black bear and brown bear made
12 from skin, hide, pelt, and fur. And also the Board has
13 authorized the sale of handicrafts in Southeast from
14 black bear and brown bear that are made from bones,
15 teeth, sinew, skulls and so forth. Also the raw fur or
16 tanned pelts of legally harvested furbearers can be sold.
17 And if you remember, several years ago the Board approved
18 the customary trade provisions to allow the sale of fish
19 from subsistence harvested fish, so those are also
20 exceptions to the Section 7 in regulation. And then most
21 recently, in the January meeting you passed a rule
22 allowing the sale of handicraft articles made from
23 nonedible byproducts of subsistence harvested fish or
24 shellfish. So the fish portion of this issue you dealt
25 with in January and this is the wildlife portion of the
26 issue.

27
28 The effect of the proposal is that this
29 action would not alter existing wildlife limits or
30 seasons and, therefore, should have no impact on wildlife
31 populations. This action will provide those subsistence
32 users who make handicrafts, with an opportunity to sell
33 those handicrafts made from wildlife harvested under
34 Federal Subsistence Management Regulations and this
35 change will be minimal because the activity, as I said
36 earlier, is currently allowed for wildlife harvested
37 under the State's general harvest regulations.

38
39 So this change will have no effect,
40 really, on the users other than making the regulations
41 consistent.

42
43 One difference to note, though, is that
44 the State regulations do allow the purchase and sale of
45 other items, besides just handicraft, and that includes,
46 detached horns and antlers and capes of some species, and
47 this would not be allowed under Federal regulations.
48 This Federal regulation as proposed addresses handicrafts
49 only and in respect to handicrafts, it would be
50 consistent with the State regulations and it would be

1 consistent with the definition of subsistence uses in
2 ANILCA, Section .803.

3
4 So the proposed regulatory language,
5 also, one final item, is it introduces some terms that
6 haven't been used in Federal regulations in the past, and
7 that is the terms of big game and the term trophy, and we
8 can draw those definitions from current State regulations
9 into Federal regulations, if needed, if this proposal
10 passes.

11
12 Mr. Chairman, that concludes the
13 presentation on Proposal WP06-02. Thank you.

14
15 CHAIRMAN DEMIENTIEFF: Thank you.

16 MR. MATHEWS: Yes, Mr. Chairman, they're
17 found on Page 35, a summary of them on Page 35. There's
18 five in support, one support with modification.

19
20 The AHTNA Subsistence Committee supported
21 the proposal the proposal so that rural
22 residents may sell handicrafts made from
23 nonedible byproducts of most wildlife.
24 They believe that this practice is --
25 well, this practice has done under State
26 regulations but is not allowed under
27 Federal since there is no regulation in
28 place under Federal.

29
30 Mentasta Traditional Council supported
31 the proposal.

32
33 The Lake Clark Subsistence Resource
34 Commission supported the proposal because
35 it would allow subsistence users to
36 maximize the benefits derived from
37 legally harvested wildlife.

38
39 The National Parks Conservation
40 Association supported the proposal
41 because ANILCA clearly states in Section
42 .803 that nonedible byproducts of
43 subsistence harvest wildlife can be used
44 for handicrafts.

45
46 The Wrangell-St. Elias Subsistence
47 Resource Commission unanimously supports
48 the proposal as modified in the Staff
49 recommendation. They felt that the
50 proposal would not cause a conservation

1 concern and it would allow subsistence
2 users to more fully make use of wildlife
3 they've harvested.
4

5 The Denali Subsistence Resource
6 Commission supported the proposal with
7 modification as presented by Staff
8 because it would provide Federally
9 qualified subsistence hunters the same
10 opportunities that are currently
11 available to those harvesting under State
12 regulations. The regulation will remove
13 commercial incentives for harvesting
14 bears thereby providing additional
15 protection for overall harvest of
16 bear.....
17

18 This must be the wrong one, sorry, Mr.
19 Chair, this is one that's from Proposal 1, so we'll have
20 to get clarification on what Denali Subsistence Resource
21 Commission did on 02.
22

23 With that, Mr. Chair, that concludes the
24 written public comments.
25

26 CHAIRMAN DEMIENTIEFF: Thank you, very
27 much. We have no additional request for public testimony
28 at this time.
29

30 Regional Council recommendations.
31

32 MR. COLLINS: We stated in here we
33 supported as presented by Staff with the modifications.
34

35 CHAIRMAN DEMIENTIEFF: Thank you.
36

37 MS. CROSS: Seward Penn also supported
38 this with modification as presented by the Staff.
39

40 MR. STONEY: Thank you, Mr. Chairman.
41 Members of the Board. The Northwest Subsistence Regional
42 Advisory Council supported this proposal with
43 modifications as written.
44

45 Thank you, Mr. Chairman.
46

47 MS. B. ARMSTRONG: Mr. Chair. The North
48 Slope Subsistence Regional Advisory Council also
49 supported the modification and the regulation that they
50 used to modify is on Page 31 of your book.

1 Thank you.
2
3 MR. WILDE: Yukon-Kuskokwim Subsistence
4 Regional Advisory Council support Proposal 2, five
5 against none. This would allow subsistence users to
6 continue traditional practice.
7
8 Thank you, Mr. Chairman.
9
10 CHAIRMAN DEMIENTIEFF: Thank you.
11 Additional.
12
13 MS. LYONS: Mr. Chair. The Bristol Bay
14 Regional Advisory Council also unanimously supported this
15 with modification as cited already.
16
17 Thank you.
18
19 CHAIRMAN DEMIENTIEFF: Thank you.
20
21 MR. BLOSSOM: Yeah, Mr. Chair,
22 Southcentral also supported this with modification.
23
24 CHAIRMAN DEMIENTIEFF: Thank you.
25
26 DR. GARZA: Mr. Chairman. Southeast also
27 voted to support with modification.
28
29 CHAIRMAN DEMIENTIEFF: Thank you.
30
31 MS. CHIVERS; Mr. Chair.
32
33 CHAIRMAN DEMIENTIEFF: Yes.
34
35 MS. CHIVERS: The Kodiak/Aleutians also
36 supported the proposed regulation with the modification
37 as shown on Page 31, which is the proposed language
38 supported by the North Slope.
39
40 Thank you.
41
42 CHAIRMAN DEMIENTIEFF: Thank you. Any
43 other. Go ahead, Vince.
44
45 MR. MATHEWS: Mr. Chairman. I wanted to
46 correct the position on Denali Subsistence Resource
47 Commission first.
48
49 At their meeting when they took up
50 Proposal 02, their motion was to adopt

1 the Staff analysis and was passed
2 unanimously. Their justification was
3 adoption of these regulations will
4 provide Federally qualified subsistence
5 users the same opportunities that are
6 currently available to those under State
7 regulations.
8

9 So I apologize for the wrong one being in
10 the book there.

11
12 Then going on to Eastern Interior.

13
14 Eastern Interior supported with
15 modification provided by Staff with the
16 additional modification for allowing the
17 sale of capes, hides, and sheds as
18 identified in State regulations. The
19 Council supported this proposal as
20 modified by Staff because the practice is
21 currently allowed under State
22 regulations, but currently prohibited for
23 wildlife harvested under Federal
24 regulations. Adoption of this proposal
25 will provide the same opportunities that
26 currently exist under State regulations.
27

28 The Council had concerns about not being
29 able to sell capes, hides and shed horns.
30 Many subsistence hunters can currently
31 sell capes and hides. Federal
32 regulations need to align with State
33 regulations and allow the sale of capes,
34 hides and sheds. This would allow full
35 utilization of the resource.
36

37 Mr. Chairman, that modified language is
38 found on Page 33 of your Board book.

39
40 Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Thank you. Staff
43 Committee.

44
45 MR. PROBASCO: Thank you, Mr. Chair. The
46 Staff Committee's recommendations are found on Page 34
47 and 35.

48
49 Interagency Staff Committee recommends to
50 support with modification and this recommendation follows

1 the same as from the North Slope, Bristol Bay, Seward
2 Peninsula, Southeast Alaska, Yukon-Kuskokwim, Northwest
3 Arctic, Western Interior and Kodiak/Aleutians Subsistence
4 Regional Advisory Councils and the modified language is
5 on Page 34, Mr. Chair, and the justification is also
6 written on Page 34 and 35.

7

8 And I think probably one of the
9 highlights I just want to hit is the last paragraph.

10

11 The Interagency Staff Committee did
12 consider the use of the term big game, has been avoided
13 in the past for reasons of cultural sensitivity because
14 some users object to calling their food source game but
15 has retained the use in this instance. This reference
16 applies to mounted wildlife trophies, not a normal
17 subsistence use and none of the 10 Subsistence Regional
18 Advisory Council objected to its use in this context.

19

20 Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Thank you, very
23 much. Department comments.

24

25 MR. HAYNES: Mr. Chairman. The
26 Department supports the proposal as modified by the
27 InterAgency Staff Committee.

28

29 We support a Federal regulation
30 authorizing the sale of handicraft articles made from the
31 nonedible parts of wildlife harvested for subsistence
32 uses that is consistent with the State regulations
33 governing the purchase, sale or barter of game and game
34 parts.

35

36 We don't support the proposal as modified
37 by the Eastern Interior Regional Council to allow the
38 sale of capes, hides and shed horns as the proposed
39 regulation is intended only to address the use of
40 nonedible byproducts of wildlife in making handicrafts
41 for sale.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. Board
44 discussion.

45

46 MR. BREWSTER: Mr. Chair. I don't quite
47 where to go with this but I note that the use of the
48 phrase in the last section significant commercial
49 enterprise, which we just went around about on in the
50 last proposal. I'm not saying I oppose the proposal here

1 that is being brought forward by the Staff, but it seems
2 that this reoccurring phrase is something we're going to
3 find ourselves dealing with at some time in the future in
4 some more detail.

5
6 CHAIRMAN DEMIENTIEFF: Further
7 discussion.

8
9 (No comments)

10
11 CHAIRMAN DEMIENTIEFF: If not, is
12 somebody prepared to offer a motion.

13
14 (No comments)

15
16 CHAIRMAN DEMIENTIEFF: Tom's going to use
17 his ex-officio capacity to offer a motion.

18
19 (Laughter)

20
21 CHAIRMAN DEMIENTIEFF: Is there a motion.

22
23 (Pause)

24
25 MS. GOTTLIEB: Mr. Chair.

26
27 CHAIRMAN DEMIENTIEFF: Yes, Judy.

28
29 MS. GOTTLIEB: Well, it looks like on
30 this proposal we did have quite good concurrence and high
31 degree of support and approval from all the RACS for the
32 proposal as modified. I think Paul has a good point
33 here, I guess we could debate whether to keep this last
34 section in or out. We know it needs further definition
35 one way or the other but it is in our statute anyhow to --
36 that subsistence uses not become commercial enterprises,
37 so we could go either way on it.

38
39 So I'll go ahead and move that we,
40 consistent with nine out of 10 of the Regional Advisory
41 Councils adopt the proposed regulation for 06-02,
42 statewide regulation.

43
44 CHAIRMAN DEMIENTIEFF: Is there a second.

45
46 MR. CESAR: Second.

47
48 CHAIRMAN DEMIENTIEFF: Okay, we have a
49 motion made and seconded before us. And I know I intend
50 to support the motion for the same reasons that you

1 outlined. We do have substantial concurrence with the
2 RACs in that nine out of 10 agree with the proposal as
3 modified, and for that reason I intend to support the
4 motion as well.

5
6 Further discussion on the motion.

7
8 I'm sorry, Pete.

9
10 MR. PROBASCO: Mr. Chair. The second,
11 for the record, was Niles; is that correct?

12
13 MR. CESAR: (Nods affirmatively)

14
15 MR. PROBASCO: Okay, thank you.

16
17 MS. GOTTLIEB: Mr. Chair.

18
19 CHAIRMAN DEMIENTIEFF: Yes.

20
21 MS. GOTTLIEB: Just for clarification,
22 I'm not 100 percent certain that what's on the screen is
23 what we want to be voting on. Thank you, okay.

24
25 (Pause)

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

29
30 MR. CESAR: Mr. Chair.

31
32 CHAIRMAN DEMIENTIEFF: Yes.

33
34 MR. CESAR: I mean I agree we've got to
35 deal with this commercial significant, you know,
36 commercial enterprise, at some point. I don't know, you
37 know, if, and I guess I don't feel I'm prepared to deal
38 with it right now, so by leaving it in there as it is, I
39 mean does that create a problem for us or is it the
40 problem that's there is there?

41
42 I look at our lawyer, I mean, Keith.

43
44 CHAIRMAN DEMIENTIEFF: Keith.

45
46 MR. GOLTZ: The words are in the statute.

47
48 MR. EDWARDS: But they don't apply to
49 bears, right? The language does not apply to bears?

50

1 MR. GOLTZ: The words are in the statute
2 in relation to customary trade, but they're undefined in
3 the statute.
4
5 CHAIRMAN DEMIENTIEFF: Thank you.
6 Further discussion.
7
8 MR. BREWSTER: Mr. Chair.
9
10 CHAIRMAN DEMIENTIEFF: Yes.
11
12 MR. BREWSTER: Yes, my Staff here
13 reminded me that this, in fact -- this proposal would
14 also apply to bear claws, I am correct in that?
15
16 CHAIRMAN DEMIENTIEFF: Dan, do you
17 have.....
18
19 MR. LAPLANT: Mr. Chairman. Yes, that's
20 correct, the phrase that we have in there is the sale of
21 handicrafts made from nonedible byproducts would not
22 constitute a commercial enterprise. That was put in
23 there to make it consistent with the previous proposal,
24 but it's not contained within the language of 25(j)9 that
25 pertains specifically to non-bear handicrafts, yes, so
26 this statement then would pertain to both bear and non-
27 bear handicrafts.
28
29 Thank you.
30
31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Further discussion on the motion.
33
34 (No comments)
35
36 CHAIRMAN DEMIENTIEFF: Hearing none, all
37 those in favor signify by saying aye.
38
39 IN UNISON: Aye.
40
41 CHAIRMAN DEMIENTIEFF: Those opposed,
42 same sign.
43
44 (No opposing votes)
45
46 CHAIRMAN DEMIENTIEFF: Motion carries.
47
48 Okay, with that I think we'll go ahead
49 and let the Southeast people move in, who is going to do
50 the Staff analysis for Southeast.

1 (Pause)

2

3 CHAIRMAN DEMIENTIEFF: The recommendation
4 from Forest Service is that we do Proposal 8 first so
5 that's the one we're going to speak to first.

6

7 MR. BOYD: Actually we'll do 7 and 8
8 together.

9

10 CHAIRMAN DEMIENTIEFF: Okay, 7 and 8
11 together.

12

13 (Pause)

14

15 CHAIRMAN DEMIENTIEFF: Dennis, maybe if
16 we could just do the Staff analysis on both 7 and 8 and
17 distinguish just so we're -- they're kind of related so
18 we need to kind of get them both. I think what the
19 recommendation of Forest Service is, is that if we do
20 adopt 8 that there would be no reason for action on 7 but
21 we need to get the analysis up anyway. So if we can just
22 combine them and, again, we'll deal with them by separate
23 motion when it comes down to a motion.

24

25 MR. CHESTER: For the record my name is
26 Dennis Chester. I'm with the U.S. Forest Service, and,
27 yes, the Staff analysis for 7 and 8 were combined so I'll
28 be going over both of them. And the Staff analysis
29 begins on Page 55 of your books.

30

31 Proposal WP06-07 was submitted by the
32 Southeast Alaska Subsistence Regional Advisory Council
33 and it requests the closure of Federally managed public
34 lands on Suemez Island to hunting by non-Federally
35 qualified hunters from August 1 to August 15th and it
36 also requests the opening of Federally managed public
37 lands in the southeast portion of Prince of Wales Island
38 to hunting by non-Federally qualified hunters also from
39 August 1st to 15th.

40

41

42 Proposal, WP06-08 was submitted by the
43 Hydaburg Cooperative Association and it requests the
44 closure of Federally managed public lands on all islands
45 if Unit 2 on the southwest side of Prince of Wales Island
46 to deer hunting by non-Federally qualified hunters from
47 August 1st through 15th, and also requests the opening of
48 Federally managed public lands in the southeast portion
49 of Prince of Wales Island to hunting by non-Federally
50 qualified hunters during the same period.

1 Now, both of these proposals seek to open
2 up some of the Federally managed public lands on Prince
3 of Wales to qualified hunters and close island -- to non-
4 Federally qualified deer hunters and close islands west
5 of Prince of Wales to those same hunters.

6
7 And just for clarification at this point
8 I'd like to point out that all discussion about closures
9 and openings in this analysis apply only to the August
10 1st through August 15th timeframe, and also that all
11 references to openings and closures apply only to
12 Federally managed public lands.

13
14 And the next thing I'd like to do is
15 clarify for you which areas are being discussed in the
16 analysis, and you each should have a set of four colored
17 maps that were not in the books, but I believe, have been
18 provided to you separately. And if you'll look
19 particularly at Maps A and C at this point in time. Maps
20 B and D show the Southeast Advisory Council's
21 recommendations and those will be discussed later.

22
23 But Map A, if you look at the dark green
24 portion, kind of in the middle right of the map there,
25 this shows southeast Prince of Wales Island as defined in
26 Proposal 7. Proposal 7 proposes to open this area to
27 non-Federally qualified hunters from August 1st through
28 August 15th. But for today I would like to call this
29 area south Prince of Wales just to distinguish it from
30 southeast Prince of Wales as defined in Proposal 8. And
31 also on that map in kind of the upper left area is a
32 light yellow colored island, that is Suemez Island and
33 that is the island that this proposal requests to close
34 to non-Federally qualified hunters.

35
36 Next, if you look at Map C, the dark
37 green area there in the middle right is the area defined
38 in Proposal 8 as southeast Prince of Wales and this is
39 the area that is proposed for opening to non-Federally
40 qualified hunters. And on the left side of the map is in
41 light yellow is the southwest islands that are proposed
42 for closure. And you'll note that this also includes
43 Suemez Island.

44
45 So there are basically four separate
46 areas that we'll be discussing.

47
48 South Prince of Wales as defined in
49 Proposal 7. Southeast Prince of Wales as defined in
50 Proposal 8. Suemez Island and Southwest Islands.

1 The portion of Proposal 7 that proposes
2 opening south Prince of Wales is a result of the
3 Southeast Regional Advisory Council's Unit 2 Deer
4 cooperative planning subcommittee process. This group
5 found that the southeast area had received little use by
6 Federally qualified subsistence users but was used by
7 non-Federally qualified hunters in the season prior to
8 the school year, thus, the proponent felt that it could
9 be opened to all hunters without adverse effects on
10 subsistence users.

11
12 The proponent also felt that Suemez
13 Island -- that closing Suemez Island to non-Federally
14 qualified hunters during early August would help
15 Federally qualified subsistence hunters meet their needs.
16 This is an important deer harvesting area and has easy
17 access to Prince of Wales Island and with good hunting
18 opportunities.

19
20 Proposal 8 proposes opening southeast
21 Prince of Wales Island based on the same process and
22 rationale that Proposal 7 uses. They are different
23 because of an error in the draft subcommittee report that
24 the RAC used to develop the proposal so there's no intent
25 for a difference there, but the proposal as written had
26 that difference.

27
28 The proponent of Proposal 8 states that
29 the southwest islands are an important subsistence deer
30 harvesting area with easy access from Prince of Wales and
31 good hunting opportunities and the proponents feel that
32 the competition from urban hunters has affected the
33 Hydaburg resident's ability to get the deer they need in
34 the early part of the season.

35
36 Under the existing proposed or existing
37 Federal regulations are shown -- or are in the analysis
38 on Page 58, I would like to point out that under existing
39 regs, all Federally managed public lands on Prince of Wales
40 Island are closed to non-Federally qualified hunters from
41 August 1st through 15th, and all islands are open to all
42 hunters during that time.

43
44 The existing State regulation is shown on
45 Page 59 and the main point here is that the State and
46 Federal seasons differ. The State season begins on
47 August 1st compared to the July 24th Federal season and
48 also the does not allow harvest of does.

49
50 83 percent of the lands in Unit 2 are

1 managed -- are Federally managed public lands, primarily
2 Forest Service. And all rural residents of Units 1A, 2
3 and 3 have a positive customary and traditional use
4 determination for Unit 2. And what this means is that in
5 addition to residents of Prince of Wales, residents of
6 Kake, Petersburg, Wrangell, Saxman, Metlakatla and
7 actually even some Ketchikan area residents who are
8 outside the urban boundary are Federally qualified
9 subsistence hunters.

10

11 The regulatory history begins on Page 59
12 and is summarized in the table on Page 60. Federal
13 regulations mirrored State regulations through 1994 but
14 since then have incrementally diverged. Since 1997, the
15 Federal season has included an antlerless deer hunt. And
16 then in 2003 the Federal subsistence season has opened on
17 July 24th on Federally managed public lands but they have
18 been closed to non-Federally qualified hunters during the
19 early August period on Prince of Wales Island. In 2005,
20 the Federal and State programs adopted a joint harvest
21 report that is required for all hunters.

22

23 The current events begin discussion on
24 Page 61, and due to the large number of proposals
25 presented to the Board regarding Unit 2 over the past
26 decade, the Southeast Regional Council requested, and,
27 you, the Board, authorized the creation of the Council
28 subcommittee to address deer issues and since you've
29 already heard the report I will not go into this any
30 further. But just so that you know that the results of
31 that so far related to this, are that the joint harvest
32 report and the proposals I'm going to be discussing here
33 are results of that effort.

34

35 And then the biological discussion begins
36 on Page 62. Productive old growth forest is a critical
37 habitat component for deer during deep snow winters and
38 is thought to be the most limiting factor for deer in
39 Southeast Alaska. The structural diversity of the forest
40 canopy provides snow interception while allowing sunlight
41 through to support the growth of forage plants. Some
42 areas of Unit 2 have decreased habitat capability because
43 of clear-cut logging of old growth forest. And although
44 recent clear-cuts may produce abundant forage it may not
45 be available during the winter and is not as nutritious
46 as forage in the forest. And young growth forests do not
47 provide much forage at all.

48

49 Figure 2 on Page 62 shows the percent of
50 old growth forest remaining on Federal lands in Unit 2.

1 And this is reported by Wildlife Analysis Area, or WAA,
2 which are land divisions used by the Alaska Department of
3 Fish and Game for wildlife analysis and are the smallest
4 area for which data is available. Basically all the
5 wildlife analysis areas affected by these proposals have
6 95 to 100 percent old growth remaining on Federal lands,
7 however, three of the wildlife analysis areas have
8 substantial private lands on which timber -- a lot of
9 timber has been harvested. And you can look at those
10 locations of those WAAs as shown on Page 64, Map 3.

11
12 The most direct available data on deer
13 populations come from deer pellet transects conducted by
14 the Alaska Department of Fish and Game and the U.S.
15 Forest Service since the 1980s, however, the technique
16 was designed to detect trends at a regional scale over a
17 period of years and thus has little power to detect
18 changes at small, temporal and spacial scales. And as
19 you can see on Figure 3 on Page 66, based on pellet group
20 data deer densities in Unit 2 are below the Fish and Game
21 Management objective of 1.4 deer pellets groups per plot.
22 The Alaska Department of Fish and Game, however,
23 considers the Unit 2 deer population to be stable, but a
24 long-term population decline is expected based on habitat
25 models and trends in the available old growth forest
26 habitat. But at this time there is no conservation
27 issue.

28
29 Harvest history discussion begins on Page
30 65 of your books. And first I'd like to point out that
31 there are several different sources of information on
32 deer harvest, none of which are comprehensive. This
33 analysis includes data from the Alaska Department of Fish
34 and Game, Division of Subsistence Household Surveys,
35 Alaska Department of Fish and Game, Division of Wildlife
36 Conservation voluntary mail out surveys, and Federal
37 registration permit reports. Data from the 2005
38 mandatory harvest report are not yet available but should
39 provide comprehensive data into the future. And, of
40 course, there's also public testimony.

41
42 I have a few cautions about the harvest
43 data that I've presented. The household survey data
44 probably provides the most reliable quantitative measures
45 of community deer harvest for the study years covered,
46 however, cost complexity and burden on the public
47 preclude conducting them very often and because they
48 cannot be undertaken frequently household surveys are
49 poor indicators of short-term changes in harvest
50 patterns.

1 The Alaska Department of Fish and Game,
2 Division of Wildlife Conservation has undertaken
3 voluntary mail out surveys of hunters in Southeast Alaska
4 for almost 20 years, but participation on these yearly
5 surveys is voluntary. The survey is designed to provide
6 regional estimates of deer harvest and may be useful in
7 identifying large scale trends in harvest over time.
8 And, although I have presented data at the community and
9 WAA level, these data are not statistically adequate to
10 accurately measure harvest trends at these levels and, in
11 fact, I've talked to the biologists who are putting the
12 report together currently and probably will not be
13 reported at this level in the future.

14
15 I present these data as the best
16 available for a general sense of harvest patterns. Data
17 from the mail out surveys may differ substantially from
18 harvest estimates provided by the Division of Subsistence
19 interview surveys especially for small communities where
20 sample sizes are small and you may have large variances.

21
22 Federal registration permits were
23 required in 2003 and 2004 for Federally qualified
24 subsistence users who wanted to hunt, either in the early
25 season or to harvest a doe which are not legal under
26 State regulations. So these permits were not used by all
27 hunters and report only a relatively small portion of the
28 activity. As well some of the activity from these
29 permits seems to be captured in the Fish and Game mail
30 out survey result reports.

31
32 Testimonial data is hard to quantify. A
33 number of Federally qualified subsistence hunters who
34 have traditionally hunted for deer on Prince of Wales
35 Island have testified to the Council and to the Board at
36 meetings over the last decade that their subsistence
37 needs for deer are not being met and they are no longer
38 able to harvest deer that they -- with the level of
39 effort that they are accustomed to using. They have
40 expressed concerns about increasing competition with non-
41 Federally qualified hunters and possible declines in the
42 deer population, and the near certainty that the pressure
43 on both the deer resource and the hunting experience will
44 increase on the Prince of Wales.

45
46 Yearly proposals concerning the Unit 2
47 deer indicate that these concerns continue despite
48 regulation changes.

49
50 Some level of quantification of how

1 widely these concerns are shared may be indicated in a
2 recent summary report by Todd Brinkman. He summarized
3 his interviews that he conducted with key informants from
4 Prince of Wales communities, Ketchikan and Saxman to
5 collect hunter perceptions on deer hunting patterns, deer
6 population trends, deer habitat and hunting access. He
7 found that approximately 50 percent of Prince of Wales
8 residents perceived off-island hunters as having affected
9 their hunting experience, household deer hunting success
10 and have competed with them for deer. Eighty percent of
11 off-island residents reported that the hunt the northern
12 half of Prince of Wales and few reported that they hunt
13 the outer island or the southern portion of Prince of
14 Wales Island. However, since the interviewees were not
15 randomly selected, it's hard to say how well these
16 numbers reflect the general hunting population. It's
17 also important to remember that there are quite a number
18 of off-island hunters that are Federally qualified
19 subsistence hunters in Unit 2.

20
21 If you look at the Figure 6 on Page 67
22 you see that for Unit 2, overall, and based on Fish and
23 Game mail out survey data, the estimated harvest for Unit
24 2 was above their management objective of 2,700 deer in
25 2000 and 2001 but dropped to less than 2,000 deer by
26 2003. And this is the most recent data that is
27 available.

28
29 Figure 7 on Page 69 shows that WAAs
30 affected by these proposals contribute an overall low
31 percentage of the Unit 2 deer harvest.

32
33 Referring to Figures 8 and 9 on Page 72,
34 Federal registration permit report data indicate that
35 Federal subsistence hunters are making substantial use of
36 the July hunting season provided by the Board in 2003 as
37 well as the early August hunt time period.

38
39 Now, starting on Page 70 I present
40 information specific to the areas affected by these
41 proposals and I'll try to discuss them by the areas I
42 present -- the four areas I presented earlier, and I'll
43 start with Suemez Island, which is also known as WAA 901.

44
45 Using the Federal permit reports
46 summarized in Table 2 on Page 76, it shows that the
47 Federal subsistence hunters on Suemez Island during the
48 early season, there were some hunters during the early
49 season but more harvest actually occurred later in the
50 season, however it's unknown what percentage of the

1 overall harvest this data represents.

2

3

4 Using the Fish and Game mail out survey
5 results for Suemez Island from 2000 to 2003, which are
6 presented in Table 3 and 4 on Page 76, Table 3 shows the
7 estimated number of hunters and Table 4 shows the
8 estimated deer harvest. Federally qualified subsistence
9 hunters accounted for 80 percent of the hunters and 85
10 percent of the reported harvest. Craig residents
11 accounted for most hunters, and by far the most deer
12 harvest.

13

14

15 Figures 10 and 11 on Pages 73 show the
16 1997 estimated harvest for Craig and Hydaburg for Suemez
17 and this is based on the Fish and Game, Division of
18 Subsistence household survey and it indicates that Craig
19 harvested between 11 and 30 deer from Suemez Island and
20 Hydaburg harvested between 16 to 26 deer.

21

22

23 Now, moving to the Southwest Islands,
24 Table 8 on Page 78 shows the Federal permit holder use,
25 again, July and August were represented but more of the
26 harvest occurred later in the season. Fish and Game mail
27 out survey results for the Southwest Islands for the 2000
28 to 2003 time period are presented in Tables 9 and 10 at
29 Pages 79 and 80. Table 9, again, presents estimated
30 number of hunters and Table 10 the estimated deer
31 harvest. Crag and Klawock were the primary users of Dall
32 Island. Ketchikan accounted for most hunters and the
33 most consistent use of Long Island. Craig, Klawock and
34 Hydaburg all had similar use of WAA 1107, which is a
35 little bit tricky because this includes Sukkwan Island,
36 which is in the proposed closure area but it includes
37 part of Prince of Wales Island which is not part of the
38 proposed closure. However, it's not possible to separate
39 out the data and I'm pretty sure that most of this
40 harvest actually occurs and use occurs on Prince of Wales
41 Island.

42

43

44 Tables 9 and 10 indicate that
45 approximately 80 percent or more of the hunters and deer
46 harvested on Suemez Island, Dall Island and WAA 1107 were
47 by residents of Unit 2. Non-Federally qualified hunters
48 accounted for 73 percent of the Long Island hunters and
49 92 percent of the deer harvest on that island.

50

51

52 Overall for all these islands, the
53 Southwest Islands, Unit 2 residents accounted for 74
54 percent of the hunters and 69 percent of the harvest.

55

1 Alaska Department of Fish and Game
2 household survey from 1997 is summarized in Figures 10
3 and 11 on Pages 73 and 74 and suggests that the Southwest
4 Islands provided a relatively minor portion of the
5 overall harvest for Craig and Hydaburg.

6
7 For south Prince of Wales Island, 13
8 hunters with Federal permits reporting harvesting 15 deer
9 in this area during 2003 and 2004 seasons, however, all
10 but two of the deer were harvested in WAA 1107 which
11 includes the Prince of Wales area, that includes Hydaburg
12 and then again half of this area is outside the south
13 Prince of Wales area.

14
15 Mail out survey results for south Prince
16 of Wales from 2000 to 2003 are presented in Tables 6 and
17 7 on Pages 77 and 78. Table 6 displays the number of
18 hunters and Table 7 the estimated deer harvest.
19 Ketchikan is the only community reporting consistent use
20 of any of the WAAs other than 1107. However, in contrast
21 to the more recent Fish and Game mail out survey data,
22 the household survey data from 1997 shown in Figure 10 on
23 Page 73 indicates that Craig residents may have utilized
24 WAAs 1210 and 1211 more heavily in the past. They didn't
25 show up in the most in the more current mail out survey.

26
27 Figure 11 on Page 74 suggests that
28 Hydaburg did not harvest in this south Prince of Wales
29 area.

30
31 Only one Federally qualified subsistence
32 hunter obtained a Federal permit to harvest deer in the
33 southeast Prince of Wales area during 2003 to 2004 and
34 this hunter was not a Prince of Wales resident.

35
36 Fish and Game mail out survey results
37 from southeast Prince of Wales for 2000 to 2003 are
38 presented in Tables 11 and 12 on Page 81. Table 11
39 displays, again, the number of hunters, and in 12 the
40 estimated harvest. Overall for southeast Prince of Wales
41 non-Federally qualified accounted for 77 percent of the
42 hunters and 36 percent of the deer harvest. Mail out
43 survey data from '89 to '96 is shown in Figure 12 on Page
44 75 and indicate that the majority of harvest was by non-
45 Federally qualified hunters, so a little bit of
46 discrepancy there.

47
48 The effects of the proposals are
49 discussed starting on the bottom of Page 71 and then it
50 jumps to Page 82. For south and southeast Prince of

1 Wales Island both proposals would remove the closure of
2 Federally managed public lands to non-Federally qualified
3 deer hunters in some portion of southeast Prince of Wales
4 from August 1 to 15. The available data and public input
5 suggest that non-Federally qualified hunters are the
6 primary users of the east side, but show very little or
7 no use on the west side.

8
9 Federally qualified subsistence hunters
10 use the east side but to a minimal extent.

11
12 There seems to be consensus that these
13 proposals would allow non-Federally qualified deer
14 hunters additional opportunities to harvest deer without
15 impacting Federally qualified subsistence users.

16
17 For Suemez Island, both proposals would
18 close the island to non-Federally qualified deer hunters
19 from August 1 to 15. The existing data indicate that the
20 area is used by Federally qualified subsistence users as
21 well as non-Federally qualified deer hunters, but
22 approximately 80 percent of the use is by Federally
23 qualified subsistence users.

24
25 These proposals could limit hunting
26 opportunity for non-Federally qualified, although the
27 data were not sufficient to allow us to determine how
28 many have hunted during the proposed closure period.

29
30 For the Southwest Islands as a whole,
31 Proposal 8 would exclude non-Federally qualified deer
32 hunters from hunting on the Southwest Islands of Unit 2
33 from August 1 to 15. Existing data indicate that
34 approximately a quarter of the hunters that use the
35 Southwest Islands from 2000 to 2003 were non-Federally
36 qualified hunters. Over half of the estimated harvest
37 from 1989 to 1996 on Dall Island and Long Islands was by
38 non-Federally qualified hunters but their use of Dall
39 Island appears to have decreased since then.

40
41 Dall Island and Long Islands have large
42 areas of Native Corporation lands that have had logging
43 operations which could explain the relatively high use of
44 these islands by non-Federally qualified deer hunters.
45 Most of Long Island is owned by Native Corporations with
46 a relatively small portion being Forest Service managed
47 public lands.

48
49 Proposal 8 could limit hunting
50 opportunities.....

1 CHAIRMAN DEMIENTIEFF: If I could ask you
2 just to summarize, I mean believe you me.....

3
4 MR. CHESTER: Okay, I've just got.....

5
6 CHAIRMAN DEMIENTIEFF:that the
7 Board has prepared themselves with this and I don't think
8 we need to go through this verbatim. I know I've had one
9 special meeting on this topic with one of our Staff and
10 all of us have gone through the material so if we could
11 just summarize. I don't want to be rude or nothing
12 but.....

13
14 MR. CHESTER: Okay, I've got about one
15 minute left.

16
17 Proposal 8 could limit hunting
18 opportunities for non-Federally qualified hunters during
19 the period. Again, the data were not sufficient to allow
20 us to determine how many would have hunted during the
21 closure period.

22
23 Proposal 8 would likely have a greatly
24 impact on non-Federally qualified deer hunters than would
25 Proposal 7, primarily as a result of the high use of Long
26 Island.

27
28 Closing the Southwest Islands, including
29 Suemez to non-Federally qualified is not consistent with
30 ANILCA, Section .815 suggests that restrictions on non-
31 subsistence uses is not authorized unless necessary for
32 the conservation of healthy fish and wildlife
33 populations, to continue subsistence uses of such
34 populations or for public safety or administrative
35 purposes.

36
37 With respect to this there is no
38 conservation concern for Unit 2 deer.

39
40 That concludes my information.

41
42 CHAIRMAN DEMIENTIEFF: Thank you. Dolly,
43 did his clarification answer your point or did you have
44 further clarification -- okay, good.

45
46 With that I think we're going to go
47 ahead, before we continue on, and take a lunch break. I
48 don't know about you guys but I'm hungry so we'll get as
49 close to 1:00 o'clock as we can.

50

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN DEMIENTIEFF: If accidentally
6 burp over the microphone, you're just going to have to
7 excuse me, I had to grab a hot dog down here at the
8 vendors, I was on the fly, I was shopping for Tom's
9 retirement gift and it took the whole lunch hour and I
10 didn't have a chance to stop anywhere so we should suffer
11 through it.

12

13 MR. BOYD: So I'm getting a hot dog, is
14 that what it is?

15

16 CHAIRMAN DEMIENTIEFF: Yeah, he's getting
17 a hot dog for his retirement gift.

18

19 (Laughter)

20

21 CHAIRMAN DEMIENTIEFF: Okay. Written
22 public comments.

23

24 DR. SCHROEDER: Mr. Chairman. We have no
25 written public comments for these proposals.

26

27 CHAIRMAN DEMIENTIEFF: We don't have any
28 requests for additional -- oh, do we?

29

30 MR. BOYD: Yes, this just came in, Willard
31 Jackson.

32

33 CHAIRMAN DEMIENTIEFF: Okay, Willard
34 Jackson.

35

36 MR. JACKSON: Gunalcheesh. My Tlingit
37 name is (In Native), that means the watchman by the side
38 of the bay.

39

40 Prince of Wales in Unit 2 and Long Island
41 and Forester Island and particularly the community of
42 Hydaburg was once an area that was occupied by the
43 Teikukeidi and our movement and our history tells us we
44 moved to Duke Island off of Prince of Wales. I really
45 appreciate the young man's long, long report on the area
46 and the hunting on Prince of Wales.

47

48 Ketchikan Indian Community and Ketchikan
49 residents, our enrollment, and I'm the enrollment officer
50 at KIC, as of tomorrow night will be 5, 235 members.

1 We're the second largest tribe in Southeast Alaska. And
2 we do, at times, hunt on Prince of Wales. Prince of
3 Wales has 5,000 miles of road. There's a lot of clear-
4 cut in that area so it's very common for either Saxman or
5 Ketchikan or Metlakatla to hunt on parts of that island.

6
7 The history that the Teikukeidi have on
8 there goes back to the Inu people, we are connected also
9 to the Inu people, we are also connected to the Hyda
10 people, so our history is quite lengthy. It would take
11 all day to discuss who I am and where I came from. But
12 the boundaries as I shared earlier, we where them on our
13 blanket, it's called our Atu, this is our piece of real
14 estate as well as I'm talking about the area, Prince of
15 Wales.

16
17 For Ketchikan, I don't hunt anymore
18 because of my sickness. My boys hunt but they
19 particularly hunt in the Ketchikan area. But a lot of my
20 brothers and a lot of my clan sisters, whether they be
21 from the Tlingit Nation or the Haida Nation or the
22 Tsmishian Nation of them 5,325 members often times go on
23 to that island to hunt.

24
25 Thank you, very much. Gunalcheesh.

26
27 CHAIRMAN DEMIENTIEFF: Thank you.
28 Regional Council recommendation.

29
30 DR. GARZA: Thank you, Mr. Chair. It
31 looks like the proposals have been combined and so it's a
32 little difficult to muddle through this and so what I
33 would like to ask you to do is on the colored maps, the
34 actual Southeast Regional Advisory Council recommendation
35 is the last map, Map D. And in that packet there are
36 four maps, A, B, C, D. Map A does not recommend anyone's
37 recommendation and was a mistake and is probably there
38 because it was entered into the record but does not
39 represent any of the recommendations.

40
41 The recommendations from the Southeast
42 Regional Advisory Council in consideration of the Unit 2
43 Subcommittee, taking their recommendations into account,
44 as well as the proposals and the recommendations from the
45 citizens of both Ketchikan and Prince of Wales, are
46 several fold. One is to provide an additional opening
47 for Ketchikan residents and this is for the southeast
48 portion of Prince of Wales Island on Map D, this is the
49 dark green.

50

1 The justification, Mr. Chairman, is that
2 this is fairly close for Ketchikan boaters to come over
3 to. It was also identified because there is very little
4 use by on-island residents. Further, there is no road
5 access so it makes it easier for enforcement to identify
6 whether or not someone came over by boat or if they came
7 by road. So it was a recommendation that was supported
8 by Ketchikan people as well as by Prince of Wales people.
9

10 I need to go back a little bit in history
11 in terms of the Outside Islands, Mr. Chairman. In 2003,
12 and I know this has been before you, in 2003 the original
13 proposal was from Hydaburg was to close all of Prince of
14 Wales for 10 days in August. Okay. When they submitted
15 that original proposal in 2003, the intent of the
16 proposal makers and I did speak to Hydaburg Cooperative
17 on this, was to include all of the Outside Islands in
18 that closure. The Federal Subsistence Board modified the
19 recommendation and closed it for 21 days but excluded the
20 islands from that closure, so they remained opened to
21 Ketchikan residents.
22

23 The next year, Mr. Chairman, the
24 Ketchikan were in uproar about the 21 day closure. They
25 sort of thought they could live with 10 days but they
26 weren't happy with the 21 and, of course, we, as a
27 Council and as the Federal Subsistence Board responded by
28 going right down the middle and cutting August in half
29 giving Ketchikan people the last half of August and
30 Prince of Wales people the first part of August. And the
31 basis for the Ketchikan's need to go to Prince of Wales
32 in August was it was a time that they could bring their
33 family over before school started and their interest in
34 Prince of Wales was to go to the Alpine area, and I know
35 this from speaking to numerous hunters.
36

37 Didn't have a lot of interest in those
38 Outside Islands and that is reflected in the harvest
39 numbers that you see that were reported by Mr. Chester.
40

41 And so with that in mind the Southeast
42 Regional Advisory Council supported the proposal to close
43 Suemez Island to nonrural residents for those first two
44 weeks in August. And then the proposal from Hydaburg
45 Cooperative to close the Outside Islands, which are
46 identified on Proposal D, was modified to hopefully allow
47 Ketchikan residents to harvest on Long Island. And the
48 basis for that request, Mr. Chairman, is on Page 79, I
49 think is the easiest one to look at, Table 9, where it
50 shows that Suemez is used primarily by Craig residents

1 and that Long Island is the island that is most important
2 to Ketchikan residents.

3

4 And so the recommendation from the
5 Southeast Regional Advisory Council is as summarized on
6 Map D.

7

8

Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. Staff
11 Committee.

12

13 MR. PROBASCO: Thank you, Mr. Chair.
14 Staff Committee's recommendations are found starting on
15 Page 51 and ending on Page 54.

16

17 Starting with Proposal 7, Mr. Chair, the
18 Staff Committee is recommending to take no action, which
19 is contrary to the recommendation of the Southeast Alaska
20 Subsistence Regional Advisory Council. There are two
21 parts in this proposal. One is to remove the closure to
22 non-Federally qualified hunters on the southern end of
23 Prince of Wales Island and implementation of a closure to
24 non-Federally qualified hunters on Suemez Island.

25

26 The InterAgency Committee recommends that
27 the Board take action on Proposal 8 rather than Proposal
28 7. We feel that all issues that are addressed in both
29 these proposals can be accomplished on Proposal 8, Mr.
30 Chair.

31

32 Proposal 8 has two recommendations,
33 there's both a majority and a minority.

34

35 The majority recommendation is to support
36 with modification as recommended by the
37 Southeast Council for the southeast
38 portion of Prince of Wales Island,
39 however, is contrary to the Council's
40 recommendation for the southwest island.
41 With this modification all islands in
42 Unit 2 on the southwest side of Prince of
43 Wales Island would remain open to non-
44 Federally qualified users.

45

46 And I'll draw your attention that there's
47 three parts to this proposal for our justification on
48 Pages 51 and 52.

49

50 1. The first part is the removal of this

1 closure to non-Federally qualified on the
2 southern end of Prince of Wales Island,
3 that's what this recommendation would do;
4

5 2. It would also implementation of a
6 closure to non-Federally qualified
7 hunters on Suemez Island; and
8

9 3. Implementation of a closure to non-
10 Federally qualified on the southwestern
11 islands in Unit 2.
12

13 And Suemez Island is part of this area
14 but will be treated as a separate part of the proposal
15 for continuity with Proposal 7, Mr. Chair.
16

17 The recommendation is to remove the
18 closure, as I stated.
19

20 And as far as addressing Suemez Island,
21 the majority of the Staff Committee
22 opposes the recommendation of the Council
23 to close the island to non-Federally
24 qualified hunters during the first 15
25 days in August. In order to close the
26 island, one of the criteria from ANILCA,
27 Section .815(3) must be met. In essence,
28 this section says that a closure cannot
29 be made unless there's a conservation
30 concern or continue subsistence uses.
31

32 And then for southwest Unit 2 islands,
33 the InterAgency Staff Committee
34 recommends that all of the southwest
35 islands should remain open to non-
36 Federally qualified hunters during the
37 first 15 days in August.
38

39 And further justifications for the
40 majority opinion is provided on Page 52 and 53.
41

42 The minority recommendation is to support
43 with modification as recommended by the
44 Southeast Regional Advisory Council for
45 the southeast portion for Prince of Wales
46 Islands and contrary to the Council's
47 recommendation for the southwest island.
48 With this modification all islands in
49 Unit 2 on the southwest side of Prince of
50 Wales Island, except Suemez Island would

1 remain open to non-Federally qualified
2 users.

3
4 Mr. Chair, that's the Staff Committee's
5 recommendation.

6
7 CHAIRMAN DEMIENTIEFF: Thank you, very
8 much. Department comments.

9
10 MR. HAYNES: Thank you, Mr. Chairman. On
11 Proposal 06-07, the Department recommends that this
12 proposal not be adopted, or if Proposal 8 is a vehicle
13 for addressing these issues, that the Board take no
14 action on this proposal consistent with the Staff
15 Committee recommendation.

16
17 As was clearly stated in the analysis
18 there's no evidence presented that supports closing
19 Suemez Island to non-Federally qualified deer hunters
20 during August 1 to 15 in order to reduce competition with
21 Federally qualified subsistence users. The available
22 data indicate that most hunters on Suemez Island are
23 Prince of Wales Island residents who also are responsible
24 for most of the deer harvest that's been reported.

25
26 There's no conservation issue at this
27 time that requires limiting deer hunting on Suemez Island
28 to only Federally qualified Federal Subsistence Board
29 users.

30
31 On Proposal 06-08, consistent with the
32 majority recommendation of the InterAgency Staff
33 Committee, the Department supports opening the east side
34 of southeast Prince of Wales Island to deer hunting by
35 non-Federally qualified users from August 1 to 15.
36 Retaining the closure of Federal public lands on the
37 western side of southeast Prince of Wales Island to deer
38 hunting by non-Federally qualified subsistence users from
39 August 1 to 15, and keeping open all other islands
40 southwest of Prince of Wales Island in Unit 2 to deer
41 hunting by non-Federally qualified subsistence users from
42 August 1 to 15. Competition between Federally qualified
43 subsistence users and non-Federally qualified subsistence
44 users is not identified as an issue and closing these
45 islands is not necessary for conservation purposes.

46
47 Thank you.

48
49 CHAIRMAN DEMIENTIEFF: Thank you. Board
50 discussion.

1 MR. BREWSTER: Mr. Chairman. I move to
2 adopt Proposal 08 as recommended by the Southeast Alaska
3 Regional Advisory Council. And I'd like to let you know
4 that following a second, I will immediately propose to
5 divide the question into three separate parts for ease of
6 discussion. Am I premature in offering this motion or is
7 there need for further discussion, if I may ask the
8 Chair?

9
10 CHAIRMAN DEMIENTIEFF: Thank you. Is
11 there a second to the motion.

12
13 MS. GOTTLIEB: I'll second it.

14
15 MR. BREWSTER: Let me just elaborate.
16 The three parts that I will divide this into will be
17 first elimination of the August 1 through 15 closure on
18 the southeast portion of Prince of Wales Island, for
19 which there seems to be a consensus.

20
21 Second part would be to whether an August
22 1 through 15 closure should be put in place for Suemez
23 Island.

24
25 And the third part would be whether an
26 August 1 through 15 closure should be put into place for
27 the rest of the Southwestern Islands in Unit 2.

28
29 Again, first I move to adopt Proposal 08
30 as recommended by this Regional Advisory Council.

31
32 CHAIRMAN DEMIENTIEFF: Yeah, we have a
33 second already.

34
35 MR. BREWSTER: We have a second, okay.

36
37 CHAIRMAN DEMIENTIEFF: Yeah, so it's on
38 the table right now.

39
40 MR. BREWSTER: Okay.

41
42 CHAIRMAN DEMIENTIEFF: We're ready.

43
44 MR. BREWSTER: Okay, I move to divide the
45 question to three parts.

46
47 Again, one elimination of the August 1
48 through 15 closure on the southeast portion of Prince of
49 Wales Island, for which there is consensus.

50

1 Second, whether an August 1 through 15
2 closure should be put in place for Suemez Island.
3
4 And third whether an August 1 through 15
5 closure should be put into place for the rest of the
6 Southwestern Islands in Unit 2.
7
8 CHAIRMAN DEMIENTIEFF: There is a motion
9 to divide, is there a second.
10
11 MR. CESAR: I'll second that.
12
13 MR. EDWARDS: Question.
14
15 CHAIRMAN DEMIENTIEFF: Yes.
16
17 MR. EDWARDS: Mr. Chairman. Does that
18 mean then we're going to vote on each of the three
19 questions separately or.....
20
21 CHAIRMAN DEMIENTIEFF: Correct. So with
22 that being said, all those in favor of dividing the
23 question into three parts, please signify by saying aye.
24
25 IN UNISON: Aye.
26
27 CHAIRMAN DEMIENTIEFF: Those opposed,
28 same sign.
29
30 (No opposing votes)
31
32 CHAIRMAN DEMIENTIEFF: Motion carries.
33 All right, you ready to tackle Part A.
34
35 MR. BREWSTER: I'll take it one at a
36 time.
37
38 I move to adopt the recommendation of the
39 Southeast Alaska Council -- excuse me, I'm not sure I'm
40 in the right place -- I move to adopt the recommendation
41 of the Southeast Alaska Regional Advisory Council to
42 remove the August 1 through 15 closure on the southeast
43 portion on Prince of Wales Island.
44
45 Following a second, and I believe we have
46 had consensus on the recommendation of the Southeast
47 Council. The Council, the Alaska Department of Fish and
48 Game and all member agencies seem to be in agreement with
49 this part of the regulatory proposal.
50

1 So I'd ask for a second.
2
3 MR. CESAR: I'll second that motion.
4
5 CHAIRMAN DEMIENTIEFF: Okay. Good.
6 Okay, discussion, you wanted to follow up.
7
8 MS. GOTTLIEB: Mr. Chair.
9
10 CHAIRMAN DEMIENTIEFF: Judy.
11
12 MS. GOTTLIEB: Just to keep straight, so
13 this part is consistent with the recommendations of the
14 cooperative subcommittee?
15
16 CHAIRMAN DEMIENTIEFF: Yes.
17
18 MS. GOTTLIEB: Thank you.
19
20 CHAIRMAN DEMIENTIEFF: Gary.
21
22 MR. EDWARDS: Just for a little
23 clarification it's actually consistent with the Council,
24 not the subcommittee, because it's the Council's report.
25
26 MS. GOTTLIEB: Thank you. I guess I was
27 just trying to ascertain if the Council got there because
28 of what the subcommittee had -- of the work that the
29 subcommittee had looked at and provided to the Council.
30
31 CHAIRMAN DEMIENTIEFF: Further discussion
32 on the motion.
33
34 (No comments)
35
36 CHAIRMAN DEMIENTIEFF: Hearing none, all
37 those in favor of the motion, please signify by saying
38 aye.
39
40 IN UNISON: Aye.
41
42 CHAIRMAN DEMIENTIEFF: Those opposed,
43 same sign.
44
45 (No opposing votes)
46
47 CHAIRMAN DEMIENTIEFF: Motion carries.
48 Part A has been adopted. B.
49
50 MR. BREWSTER: Secondly, I now move on to

1 adopt the recommendation of the Southeast Alaska Regional
2 Advisory Council to put into place an August 1 through 15
3 closure which would allow only Federally qualified
4 subsistence users to hunt on Suemez Island during that
5 period.

6

7 I would like to let you know that I do
8 not plan on supporting this motion and will describe
9 after I am followed by a second.

10

11 CHAIRMAN DEMIENTIEFF: Is there a second
12 to the motion.

13

14 MR. CESAR: I'll second, Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Okay, thank you.

17

18 MR. BREWSTER: I will be voting against
19 this motion for the following reasons, and we've heard
20 that from some of the statements made, in order to close
21 Suemez Island, one of the criteria from ANILCA, Section
22 .815(3) must be met, these include a conservation concern
23 for the wildlife species we're considering or an
24 impediment for users to continue their subsistence uses,
25 such as through competition from others.

26

27 I have not seen the evidence that these
28 exist on Suemez Island, and I'd like to go into a bit
29 more detail if you'll bear with me.

30

31 Data presented in the analysis in Tables
32 3 and 4 that you find on Page 76 of the binder, which
33 shows that there is very little competition from non-
34 Federally qualified hunters. These data come from hunter
35 mail out surveys and have some inherent inaccuracies,
36 especially when measured against household surveys.
37 However, I do not believe it is useful to look at these
38 numbers.

39

40 During the period 2000 to 2003, for the
41 entire season, 30 of 150 hunters were non-Federally
42 qualified and 28 of 156 deer were harvested by non-
43 Federally qualified. The non-Federally qualified take
44 was very inconsistent from year to year. In one year,
45 2001 no non-Federally qualified hunters harvested deer.
46 The only consistent use from year to year and by far the
47 majority of the harvest was from Craig hunters. Because
48 of undercounting of local uses, it is likely that an
49 accurate account would show that a greater percentage of
50 hunters were Federally qualified subsistence users and a

1 greater percentage of deer harvested were taken by
2 Federally qualified subsistence users.

3

4 I think that these numbers and errors
5 would favor more hunting by Federally qualified
6 subsistence users indicate that there is very little
7 competition during the entire hunting season, and likely
8 little competition during the period of August 1 through
9 15.

10

11 Another point, no testimony was provided
12 at Southeast Regional Advisory Council meetings, either
13 from the public or Council members indicating that
14 Federally qualified subsistence users were unable to
15 continue their subsistence use as a result of competition
16 with other users.

17

18 I'd also like to note that Federally
19 qualified subsistence users have a one week head start
20 for hunting in all of Unit 2 over non-Federally qualified
21 hunters hunting under State regulations from July 24th to
22 August 1 and, therefore, does provide a preference for
23 Federally qualified subsistence users.

24

25 And lastly, after looking at all of these
26 factors, because a closure would be inconsistent with
27 ANILCA, Section .815(3), I believe that the closure is
28 not supported by substantial evidence and cannot be
29 supported.

30

31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Further discussion on the motion.

33

34 Dolly.

35

36 DR. GARZA: Thank you, Mr. Chair. I
37 guess I would like to counter that statement. This whole
38 process began in 2003 when Hyda Cooperative submitted the
39 proposal for a 10 day closure. t that time ample
40 evidence was provided through testimony and data that
41 Prince of Wales and U2 residents did not have their needs
42 met. This is still part of that 2003 process in terms of
43 fine-tuning what needs to be done in order to make sure
44 that U2 residents have their needs met as well as
45 ensuring that we provide some opportunity to Ketchikan
46 residents, who, from my understanding are quite happy
47 with the southeast portion of Prince of Wales.

48

49 So in terms of data, I think that we have
50 already established through that 2003 meeting and, again,

1 in the 2004 meeting that there are needs that are not
2 being met by Prince of Wales and Unit 2 residents. And
3 so I would rely on that information from that meeting as
4 a basis for the decision that you've made at that
5 meeting, at the 2004 meeting, that that data and basis
6 should be used as well for this meeting.

7

8 MR. EDWARDS: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes, Gary.

11

12 MR. EDWARDS: I have a question of Dolly.

13 Given the small amount of harvest by non-Federally
14 recognized subsistence users on the island, how would
15 closing of that to those folks contribute towards folks
16 needs being met?

17

18 CHAIRMAN DEMIENTIEFF: Go ahead.

19

20 DR. GARZA: Thank you, Mr. Chair. If you
21 look at the map on Page -- on Map D or any of those maps,
22 you can see that Suemez is fairly close to Craig, it's
23 not a long run and it's a fairly protective run. If you
24 have southeast wind that's an easy place to get to, so it
25 is important to Craig people. If you look at that island
26 relative to the size of say, Dall Island, the next island
27 down, it's not large, it doesn't take too many boats on
28 that island before you have enough competition that
29 you're not going to have a good hunt. If you look at the
30 harvest levels, the majority of the harvest is taken by
31 Craig people, and they would like to see that opportunity
32 protected.

33

34 Thank you.

35

36 CHAIRMAN DEMIENTIEFF: Go ahead, Wayne,
37 you had a comment.

38

39 MR. REGELIN: Yes, sir. You know, I
40 think that many times ANILCA is not that clear, but in
41 this case they provide the law -- the Federal law
42 provides very clear standards that have to be met before
43 an area can be closed, and I see absolutely no indication
44 that either standard has been met.

45

46 There's no conservation concern. We're
47 harvesting lots of deer, people are getting them, and,
48 you know, closing this land is not necessary to continue
49 the subsistence use of the deer population and in doing
50 so would provide very little benefit to the Federally

1 qualified subsistence users. Just having a few people
2 that might want to come and hunt with relatives that live
3 in Ketchikan or other towns, there's really no basis for
4 preventing that right now.

5
6 And so I just urge you not to close areas
7 when there's no evidence that it's necessary under the
8 two standards that the law provides because the deer
9 population there is able to support the harvest.

10
11 Thank you.

12
13 CHAIRMAN DEMIENTIEFF: Any other
14 discussion.

15
16 (No comments)

17
18 CHAIRMAN DEMIENTIEFF: If there's no
19 further discussion then I guess we're prepared to vote on
20 Item B.

21
22 All those in favor of the -- the motion
23 is to adopt, right, okay.

24
25 MR. BREWSTER: I'll read the motion.....

26
27 CHAIRMAN DEMIENTIEFF: Yeah.

28
29 MR. BREWSTER:because I went on
30 quite a bit there in terms of my reasons for it.

31
32 The motion would be not to adopt the
33 recommendation for closure on Suemez Island -- I'm sorry,
34 the motion is to adopt the recommendation of the
35 Southeast Alaska Regional Advisory Council to put in
36 place an August 1 through 15 closure which would only
37 allow Federally qualified subsistence users to hunt on
38 Suemez Island during that time period.

39
40 That is -- Steve, I need your help here
41 because we're not -- is that correct?

42
43 MR. KESSLER: No, that's right, that's
44 it.

45
46 MR. BREWSTER: Thank you, Mr. Chair, for
47 bering with me here with this complicated set of
48 proposals.

49
50 I'm voting against my motion as I stated

1 in my original statement.
2
3 CHAIRMAN DEMIENTIEFF: Anyway, so a vote
4 for basically adopts the Regional Council recommendation
5 and a vote against for reasons that were presented
6 consistent with our policies, we're going against a
7 Regional Council recommendation, we'll simply go against
8 the recommendation and we'll move on to Item C.
9
10 So having said that.....
11
12 MR. EDWARDS: All right, then Mr.
13 Chairman, then.....
14
15 CHAIRMAN DEMIENTIEFF: Gary.
16
17 MR. EDWARDS:a vote against would
18 mean we go back to the status quo, which would mean that
19 it would not be -- it would be open to all users?
20
21 CHAIRMAN DEMIENTIEFF: Yes. Any further
22 discussion.
23
24 (No comments)
25
26 CHAIRMAN DEMIENTIEFF: Hearing none, all
27 those in favor of the motion please signify by saying
28 aye.
29
30 Aye.
31
32 CHAIRMAN DEMIENTIEFF: Those opposed,
33 same sign.
34
35 IN UNISON: Aye.
36
37 CHAIRMAN DEMIENTIEFF: Item C.
38
39 MR. BREWSTER: Thank you, Mr. Chair.
40 I'll try this again.
41
42 For Item C, I now move to adopt the
43 recommendation of the Southeast Alaska Regional Advisory
44 Council to put into place an August 1 through 15 closure,
45 which would allow only Federally qualified subsistence
46 users to hunt on the Southwestern Islands in Unit 2
47 except for Suemez and Long Islands during that time
48 period.
49
50 Again, I do not plan on supporting this

1 motion, and will briefly describe why following a second.
2
3 CHAIRMAN DEMIENTIEFF: Is there a second.
4
5 MR. CESAR: I'll second it.
6
7 CHAIRMAN DEMIENTIEFF: Moved and
8 seconded. Discussion.
9
10 MR. BREWSTER: Mr. Chair. Again,
11 essentially the same rationale I used in explaining my
12 opposition to the second part.
13
14 I will simply summarize by saying,
15 looking at all of the factors that were presented to the
16 Board, a closure would be inconsistent with ANILCA,
17 Section .815(3) and I believe the closure is not
18 supported by substantial evidence.
19
20 CHAIRMAN DEMIENTIEFF: Thank you.
21 Further discussion.
22
23 (No comments)
24
25 CHAIRMAN DEMIENTIEFF: Hearing none, all
26 those in favor of the motion, please signify by saying
27 aye.
28
29 Aye.
30
31 CHAIRMAN DEMIENTIEFF: Those opposed,
32 same sign.
33
34 IN UNISON: Aye.
35
36 CHAIRMAN DEMIENTIEFF: Motion fails.
37 He's confusing me even.
38
39 Okay, that completes our action on
40 Proposal 8. You also have a motion, I understand, with
41 regard to Proposal 7.
42
43 MR. BREWSTER: I move to take no action
44 on Proposal 7 because all aspects of this proposal are
45 covered by the deliberation and the voting we just did on
46 Proposal 8.
47
48 MR. CESAR: Second.
49
50 CHAIRMAN DEMIENTIEFF: It's been moved

1 and seconded. Discussion on the motion.

2

3 (No comments)

4

5 CHAIRMAN DEMIENTIEFF: Hearing none, all
6 those in favor of the motion for no action, please
7 signify by saying aye.

8

9 IN UNISON: Aye.

10

11 CHAIRMAN DEMIENTIEFF: Those opposed,
12 same sign.

13

14 (No opposing votes)

15

16 CHAIRMAN DEMIENTIEFF: Motion carries.
17 Okay, where in the heck are we, 9.

18

19 Okay, during the lunch break we were
20 informed by the State that they're dropping their
21 objection to one of the proposals, which would add it to
22 the consent agenda so I'll have Tom go ahead and go over
23 that.

24

25 MR. BOYD: Mr. Chair. Very simply, Mr.
26 Haynes informed me that they now would align with
27 agreement from the Councils as well as all of the
28 agencies regarding Proposal 18, which is a C&T proposal
29 for moose in Unit 6(C) and that is our general criteria
30 for establishing the consensus agenda, therefore, we
31 would propose adding Proposal WP06-18 to the consensus
32 agenda, Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Mr. Haynes, I know
35 you told us during lunchtime, but it'd be good to get
36 something on the record so that we do have it on the
37 record.

38

39 MR. HAYNES: Thank you, Mr. Chairman.
40 The Department is taking a position that the Federal
41 Board should defer action on all C&T proposals until
42 standards are established and implemented, however, on
43 some of the C&T proposals we have further commented by
44 saying if the Board chooses to take action, we either
45 support or don't support this proposal.

46

47 In this case we support the position that
48 all of the other parties are taking on this proposal,
49 therefore, our deferral is not going to really affect the
50 outcome of the anticipated action on this proposal, so

1 we're aligned with the Regional Council and the Staff
2 Committee even though we say we recommend deferral, we
3 further pointed out that if the Board does choose to act,
4 our position is consistent with those of the other key
5 players here.

6
7 So it will just save the Board time and
8 we're satisfied with the Board adding this to the
9 consensus agenda.

10
11 CHAIRMAN DEMIENTIEFF: Again, as I
12 pointed out earlier that we will add Proposal 18 to the
13 consent agenda, consensus agenda, whatever you want to --
14 the C&C agenda, but we will add that and, of course, all
15 Board members have up until the time that we take action
16 on them at the end of our regulatory meeting to request
17 them to be withdrawn.

18
19 So if there's no objection we'll go ahead
20 and add Proposal 18 to that agenda.

21
22 (No comments)

23
24 CHAIRMAN DEMIENTIEFF: Okay, we've got 9
25 now.

26
27 MR. BOYD: Yes.

28
29 CHAIRMAN DEMIENTIEFF: Proposal 9, Staff
30 analysis.

31
32 MR. CHESTER: Dennis Chester of the U.S.
33 Forest Service, for the record. Thank you, Mr. Chairman.
34 Staff analysis for Proposal 9 begins on Page 89.

35
36 Proposal 9 was submitted by the Craig
37 Community Association and it would raise the Unit 2
38 harvest limit from four to six deer for Federally
39 qualified subsistence users.

40
41 The proponents feel that the current four
42 deer limit is not sufficient to meet their needs. They
43 also suggest that the increased limit would improve their
44 efficiency when hunting for others using Federal
45 designated hunter permits.

46
47 Much of the background information was
48 already presented in my previous discussion so I'm going
49 to skip down to Page 90 and point out a few things in the
50 harvest history.

1 Federal harvest permit data indicate that
2 those hunters -- that of those hunters reporting
3 harvesting deer, approximately eight percent and 19
4 percent harvested four deer in 2003 and 2004
5 respectively. The use of Federal designated hunter
6 permits and State proxy permits to harvest deer to meet
7 family and community needs seems to be an under utilized
8 resource. In 2004 of the 146 Federal designated permits,
9 only 28 were issued to members of communities on Prince
10 of Wales and in 2003 only 12 of 67 State proxy permits
11 were issued to hunters with positive Federal customary
12 and traditional use determinations on Prince of Wales.
13

14 So the report by Mazza in 2003 looked
15 Fish and Game statistics and found that overall hunter
16 effort on Prince of Wales has remained pretty constant
17 between 1984 and 2001 although it varied between years.
18 And she also found that the number of hunters coming over
19 from Ketchikan did not change substantially between '97
20 and 2001. Thus the available data suggests that while
21 demand has fluctuated there has been no overall
22 increasing trend and she felt that this fluctuation may
23 reflect changes in area community populations and job
24 opportunities change in the area, especially recent
25 changes in the timber industry. And she also found that
26 POW communities constitute about half of the hunters on
27 the island.
28

29 Of course there are other qualified
30 hunters that can use the area from off the island.
31

32 The effects of this proposal will start
33 on Page 92.
34

35 This proposal would allow Federally
36 qualified subsistence hunters in Unit 2 to harvest up to
37 six deer and it would provide an opportunity for locally
38 qualified hunters to harvest more deer to meet their
39 needs.
40

41 I kind of did some calculations to try ad
42 figure out what this meant as far as how much food
43 they're providing.
44

45 Prince of Wales communities were surveyed
46 by the Fish and Game in 1996 through '98 and the data is
47 in the community profile database and they all used
48 between 30 and 95 pounds of meat per person per year.
49 That equates to about .4 to 1.2 deer per person per year.
50 Of course that's an average. And so I also tried to

1 figure out what the high end users were doing. And the
2 highest folks were in Kasaan. They use approximately a
3 half a pound of deer per day or about two and a half deer
4 per person per year. Four deer equals .88 pounds of deer
5 meat per person per day based on the Fish and Game
6 community.

7
8 This proposal could result in an increase
9 in deer harvest in Unit 2 and using the harvest rates
10 available I came up with a rough estimate that this
11 increase would be on the order of 40 to 100 deer, which
12 would equate to about a two to five percent increase
13 using 2003 estimated total harvest.

14
15 There's some debate concerning whether
16 the deer population in Unit 2 is declining and, thus,
17 whether it would be appropriate to increase the harvest
18 limit.

19
20 The available data have not been able to
21 detect a decline in the deer population and Fish and Game
22 considers the population stable. However, small scale
23 population distribution changes on traditional hunting
24 areas could occur undetected by the current methods.

25
26 Todd Brinkman's summary report, in the
27 key respondent interviews that I mentioned earlier,
28 indicates that the hunters are divided as well with 44
29 percent perceiving a stable trend, 30 percent an increase
30 and 26 percent perceived a decrease.

31
32 Harvest in 2002 and 2003 declined rapidly
33 so that the harvest estimates are currently below Fish
34 and Game's 2,700 deer harvest objective, and this would
35 suggest that there is currently a harvestable surplus and
36 there is not a conservation concern.

37
38 Thank you.

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

42
43 DR. SCHROEDER: Mr. Chairman. We
44 received no written public comments for this proposal.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. We
47 have no request for additional public testimony on this
48 matter. Regional Council recommendation.

49
50 DR. GARZA: Mr. Chairman. The Southeast

1 Regional Advisory Council voted to support an increased
2 opportunity for harvesting deer on Unit 2.

3
4 The modifications were to, instead of six
5 deer, five deer, and included the requirement that they
6 go into the Forest Service office in order to get a
7 permit for the last deer. But in reading the Staff
8 analysis, that may not be necessary, so, in general,
9 we're supporting the opportunity to take the fifth deer.

10
11 Thank you.

12
13 CHAIRMAN DEMIENTIEFF: Thank you. Staff
14 Committee.

15
16 MR, PROBASCO: Thank you, Mr. Chair.
17 Again, the Staff Committee has two recommendations, a
18 majority and a minority.

19
20 The InterAgency Staff Committee's in
21 agreement with two of the three aspects of this
22 recommendation.

23
24 All members agree that there's a
25 rationale for the harvest limit change as
26 requested by the Council.

27
28 All members also agree that a special
29 permit for the harvest of the fifth deer
30 as proposed by the Regional Advisory
31 Council is not necessary.

32
33 However, members of the InterAgency Staff
34 Committee disagreed on whether the Forest
35 Supervisor should be delegated authority
36 to reduce the harvest limit from five
37 deer to four deer.

38
39 The majority feels that the deer
40 population are currently stable and
41 harvest is apparently on a decreasing
42 trend, however it's anticipated that deer
43 available for harvest are likely to
44 diminish in future years as more and more
45 habitat becomes unavailable or of
46 diminished quality.

47
48 And the recommendation to give the Forest
49 Service authority to reduce the harvest
50 to four deer from five deer based only --

1 or based on conservation concerns, is
2 meant to give flexibility to the manager
3 to reduce potential harvest if there are
4 immediate conservation concerns.
5

6 Minority recommendations assigning the
7 local manager the responsibility of
8 reducing the harvest limit from five to
9 four deer is unfair to both subsistence
10 users and to the manager. It is unfair
11 to subsistence users because major
12 changes in the harvest limit such as a 20
13 percent reduction should be granted a
14 full public review before being
15 implemented.
16

17 Thank you, Mr. Chair.

18
19 CHAIRMAN DEMIENTIEFF: Thank you.
20 Department comments.

21
22 MR. HAYNES: Mr. Chairman. The
23 Department recommends the Board not adopt this proposal.
24 We do not support raising the harvest limit in Unit 2
25 from four to six deer as the proposal requests, or from
26 four to five deer as recommended by the InterAgency Staff
27 Committee.
28

29 Based on information presented to the
30 Unit 2 Deer Planning Subcommittee, the group agreed that
31 no major changes should be made to the Unit 2 deer
32 hunting regulations at this time especially given the
33 steps that are being taken to record additional
34 information about deer populations, harvests and human
35 needs.
36

37 And we're struck by -- referring to the
38 previous Staff analysis, the table on Page 60 showing
39 that the harvest limit for deer in Unit 2 has never been
40 above four so this would be, in our judgment, a
41 significant change.
42

43 In the absence of data, which indicates
44 that the deer population is growing in Unit 2, we firmly
45 believe that increasing the harvest limit is
46 inappropriate at this time. As was noted in the Staff
47 analysis, Unit 2 deer numbers are expected to decline in
48 the future, given the extensive timber harvesting that
49 has occurred on Prince of Wales and adjacent islands.
50 And the resulting low quality deer habitat that is

1 associated with second growth low canopy forest. The
2 Staff analysis for Proposals 07 and 08 affirms our
3 concern by pointing out that old growth forest habitat is
4 declining and may be the most limiting factor for deer
5 populations in Southeast Alaska.

6
7 The Department recommends that
8 individuals wanting to take deer in excess of the current
9 harvest limit for use by others, make use of the Federal
10 designated hunter or State proxy permits that are
11 available to hunters who want to harvest additional deer.

12
13 CHAIRMAN DEMIENTIEFF: Thank you. Board
14 discussion.

15
16 MR. EDWARDS: Mr. Chairman. I have a
17 question for the State.

18
19 CHAIRMAN DEMIENTIEFF: Gary.

20
21 MR. EDWARDS: I thought in your testimony
22 that you had indicated that under our planning process
23 and the document just produced, it did not suggest an
24 increase in harvest but as I read it it does talk about
25 providing the opportunity for Federally qualified hunters
26 to harvest a fifth deer in Unit 2 by Federal permit under
27 special conditions.

28
29 So it did appear that it did recognize
30 the potential for doing that and suggested that that
31 occur, which seems to be contradictory to what your
32 statement said, that basically they recommended the
33 status quo in harvest.

34
35 MR. HAYNES: Mr. Chairman. I don't
36 believe I said that. I believe what I said, my testimony
37 was that the group agreed that no major changes should be
38 made to the Unit 2 deer regulations.

39
40 MR. EDWARDS: That's true. But if you go
41 on to read what's in their document, it does say --
42 you're right it says no major changes, but then it talks
43 about minor adjustments and one of those adjustments they
44 recommend is the increase to five under a Federal permit.

45
46 MR. HAYNES: Mr. Chairman. I didn't
47 suggest that that information was not in the report at
48 all. We believe that that can be accommodated through
49 existing tools that are in the Federal and State systems.
50 If people want to harvest deer above and beyond the

1 current harvest limit, there are tools available to allow
2 that to happen without increasing the harvest limit.

3

4 MR. EDWARDS: Now, you've really got me
5 confused. You said there are tools that would allow that
6 but it wouldn't increase the harvest. If you use those
7 tools it would seem to me that it would increase the
8 harvest.

9

10 MR. HAYNES: There are mechanisms, the
11 Federal designated hunter and the State proxy permits are
12 used by some hunters, not very many apparently in
13 Southeast for this deer hunt, but that allows people who
14 want to harvest additional deer a mechanism for doing
15 that under the existing harvest limits.

16

17 CHAIRMAN DEMIENTIEFF: Further
18 discussion. Dolly, you have something.

19

20 DR. GARZA: Thank you, Mr. Chair. And we
21 continue to support the five deer limit. But I think if
22 you're talking about proxy hunting or designated hunting,
23 the purpose of those programs are to go and get a deer
24 for somebody else who needs deer, not to put additional
25 deer on your own table. And so I don't really see that
26 as an adequate mechanism. It may allow someone to take
27 another deer, but the purpose of it is to provide it for
28 the single mother, the elderly, the uncle, the somebody
29 who can't otherwise go and get it. So that would be an
30 incorrect mechanism to use.

31

32 CHAIRMAN DEMIENTIEFF: Further
33 discussion.

34

35 MR. BREWSTER: Mr. Chairman.

36

37 CHAIRMAN DEMIENTIEFF: Yes.

38

39 MR. OVIATT: I'm struggling a little bit
40 with this because if, and I believe I've heard testimony
41 state that the trend may be for the population to go down
42 because of habitat, I'm struggling a little bit with why
43 would we increase the harvest at this time and maybe two
44 or three years from now be at this Board decreasing it.

45

46 Is that the trend that I heard from --
47 can somebody answer that?

48

49 CHAIRMAN DEMIENTIEFF: Pete.

50

1 MR. PROBASCO: Mr. Chair. The Staff
2 Committee in analyzing the data found that Unit 2 deer
3 populations are currently stable and harvest is
4 apparently decreasing -- the harvest is apparently on a
5 decreasing trend, however, it is anticipated that deer
6 available for harvest are likely to diminish in future
7 years based on habitat.
8
9 Mr. Chair. But right now it's stable.
10
11 CHAIRMAN DEMIENTIEFF: Further
12 discussion.
13
14 (No comments)
15
16 CHAIRMAN DEMIENTIEFF: Is somebody
17 prepared to offer a motion. Go ahead.
18
19 MR. BREWSTER: Mr. Chair. I'd like to
20 move to adopt the recommendation of the Southeast
21 Regional Advisory Council which is to adopt the proposal
22 with the modifications as shown on Page 85 of our Board
23 book. But following a second, I do plan to provide a
24 couple of amendments.
25
26 CHAIRMAN DEMIENTIEFF: Thank you. Is
27 there a second to the motion.
28
29 MS. GOTTLIEB: I'll second.
30
31 CHAIRMAN DEMIENTIEFF: Go ahead.
32
33 MR. BREWSTER: Mr. Chair. I move to
34 amend my motion, I move to eliminate the need for a
35 Federal permit allowing the harvest of a fifth deer as
36 proposed by the Southeast Regional Advisory Council.
37 Following a second, once again I will provide the
38 rationale for my amendment.
39
40 CHAIRMAN DEMIENTIEFF: Is there a second
41 to the amending motion.
42
43 MR. CESAR: I'll second it.
44
45 CHAIRMAN DEMIENTIEFF: It's been moved
46 and seconded, go ahead.
47
48 MR. BREWSTER: My rationale is as
49 follows. I do not believe there is a reason to require
50 additional administrative bureaucracy associated with the

1 Council's recommendation that a specific Federal permit
2 be used for the fifth deer and that a subsistence
3 harvester must show his or her used or validated fourth
4 deer tag prior to receiving the fifth deer Federal
5 permit.

6
7 Secondly, the current mandatory harvest
8 reporting system can be used to document the harvest of a
9 fifth deer with modification.

10
11 And, lastly, requiring a subsistence
12 harvester to present themselves at a Forest Service office
13 prior to receiving the fifth deer authorization would be
14 detrimental to the satisfaction of subsistence needs and
15 would be administratively burdensome for the Federal
16 manager.

17
18 CHAIRMAN DEMIENTIEFF: Further discussion
19 on the amendment.

20
21 MS. GOTTLIEB: Mr. Chair.

22
23 CHAIRMAN DEMIENTIEFF: Yes.

24
25 MS. GOTTLIEB: So I guess just to confirm
26 with the Forest Service then, you feel that you will be
27 able to monitor the harvest adequately without having a
28 special provision for that fifth deer?

29
30 MR. BREWSTER: That's correct.

31
32 MS. GOTTLIEB: Thank you.

33
34 CHAIRMAN DEMIENTIEFF: Further discussion
35 on the amendment.

36
37 MR. EDWARDS: Mr. Chairman. I guess I'm
38 inclined to try to support the recommendations in this
39 report that we all diligently worked together on to come
40 out with and spent a lot of money and gave a lot of
41 applause. I guess I'm a little unclear, based upon what
42 they're recommending, which of these proposals line up
43 with the recommendation of the report, and maybe somebody
44 could help out there. Particularly the language that
45 says provide the opportunity for Federally qualified
46 hunters to harvest a fifth deer in Unit 2 by Federal
47 permit under special conditions. So I think what you
48 just moved eliminates the Federal permit portion, right?

49
50 MR. BREWSTER: What I'm moving is to

1 remove the need for the hunter to come back in to get a
2 permit for the fifth deer.

3

4 MR. EDWARDS: And they have to have a
5 permit for any of the deer, right, so I guess that part's
6 still in there, if somebody could just help me out and
7 tell me which motion most aligns with the recommendation
8 in the report. Somebody that's smarter than me.

9

10 (No comments)

11

12 MR. EDWARDS: Nobody's raising their
13 hand, must mean nobody's smarter than me here, I guess.

14

15 (Laughter)

16

17 CHAIRMAN DEMIENTIEFF: Dolly.

18

19 DR. GARZA: Thank you, Mr. Chairman.
20 I'll jump right in. Yeah, that recommendation is on Page
21 20 of the Unit 2, but also the intent of the motion was
22 to increase the opportunity for deer and in trying to
23 address somebody else's concerns, the population on
24 Prince of Wales is shrinking, the economic opportunities
25 are shrinking and the need is increasing and that's the
26 basis for the proposal.

27

28 The requirement for the permitting was
29 the amendment by Mr. Douville from Craig to do that was
30 just to, whatever kind of language would make it easier
31 for you guys to support, that's what we were adding, if
32 we can get that fifth deer without that type of permit
33 requirement we'll be happier.

34

35 CHAIRMAN DEMIENTIEFF: Further
36 discussion.

37

38 (No comments)

39

40 CHAIRMAN DEMIENTIEFF: No other
41 discussion on the amendment, all those in favor, please
42 signify by saying aye.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN DEMIENTIEFF: Those opposed.

47

48 (No opposing votes)

49

50 CHAIRMAN DEMIENTIEFF: That amendment

1 carries. You have one more.

2

3 MR. BREWSTER: I do, Mr. Chair, I have a
4 second amendment. I move to add the following language:

5

6 The Forest Supervisor is authorized to
7 reduce the harvest to four deer based on
8 conservation concerns in consultation
9 with the Alaska Department of Fish and
10 Game and the Chair of the Southeast
11 Alaska Subsistence Regional Advisory
12 Council.

13

14 Once again following a second, I will
15 give my rationale for that amendment.

16

17 MR. CESAR; Second it.

18

19 CHAIRMAN DEMIENTIEFF: It's been moved
20 and seconded. We already have that capability, don't we,
21 that if we are in trouble, biologically, we can do that
22 in-season without a Board action, is that not correct?

23

24 MR. BOYD: Mr. Chair, that's not correct.

25

26 CHAIRMAN DEMIENTIEFF: Oh, okay.

27

28 MR. BOYD: Currently that delegation has
29 not been made to the Forest Supervisor.

30

31 CHAIRMAN DEMIENTIEFF: Okay.

32

33 MR. BREWSTER: Mr. Chair. My rationale
34 for my amendment is as follows:

35

36 Unit 2 deer populations are currently
37 stable and harvest is apparently on a
38 decreasing trend, however, it is
39 anticipated that deer available for
40 harvest are likely to diminish in future
41 years as more and more habitat becomes
42 unavailable or of diminished quality.

43

44 This will likely be exacerbated by a
45 severe snow winter.

46

47 Second, the recommendation to give the
48 Forest Supervisor authority to reduce the
49 harvest to four deer from five is based
50 on conservation concerns is meant to give

1 flexibility to the manager to reduce
2 potential harvest if there are immediate
3 conservation concerns which cannot easily
4 be dealt with using the formal rule-
5 making process. Most likely this would
6 result from a substantial herd die-off
7 following a severe winter.
8

9 Third, the hunting season for Unit 2
10 extends almost six months, from July 24th
11 to December 31st, because of the long
12 season an emergency special action which
13 is in effect only 60 days would not be an
14 appropriate action unless there were
15 notice and public hearing and a Board
16 temporary action would also require
17 notice and public hearing as described in
18 Section 19 of our regulations.
19

20 Fourth, the purpose of this authorization
21 would be to give the Forest Supervisor
22 flexibility for quick action that would
23 not require notice and public hearing.
24

25 Lastly, this proposed amendment has not
26 been presented to the Southeast Regional
27 Advisory Council, however, I would
28 anticipate that they would not be
29 concerned about providing this local
30 control to the manager based on similar
31 language already in regulation. I do not
32 believe that this language would be
33 detrimental to subsistence users and it
34 would result in less likelihood of a
35 future conservation concern.
36

37 CHAIRMAN DEMIENTIEFF: Thank you. Dolly.
38

39 DR. GARZA: First, was that amendment,
40 that was seconded?
41

42 CHAIRMAN DEMIENTIEFF: Right, yes.
43

44 DR. GARZA: Mr. Chairman. This certainly
45 has not gone before the Southeast Regional Advisory
46 Council but I would adamantly oppose it for several
47 reasons.
48

49 One, if there is a conservation concern,
50 the conservation concern should be met by nonrural

1 residents first, rather than rural residents.

2

3 Secondly, I'm not sure if your amendment
4 would be for one season or if that would be permanent, so
5 that would have to be clarified. If it were for one
6 season it may be more acceptable, but if you can simply
7 reduce it and that's it, forever, then there may be
8 greater issue.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: Do you have a
13 response for her question?

14

15 MR. BREWSTER: I -- I -- Steve. I
16 believe the thought it would have to be redone from
17 season to season.

18

19 CHAIRMAN DEMIENTIEFF: Okay, any other
20 discussion on the amendment.

21

22 MS. GOTTLIEB: Mr. Chair.

23

24 CHAIRMAN DEMIENTIEFF: Yes.

25

26 MS. GOTTLIEB: Well, I'm not sure if we
27 need further clarification but I mean the Board has
28 authority to close, if there were a reason to have a
29 closure, all our regs are annual regulations, and this is
30 simply a delegation for the one year to a more local
31 manager which is something that we often do.

32

33 CHAIRMAN DEMIENTIEFF: All right, any
34 other discussion.

35

36 (No comments)

37

38 CHAIRMAN DEMIENTIEFF: Hearing none, all
39 those in favor of the amendment, please signify by saying
40 aye.

41

42 IN UNISON: Aye.

43

44 CHAIRMAN DEMIENTIEFF: Those opposed,
45 same sign.

46

47 (No opposing votes)

48

49 CHAIRMAN DEMIENTIEFF: That amendment
50 carries. We now have the -- you have no further

1 amendments, right?

2

3

MR. BREWSTER: Right.

4

5

CHAIRMAN DEMIENTIEFF: We now have the
6 main motion before us as amended. Wayne.

7

8

MR. REGELIN: Thank you, Mr. Chair. I
9 didn't want to speak on the amendments because I didn't
10 really have a strong opinion one way or the other, but I
11 do have reservations about expanding a season when the
12 population is not growing or it's stable, at best, we
13 know that in the future it's going to go down, it's just
14 kind of a fact of life as we go through the successional
15 stages. And I really always argue that we should have
16 higher harvests and don't leave things out there -- if we
17 can take more, we should -- in this case I'm not -- I
18 don't think that we should, I think that we're -- four
19 deer is what we -- we've never had more than a bag limit
20 of four in this area since statehood, I don't think that
21 it's necessary to meet -- that that many people take more
22 than four -- or more than three or four, just seems like
23 something that's premature at this time. And what I
24 would hate to see is that we raise it to five, we come
25 back in two years and say we've got to reduce the harvest
26 back to four, but we can't do that until we remove
27 everybody but Federally qualified subsistence users, that
28 to me is just unfair.

29

30

So I would leave it where it is right now
31 because I don't want to have the five become a standard
32 that we have to meet in the future in order to allow non-
33 Federally qualified subsistence people to use this
34 population.

35

36

Thank you.

37

38

CHAIRMAN DEMIENTIEFF: Further discussion
39 on the motion as amended.

40

41

MR. BREWSTER: I have a question, Mr.
42 Chairman.

43

44

CHAIRMAN DEMIENTIEFF: Go ahead.

45

46

MR. BREWSTER: Wayne, I would ask if the
47 current harvest goal is 2,700 and that is not currently
48 being met, how would you propose that we do come closer
49 to that?

50

1 MR. REGELIN: I guess that I think that
2 we should err on the side of caution in this case because
3 we know that the habitat is on the -- is starting to
4 decline or already has -- or it will very soon, it
5 probably has. I think there's probably a reason we're
6 seeing a decline. It's very difficult to track the deer
7 population. You have indicators of trend, but we don't
8 have population estimates. So I think that we need to
9 always, with deer, be careful with the population, that
10 if it's growing fast and, you know, exploding, we call it
11 because of good habitat concerns then we should always
12 increase and harvest that surplus, but in this case I'm
13 not sure we have a surplus that we want to harvest.

14

I just would be a little careful there.

15

16

Thanks.

17

18

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MR. REGELIN: I guess that I think that we should err on the side of caution in this case because we know that the habitat is on the -- is starting to decline or already has -- or it will very soon, it probably has. I think there's probably a reason we're seeing a decline. It's very difficult to track the deer population. You have indicators of trend, but we don't have population estimates. So I think that we need to always, with deer, be careful with the population, that if it's growing fast and, you know, exploding, we call it because of good habitat concerns then we should always increase and harvest that surplus, but in this case I'm not sure we have a surplus that we want to harvest.

I just would be a little careful there.

Thanks.

CHAIRMAN DEMIENTIEFF: Any further discussion on the proposal as amended.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I guess maybe two questions for Forest Service. I thought somewhere in the analysis I thought I heard an estimate of how many might be taken if a fifth allowance was given, and secondly maybe you can describe how the Supervisor would monitor the harvest and make a decision on closure or not?

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. CHESTER: Yes, my estimate for the number of additional deer that would be harvested with the fifth deer, or actually under the sixth deer was approximately 40 to 100 deer, the latest data for the harvest estimate was 2003 and approximately 1,700 deer were harvested, so that would still leave it pretty well below the 2,700.

As far as how the Forest Supervisor would monitor, there really wouldn't be any in-season monitoring from that standpoint. In other words, the harvest reporting mostly comes at the end of the season, so it would be more of a, if we see a major winter die-off or something like that, would be one of the primary kickers it says something needs to happen.

1 MS. GOTTLIEB: Thank you.
2
3 MR. EDWARDS: Mr. Chairman.
4
5 CHAIRMAN DEMIENTIEFF: Gary.
6
7 MR. EDWARDS: Wayne, maybe I'd ask you a
8 question, I mean, and I don't necessarily disagree with
9 anything you said but it does seem to me that, you know,
10 if we got declining habitat which ultimately will lead to
11 declining populations, that we really can't stockpile
12 these 150 additional deer that we take so in the long
13 run, is it really going to matter?
14
15 MR. REGELIN: I guess that if we start
16 having a declining population that it really does.
17 Probably because we're only -- I believe the season is no
18 female are allowed in this -- one antlerless deer, and if
19 we have declining populations, the normal thing you do is
20 you stop reducing -- or stop harvesting the female
21 segment of the population and then you reduce the bag
22 limit if you need to, and I guess that I'm not at the
23 point where I would suggest that we need to eliminate the
24 female segment of the population, but I think that to
25 expand the bag limit to higher than it has ever
26 historically been since statehood or since 1925 is --
27 when we know that it is not a growing population is not
28 good biology.
29
30 CHAIRMAN DEMIENTIEFF: Further
31 discussion.
32
33 (No comments)
34
35 CHAIRMAN DEMIENTIEFF: Hearing none, all
36 those in favor of the main motion as amendment, please
37 signify by saying aye.
38
39 IN UNISON: Aye.
40
41 CHAIRMAN DEMIENTIEFF: Those opposed,
42 same sign.
43
44 (No opposing votes)
45
46 CHAIRMAN DEMIENTIEFF: Motion carries.
47 Thank you very much for your help on the Southeast
48 proposals, we now move to Southcentral.
49
50 (Pause)

1 CHAIRMAN DEMIENTIEFF: And maybe while
2 they're shifting gears and getting set up we'll just go
3 ahead and take a short break right now.

4
5 (Off record)

6
7 (On record)

8
9 CHAIRMAN DEMIENTIEFF: I think it's an
10 aging thing, I think I'm starting to enjoy the breaks
11 more and more as we take them.

12
13 (Laughter)

14
15 CHAIRMAN DEMIENTIEFF: Before, during the
16 early part of my tenure on the Board I was kind of a
17 crack the whip kind of a guy but now I don't mind
18 standing around and socializing, it's part of the fun.

19
20 Okay, with that we're going to move on to
21 Southcentral. We have Proposal 16.

22
23 MR. ARDIZZONE: Good afternoon, Mr.
24 Chair. Board members. My name is Chuck Ardizzone.
25 Proposal 16 and 17 are a combined analysis, they address
26 the same area.

27
28 Proposal 16 was submitted by Andrew
29 McLaughlin from Chenega Bay and requests that the antler
30 restriction for Unit 7, that portion draining into Kings
31 Bay, be eliminated and the harvest of either sex moose be
32 allowed. The proposal also requests that the harvest
33 season be changed from 10 August through September 20
34 to August 10th to February 28th.

35
36 Proposal WP06-17 was submitted by Alaska
37 Department of Fish and Game and requests that the Federal
38 public lands closure for Unit 7, that portion draining
39 into Kings Bay, be eliminated.

40
41 The proponent for WP06-16 believes the
42 regulation should be changed because the customary and
43 traditional use of the moose harvest from the Kings Bay
44 drainages has never been limited by antler restrictions.
45 The proponent states they have never been confined to
46 harvest dates before September 20th, primarily because
47 that time of year in the early part of the season the
48 moose are rarely, if at all, harvestable as snow has not
49 yet pushed them down from their upper elevations.

50

1 The proponent for WP06-17, Alaska
2 Department of Fish and Game, believes the regulation
3 should be changed because, according to information
4 presented in the Office of Subsistence Management Federal
5 Wildlife Closure Review 05-03, few moose have been
6 harvested by Federally-qualified subsistence users in
7 this area since the closure was implemented affecting
8 other users. Removing the closure would provide limited
9 opportunity for other hunters to utilize the area for
10 moose hunting.

11
12 The amount of moose habitat in the Kings
13 Bay area is very small, and consists of narrow riparian
14 areas along Kings River and Nellie Juan River.

15
16 The entire drainages of Nellie Juan River
17 and Kings River were flown in March 2001 by ADF&G, from
18 Nellie Juan Lake downstream to the head of Kings Bay and
19 up Kings River to the glacier country. Nine moose were
20 counted during the survey in conditions characterized as
21 being excellent for aerial counting.

22
23 The small area of moose habitat in Kings
24 Bay is isolated, with only one accessible route for moose
25 to enter the area across the mountains from Paradise
26 Lakes or Nellie Juan Lake areas, and then down the Nellie
27 Juan River. Interchange of moose with other areas is
28 therefore likely minimal.

29
30 Based on harvest records, no moose were
31 legally harvested from this area since the Federal
32 subsistence management regulations established this hunt
33 in 1997.

34
35 Some current events involving this area,
36 a moose index survey was flown on March 27th, 2006, this
37 data was not available to the Council at their last
38 meeting. The survey was funded by the USDA Forest
39 Service and conducted by ADF&G personnel. The conditions
40 were generally good for counting. Extra time was spent
41 following moose to try to obtain a better observation of
42 the total moose numbers. The total of five moose were
43 observed, four were cows and one was a bull. No calfs
44 were observed in the area. Most of the tracks observed
45 were within a half mile of the shoreline.

46
47 The surveyors believe that this is not
48 the total number of moose in this heavily timbered steep
49 country but they were not sure how many moose were
50 missed, but they estimated it could be as high as 20 to

1 25 percent -- or excuse me, 25 to 50 percent -- even if
2 it was 50 percent that would only give us 10 moose in the
3 area.

4
5 The surveyors were relatively certain
6 that there's a limited number of moose in the area during
7 this late winter period. The number of moose in this
8 area in the fall will be hard to predict from this late
9 spring survey. Moose may transition out of the area
10 before a heavy winter snowfall.

11
12 A moose survey is planned for late
13 October to November 2006 to survey the fall population.
14 This will better estimate the number of moose available
15 for a fall to winter hunt and allow for the gathering of
16 demographics on the herd.

17
18 If Proposal 05-16 were adopted, it would
19 lengthen the harvest season by 161 days and would allow
20 the take of any moose. Extending the season may have
21 detrimental affects on the moose population. Although
22 the harvest limit would not change, the longer season
23 could allow moose to be harvested more easily when they
24 move near the coastline during the winter. Currently, no
25 moose harvests have been reported. If the season is
26 extended and both villages harvest a moose, this could
27 lead to over harvest of this small herd.

28
29 Allowing the possibility of cow harvest
30 in such a small population could also have detrimental
31 effects on the health of the moose population. Cows are
32 important to maintain the herd. If a pregnant cow is
33 taken, it will reduce the recruitment of new moose into
34 the population and thus have a negative impacts on the
35 small herd.

36
37 If Proposal WP06-17 were adopted it would
38 not change the harvest season or limits for Chenega Bay
39 and Tatitlek, but would remove the closure to
40 non-Federally qualified subsistence users which may lead
41 to competition.

42
43 Removing the closure would provide the
44 possibility of additional harvest, which could jeopardize
45 the conservation of this small herd.

46
47 That concludes my briefing. However,
48 there has been some new information that we just recently
49 found out about poaching in the area and there is law
50 enforcement from the Forest Service here that is ready to

1 give a quick briefing on that information if the Board
2 sees fit.

3

4 CHAIRMAN DEMIENTIEFF: And who would do
5 that?

6

7 MR. ARDIZZONE: Mr. Chair. That would be
8 Jeff Bryant [sic] from law enforcement from Forest
9 Service.

10

11 CHAIRMAN DEMIENTIEFF: Let's go ahead and
12 do that while we've got the Staff analysis in front of
13 us.

14

15 MR. BRIDEN: Mr. Chairman. My name is
16 Jeffery Briden, I'm the lead law enforcement officer for
17 the Chugach National Forest. Information I just was
18 going to provide you, there was one bull moose taken in
19 the Nellie Juan area this fall. Two hunters were in
20 there on this particular area, the moose was a sublegal
21 moose, the individual was cited under State regulations
22 and charged in State court for taking a moose so there
23 was at least one kill in there this year.

24

25 I also have information of at least one
26 other hunter that was up in that area. None of these
27 hunters will show up on the Federal information because
28 they weren't qualified to be in there and they went under
29 State rules, thinking they were legally able to hunt in
30 there even though they weren't legally allowed to be
31 hunting on the State lands in that area.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. It
34 wasn't me.

35

36 (Laughter)

37

38 CHAIRMAN DEMIENTIEFF: Okay, written
39 public comments.

40

41 MR. MIKE: Thank you, Mr. Chair. Donald
42 Mike, Southcentral Regional Advisory Council coordinator.

43

44 There were no written public comments
45 received for Proposal No. 16, nor Proposal No. 17.

46

47 Thank you, Mr. Chair.

48

49 CHAIRMAN DEMIENTIEFF: Thank you. We
50 have no additional requests for public testimony at this

1 time. Regional Council recommendation.

2

3 MR. BLOSSOM: Mr. Chair. Southcentral
4 Council we went for 16 and 17 with a modification. We
5 said one bull. We were just trying to accommodate the
6 people in the area, and we didn't have this information
7 that we're hearing today, so that no doubt would weigh on
8 our decision, too.

9

10 At the time we were told that there was
11 anywhere from 12 to 15 moose in the area some years and
12 one bull, we thought, probably wouldn't hurt the long-
13 term health of the herd.

14

15 CHAIRMAN DEMIENTIEFF: Thank you. Staff
16 Committee.

17

18 MR. PROBASCO: Thank you, Mr. Chair. The
19 InterAgency Staff Committee on Proposal 16 recommends to
20 oppose the proposal contrary to the recommendation of the
21 Southcentral Regional Advisory Council. In addition close
22 the season based on conservation concerns.

23

24 As the information that was provided,
25 this new information indicates that this population is
26 much smaller than originally thought. A moose index
27 survey was flown on March 27th using Alaska Department of
28 Fish and Game's survey protocol and as Chuck said there
29 was a total of five moose that were observed, and even
30 with an estimate for under counting at 25 to 50 percent,
31 the population is still very small.

32

33 The InterAgency Staff Committee
34 recommends closing the season because the population is
35 so small that any harvest would violate sound principles
36 of wildlife management and potentially result in
37 extrapation of the population. This would be detrimental
38 the satisfaction of subsistence needs.

39

40 Another point, too, there is another
41 moose survey planned for late October or November to
42 survey the fall population. If numbers of moose are
43 considerably higher then the March survey of the Federal
44 season could be opened through future regulatory action.

45

46 For Proposal 17, oppose the proposal
47 consistent with the intent of the Southcentral Regional
48 Advisory Council's recommendation to take no action. The
49 small population of moose in Kings Bay cannot support any
50 additional mortality. The population may also not be

1 able to support existing levels of mortality, and the
2 recommendation for Proposal 16, is what I just said, is
3 contrary to what the Southcentral Regional Advisory
4 Council recommended, and is to close Kings Bay to all
5 moose hunting.

6
7 Mr. Chair. The rest of the justification
8 is noted on Page 191.

9
10 CHAIRMAN DEMIENTIEFF: Thank you.
11 Department comments.

12
13 MR. HAYNES: Mr. Chairman. The
14 Department recommends that the Board not adopt the
15 proposed season and harvest limit changes in Proposal 16.

16
17 Because of low moose numbers in the Kings
18 Bay area of Unit 7, the current regulations limit harvest
19 in the Kings Bay area to bulls with spike-fork or 50-inch
20 antlers or with three or more brow-tines on either
21 antler. Authorizing the harvest of cow moose would
22 violate principles of wildlife conservation and reduce
23 the potential for the moose population to increase in the
24 area.

25
26 The Department has conducted five moose
27 surveys in the Nellie Juan, Kings River area since 1997
28 and counted between seven and 20 moose each year that a
29 survey was conducted. The most recent survey conducted
30 by the Department was in 2002 and it counted 12 moose.
31 The recent Forest Service indicates that the population
32 probably has declined from that 12.

33
34 A winter hunt has not been authorized in
35 the area since 1972. Liberalizing the Federal regulation
36 as requested in this proposal will increase the
37 likelihood that a closure would be needed in the near
38 future.

39
40 Now, if the Federal Board follows the
41 Staff Committee recommendation and rejects this proposal
42 and also closes the season for conservation purposes, the
43 Department recommends that our proposal, 06-17 be
44 deferred until such time that the season is reopened, at
45 which time we would anticipate wanting to see our
46 proposal again on the table.

47
48 Regarding Proposal 17, we either, again,
49 recommend that no action be taken and that it be deferred
50 until a season is reopened, if, in fact, the season is

1 closed in this area. But as it stands now, this proposal
2 would provide very limited opportunity for non-Federally
3 qualified subsistence users to hunt bull moose on Federal
4 public lands in the Kings Bay area of Unit 7.

5
6 The Staff analysis notes that no moose
7 have been reported harvested in this area under the
8 Federal Subsistence regulations since 1997 so eliminating
9 the closure of Federal public lands is not expected to
10 restrict Federally qualified subsistence users.

11
12 So, again, if the season is closed we
13 would like to see our proposal deferred until the season
14 again is reopened at which time we would raise the
15 concerns that we've expressed in our proposal.

16
17 CHAIRMAN DEMIENTIEFF: Okay. Board
18 discussion. You got more comments from the Regional
19 Council.

20
21 MR. BLOSSOM: Yeah, Mr. Chair, I said 16
22 and 17, I meant 16 is where we took action. 17 we took
23 no action. And we definitely said no cow moose, even in
24 16, we said it had to be a bull.

25
26 CHAIRMAN DEMIENTIEFF: Thank you. Board
27 discussion.

28
29 (No comments)

30
31 CHAIRMAN DEMIENTIEFF: Hearing none. Is
32 somebody prepared to offer a motion.

33
34 MR. BREWSTER: Mr. Chair. I move to adopt
35 Proposal 16 with modifications provided by the
36 Southcentral Alaska Regional Advisory Council, but after
37 a second, I'd like to let you know that I intend to
38 provide a substitute to my motion, which would close the
39 moose season in Kings Bay.

40
41 CHAIRMAN DEMIENTIEFF: There is a motion,
42 is there a second.

43
44 MR. OVIATT: I'll second.

45
46 CHAIRMAN DEMIENTIEFF: Okay.

47
48 MR. BREWSTER: Mr. Chair. I move to
49 substitute my motion with a motion to close the Kings Bay
50 moose harvest, and I'll read the language:

1 Unit 7, that portion draining into Kings
2 Bay, public lands are closed to the
3 taking of moose for all hunters, no open
4 season.

5
6 And after a second I will give my
7 rationale for that substitution.

8
9 CHAIRMAN DEMIENTIEFF: There is a motion
10 to offer a substitute amendment, is there a second.

11
12 MS. GOTTLIEB: I'll second.

13
14 CHAIRMAN DEMIENTIEFF: Go ahead.

15
16 MR. BREWSTER: Mr. Chair. As we've heard
17 here this afternoon, my rationale follows along the lines
18 that first a moose survey, a moose index survey was flown
19 on March 27th, 2006 during which only five moose were
20 observed, including four cows, one bull and no calfs.
21 Surveyors estimate the under count to be no more than 25
22 to 50 percent. Therefore, any harvest of such a low
23 number of moose would violate recognized principles of
24 wildlife management and even potentially result in
25 extrapation of the population.

26
27 Thank you.

28
29 CHAIRMAN DEMIENTIEFF: Further
30 discussion.

31
32 MS. GOTTLIEB: Mr. Chair.

33
34 CHAIRMAN DEMIENTIEFF: Yes.

35
36 MS. GOTTLIEB: Could we please hear what
37 the plan is for the next -- or when the next moose survey
38 might be?

39
40 CHAIRMAN DEMIENTIEFF: Go ahead.

41
42 MR. ARDIZZONE: Mr. Chair, Chuck
43 Ardizzone. The next moose survey is planned for October
44 to November of this year.

45
46 MS. GOTTLIEB: Thank you.

47
48 CHAIRMAN DEMIENTIEFF: Southcentral.

49
50 MR. BLOSSOM: Mr. Chair. Southcentral,

1 we would oppose that latest amendment. Mr. Del Frate,
2 the Fish and Game person that sat before us and talked
3 while we deliberated talked about the moose varying there
4 from 25 to 12 and they travel back and forth from that
5 area over into the Portage Flat area so he said the moose
6 are moving back and forth, and that's why I guess I
7 wouldn't want to close this permanent. I'd like to leave
8 it so that if we find on a count that there's enough
9 moose to have a subsistence permit for Chenega and
10 Tatitlek we could do that.

11
12 CHAIRMAN DEMIENTIEFF: Thank you. Is
13 there any other discussion on the amending motion.

14
15 (No comments)

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

20
21 IN UNISON: Aye.

22
23 CHAIRMAN DEMIENTIEFF: Those opposed,
24 same sign.

25
26 (No opposing votes)

27
28 CHAIRMAN DEMIENTIEFF: Now, we have the
29 main motion before us as amended.

30
31 Further discussion.

32
33 (No comments)

34
35 CHAIRMAN DEMIENTIEFF: All those in favor
36 of the motion, as amended, please signify by saying aye.

37
38 MR. CESAR: Mr. Chairman.

39
40 CHAIRMAN DEMIENTIEFF: Niles.

41
42 MR. CESAR: Could I have the main motion
43 restated please.

44
45 MR. BREWSTER: Certainly. The main
46 motion would be:

47
48 For moose Unit 7, that portion draining
49 into Kings Bay, public lands are closed
50 to the taking of moose for all hunters,

1 no open season.
2
3 MR. CESAR: Thank you.
4
5 CHAIRMAN DEMIENTIEFF: Further
6 discussion.
7
8 MS. GOTTLIEB: Mr. Chair.
9
10 CHAIRMAN DEMIENTIEFF: Judy.
11
12 MS. GOTTLIEB: So should the moose survey
13 show higher numbers than the last survey, what would be
14 the options for those who might want to still request
15 that the season be open this fall after the survey is,
16 when the previous season was going to December?
17
18 So maybe you could just describe for us
19 what procedures people could use.
20
21 CHAIRMAN DEMIENTIEFF: Go ahead.
22
23 MR. BOYD: Mr. Chair, you're looking at
24 me, I presume?
25
26 CHAIRMAN DEMIENTIEFF: Yes.
27
28 MR. BOYD: Unless Chuck's got a better
29 answer.
30
31 The Board could, as a results of the
32 survey, conclude that there's a harvestable population
33 and then provide some harvest based on a temporary action
34 that the Board could take and then the following
35 regulatory cycle could, in fact, change the more
36 permanent regulation.
37
38 Mr. Chair.
39
40 CHAIRMAN DEMIENTIEFF: Chuck, do you have
41 anything you want to add to that?
42
43 MR. ARDIZZONE: No, Mr. Chair, I won't
44 disagree with the boss, that's correct.
45
46 (Laughter)
47
48 CHAIRMAN DEMIENTIEFF: Any further
49 discussion on the motion, as amended.
50

1 (No comments)
2
3 CHAIRMAN DEMIENTIEFF: Hearing none, all
4 those in favor of the motion as amended please signify by
5 saying aye.
6
7 IN UNISON: Aye.
8
9 CHAIRMAN DEMIENTIEFF: Those opposed,
10 same sign.
11
12 (No opposing votes)
13
14 CHAIRMAN DEMIENTIEFF: Motion carries.
15 We need a motion on 17.
16
17 MR. BREWSTER: Mr. Chair. I will move,
18 once again, to adopt the recommendation of the
19 Southcentral Alaska Regional Advisory Council which is to
20 take no action on No. 17, and after a second I will
21 provide my rationale.
22
23 MR. CESAR: I'll second.
24
25 CHAIRMAN DEMIENTIEFF: There's a second.
26
27 MR. BREWSTER: My rationale is as
28 follows. Based on recent moose survey in Kings Bay no
29 harvest of moose can be justified as described in
30 Proposal 16. The action we've taken in Proposal 16 to
31 close all hunting on Federal public lands means that we
32 should take no action on this proposal as requested by
33 the Southcentral Council.
34
35 This would result in the same action as
36 opposing the proposal.
37
38 CHAIRMAN DEMIENTIEFF: Further
39 discussion.
40
41 (No comments)
42
43 CHAIRMAN DEMIENTIEFF: Hearing none, all
44 those in favor of the motion please signify by saying
45 aye.
46
47 IN UNISON: Aye.
48
49 CHAIRMAN DEMIENTIEFF: Those opposed,
50 same sign.

1 (No opposing votes)

2

3 CHAIRMAN DEMIENTIEFF: Motion carried.

4 Again, 18 has been added to the consent agenda. That
5 gets us to 68. Go ahead, Staff analysis.

6

7 MR. ARDIZZONE: Mr. Chair. Proposal
8 WP06-68 can be found on Page 209 of your Board book.

9

10 Proposal WP06-68 was submitted by the
11 Southcentral Alaska Subsistence Regional Advisory Council
12 and it requests that an additional moose harvest season
13 be added in Units 15(B) and 15(C) between October 20th
14 through November 10th.

15

16 The proponent believes these dates are
17 more in line with traditional subsistence activities and
18 will revive the spirit and tradition of the hunt. The
19 proponent also states historically hunts were postponed
20 until later in the year following the processing of
21 salmon.

22

23 On Pages 210 and 211 there's a very long
24 regulatory history on this hunt. But most recently we
25 addressed this as Proposal WP06-07 last year. During
26 that time the board decided to defer this proposal and
27 send it back to the Council for further discussion and to
28 come up with some other alternatives that may have less
29 adverse impacts on the moose population.

30

31 In Units 15(B), the State management
32 objectives for the Central Kenai Peninsula for Unit 15(B)
33 west are to maintain a population of moose with a
34 bull/cow ratio of 20 to 100 and to allow for a maximum
35 opportunity to participate in hunting. The State's
36 management objective for Unit 15(B) east are to maintain
37 a population of moose with a bull/cow ratio of 40 to 100
38 and to provide for the opportunity to harvest a large
39 antlered bull under aesthetically pleasing conditions.

40

41 In 2002 a census of a 650 square mile
42 area of suitable moose habitat estimated the moose
43 population at approximately 775 to 1,140 animals. In
44 15(B) the State harvest for 2004 was 53 bulls, for 2006
45 it was 61 bulls.

46

47 In Unit 15(C) the State management
48 objectives are to maintain a population of approximately
49 3,000 moose and to maintain a minimum post hunting sex
50 ratio of 20 bulls to 100 cows. A composition survey

1 completed for 15(C) in 2003 counted 1,207 moose with a
2 ratio of 31 calves to 100 cows and 19 bulls per 100 cows.
3 A census conducted in February 2002 estimated the moose
4 population between 2,500 and 3,450 animals. The staple
5 harvest in 15(C) was 309 bulls in 2003, 278 bulls in
6 2004, and 274 bulls in 2005. The Federal harvest in Unit
7 15(C) has averaged approximately two moose per year
8 between 1996 and 2003.

9
10 Some current events involving this moose
11 population. After the Board deferred WP05-07, ADF&G, the
12 Kenai National Wildlife Refuge, the Ninilchik Traditional
13 Council had further discussion on this issue. At the
14 October 2005 Southcentral Alaska Subsistence Regional
15 Advisory Council, the Council once again addressed this
16 proposal. The Council proposed to retain the original
17 August 10th through September 20th season dates but also
18 add an October 20th to November 10th season in Units
19 15(B) and (C), excluding 15(A). The harvest limit
20 remained one antlered bull with spike-fork 50 or 50-inch
21 antlers with three or more brow tines. This late season
22 addresses the issue of avoiding the moose rut season and
23 to provide for more priority to Federally qualified
24 subsistence users to harvest moose closer to the time
25 period when they customarily and traditionally harvested
26 moose.

27
28 Excluding 15(A) addresses the moose
29 conservation concerns and road access concerns in the
30 subunit. At the March 2006 Southcentral Regional
31 Advisory Council meeting the Council discussed this
32 proposal once again and voted to support the proposal
33 with one minor modification, to add a seven day reporting
34 requirement. The Council felt that this would provide
35 the Federal land managers timely harvest information and
36 would help them manage the moose hunt effectively.

37
38 If this proposal were adopted it would
39 help alleviate some of the conservation concerns that
40 arose regarding WP05-07 last year. The additional
41 hunting season would occur after the rut and avoid first
42 estrus breeding, thus having lesser impacts on the moose
43 population. This proposal provides additional
44 subsistence opportunities when the weather is cooler and
45 meat can be more easily taken care of.

46
47 This proposal also addresses the concerns
48 of the declining moose population in Unit 15(A) by
49 excluding this area from the additional season.

50

1 That concludes my presentation, any
2 questions.

3
4 CHAIRMAN DEMIENTIEFF: Thank you.
5 Written public comments.

6
7 MR. MIKE: Thank you, Mr. Chair. You
8 will find your public comments on Page 208. We have one
9 written public comment from the Alaska Defender's of
10 Wildlife opposing the proposal.

11
12 They urge caution and recommend more
13 conservative action. Late season winter
14 moose hunts advocated by these proposals
15 invites driving, herding and harassing
16 moose with snowmachines, activities
17 currently prohibited under Federal
18 subsistence law. Enforceability is
19 extremely difficult in remote areas at
20 this time of year. Abuses connected with
21 this method of hunting can diminish
22 healthy populations of moose in an area,
23 counter to Section .802 of Title VIII,
24 ANILCA. Unless it is absolutely
25 necessary to provide a subsistence
26 opportunity that is lacking in earlier
27 seasons.

28
29 We urge the board to take a very
30 conservative approach with late season
31 mechanized winter hunts.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN DEMIENTIEFF: Thank you. We
36 have one additional request for public testimony. Darrel
37 Williams.

38
39 MR. WILLIAMS: Mr. Chairman. Members of
40 the Board. Thanks for taking the opportunity to hear me.

41
42 First I'd like to start out and just make
43 sure that everybody's clear that we've had a lot of
44 testimony and documents that have been submitted to the
45 RAC and what not and we've talked about this a couple
46 different times, and to make sure that everybody's had
47 time to look at this and make sure that they know the
48 sequence of events that got us here.

49
50 And I think I should take a minute to

1 kind of explain the 15(A) thing. When I was reading the
2 final comments here, it's addressed, but I just want to
3 make sure to clarify what we were trying to accomplish in
4 dropping the 15(A) section of the Northern Kenai
5 Peninsula.

6
7 In the process of trying to be good
8 stewards and take care of these resources so we're able
9 to preserve them in an active way, the decision was made
10 to not pursue the 15(A) section for the subsistence moose
11 hunt.

12
13 I don't want the perception to come
14 across that we don't have the interest to be able to take
15 care of these resources. We enjoy trying to play an
16 active part in being a manager and trying to help
17 everybody else do these things, but we understand with
18 the pressure from the hunters that's in that area and the
19 pressure on the animals is a real big concern. We've had
20 a lot of discussion about, you know, which should be
21 first, should subsistence come first or should the
22 sportshunting come first and essentially what we decided
23 was that we want to make sure that these resources are
24 preserved and we want to make sure that the folks down in
25 Ninilchik have their opportunity to be able to do their
26 hunting. We had adjusted the timeframe to miss the first
27 estrus cycle and to try to make it a more viable hunt so
28 it won't have the effects on the population.

29
30 We support the proposal as modified.
31 That's what we had decided at the last RAC meeting, and
32 I'd like to thank everybody for taking the time to
33 consider this.

34
35 Is there any questions.

36
37 CHAIRMAN DEMIENTIEFF: Questions.

38
39 MR. WILLIAMS: Mr. Chair.

40
41 CHAIRMAN DEMIENTIEFF: Go ahead.

42
43 MR. WILLIAMS: Oh, did you have a
44 question, I'm sorry?

45
46 CHAIRMAN DEMIENTIEFF: No, I was asking
47 if there was any.

48
49 (No comments)

50

1 CHAIRMAN DEMIENTIEFF: Thank you, very
2 much.

3
4 MR. WILLIAMS: Thank you.

5
6 CHAIRMAN DEMIENTIEFF: Regional Council
7 recommendation.

8
9 MR. BLOSSOM: Mr. Chair. The
10 Southcentral Regional Council. I'm going to give you a
11 little history too.

12
13 They came to us and asked for this extra
14 season and it started out, as I recall, to the end of
15 September continuing the moose season or somewhere in
16 that neighborhood and then we talked some more and I
17 said, well, you know, maybe it would be better to have it
18 while they have the second moose season in part of this
19 area which was September 26th to like October 13th. So
20 that was the first proposal that came out after we
21 listened to the tribe talk to us.

22
23 Then Mr. Robin West got involved and Mr.
24 Sellinger from Fish and Game and they came up with a
25 compromise to put it later in the fall, and so that's
26 what you're looking at now at this later season, is what
27 Mr. West, the manager of the Refuge and Mr. Sellinger,
28 the local Fish and Game biologist desired. So whether or
29 not that was our favorite, we agreed to that because all
30 parties had come to a compromise.

31
32 I guess one additional comment I'll make
33 at this time, this written comment opposing this, Mr.
34 Robin West, who runs all of this area that's in question
35 does not open the Refuge to snowmachines, ever before the
36 1st of December, so you're not allowed to have a
37 snowmachine anywhere in that part of the world until
38 December, and then it's if there's enough snow cover.

39
40 CHAIRMAN DEMIENTIEFF: Thank you. Staff
41 Committee.

42
43 MR. PROBASCO: Thank you, Mr. Chair.
44 Staff Committee's recommendation is on Page 207. The
45 Staff Committee supports the proposal as recommended by
46 the Southcentral Regional Advisory Council.

47
48 The proposal would provide additional
49 subsistence opportunities more in line with traditional
50 seasonal subsistence activities. It provides a season

1 when colder temperatures are more conducive for caring
2 for the meat and vegetative cover is reduced.

3
4 The proposed season should not have
5 significant adverse impacts on the moose population as it
6 avoids disturbance and harvest of moose during the rut.

7
8 Mr. Chair.

9
10 CHAIRMAN DEMIENTIEFF: Thank you.
11 Department comments.

12
13 MR. HAYNES: Thank you, Mr. Chairman.
14 The Department recommends adoption of this proposal as
15 modified by the Southcentral Regional Council and
16 InterAgency Staff Committee with additional modification.

17
18 Modifications made to this proposal by
19 the Regional Council at its fall 2005 and winter 2006
20 meetings address most of the concerns expressed by the
21 Department when this proposal was first considered last
22 year. Specifically, the remainder of Unit 15(A) has been
23 dropped. And the proposed moose season dates in Units
24 15(B) and 15(C) have been changed to October 20 to
25 November 10 in order to avoid hunting during the peak of
26 the first rut.

27
28 Adding the seven day reporting
29 requirement will enable managers to determine if the
30 number of large bulls being taken is excessive and to
31 close the season through a special action request, if
32 necessary, for conservation purposes. We support this
33 being modified to a five day reporting requirement as
34 recommended by the Staff Committee and having hunters
35 return registration permits to the Kenai National
36 Wildlife Refuge office, rather than to the Office of
37 Subsistence Management in Anchorage. This is essential
38 to ensure timely in-season harvest monitoring in closing
39 the hunt, if necessary, for conservation purposes.

40
41 However, the Department continues to
42 recommend that no more than five large bulls be allocated
43 to this late season hunt. We request that the proposal,
44 as modified by the Southcentral Regional Council be
45 further amended to read:

46
47 No more than two bulls that have antlers
48 with at least 50-inch spread or at least
49 three brow-tines on at least one side may
50 be harvested from Unit 15(B) and no more

1 than three bulls that have antlers with
2 at least a 50-inch spread or at least
3 three brow-tines on at least one side may
4 be taken from Unit 15(C).
5

6 This will help to minimize the impacts on
7 highly vulnerable post-rut congregations of nutritionally
8 stressed large bulls.
9

10 And I would note that the last paragraph
11 of the Staff analysis on Page 216 does acknowledge that
12 the Department had some additional concerns beyond what
13 had been addressed by the Regional Council in previous
14 meetings and in working with the Department and the
15 Refuge to try to find some common ground.

16
17 Thank you.

18
19 CHAIRMAN DEMIENTIEFF: Thank you. Board
20 discussion.

21
22 MS. GOTTLIEB: Mr. Chair.

23
24 CHAIRMAN DEMIENTIEFF: Yes.

25
26 MS. GOTTLIEB: I guess I had just one
27 more question for Terry.

28
29 I see the charts in our book on species
30 and bag limits under State, but is there likewise a
31 reporting requirement that would go with this?

32
33 MR. HAYNES: I'm sorry, maybe I missed
34 the question.

35
36 MS. GOTTLIEB: Sure. On Pages 217 and
37 218 we have outlined State species and bag limits for
38 this unit so that's really been helpful to compare with
39 what we're talking about, but we've also introduced the
40 concept of a permit and reporting period of five days,
41 and so I'm wondering if there's something similar in your
42 system.

43
44 MR. HAYNES: Mr. Chairman. All of these
45 hunts, all of the State hunts either require a harvest
46 ticket or a permit of some sort as a reporting mechanism.

47
48 Does that help?

49
50 MS. GOTTLIEB: I guess I'm just looking

1 for, is it five days or end of season or maybe we don't
2 have that information right here?

3

4 MR. HAYNES: Gino Del Frate, the
5 management coordinator is here and he's telling me that
6 for permit hunts it's 10 days if you were successful.
7 And then the moose taken by harvest ticket fall under a
8 different timeframe.

9

10 MS. GOTTLIEB: Okay, thank you.

11

12 MR. EDWARDS: Mr. Chairman, I have
13 another question for the State.

14

15 CHAIRMAN DEMIENTIEFF: Gary.

16

17 MR. EDWARDS: Isn't there a fairly
18 significant bull harvest occurring in 15(C) now?

19

20 MR. HAYNES: Could you repeat the
21 question, please?

22

23 MR. EDWARDS: Well, the bull harvest in
24 -- I'm trying to, I guess, understand more about the need
25 to restrict the harvest to three bulls. I believe in
26 2005, 271 bulls were harvested in 15(C).

27

28 MR. DEL FRATE: Thank you, Mr. Chair.
29 Mr. Edwards. The report requirement as well as the
30 permit requirement is something that the area biologist
31 was suggesting in a way to get his hands around the
32 potential for what we see is a good harvest in this late
33 season hunt. The bulls are all grouped up in the sub-
34 Alpine area and we would like to be able to see what's
35 going on and be able to take action if this harvest
36 becomes excessive.

37

38 MR. EDWARDS: Would there be other ways
39 to do that without starting off immediately with kind of
40 a numbers restriction, you know, recognizing that,
41 certainly at some point if you're going to make a
42 decision, you need to set some sort of a threshold but
43 based upon your kind of average annual harvest up there,
44 is it -- wouldn't it be maybe a little premature to start
45 off with three bulls until we had an idea of how this
46 hunt is going to proceed, potentially the difficulty of
47 even getting up there at certain times of the year and
48 all?

49

50 MR. DEL FRATE: I believe there's

1 probably other ways to come about that. This is the
2 method that our area biologist, Jeff Sellinger, had felt
3 that it was probably the best way to achieve, at least, a
4 handle on the harvest.

5
6 I think I'm getting the question that
7 you're more concerned about the total season limit of
8 three animals as opposed to the permit?

9
10 MR. EDWARDS: Yes. I'm not suggesting
11 that at some point, if you're going to set some
12 thresholds or if you're going to make decisions whether
13 you need to restrict or not, at some point you need to,
14 obviously, set some thresholds and base that upon, I
15 guess, some biological rationale. I guess I was just
16 suggesting is that I believe the State's position is that
17 we need to set that kind of threshold to begin with
18 before we really have a better feel as to what it is
19 actually going to occur with the harvest.

20
21 MR. DEL FRATE: The total limit of five
22 bulls was set to ensure that we didn't get a large
23 harvest in the first year and I think that with a five
24 day reporting period it's also possible that that limit
25 will be -- could be exceeded if you get quite a few
26 permittees into this area, and by the time they got out
27 of the field and reported, even if it was a five day
28 reporting period, we could see additional animals taken
29 and so with a small threshold it would ensure that we
30 could be able to keep track of that and about the only
31 way I could see keeping a better handle on that would be
32 to have Staff in the field in these highly access -- or
33 not highly accessible areas, in these accessible areas
34 monitoring the harvest as they came out, kind of a
35 checkstation style.

36
37 MR. HAYNES: Mr. Chairman. If I might
38 add something.

39
40 CHAIRMAN DEMIENTIEFF: Terry, go ahead.

41
42 MR. HAYNES: Where obviously the limit of
43 five that we're talking about is for the large bulls
44 only, recognizing that we have less concern about the
45 smaller bulls that would be taken during this late season
46 hunt. But as has been pointed out, because the large
47 bulls are sometimes congregating they're more vulnerable
48 to harvest in groups and we're concerned about
49 potentially having the breeding stock overharvested.
50 Now, there could be several ways to address this, if

1 there was an interest in having a ceiling on large bulls,
2 you know, that could be a guideline that's suggested. It
3 wouldn't necessarily have to be written into the
4 regulation but it would provide some guidance as to when
5 we would feel comfortable in seeing some action taken or
6 recognition that if we allow excessive harvest of large
7 bulls during the late season which may or may not occur,
8 that it could require that there be more restriction
9 action taken in the future.

10

11 MR. EDWARDS: Then as a follow up
12 question, of the 271 bulls that were taken in 2005, how
13 many of those were large bulls, by the definition?
14

15 MR. DEL FRATE: While Terry is looking
16 for that, as a past assistant area biologist for that
17 area I could give you a general feeling that in the past
18 between 100 and about 150 bulls annually were in the
19 large category out of a harvest of 250 to 350 bulls and
20 it was usually pretty stable.

21

22 In the case of this proposed hunt area,
23 in at least the 15(C) side, a good portion of the moose
24 that occur throughout the low land portion of 15(C) move
25 up into the Caribou Hills, which is a sub-Alpine area and
26 at times you can have 600 to 1,000 moose in this area.
27 And so the vulnerability of some of these moose is a bit
28 higher. And our area biologist is pretty concerned that
29 if the word got out that we would have a fairly good
30 amount of effort that got up into this area. And, of
31 course, the only limitation is the access.

32

33 MR. EDWARDS: Well, then one more follow
34 up question, you know, given that this will be a
35 subsistence hunt, I mean what does data show that the
36 subsistence hunter in pursuit of moose, was there a
37 tendency to hunt larger bulls or smaller bulls or is
38 there any consistency based upon subsistence harvest as
39 to preference? Assuming that all these bulls, critters,
40 are going to be gathered together, it seems to me then
41 that the hunter might be able to sort of pick and choose
42 and I guess my question is what might the hunter pick?
43

44 MR. DEL FRATE: Mr. Chair. From my
45 experience, since nearly all of the bulls that are taken
46 in this area are used for food and not specifically
47 Federal subsistence users, I would say the first
48 inclination of a hunter is to take the first legal bull
49 that they come across, and if they came across a group of
50 moose they would take the biggest moose that they could

1 get.

2

3 CHAIRMAN DEMIENTIEFF: Doug, you had a
4 question or comment.

5

6 MR. BLOSSOM: Mr. Chairman, I have lots.
7 First of all, we decided between Fish and Game and us and
8 the Refuge people that seven days was a proper time so we
9 thought we had that solved.

10

11 Secondly, I told them at our advisory
12 meeting this last time that there'd probably be at least
13 20 bulls shot the first year and so they know that
14 already. I said it wasn't going to be three or five, I
15 said it would be at least 20.

16

17 The third big issue that you folks need
18 to know is that this area is not accessible. There is a
19 Funny River Road that runs up through that there might be
20 a moose or two wander across that, but, in general, to
21 get to this you either have to have a strong back or
22 horses, there's no motorized vehicles allowed in any of
23 this area, it's remote.

24

25 And I guess on Page 213 you look at the
26 Federal moose harvest over the years and that kind of
27 shows you that this country isn't accessible for just
28 everybody to just roar into. But I'm not trying to, you
29 know, when they made the season so late, which we agreed
30 to, you're going to take more moose. Earlier, where our
31 Council started out with, you wouldn't even know it
32 happened.

33

34 So under the scenario I'm telling you
35 right now, and I told them, that 20 moose and I still
36 believe that, so I just want to let you know where we're
37 at, that this is an opportunity for these people in a
38 remote area to try to get another moose if they didn't
39 get one earlier.

40

41 Now, I hunt a lot of this area in the
42 regular season and get my moose in there because I have
43 horses. It's not an easy area to get into so I just -- I
44 think some of this is just getting overblown and I don't
45 think we need any limit on it, I think you need to try it
46 and go from there.

47

48 CHAIRMAN DEMIENTIEFF: Thank you.

49

50 MR. EDWARDS: I got one more question

1 then. Would you care then to prophecize of those 20
2 bulls, how many you would assume might be large bulls?

3
4 MR. BLOSSOM: Mr. Chair. In 15(B)
5 probably where they're going to hunt will be up in the
6 Tustomena Bench Land, and that time of year you don't
7 find -- really you don't find any little bulls, so I'm
8 going to guess that any bull got in that area during that
9 timeframe will be a big bull.

10
11 In 15(C) the first moose they see that's
12 legal.

13
14 CHAIRMAN DEMIENTIEFF: Any other
15 questions.

16
17 (No comments)

18
19 CHAIRMAN DEMIENTIEFF: Board discussion.
20 Any other Board discussion.

21
22 (No comments)

23
24 CHAIRMAN DEMIENTIEFF: Are we ready for a
25 motion.

26
27 MR. EDWARDS: Mr. Chairman, I'm going to
28 move that we adopt Proposal 68 as recommended by the
29 Southeast [sic] Regional Advisory Council. I am going
30 to, if I get a second, do two little modifications to
31 that which I hope will be acceptable.

32
33 CHAIRMAN DEMIENTIEFF: Yeah, that's the
34 Southcentral Regional Council.

35
36 MR. EDWARDS: Excuse me.

37
38 CHAIRMAN DEMIENTIEFF: Is there a second
39 to the motion.

40
41 MR. BREWSTER: I'll second it.

42
43 CHAIRMAN DEMIENTIEFF: Okay. Discussion.

44
45 MR. EDWARDS: Well, Mr. Chairman, when
46 it's appropriate I guess my two modifications or
47 amendment, as I understand it, what the Council was
48 recommending was a seven day reporting period and I guess
49 I would amend that to, which, I understand is we do
50 currently have a five day reporting period, and I think

1 that would be adequate, so I would amend it that way.

2

3 And we speak in here, you know, to giving
4 the Refuge Manager, that we need to give him delegated
5 authority to close, if necessary, based upon what the
6 harvest will be demonstrating would be occurring.

7

8 So those would be the two amendments that
9 I would make to the Council's proposal.

10

11 CHAIRMAN DEMIENTIEFF: Is there a second
12 to the amendment for the modification.

13

14 MR. CESAR: Second.

15

16 CHAIRMAN DEMIENTIEFF: It's been moved
17 and seconded. Discussion on the amendment.

18

19 (No comments)

20

21 CHAIRMAN DEMIENTIEFF: Hearing none, all
22 those in favor of the amending.....

23

24 MR. EDWARDS: Mr. Chairman.

25

26 CHAIRMAN DEMIENTIEFF: Go ahead.

27

28 MR. EDWARDS: Mr. Chairman. I guess I'd
29 just like to say a couple things about the motion. I
30 guess, one, I do recognize that while this particular
31 issue is probably as not thorny and all as some of them
32 that we've been dealing with with the fishery issues on
33 the Peninsula, I do think it's a good example of folks
34 trying to come together to address this issue. I know our
35 Refuge folks working with the State, working with the
36 Council tried to sort through this issue and it seems to
37 me that they've come up with a good recommendation. I
38 think this proposal is better than the proposal of last
39 year, it does avoid the peak period of the rut, and it
40 does exclude some of the road accessible potential
41 hunting that I know that our Refuge Manager was concerned
42 about.

43

44 I do want to take knowledge, you know,
45 that I guess the State's concerns about, you know,
46 setting some -- ensuring that we have some thresholds. I
47 guess, as I said earlier, I think we can address that by
48 letting the hunt occur and see what happens and, if
49 necessary, we can certainly come back and visit that and
50 establish an appropriate threshold.

1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Further discussion on the amendment.
3
4 MS. GOTTLIEB: Mr. Chair.
5
6 CHAIRMAN DEMIENTIEFF: Judy.
7
8 MS. GOTTLIEB: So I guess just to be
9 clear then for Fish and Wildlife, you're comfortable that
10 the five day reporting will give you enough information
11 in a timely manner to handle any concerns?
12
13 MR. EDWARDS: Yes.
14
15 MS. GOTTLIEB: Thank you.
16
17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Further discussion on the amendment.
19
20 (No comments)
21
22 CHAIRMAN DEMIENTIEFF: Hearing none, all
23 those in favor of the amendment please signify by saying
24 aye.
25
26 IN UNISON: Aye.
27
28 CHAIRMAN DEMIENTIEFF: Those opposed,
29 same sign.
30
31 (No opposing votes)
32
33 CHAIRMAN DEMIENTIEFF: The amendment
34 carries. We now have the main motion before us as
35 amended. Any further discussion.
36
37 (No comments)
38
39 CHAIRMAN DEMIENTIEFF: Hearing none, all
40 those in favor signify by saying aye.
41
42 IN UNISON: Aye.
43
44 CHAIRMAN DEMIENTIEFF: Those opposed,
45 same sign.
46
47 (No opposing votes)
48
49 CHAIRMAN DEMIENTIEFF: Motion carries.
50 Okay, that completes our work in Southcentral. We'll

1 shift gears now, all of the items in Region 4, Bristol
2 Bay are on the consent agenda so we'll shift to Region 5,
3 Yukon-Kuskokwim.

4
5 (Pause)

6
7 CHAIRMAN DEMIENTIEFF: Sorry, I'm sorry
8 Kodiak/Aleutians actually that we need to deal with. I'm
9 sorry, I didn't mean to skip over.

10
11 (Pause)

12
13 CHAIRMAN DEMIENTIEFF: 19 and 20, and I
14 believe they're grouped; is that correct?

15
16 MR. BOYD: Correct.

17
18 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

19
20 MS. GREFFENIUS: Good afternoon, Mr.
21 Chair and Members of the Board. My name is Laura
22 Greffenius, and I'm a wildlife biologist in the Office of
23 Subsistence Management.

24
25 Wildlife Proposals WP06-19 and WP06-20
26 begin on Page 219 in your Board book. For your
27 reference, Unit 9 map is on Page 564. These proposals
28 shall be presented in a combined analysis as they deal
29 with the same issue, the Southern Alaska Peninsula
30 Caribou Herd, and the Staff analysis begins on Page 222.

31
32 Both proposals request the Federal
33 Subsistence Board to consider further restrictions to
34 Federal harvest regulations for the Southern Alaska
35 Peninsula Caribou Herd in Unit 9(D), and these proposals
36 address conservation concerns about the declining
37 population of the caribou herd and propose regulatory
38 changes to facilitate an increase in the size of the
39 herd.

40
41 Proposal No. 19 was submitted by the
42 Kodiak/Aleutians Subsistence Regional Advisory Council
43 and it would eliminate the cow hunt and decrease the
44 harvest from two caribou to one bull in Unit 9(D). In
45 addition the Council requested that Federal public lands
46 be closed to caribou hunting except by Federally
47 qualified subsistence users hunting under these
48 regulations.

49
50 Proposal No. 20 was submitted by the

1 Alaska Department of Fish and Game and this proposal
2 requests an elimination of the cow hunt as well, while
3 maintaining a harvest limit of two animals.

4
5 And in 2004 the permanent regulation was
6 adopted to increase the Federal harvest limit to two
7 caribou in Unit 9(D) and including the winter season from
8 November 15th to March 31st, and this reflects the
9 Federal regulation that's currently in place.

10
11 The most recent aerial survey of this
12 caribou herd completed in January 2006 resulted in a
13 population estimate of 1,651 animals, this is in the
14 column on the far right of Table 1 on Page 225. And also
15 on Table 1 the calf to cow ratio composition count from
16 the fall 2005 is six calves per 100 cows. It has been low
17 over the past four years which indicates a population
18 decline is occurring and the current recruitment is not
19 sufficient to off set the adult mortality. The bull to
20 cow ratio is approximately 30 bulls per 100 cows which is
21 within the management objectives.

22
23 Guidelines and management objectives
24 established in the 1994 Southern Alaska Peninsula Caribou
25 Herd Management Plan beginning on the bottom of Page 224
26 combine population numbers for both the Southern Alaska
27 Peninsula Caribou Herd in Unit 9(D) and the Unimak
28 Caribou Herd on Unimak Island in Unit 10. Note that
29 since this management plan was written, the Unimak
30 Caribou Herd is currently distinguished as a separate
31 herd from the Southern Alaska Peninsula Caribou Herd.
32 The current population estimate for the Unimak Caribou
33 Herd is about 1,000 animals. At current population
34 estimates combining both herds would be approximately
35 2,660 caribou so an elimination of the cow hunt is in
36 accordance with guidelines outlined in the management
37 plan. Further, the management plan states that harvest
38 is to be discontinued when these herds fall below 2,500
39 animals.

40
41 The average yearly harvest for the
42 Southern Alaska Peninsula Caribou Herd in Unit 9(D) from
43 2000 to 2004 regulatory year totals about 60 from both
44 State and Federal hunts, and this information was
45 presented by the Alaska Department of Fish and Game area
46 wildlife biologist to the Kodiak/Aleutians Council at
47 their recent March 2006 meeting.

48
49 Also since this analysis was written, the
50 Federal subsistence harvest for the Unit 9(D) 2005/2006

1 season has been reported, the most recent information
2 available to date is 23 caribou, that's 22 males and one
3 female have been harvested on Federal public lands Unit
4 9(D).

5
6 Harvest under the current Federal
7 registration permit with a two caribou limit has been
8 primarily bulls. The State harvest totals are primarily
9 bulls as well and under the State hunt, which allows an
10 antlerless caribou harvest during the winter season,
11 about 10 percent of the harvest has been cows.

12
13 In summary, both proposals aim to manage
14 the Southern Alaska Peninsula Caribou Herd for population
15 growth.

16
17 Proposal No. 19 would reduce the caribou
18 limit from two animals of either sex to one bull and in
19 addition Federal public lands would be closed to hunting
20 except by Federally qualified subsistence users.

21
22 Proposal No. 20 would change the Federal
23 hunt to bulls only with a harvest limit of two.

24
25 And that concludes the summary of the
26 analysis. Thank you.

27
28 CHAIRMAN DEMIENTIEFF: Thank you.
29 Written public comments.

30
31 MS. CHIVERS: Thank you, Mr. Chair.
32 Michelle Chivers, Council Coordinator for the
33 Kodiak/Aleutians Council. We did receive three written
34 public comments in support of the proposals.

35
36 One was from a James Smith out of Cold
37 Bay. He thinks the limit should be one
38 antlered bull, early season and late
39 season should be one antlered bull to
40 protect the cows.

41
42 The second comment was from John Maxwell
43 out of Cold Bay. He supports one bull
44 and he thought they should drop the
45 antlerless part. During the first part
46 of the winter season through early
47 December, 70 percent of the bulls still
48 carry their antlers.

49
50 The third comment was from Harry Lind out

1 of Cold Bay and he is not in any way
2 suggesting that the hunt be cancelled
3 because it is needed, but it is his hope
4 that you will only allow the collecting
5 of mature bulls which will allow the herd
6 to regain its numbers.

7
8 Thank you, Mr. Chair.

9
10 CHAIRMAN DEMIENTIEFF: Thank you. We
11 have no additional requests for public testimony at this
12 time.

13
14 Regional Council recommendation.

15
16 MS. CHIVERS: Thank you, Mr. Chair. I'm
17 going to go ahead and read those into the record.

18
19 For Proposal 19 the Kodiak/Aleutians
20 Council opposed this proposal due to the action taken on
21 Proposal 20.

22
23 They supported Proposal 20. Recognizing
24 that the bulls only hunt with a limit of
25 two bulls would allow continued harvest
26 of the Southern Alaska Peninsula Caribou
27 Herd as the bull/cow ratio is sufficient
28 and within management objectives, while
29 also addressing the herd's population
30 decline by eliminating the cow hunt.

31
32 Regarding the aspect of closing Federal
33 public lands to hunting for non-Federally
34 qualified subsistence users, several
35 Council members expressed that this did
36 not appear to be an issue at this time,
37 and presently did not view it as a
38 necessity to close public lands. The
39 point was brought up that if the Federal
40 public lands were closed, non-subsistence
41 users would concentrate their hunting
42 efforts on State and corporation lands,
43 which would especially affect the
44 community of Nelson Lagoon.

45
46 The Council Chair indicated that in the
47 further the Council may need to restrict
48 Federal public lands but they would need
49 more input from the communities.

50

1 An issue which was brought up multiple
2 times was concern regarding the low
3 calf/cow ratio. Council members would
4 like to understand why and what could be
5 done about the result in population
6 decline of the herd. They would also
7 like more resources in the form of
8 research efforts dedicated to this
9 problem.

10
11 Also options were discussed about how to
12 change the existing State regulations to
13 further benefit subsistence users of the
14 herd.

15
16 The Department of Fish and Game area
17 biologist provided information on
18 procedural matters to change the State
19 regulations. Options suggested included
20 closing the State winter season,
21 adjusting the State seasons to provide
22 advantages to subsistence hunters and
23 restricting the numbers of permits for
24 guides hunting caribou in Unit 9(D).

25
26 Thank you, Mr. Chair.

27
28 CHAIRMAN DEMIENTIEFF: Thank you. We
29 have no additional requests for public testimony at this
30 time.

31
32 Regional Council recommendation, did we
33 get there -- oh, that was it, I'm sorry.

34
35 InterAgency Staff Committee.

36
37 MR. PROBASCO: Thank you, Mr. Chair.
38 InterAgency Staff Committee recommendations are on Page
39 220 and 221. The Staff Committee opposes Proposal 19 and
40 supports Proposal 20 as recommended by the
41 Kodiak/Aleutians Subsistence Regional Advisory Council.

42
43 Changing the harvest limits to bulls only
44 should improve cow survival somewhat and
45 consequent production recruitment of
46 calves at time of the population decline.
47 Poor nutrition appears to be one of the
48 main factors for the population decline.
49 A bulls only harvest can be supported
50 with the current bull/cow ratio.

1 Closure of Federal public lands to non-
2 Federally qualified subsistence users is
3 not considered to be necessary at this
4 time as the harvestable surplus of
5 bulls can support both subsistence and
6 non-subsistence uses.

7
8 Additional biological information about
9 the population from population surveys
10 and radio collar monitoring studies
11 should provide a basis for future
12 management decisions, and these studies
13 are ongoing.

14
15 Mr. Chair.

16
17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Department comments.

19
20 MR. HAYNES: Mr. Chairman. The
21 Department supports Proposal 19 with modification.

22
23 This proposal would reduce the harvest
24 limit in Unit 9(D) from two caribou to one bull and close
25 Federal lands to hunting by non-Federally qualified
26 subsistence users. We do not support the closure of
27 Federal public lands at this time. We do support a
28 reduction in the harvest limit in Unit 9(D) to one bull
29 in the fall season or one antlerless caribou in the
30 winter season. This is an important conservation measure
31 that would also align the State and Federal harvest
32 limits and simplify the regulations.

33
34 The Staff analysis indicates that the
35 bull/cow ratio in the Southern Alaska Peninsula Caribou
36 Herd has declined from 36 to 30 bulls per 100 cows and
37 the calf/cow ratio has declined to six calves per 100 cows
38 and was low in the fall of 2005 as it had been for the
39 previous four years indicating that a population decline
40 is occurring. Although the bull/cow ratio remains within
41 the management objectives, the general lack of
42 recruitment suggests that the ratio will continue to
43 decline until recruitment improves or bull survival
44 increases.

45
46 These data and uncertainties about how
47 much of the actual caribou harvest in Unit 9(D) under the
48 Federal regulations is unreported demonstrate a need for
49 conservative management of the Southern Alaska Peninsula
50 Caribou Herd.

1 The Department plans to evaluate the
2 composition of the 2005/2006 harvest and if many cow
3 caribou are being taken may propose that winter
4 antlerless harvest be discontinued in the State hunt next
5 year. Eliminating all cow harvest is essential to slow
6 the population decline and to prevent herd numbers from
7 falling below 2,500 animals at which time the Southern
8 Alaska Peninsula Caribou Herd Management Plan calls for
9 hunting to be closed.

10
11 If the Department submits a proposals to
12 the Board of Game to discontinue the antlerless winter
13 hunt next regulatory year we anticipate submit a
14 companion proposal to the Federal Board.

15
16 Regarding Proposal 20 which is a
17 Department proposal. We support it with modification.
18 We wrote the original proposal before composition surveys
19 had been conducted in October of last year and new
20 population counts have been completed. In view of the
21 current population estimate of 2,600 caribou in the herd,
22 both the Southern Alaska Peninsula and Unimak Island
23 Herds, the Department now believes that reducing the
24 harvest limit to one bull will help to slow the
25 population decline and prevent the herd from falling to
26 2,500 animals, a level at which, again, the Management
27 Plan calls for all harvesting to be curtailed.

28
29 Thank you.

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

33
34 MR. EDWARDS: Mr. Chairman. I have a
35 question for the State. Terry in looking at some
36 information that I just sort of have received and I
37 believe it came from your manager out there, it shows in
38 many years that the actual harvest out there in 9(D) by
39 non-residents of Alaska, not only non-residents of the
40 area exceed the success of both the local residents or
41 non-local residents within the state. And having spent a
42 lot of time out there and as late as last week, I just --
43 does anybody have kind of an explanation for that?

44
45 Just intuitively, given the cost of
46 getting out there and, you know, the decrease in the
47 herd, it just seems strange that there's such a --
48 appears to be such a high non-resident use of that area.

49
50 MR. HAYNES: Go ahead.

1 MR. DEL FRATE: Mr. Chair. Mr. Edwards.
2 Generally speaking, the non-resident success rate is
3 usually considerably higher. It's -- when you put a
4 guide into an area and I believe we have some
5 longstanding guides that have been in this area for a
6 long time, they're very good at what they do, they market
7 themselves as being successful and when they get a client
8 that does pay a substantial amount of money to come down
9 there and hunt, they're expected to be successful, and
10 they work very hard to get their animals. And so this is
11 generally the case across the state and success rates are
12 usually higher for guided non-residents, and I would
13 think that the majority of these hunters down here are
14 guided, non-residents, and not just non-residents that
15 have been transported in there because I think there are
16 easier caribou herds to take advantage of by transporters
17 and much closer to the population centers. So in this
18 case, I believe most of these non-residents are guided.

19
20 So I think that that's going to be your
21 case with the actual success rate. It is a small number
22 of hunters but it is a high success rate.

23
24 MR. EDWARDS: But at least our data for
25 those guides that are registered to hunt on the Refuge
26 actually shows very little take and in some years, zero,
27 so, you know, if you look at 9(D), you know, unless most
28 of that hunting is occurring out of Nelson Lagoon, it
29 doesn't seem to coincide with at least what, you know,
30 with those guides that are registered and there's only, I
31 believe, a couple that are registered to guide on the
32 Refuge. It doesn't appear that they're taking many
33 caribou, at least over the last four years or so.

34
35 MR. HAYNES: Mr. Chairman. We don't have
36 more details on the breakdown of where the harvests are
37 occurring.

38
39 I do recall reading the transcript of the
40 Kodiak/Aleutians Regional Council meeting and some of the
41 Council members expressed concern about -- their
42 preference was for Federal lands to remain open because
43 that would help to -- there's some lands around villages
44 or apparently closer to villages that are non-Federal
45 lands that if the Federal lands were closed, it would
46 force more of the non-local hunting effort on to lands
47 that might be used more by some of the local villages.
48 So there was some support on the Regional Council for
49 helping to ensure that that hunting effort is being
50 distributed widely across Federally managed and State-

1 managed lands.

2

3 MS. GOTTLIEB: Mr. Chair.

4

5 CHAIRMAN DEMIENTIEFF: Judy.

6

7 MS. GOTTLIEB: I guess the way I'm
8 understanding it, the Council supported to going to two
9 bulls to eliminating the cow hunt, but am I reading
10 correctly, Terry, that for the State regulations cow hunt
11 is available to people?

12

13 MR. HAYNES: No, the -- excuse me.

14

15 (Pause)

16

17 MR. HAYNES: The State regulations have
18 an antlerless hunt in the winter, and in this case the
19 antlerless caribou are mostly bulls.

20

21 CHAIRMAN DEMIENTIEFF: Bristol Bay.

22

23 MS. LYONS: Thank you, Mr. Chair. I
24 would just like to add, possibly for some clarification
25 for you, Mr. Edwards, there are actually a couple of new
26 game transporters that are basing out of the Naknek/King
27 Salmon area that are going down into that area also with
28 out of state and non-qualified hunters, although I'm sure
29 some of them are also resident hunters, but that is also
30 adding pressure, of course, that has to do with the
31 Northern Alaska Peninsula Herd and our big declines that
32 we're having. So there is definitely some new pressure
33 that's being introduced down there, and we're hearing
34 about it also at our level, at our Regional Advisory
35 Council.

36

37 And there was actually a proposal that
38 wasn't quite put together to our satisfaction that we
39 rejected this time, but it included exactly some of the
40 issues Mr. Haynes was talking about, wanting to impose a
41 zone around these certain villages to ensure that these
42 new people that were coming in would not be taking meat
43 from the qualified subsistence users, but then you get
44 into guide areas and a whole other ball game.

45

46 So if that helps, yeah, there is some
47 additional pressure that's arriving in that area.

48

49 Thank you, Mr. Chair.

50

1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Further discussion.
3
4 MS. GOTTLIEB: Mr. Chair.
5
6 CHAIRMAN DEMIENTIEFF: Judy.
7
8 MS. GOTTLIEB: I guess another question.
9 When would we expect another survey to be taken, either
10 by the Refuge or perhaps by Fish and Game?
11
12 CHAIRMAN DEMIENTIEFF: Go ahead.
13
14 MS. GREFFENIUS: Yes, the pattern is in
15 the fall the composition counts are done, and then
16 usually in a timeframe somewhere in November through
17 January or February, depending on weather or the winter
18 population counts. Also this summer there's going to be
19 radio collar work being done with the females and so
20 there'll be additional work being addressed as far as the
21 health of the female population and they'll get some
22 composition information just through the work they're
23 doing this spring and summer.
24
25 MS. GOTTLIEB: Thank you.
26
27 CHAIRMAN DEMIENTIEFF: Further
28 discussion.
29
30 (No comments)
31
32 CHAIRMAN DEMIENTIEFF: Is somebody
33 prepared to offer a motion.
34
35 Gary.
36
37 MR. EDWARDS: Mr. Chairman. I move that
38 for Proposal 19 that we move to adopt the proposal that
39 was provided by the Kodiak/Aleutians Regional Advisory
40 Council. I am going to not vote for that motion, but
41 after a second, will add an amendment to that based upon
42 my visit last week down to the Refuge.
43
44 CHAIRMAN DEMIENTIEFF: Is there a second.
45
46 MR. CESAR: Yes, I'll second it.
47
48 CHAIRMAN DEMIENTIEFF: Okay. It's been
49 moved and seconded.
50

1 Gary.

2

3 MR. EDWARDS: Mr. Chairman. To follow up
4 on that, I did spend last Thursday and Friday down on the
5 Refuge with our new Regional Director and visited both
6 Cold Bay as well as King Cove, and in talking to our
7 Refuge Manager down there, Sandra Siekaniec, she's very
8 concerned from a conservation standpoint.

9

10 I think there's no question that this
11 population has been declining and declining somewhat
12 rapidly, although the cow/bull ratio does seem to be
13 currently within acceptable limits. I think there's an
14 assumption that this is just going to continue to slide.
15 It's somewhat unclear exactly what the cause of the
16 decline is but it does appear to be very significant. I
17 know she is also concerned about, you know, the
18 historical reporting there, both in permits as well as
19 success and I think since she's been down there as Refuge
20 Manager she's been trying to do a much more judicious job
21 on that.

22

23 For example in 2004, we had 30 Federal
24 registration permits with a harvest of five bulls, so
25 since she's been down there in 2005 that jumped to 102
26 with a harvest of 22, so at least on the surface it might
27 lead you to believe that we're having a much larger
28 participation as well as harvest than we may have
29 previously assumed down there. I know as the Refuge
30 Manager she feels that we definitely have a conservation
31 concern and certainly urged me that going to a one bull
32 harvest would be the prudent thing to do at this point.

33

34 So my modification to the proposal would
35 be that we would establish a one bull harvest limit, but
36 we would continue to not close it to -- the Federal
37 public lands to hunters of -- non-Federally qualified
38 hunters, so that would be my amendment.

39

40 And, again, I think she feels that from a
41 conservation standpoint this actually is definitely
42 warranted. And I believe it was in some of the public
43 comment that we had sort of expressed those same
44 concerns.

45

46 CHAIRMAN DEMIENTIEFF: Thank you.
47 Further discussion.

48

49 Pete.

50

1 MR. PROBASCO: Mr. Chair. I'll wait
2 until Mr. Edwards is done. I'm trying to follow you on
3 my notes. I believe you're speaking to Proposal 19?
4
5 MR. EDWARDS: Yes.
6
7 MR. PROBASCO: And.....
8
9 MR. EDWARDS: Yes, that's correct.
10 Depending upon our action on 19 it seems to me would
11 dictate whether 20 would be necessary or not.
12
13 MR. PROBASCO: Okay. And I just wanted
14 to clarify your initial motion was to support the
15 proposal as recommended by the Kodiak/Aleutians
16 Subsistence Council, they are actually recommending
17 opposition to Proposal 19.
18
19 Mr. Chair.
20
21 CHAIRMAN DEMIENTIEFF: Gary.
22
23 MR. EDWARDS: Maybe my colleague to the
24 right pointed out is that maybe the only portion that I
25 needed to amend was the closure to non-subsistence users,
26 so it would be consistent, because theirs was one bull
27 with the closure.
28
29 (Pause)
30
31 MR. EDWARDS: And, Pete, my understanding
32 is that, that was what the original proposal was and then
33 that was later changed to two bulls, I believe.
34
35 CHAIRMAN DEMIENTIEFF: Okay. You're
36 moving to support the Regional Council recommendation
37 which is to oppose. Do you have something else, Laura.
38
39 MS. GREFFENIUS: Mr. Chair. Just to
40 clarify from what I heard Gary say, just if it helps out,
41 you stated that you want to move to adopt Proposal 19,
42 and that was the proposal that was originally submitted
43 by the Kodiak/Aleutians Council, we haven't delved into
44 recommended what, but he said he wanted to adopt Proposal
45 19 and then the amendment that Mr. Edwards offered was to
46 not have the portion about closing Federal public lands,
47 so it would be Proposal 19 with a one bull harvest limit.
48
49 Does that help clarify it?
50

1 MR. EDWARDS: I can tell you what I want
2 to do if you'd like to know that?

3
4 (Laughter)

5
6 MR. EDWARDS: Whether it's contrary to
7 what the Council wants or not, what I'm proposing is that
8 we go to a one bull limit and allow the area to continue
9 to be open to both subsistence and non-subsistence users.

10
11 CHAIRMAN DEMIENTIEFF: Okay. We do have
12 the motion. I don't think we got a second to the
13 amendment, I think we need one.

14
15 MR. OVIATT: I'll second.

16
17 CHAIRMAN DEMIENTIEFF: Okay. Discussion
18 on the amendment.

19
20 (No comments)

21
22 CHAIRMAN DEMIENTIEFF: Hearing none, all
23 those in favor of the amendment -- oh, wait a minute,
24 Judy, what are we doing?

25
26 (Pause)

27
28 CHAIRMAN DEMIENTIEFF: We're going to go
29 ahead and take a few minute break here, we got to
30 regroup.

31
32 (Off record)

33
34 (On record)

35
36 CHAIRMAN DEMIENTIEFF: We're going to go
37 ahead and call it a day. We're going to wait until the
38 morning to see if we can get the RAC representative here.
39 Michelle is going to try to find him so we can find out
40 and, Michelle, if he's going to be in later in the day we
41 can jump into YK or something like that and then come
42 back to this proposal after that. So we'll just work it
43 out but we'll give you a chance to go ahead and do that.
44 But it's been a long day and we're roughly about halfway
45 through our proposals anyway.

46
47 So, okay, we'll go ahead and recess for
48 the day.

49
50 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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

THAT the foregoing pages numbered 2 through 143 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 16th day of May 2006, beginning at the hour of 8:30 o'clock a.m. at the Mariott Hotel in Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 29th day of May 2006.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/2008 _