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FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME III

MARRIOTT HOTEL
ANCHORAGE, ALASKA

MAY 18, 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
- KEITH GOLTZ, Solicitor's Office

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1 P R O C E E D I N G S

2
3 (Anchorage, Alaska - 5/18/2006)

4
5 (On record)

6
7 CHAIRMAN DEMIENTIEFF: We're allowing
8 some extra time for some things. What a wonderful
9 evening last night. After all the stress of doing the
10 regulatory work I usually only sleep about two hours a
11 night when we're working and last night -- well, it was
12 all I could do to get out of bed at 7:30 this morning,
13 I'll guarantee you, but I feel so much rested. We're not
14 quite done with that. After we do the work on Fortymile
15 Caribou Management Plan, I understand there's going to be
16 a motion to reconsider 57 and we'll go ahead and deal
17 with that after the Fortymile Plan, then we'll go into
18 our meeting with the -- our annual balling out by the
19 Council Chairs.

20
21 (Laughter)

22
23 CHAIRMAN DEMIENTIEFF: No, our meaningful
24 discussion with the Council Chairs on issues that need to
25 be discussed. So that's our plan for the day. I still
26 think we're going to get done fairly early today. So
27 that's kind of the plan and we'll deal with it. Let me
28 say this about the motion for reconsideration on 57, just
29 so everybody knows what's going to happen, we are not
30 going to go through the whole process again as far as
31 everything. We're going to go consider the
32 reconsideration if it prevails.

33
34 I understand there's some modification to
35 the proposal, so we're going to just kind of go for the
36 vote and get that as a matter of record. We have
37 everything else on the record. So the parties will have
38 a chance for one last say and then that will be that and
39 then we'll go to a vote because I don't really want to
40 rehash the whole thing. We know the issue.

41
42 Okay, Randy, if we can call upon you.

43
44 MR. ROGERS: Good morning, Mr. Chairman,
45 members of the Board. Again, for the record, my name is
46 Randy Rogers. I'm a wildlife planner for Department of
47 Fish and Game in Fairbanks. This morning I'm here to
48 present the updated Fortymile Caribou Herd Harvest Plan
49 on behalf of the Coalition of Advisory Committees and the
50 Eastern Interior Regional Council that prepared this

1 plan.

2

3

4 This plan is a little different than some
5 of the other planning processes and I want to emphasize
6 the fact that it was put together by the Advisory
7 Committees with involvement of the RAC and Department of
8 Fish and Game essentially supported it through Staff
9 support, help mailing information, organizing meetings
10 and helping to draft part of the plan, but at the
11 direction of the coalition of users.

12

13

14 This plan, as I said, the second harvest
15 plan, it's a direct outgrowth of the Fortymile Caribou
16 Herd Management Plan that was held up as a major
17 collaborative planning effort success several years ago
18 and involved a non-lethal wolf control program in the
19 area.

20

21

22 The last harvest plan was on the verge of
23 expiring, so this is to update it and also has the
24 purpose of trying to promote herd growth. I'm going to
25 try to go through this rather quickly because Mitch has
26 pointed out that you've all had a copy of the plan and
27 have had a chance to read it and be a little familiar
28 with it anyhow.

29

30

31 This graph here shows growth of the
32 Fortymile Caribou Herd, which basically has been stable
33 or slightly declined since 2003. For several years now,
34 in part because of the extensive wildfires in the area,
35 we haven't been able to get a new survey of the herd, so
36 we're hoping to get that done this spring.

37

38

39 A primary goal of the harvest plan is the
40 same as the original Fortymile Caribou Herd management
41 plan and that is promote continued growth of the
42 Fortymile Caribou Herd and restore the herd to its
43 historic range in both Alaska and Canada. A secondary
44 goal in the harvest plan is to increase the allowable
45 harvest of the Fortymile Caribou Herd when the herd
46 grows.

47

48

49 Going into this planning effort, there
50 was an assumption, and the previous harvest plan built in
51 increasing harvest as it was anticipated the herd was
52 going to grow. It just didn't materialize the way people
53 had expected. Initially, most of the folks involved
54 thought we were going to have a much increased harvest
55 quota, but when we looked closely at the biology and what
56 has really gone on with the herd, it turned out that that

1 just wasn't possible. Of course, we've also worked
2 closely with the folks from Yukon Territory, both their
3 wildlife management agencies and their first nations and
4 they very strongly advocate sticking with the program of
5 getting the herd to increase so they'll return to the
6 Yukon and they have started going over there.

7
8 Population objectives is to try to reach
9 50,000 to 100,000 caribou with a harvest objective of
10 1,000 to 15,000. There was no specific population or
11 harvest objective in the original Fortymile Caribou Herd
12 Management Plan. It was just a general concept of
13 restoring the herd to its historic range. So, for
14 harvest management, what the plan provides -- and it's
15 essentially almost identical to the previous harvest
16 management plan. There's very little change. That it
17 maintain a conservative harvest rate of two to three
18 percent of the population. Sixty-five percent of this
19 harvest is allocated to Alaska and 35 percent to the
20 Yukon. So, essentially, the harvest rate in Alaska is
21 two percent of the population of the herd.

22
23 For now we're going to maintain an annual
24 quota of 850 caribou in Alaska with no more than 25
25 percent being cows. When the population increases to
26 50,000 or more animals, the harvest quota will be
27 increased to 1,000. This is a much more simple approach
28 than was used in the previous harvest plan. On the Yukon
29 side, even though animals have started coming over there,
30 they haven't started to harvest yet and their entire
31 allocation of harvest is being contributed back to herd
32 growth and they intend to continue that. The seasonal
33 allocation of harvest is to have 75 percent of the quota
34 in the fall, 25 percent in the winter.

35
36 This map lays out the harvest management
37 zones, which basically we have a zone in the northern
38 part along the Steese Highway, zone 2 in the central
39 area, which is essentially roadless, and zone 3 along the
40 Taylor Highway. For allocation of harvest between the
41 zones, 35 percent to zone 1 in the Steese Highway area.
42 This is the fall harvest. In zone 2, a minimum of 15
43 percent and zone 3 50 percent. For winter harvest
44 allocation by zones, the plan provides for 60 percent of
45 the harvest being allocated to the road accessible zone
46 where the caribou happen to be when the winter opening
47 is. So that's either zone 1 or 3. Zone 2 is included in
48 the 60 percent allocation and 40 percent of the quota is
49 assigned to the other roaded area.

50

1 This is just to make sure that people
2 throughout the range of the herd get to share in the
3 benefits of harvest and one area doesn't take the entire
4 quota if the caribou happen to be say on the Steese
5 Highway. Also, any quota that's not met in the fall is
6 then added to the possible winter quota. This last year
7 we didn't even make the harvest quota.

8
9 The main hunt recommendations are the
10 Department of Fish and Game and Federal subsistence
11 program managers should cooperatively manage the fall and
12 winter Fortymile Caribou hunts and continue using a
13 single joint State/Federal registration permit. This is
14 probably the most important element here that we really
15 need to cooperate on. In the future, if the Fortymile
16 Caribou Herd reaches a higher population, management of
17 the hunt should go to a general harvest ticket or at
18 least be considered.

19
20 I'm jumping a few slides ahead of you
21 here. This next slide lays out what the changes in
22 seasons and bag limits are. To keep it short, I'll just
23 say there essentially is no change. The only single
24 addition proposed is to have an additional season in
25 American Summit, which would be under the State
26 regulations to be announced October 20 to November 30.
27 That was specifically requested by the residents of Eagle
28 because when the Federal hunt starts out there the
29 caribou aren't on Federal lands, so this would be an
30 accommodation under State regulations to help what are
31 the Federally-qualified subsistence users out there
32 actually. For non-residents, there is an increase in the
33 non-resident season of 10 days from September 20th to
34 September 30th.

35
36 The plan also includes recommendation for
37 predation control and states that a lethal wolf control
38 program designed to achieve the population and harvest
39 objectives for the Fortymile Caribou Herd is recommended.
40 The plan also states that while the recommendation for
41 predation control program is closely related to the
42 harvest management plan, the two issues should be
43 addressed separately in the public review of Board of
44 Game and Federal Subsistence Board process. We do
45 recognize the concerns of the National Park Service about
46 the wolf predation control program, but would like to
47 encourage you to address that issue separate from the
48 harvest management plan.

49
50 In terms of actions on the harvest plan

1 up to this point, it was endorsed by the coalition of
2 Advisory Committees and the Eastern Interior Regional
3 Council, was endorsed by the Board of Game in March. The
4 Advisory Committees, Eastern Interior Council and the
5 ADF&G would appreciate the Federal Subsistence Board's
6 endorsement and support for continuing the cooperative
7 harvest management program for the Fortymile Caribou
8 Herd.

9
10 With that, I'll call it a conclusion and
11 say thank you. I'll be happy to answer any questions you
12 might have.

13
14 CHAIRMAN DEMIENTIEFF: Yes, Randy. There
15 is going to be some discussion, so if you could just stay
16 right there in case there's some things that do come up.
17 I'd certainly appreciate it. Go ahead, Ray.

18
19 MR. STONEY: Thank you, Mr. Chairman. I
20 have a question for Mr. Rogers.

21
22 CHAIRMAN DEMIENTIEFF: Go ahead.

23
24 MR. STONEY: Mr. Rogers, on the Fortymile
25 Herd, what is their migration path like in the fall time,
26 winter time and spring time? Does the migration stay in
27 one area or migrate different directions?

28
29 MR. ROGERS: Mr. Stoney. The Fortymile
30 Caribou Herd is not quite like the Western Arctic Caribou
31 Herd that I've worked with you on where they have a
32 distinct summer range and winter range. They have a core
33 area in the Fortymile/Charley River area and they will
34 move north and south. In any particular year, they may,
35 in the fall time, be up north near the Steese Highway or
36 they may be further south down near the Taylor Highway or
37 even over in the Yukon Territory. It's not quite the
38 same consistent established pattern that the Western
39 Arctic Herd has.

40
41 I think maybe if the herd does grow
42 larger -- you know, there were projections at one time of
43 it possibly being up to half a million animals. If it
44 were that size, maybe it would have more of a regular
45 migration route.

46
47 MR. STONEY: Thank you, Mr. Rogers.

48
49 CHAIRMAN DEMIENTIEFF: Go ahead, Judy.

50

1 MS. GOTTLIEB: Thank you, Mr. Chair.
2 Normally I'd be the first one to endorse any sort of
3 cooperative management effort, but I think, as outlined
4 here, you've heard that this has not been a full
5 stakeholders group. In fact, the National Park Service,
6 as a land owner in this area, has not been involved at
7 all, which has been extremely disturbing to us. We were
8 heavily involved in 1995 and, preceding that, in the
9 excellent Fortymile Caribou planning effort that resulted
10 in the management plan that did afford protection to
11 Yukon/Charley wolves. There was a second version of that
12 plan that was renewed after five years where we were
13 somewhat involved, maybe not has heavily, that continued
14 that protection.

15
16 This effort, again, we were not invited
17 to the table at all and I would like to move that the
18 Federal Subsistence Board defer action on this resolution
19 and, having a second, I'll continue my reasons for that.

20
21 CHAIRMAN DEMIENTIEFF: We have a motion.
22 Is there a second.

23
24 MR. CESAR: I'll second.

25
26 CHAIRMAN DEMIENTIEFF: Okay. Further
27 discussion.

28
29 MS. GOTTLIEB: Thank you, Mr. Chair. As
30 I said, I'm not satisfied that this planning process
31 fully involved all the stakeholders. We've never been
32 asked to review or comment on this. We did get an
33 invitation to one meeting to present information. In
34 fact, it was pretty difficult to actually get a copy of
35 this plan, which we initially picked up on a table at a
36 Board of Game meeting and it was likewise handed out to
37 Staff Committee.

38
39 We cannot support the primary goal and
40 objective of this plan shown on page 7 and mentioned on
41 page 3 which focuses on intensive management. I brought
42 this up yesterday. I don't believe the Board can endorse
43 this either based on our policies. It's certainly
44 inconsistent with NPS management.

45
46 This plan eliminates the protection
47 that's been afforded to Yukon/Charley wolves that have
48 been in place since 1995. Now, we are trying at several
49 levels within Fish and Game to have discussions about
50 this and to see if there are ways to work this out. So

1 that's why I'm asking for a little bit more time for us
2 to try to come up with some solutions that will allow us
3 to then encourage the Board to endorse this. I don't
4 believe this is time sensitive. We would appreciate the
5 opportunity to try to work more with the Department on
6 this.

7
8 We support caribou hunting and we support
9 the goals and objectives relating to the caribou harvest,
10 but we are not in favor of the intensive management goals
11 and actions that will result and affect Park resources.

12
13 CHAIRMAN DEMIENTIEFF: Thank you. Go
14 ahead.

15
16 MR. OVIATT: Mr. Chairman. And like the
17 Park Service the Bureau of Land Management was involved
18 in this plan. We feel like we can support this plan as
19 written. In fact, we wrote a letter to the Eastern
20 Advisory Council supporting this plan. Our field people
21 in Northern District feel like they were at the table in
22 helping and understanding this. It is a harvest plan and
23 I would like to see if we couldn't make some compromise.
24 I hate to throw this out. I think it's a good plan. I
25 think it's one that works. I think it does a lot of good
26 for the people in the areas. So I'd like to see if we
27 couldn't make some compromise rather than delay.

28
29 CHAIRMAN DEMIENTIEFF: Randy, let me just
30 ask a question right here and that is these plans are
31 like the regulatory process, that they are subject to
32 improvements. I'm not saying change, I'm saying
33 improvements, as issues come up. Is that not correct?
34 As somebody raises an issue and it improves the process,
35 then we have a chance to add to the plan, is that
36 correct?

37
38 MR. ROGERS: Yes, Mr. Chairman. Any of
39 these plans have to be adaptable to new information, new
40 situations and improvement. If I might just add, too, to
41 further elaborate on the process, this was very different
42 than the original Fortymile Caribou management team,
43 which Ms. Gottlieb has referred to, which was very
44 heavily involved with all the agencies and stakeholders.
45 It's not on that end of the spectrum. At the same time,
46 there was notification and invitation for agencies to be
47 involved in the single meeting that Judy referred to,
48 which was really the only major meeting that occurred and
49 John Birch with the Park Service was there.

50

1 We did try to get copies of the plan and
2 stuff as soon as we completed internal review and I
3 worked with John Birch to get them to him as quickly as
4 possible, but it wasn't anything like the Fortymile
5 Caribou Herd planning team model, but we did try to at
6 least keep information flowing.

7

8 CHAIRMAN DEMIENTIEFF: Sue.

9

10 MS. ENTSMINGER: Thank you, Mr. Chairman.
11 I would like to address some questions to Judy if I may.
12 From the standpoint of the user and like a long history,
13 my husband was on the Upper Tanana Fortymile Advisory
14 Committee when the Fortymile plan began. He's probably
15 instrumental in making that happen. All government
16 agencies were involved and everybody went through the
17 process. I mean it's 16 years old. And the Park Service
18 is fully aware of what's going on within the Department.

19

20

21 I'm sure the Eastern Interior would be
22 very distraught being that Yukon/Charley is a preserve
23 and not a park and there's no -- I don't know how to say
24 it, but anyway it's a little bit different than what the
25 local people where we live call hard park versus preserve
26 where people are trapping and wolves are being taken and
27 any means other than like a predator control area.

28

29 Throughout this whole process, the Park
30 has always been recognized that that cannot be done
31 inside the Park and these wolves, somebody might say we
32 want to protect a group of wolves, but the fear of the
33 people are you might identify every wolf in the
34 Fortymile. The Park Service may do that and it's a
35 concern to the people that we'll never see growth of
36 herds if the Park Service could stop any type of critter
37 control in areas like that.

38

39 I feel like you have been a part of it
40 and I feel that it's important that we continue these
41 working relationships and have the Board endorse this
42 plan for all the years it's been worked on.

43

44 CHAIRMAN DEMIENTIEFF: Judy.

45

46 MS. GOTTLIEB: Thank you, Mr. Chair and
47 Sue. In this case, we do not feel we were involved. The
48 specific concern is when the Fortymile Caribou Herd
49 Management Plan was initiated the wolf packs in
50 Yukon/Charley with their home ranges identified, and

1 we've continued a collaring program so we can continue to
2 identify where those home ranges are, those packs were
3 afforded protection as kind of a control for the basis of
4 when we were doing the non-lethal wolf control. They
5 were the control area and they were afforded protection
6 from that non-lethal control not only within the Preserve
7 but if they wandered outside the boundaries. That's part
8 of Alaska statute. It got incorporated that way and it
9 continued that way through the two subsequent harvest
10 plans.

11

12 This is the change that occurred with
13 this effort where that protection is no longer afforded
14 just to those packs and there are other wolves that
15 wander in and out of Yukon/Charley Preserve that we're
16 not bringing up here. So it's not every single wolf
17 there. That clause has been withdrawn without
18 consultation or communication with us. I understand this
19 was done more through the local Advisory Committees. The
20 Department and we need to have more of a consultation and
21 communication about how to make this work a little
22 better.

23

24 CHAIRMAN DEMIENTIEFF: Randy.

25

26 MR. ROGERS: Yes, Mr. Chairman. My
27 suggestion is that -- you know, the harvest plan itself
28 there's only two paragraphs at the very end that refer to
29 the predation control part. I think it's fairly clear
30 that the Harvest Management Program that is really the
31 core of this plan is a benefit and supported by the
32 Federal subsistence users and other users. And I
33 understand that the Federal Board has a policy against
34 being involved in predation control activities and it's,
35 according to that policy, not appropriate to get involved
36 in predation control activities.

37

38 If it would be possible to pass a
39 resolution that indicated support for the harvest
40 management side of it and specifically exclude the
41 predation control side, I'd even be willing to work with
42 Staff to craft language to make it very clear that there
43 is no endorsement or support and that you want to have a
44 continuing consultation with the State on those issues.
45 I think it would be very appropriate given the situation.

46

47

48 Again, as I went through the
49 presentation, the thing that really is paramount here is
50 to maintain the cooperative State/Federal Harvest

1 Management Program that we have going on there. I don't
2 think anyone has talked about not doing that and that's
3 really the core of this plan.

4
5 So, if it would be possible to endorse
6 that and put an indication in there that the Park Service
7 would like to have continuing discussions with the State
8 on these predator management issues, I think that would
9 be very appropriate. Thank you.

10
11 CHAIRMAN DEMIENTIEFF: Let me just
12 clarify one point in your last presentation. It's not a
13 Board policy and we have to understand that. This Board
14 has not been delegated the authority for predator and
15 that's a big difference. So it's not us doing that.
16 Without us having the authority, we just don't have any
17 jurisdiction with regard to predator control. So I just
18 wanted to make sure that we clarified that point, that
19 that is why we don't deal in that issue.

20
21 Judy, you had something else.

22
23 MS. GOTTLIEB: Mr. Chair. I certainly
24 appreciate that suggestion and I think, if the Board will
25 agree, we could probably work on some changes in the
26 resolution that would be fully acceptable to all of us
27 and perhaps adopt it at the next work session.

28
29 CHAIRMAN DEMIENTIEFF: Let me just say
30 about your motion to defer, I think this last statement
31 of yours -- I don't want to not recognize the work that
32 has been done, but if we could fine tune Park Service's
33 comments in an efficient manner of time and incorporate
34 that in. I'm kind of changing my mind on deferral that
35 we can wait, but I just don't want this to go on because
36 people have made a significant effort and for us not to
37 recognize that, I don't think we'd be serving our
38 purpose.

39
40 So what I would basically say, as long as
41 we have the guarantee by Park Service that any changes
42 that you may want to see happen in a very efficient
43 manner, that we can move forward with all the hard work
44 that's been done. I might be waffling on my opposition
45 to the motion to defer, but basically that's where I was.
46 It is out of courtesy and respect to all the people that
47 have put in all the time to get this thing this far and I
48 really do -- as we talk about all the time, we all
49 basically appreciate that kind of massive taking of their
50 own time. But I just don't want this thing to go on and

1 on and on.

2

3 MS. GOTTLIEB: Mr. Chair. If you have a
4 specific time frame in mind, as in a month, will that
5 work?

6

7 CHAIRMAN DEMIENTIEFF: Yeah. I'll give
8 you until about 11:00 o'clock this morning. No, I want
9 it to be efficient. That's what I'm saying. We do have
10 monthly work sessions. We can take it up as soon as you
11 feel comfortable that you're ready. Randy, go ahead.

12

13 MR. ROGERS: Yes, Mr. Chairman. I
14 haven't had a chance to see the draft resolution, so I
15 don't know what kind of language there is in there now in
16 terms of the concerns about the predation control aspect
17 of it. I don't see why maybe Mr. Rabinowitch and myself
18 couldn't sit down for a few minutes this morning and
19 revise that and maybe come up with some language that
20 would be acceptable and get it done today. I don't know
21 what additional discussion Park Service Staff may feel
22 they need to have that they could do in a month other
23 than what we might be able to do right now. I guess I'd
24 like to just see it done with. It shouldn't be that
25 complicated.

26

27 CHAIRMAN DEMIENTIEFF: With that in mind,
28 I'm going to go ahead and defer action on the deferral
29 motion. We do have agreement from Sandy. If they can
30 get the superintendent on the phone, go ahead and work on
31 that. Maybe my joke about getting it done by 11:00
32 o'clock is real. I think there's only one certain little
33 clause in the resolution. The three of you can huddle up
34 and we'll go ahead and postpone action if that's okay
35 with the Board until we allow that process to happen.

36

37 MR. EDWARDS: Mr. Chairman, I did have
38 one question.

39

40 CHAIRMAN DEMIENTIEFF: Go ahead.

41

42 MR. EDWARDS: On the harvest quota, if
43 the population does continue to increase even up to the
44 number of potentially half a million, I'm trying to
45 understand when the 2 percent kicks in versus the 1,000
46 harvest goal. Let's say if it goes to 70, does the 2
47 percent kick in?

48

49 MR. ROGERS: The last Harvest Management
50 Plan was based on the harvest quota being increased

1 annually based upon 10 percent herd growth that was
2 projected. It got too complicated. It didn't end up
3 happening that way. So this one is basically locked in
4 at a quota of 850 right now, which at this point in the
5 size of the herd is about 2 percent. That will not
6 change until we have clear certain information that the
7 herd has reached 50,000. At that point, the quota would
8 go up to 1,000. We're not anticipating within the five-
9 year life of this plan that we would be so fortunate as
10 to go much beyond that. I suppose if we really got good
11 weather conditions and a number of factors and phenomenal
12 herd growth, that might be another thing that could be
13 reconsidered before the end of the life of this plan. So
14 it's generally the 2 percent harvest rate, but there's
15 specific numbers locked in it at population levels to
16 keep it simple for now.

17
18 CHAIRMAN DEMIENTIEFF: Given that and
19 knowing that this work is going to get done, basically I
20 think what we're doing is looking for a motion to table
21 until later in this meeting to allow the work to get
22 done.

23
24 MS. GOTTLIEB: Mr. Chair. I so move.

25
26 MR. CESAR: I second.

27
28 CHAIRMAN DEMIENTIEFF: No discussion on
29 the table of the motion. All those in favor of the
30 motion to table please signify by saying aye.

31
32 IN UNISON: Aye.

33
34 CHAIRMAN DEMIENTIEFF: Those opposed same
35 sign.

36
37 (No opposing votes)

38
39 CHAIRMAN DEMIENTIEFF: Motion carries.
40 I'd ask as you guys begin your work, Randy, that Sue is
41 informed on behalf of the RAC on the process, you know,
42 where any changes might be happening because she's going
43 to have to report back to her RAC. So if we could keep
44 her in the loop during your work. She's got other issues
45 here that we need to deal with, but I'd just ask you to
46 take the time to get her in the loop and get her
47 knowledgeable about any changes that may be forthcoming.

48
49 MR. ROGERS: Yes, I'll make sure that we
50 keep Sue informed, but I don't see that it's possible

1 that we do anything to change the plan itself. It would
2 just be the wording to make the Federal agencies
3 comfortable with the level of endorsement and stating of
4 the concerns that exist.

5
6 CHAIRMAN DEMIENTIEFF: With that, we'll
7 move on. Now we're going to go back with Proposal 57,
8 which I understand we have a motion or an action for
9 reconsideration.

10
11 MR. BREWSTER: Yes, Mr. Chair. I'd like
12 the Board to reconsider Proposal 06-57 from yesterday,
13 which I was on the prevailing side of the vote. Before
14 making a motion and asking for a second, I'd like to
15 inform the Board and the people here of my rationale for
16 asking for that reconsideration. I won't be making this
17 motion lightly. I recognize that the people of Arctic
18 Village are very concerned about the sheep resource and
19 they may feel that the Board took a final action
20 yesterday.

21
22 As I said yesterday, I was concerned by
23 the lack of substantial evidence to either eliminate the
24 closure or, for that matter, to maintain the closure. My
25 vote yesterday was to support the Eastern Interior RAC's
26 recommendation because I felt we didn't have sufficient
27 information not to. Our default position must be with
28 the council unless we feel that one of the criteria of
29 ANILCA 805 part C is met, which would give us the
30 latitude to not follow the council's recommendation.

31
32 At the same time I recognize that we have
33 an obligation under ANILCA 815 part C to not
34 unnecessarily close Federal lands to State authorized
35 uses. So, for me, this is sort of a dilemma. We should
36 not unnecessarily maintain a closure and at the same time
37 we should only disagree with the Regional Advisory
38 Council's recommendation on an issue of take if one of
39 the three 805(c) criteria is met. Those criteria, again,
40 being: one, that a recommendation is not supported by
41 substantial evidence; two, that it violates recognized
42 principles of fish and wildlife conservation; or, three,
43 that it would be detrimental to the satisfaction of
44 subsistence users.

45
46 The Fish and Wildlife Service said on the
47 record yesterday that they will be conducting a sheep
48 survey in the Arctic Village sheep management area this
49 year. In further discussions, they've committed to do
50 that survey in June or, at the very latest, in July. If

1 those surveys show a healthy level of sheep in the Red
2 Sheep Creek and Cane Creek drainages which could support
3 both Federally-qualified harvest as well as non-
4 Federally-qualified hunting during the next hunting
5 season, I would then support the proposal to remove the
6 closure for these two drainages as recommended by the
7 Interagency Staff Committee.

8
9 Even after the survey were complete and
10 if there were sufficient numbers of sheep in the Arctic
11 Village Sheep Management Area outside of Red Sheep and
12 Cane Creek drainages to support all harvests, I would
13 still support the proposal to defer a decision on the
14 main area of this management area until a future time as
15 recommended in the motion made by Gary Edwards yesterday.

16
17
18 The reason for the difference between the
19 Red Sheep and Cane Creek drainages and the balance of the
20 Sheep Management Area is that I believe there is more
21 evidence based on the record and the testimony received
22 yesterday that a closure could be needed to continue
23 subsistence uses or for conservation purposes in the
24 balance of the Sheep Management Area as compared to those
25 in the Red Sheep and Cane Creek drainages. Continuing
26 subsistence uses and conservation are the two reasons for
27 closure under ANILCA 815 part 3.

28
29 If we reconsider the proposal, it would
30 be my objective that we would find a way to tie the
31 elimination of the closure in the Red Sheep and Cane
32 Creek drainages to the survey work being done by the Fish
33 and Wildlife Service this June or July. We need to be
34 sure that there is not a conservation reason to keep
35 these drainages closed. If sufficient animals are
36 observed, then these drainages could be made available to
37 non-Federally-qualified hunters next hunting season. If
38 insufficient animals are observed, then the area should
39 remain closed for conservation purposes.

40
41 I would like to say that if we were to
42 vote on the same motion as we voted on yesterday with no
43 modifications to tie removal of the closure to data from
44 this summer's survey work, then I would vote on the
45 motion as I did yesterday. Therefore, Mr. Chair, with
46 this explanation, I move to reconsider Proposal 06-57.
47 Thank you.

48
49 CHAIRMAN DEMIENTIEFF: There's a motion.
50 Is there a second.

1 MR. EDWARDS: Second.

2

3 CHAIRMAN DEMIENTIEFF: Of course, we all
4 communicate with each other very well. I knew this was
5 coming, so, like the rest of us, I've had ample
6 opportunity to prepare my own discussions. Even though I
7 don't write it down, I still know where my thoughts are
8 coming from.

9

10 One of the biggest issues that we have as
11 a Board, one of the biggest things that we confront as an
12 issue is that we're delegating from the top down instead
13 of working with the people up. On a variety of issues
14 through the years I have said that any regulation is only
15 as good if the people are involved in that process and
16 buy into that process. Otherwise, we could make all the
17 regulations we want and -- I have to be careful how I say
18 it. I know that it would be the first thing that would
19 be discarded if we don't allow the people in the process.

20

21 Why I intend to vote against this
22 reconsideration is the Arctic Village people made
23 substantial effort to get here, including flying their
24 primary representative in at the last minute. I see none
25 of those people here. What's wrong with this process if
26 we can't have the patience to deal with the biological
27 information when it gets in and educate the people with
28 regard to the findings of that information. We would
29 totally disenfranchise ourselves from a significant
30 effort that was put on by those people if we reconsider
31 in their absence and I really have a problem with that.
32 Why is there a need to push this on without involving
33 those people who would be most affected. It just does
34 not make sense to me. For that reason, I intend to vote
35 against the motion for reconsideration.

36

37 I beg the Board's indulgence to be
38 patient and let things happen. Let's get some
39 information and let's go about this in the proper manner.
40 Everyone is willing to wait apparently but this Board.
41 We heard again the State say that they are willing to
42 wait getting biological data. We do have the time to
43 take on this.

44

45 Terry, I'm sorry. Go ahead.

46

47 MR. HAYNES: Mr. Chairman. I don't want
48 to interrupt your train of thought, but I do need to
49 clarify that the Department's position was to support re-
50 opening of Red Sheep and Cane Creek areas and defer

1 action on the remainder of the Arctic Village Sheep
2 Management Area until these surveys were done. I just
3 want to make that correction if I could.

4
5 CHAIRMAN DEMIENTIEFF: Okay, thank you.
6 I'm sorry, Terry.

7
8 MS. GOTTLIEB: Mr. Chair.

9
10 CHAIRMAN DEMIENTIEFF: Yes.

11
12 MS. GOTTLIEB: Thank you. I guess a
13 question for Fish and Wildlife. Yesterday I'm not quite
14 sure I heard the specific months where you thought this
15 survey was going to be flown, and maybe I missed it, but
16 now it sounds like you have more precise, hopefully,
17 times when you would fly the data, so that data could
18 possible be available then before August 10. So can I
19 ask then maybe consistent with what the Chair was saying
20 if our decision from yesterday holds, but if new data is
21 available, there could then be a special action to
22 request to open process-wise.

23
24 CHAIRMAN DEMIENTIEFF: Well, let me just
25 say that I'll make a commitment as the Chair that we will
26 take the time with data to take timely action, but we do
27 need data. We've already got the commitment to get that
28 information ready for us. If we don't have the time,
29 we'll make the time to deal with this because it is
30 important. I just don't want to do it in a vacuum.
31 Further discussion on the motion.

32
33 MR. EDWARDS: Mr. Chairman. I guess two
34 things. One, it answers Judy's question. It's our
35 understanding that the refuge would fly in June or July.
36 I guess I'd leave that up to their discretion when they
37 feel is obviously the most appropriate thing to do.

38
39 Mr. Chairman, I listened to your remarks
40 and I put a lot of stock in those and I think in many
41 ways you were right on. One approach to this might be to
42 go ahead and go through the vote on the reconsideration.
43 If it does pass, then I'm planning to make a motion which
44 would be somewhat modified from the one yesterday and
45 maybe we could listen that through and if that still
46 doesn't provide some of the Board members with what they
47 feel is necessary, then once again we could defeat that
48 motion but that would allow us to maybe discuss some
49 other options.

50

1 CHAIRMAN DEMIENTIEFF: Thank you, Gary.
2 George.
3
4 MR. OVIATT: Mr. Chairman, I appreciate
5 your remarks and I think for a reconsideration without
6 representation is a serious endeavor that we would take,
7 but I would be in favor of moving forward for
8 reconsideration in order to hear the new motion that Gary
9 would put forth in front of this Board, so I would be
10 supportive of the reconsideration for that reason.
11
12 CHAIRMAN DEMIENTIEFF: Further
13 discussion.
14
15 (No comments)
16
17 CHAIRMAN DEMIENTIEFF: Hearing none.
18 Tom, I'm going to ask for a roll call vote.
19
20 MR. BOYD: Thank you, Mr. Chair. I'm
21 going to go from my right to left. Mr. Oviatt.
22
23 MR. OVIATT: Yes.
24
25 MR. BOYD: Mr. Cesar.
26
27 MR. CESAR: No.
28
29 MR. BOYD: Ms. Gottlieb.
30
31 MS. GOTTLIEB: Yes.
32
33 MR. BOYD: Mr. Edwards.
34
35 MR. EDWARDS: Yes.
36
37 MR. BOYD: Mr. Brewster.
38
39 MR. BREWSTER: Yes.
40
41 MR. BOYD: Mr. Chair.
42
43 CHAIRMAN DEMIENTIEFF: No. Okay. We now
44 have the reconsideration before us. I understand you
45 have a motion, Gary, so I'm going to call upon you. If
46 we can please just get the motion up and then get it
47 seconded so we have it on the table and then I'll give
48 you ample time to explain your justifications.
49
50 MR. EDWARDS: Thank you, Mr. Chair. The

1 original motion that I made yesterday was that we move to
2 adopt with modification Proposal 57 contrary to the
3 recommendations of the Eastern Interior and North Slope
4 Regional Advisory Council. That modification would
5 remove the closure to non-subsistence sheep hunters in
6 the Red Sheep Creek and Cane Creek drainage of the Arctic
7 Village Sheep Management Area and defer action on the
8 proposal with respect to the remainder of the management
9 area.

10

11 That part of the motion would remain and
12 then I would suggest or request that it be further
13 modified that would authorize the refuge manager of the
14 Arctic National Wildlife Refuge to restrict the harvest
15 based upon conservation concerns or any impact to
16 Federally-recognized subsistence users regard
17 continuation of subsistence use. Those actions would be
18 done in consultation with the Alaska Department of Fish
19 and Game as well as the chair of the Eastern Interior
20 Advisory Council. In my mind, implicit in that is also
21 working with the Arctic Village. Again, implicit in that
22 motion is a commitment on behalf of the Fish and Wildlife
23 Service to get the surveys done in a timely manner. Also
24 work with transporters who would be taking people in that
25 area, to work with them to ensure minimum impact,
26 disturbance, concerns about trash and those other things
27 that we've heard and that were brought up.

28

29 CHAIRMAN DEMIENTIEFF: Is there a second
30 to that motion.

31

32 MR. OVIATT: I'll second that motion.

33

34 CHAIRMAN DEMIENTIEFF: Discussion.

35

36 MR. EDWARDS: Mr. Chairman. I guess
37 quite a bit has been said about the lack of information
38 or more information and maybe yesterday I should have
39 made it a little clearer. With regards to lack of
40 information on the number of sheep, you know, affects
41 this decision, at least from our perspective, differently
42 for two parts of the management area.

43

44 In Red Sheep Creek and Cane Creek there
45 was not initially a conservation concern when the closure
46 to non-subsistence users was established. I wasn't here,
47 but my understanding is that the Board weighed a lot of
48 other factors in addition to the conservation issues.
49 Currently, we have no information to suggest there would
50 be a conservation concern now if this closure is

1 rescinded for those drainages. At that time there was
2 conservation concerns identified as the reason for
3 closures to non-subsistence users in the remainder of the
4 management area and we have no information indicating the
5 status of the sheep population has changed to where it
6 could support the harvest that could occur under State
7 regulations.

8
9 The other thing I wanted to re-emphasize
10 and I mentioned yesterday is that rescinding this closure
11 for Red Sheep Creek and Cane Creek will still provide a
12 meaningful preference for subsistence users. They will
13 continue to have the advantage of a more liberal fall
14 season ram harvest and able to take two rams of any size
15 versus one full curl ram for non-subsistence hunters.
16 Plus they would also have 10 extra days of hunting
17 opportunity in September. In addition, subsistence
18 hunters, from our perspective anyway, would benefit from
19 a more liberal winter season harvest limit under State
20 regulations, which would allow them to take three sheep
21 of either sex rather than limit it to rams only as they
22 currently are.

23
24 CHAIRMAN DEMIENTIEFF: Thank you very
25 much. From my perspective again, I intend to vote
26 against the motion. There's no reason for me to
27 reiterate, but for all the reasons I stated in the motion
28 for reconsideration I basically feel like I have to vote
29 against this proposal. I don't want to go into that
30 again. Sometimes Tom accuses me of liking the sound of
31 my own voice. Anyway, go ahead. Further discussion.
32 Judy.

33
34 MS. GOTTLIEB: Thank you, Mr. Chair. Two
35 questions on the biological information. If we don't
36 really have any more information since the original
37 closure, then what causes us to open it rather than wait
38 for new information this summer and possibly open it
39 then? That's one part.

40
41 Secondly, I wonder if you would explain
42 further the refuge manager's responsibilities regarding
43 trying to reduce interference with subsistence
44 activities.

45
46 MR. EDWARDS: Ms. Gottlieb. Sort of
47 going back, like I said originally when it was closed,
48 based upon our knowledge of the population we didn't feel
49 there was a conservation concern. Nothing has really
50 changed that would lead us to believe otherwise. As I

1 think I said yesterday, in talking to our biologist on
2 the refuge, with a restriction of one full curl ram,
3 there's not a threshold of animals we could come back and
4 say if the population is 100 or 30 or whatever, to have
5 any different opinion because we don't think there's
6 going to be a biological impact with regards to
7 harvesting full curl rams.

8

9 With regards to the refuge manager, all
10 guides on the refuge have to be permitted. It's my
11 understanding that there are no permitted guides for
12 hunting this area. The only people available would be
13 transporters. They also have to be permitted, which
14 provides the refuge manager a lot of authority to work
15 with those transporters, keeping a good understanding of
16 the number of hunters going in and would be in the
17 position to take action if we felt for any reason we had
18 a conservation concern or we were impacting the ability
19 of subsistence users to continue to use that area.

20

21 CHAIRMAN DEMIENTIEFF: Further
22 discussion. Go ahead.

23

24 MR. BREWSTER: Yes, Mr. Chair. If I may
25 ask of you, even though you said you've stated your
26 position already, did I not hear you say that you really
27 felt it was important for the Board to re-engage in this
28 in some fashion after this new information was available?

29

30 CHAIRMAN DEMIENTIEFF: I think probably
31 regardless of how this particular vote turns out, I think
32 we're going to have a work session. Like I said, we
33 usually meet in work sessions once a month and I think
34 we're going to have to make the time because that is
35 going to be some solid information regardless of how this
36 turns out.

37

38 MR. BREWSTER: I appreciate you saying
39 that because I guess I do share the concern that the
40 Board needs to respond in some fashion once this
41 information is available. So I'm not sure procedurally
42 whether this is appropriate, but I would suggest that
43 perhaps we modify the modified proposal here to read
44 something to the effect that the Board is authorized to
45 modify the proposal in consultation with the refuge
46 manager. My purpose being that the Board actively re-
47 engages in some fashion.

48

49 CHAIRMAN DEMIENTIEFF: I'm not convinced
50 that we need to have it as part of the motion. Let's

1 just say that we have the commitment of getting
2 information that we are going to have to re-engage given
3 the fact that we will have in coming months here
4 biological information I think is going to be important
5 for us to take a look at. Regardless of how this vote
6 turns out, it's not just going to go away. We're going
7 to have to follow up.

8

9

Gary.

10

11

MR. EDWARDS: Mr. Chairman. I certainly
12 wouldn't have any problem with that either way. I feel
13 very confident that our folks on the Arctic Refuge are
14 going to do the right thing. They'll either make the
15 decision unilaterally or be pleased to come in and sit
16 down with this Board and go over the rationale of their
17 findings. These folks are very concerned about the
18 resource. They're very committed to their responsibility
19 for ensuring that subsistence needs are met and I know
20 they'll be happy to come in and speak to the Board.

21

22

CHAIRMAN DEMIENTIEFF: Okay. Before we
23 go to the vote, we have a couple requests for testimony.
24 We do have the representative here from Arctic Village.
25 Merle Hawkins. I'm going to ask the testifiers to please
26 keep their comments brief as possible.

27

28

MS. HAWKINS: Thank you, Mr. Chair. I am
29 not from Arctic Village. I'm from Ketchikan. But on
30 this issue to reconsider and to bring this issue forward,
31 I would just like to say if I had left town and you
32 brought up the Ketchikan issue when we'd already gone
33 home I would be very upset because my tribe has sent me
34 to represent them and have spent a lot of money. The
35 same with Arctic Village. If there's no one here to
36 represent them and speak to the issue, I just think it's
37 really inappropriate to bring an issue back when our
38 whole constitution and everything is based on
39 representation. So that's my major concern. Thank you.

40

41

CHAIRMAN DEMIENTIEFF: Thank you very

42 much. Aaron Tritt.

43

44

MR. TRITT: Thank you, Mr. Chairman. I
45 think we all knew that we'll have problems and I'm a
46 little upset on how these procedures are taking place.
47 And I think any time both sides of the issue should be
48 recognized and right now Arctic Village is not being
49 represented and you guys are voting on an issue that's
50 going to affect the people in Arctic Village and the

1 future of Arctic Village and the Native policy as it is
2 in the state of Alaska and you're making decisions and it
3 should be very public involved in this issue and you guys
4 are voting right now on your own and without your support
5 I think they would have passed it. Thank you for your
6 support.

7

8 CHAIRMAN DEMIENTIEFF: Any questions.

9

10 (No comments)

11

12 CHAIRMAN DEMIENTIEFF: Thank you very
13 much, Aaron. Further discussion. Sue.

14

15 MS. ENTSMINGER: Thank you, Mr. Chairman.
16 You're faced with a lot of hard issues, like we are, as
17 the Councils, and I think in working many years in this
18 public process what I'm hearing here is how the Council
19 would feel. We should have had the courage to do it
20 yesterday. Even yesterday the people were all here and
21 we could have had maybe a subcommittee, a little meeting
22 including us. This is what frustrates people in the
23 public process. We're taking out time. These are not
24 paid positions. You know, not to be disrespectful to
25 anyone that has these positions, we take all our time,
26 it's all volunteer, and then here we are at these
27 meetings and we could have had an opportunity yesterday
28 to stop and have like a small working group work it all
29 out and maybe feel good about what the decisions are, but
30 I think without that it's real hard for us to see
31 something like this go through like that.

32

33 CHAIRMAN DEMIENTIEFF: Grace.

34

35 MS. CROSS: I don't understand why all
36 this would have to be worked out now. It seems to me the
37 prudent thing to do is wait for the numbers and then get
38 a special action. That way everybody gets involved in
39 it. I think you're just leaving out a whole bunch of
40 people. You're just guessing at what the numbers are
41 going to be. It would make sense just to get the numbers
42 and do a special action and then everybody will get
43 involved through that method. Thank you.

44

45 CHAIRMAN DEMIENTIEFF: Go ahead, Niles.

46

47 MR. CESAR: Mr. Chairman. I intend to go
48 against the motion for the reasons that you talked about
49 as well as some of the public comments we've received. I
50 think some of the reason that we're in a hurry to do this

1 because people who may want to hunt that area like to
2 make their plans in a timely fashion so that if they were
3 going to hunt in August or whatever they would like to
4 begin that process and get their reservations and do all
5 that stuff and I understand that and I don't have a
6 problem with that except I don't view this -- it doesn't
7 sound as if it's going to get that much attention to
8 begin with. I think by shortcutting our process without
9 the folks involved I think we're more in danger of our
10 own credibility suffering from this for a reason that I
11 don't view as sufficiently important enough to do, so I
12 intend to vote against it.

13

14 CHAIRMAN DEMIENTIEFF: Thank you.
15 Southcentral.

16

17 MR. BLOSSOM: Mr. Chairman. I don't want
18 to belabor this, but I sat here yesterday as a
19 disinterested party and listened to all the arguments for
20 and against. I don't feel that the Department of Fish
21 and Game made a good case for it. I think you folks
22 thoroughly argued it. I think you made a decision --
23 whether I agree or not, you made a decision yesterday and
24 I've been honored to sit on this type of a board because
25 of that and I would hope that you would think about that
26 long and hard before you change your mind. I don't see
27 any new information that would have changed my mind.
28 Thank you.

29

30 CHAIRMAN DEMIENTIEFF: Thank you. Ray.

31

32 MR. STONEY: Mr. Chairman. I would just
33 like to reiterate that too from the standpoint of
34 Advisory Committees and so on and the fact that they did
35 send representatives down here that any action you took
36 now, whether it's good or not, would appear that you're
37 bypassing them and leaving them out of the process and I
38 think you would really lose from it if you take any
39 action right now in their absence after they were here
40 yesterday. As you said, you can act later. You can in
41 work sessions and so on bring this up and get involved in
42 it at that point. Thank you.

43

44 CHAIRMAN DEMIENTIEFF: Go ahead.

45

46 MR. COLLINS: Mr. Chair, thank you. I
47 put this motion for reconsideration out there and I'm
48 glad I did. What I've heard here from everyone was
49 important for me to hear. So airing this in the fashion
50 that we have I appreciate you allowing this to come

1 forward. I'm not going to be able to vote for this
2 motion as is currently written. I would instead perhaps
3 prefer that we defer this and, as you suggested, when
4 that information becomes available that the Board take a
5 special action and involve the appropriate parties.

6
7 CHAIRMAN DEMIENTIEFF: Well, I think we
8 need to vote up or down on the motion. Regardless of how
9 it turns out, when we get the biological information it's
10 going to come back before the Board this summer as soon
11 as it's available. I mean there's no getting around
12 that. It's the first time we will have something solid
13 on which to base a decision. Quite frankly, I know I
14 have the patience to go ahead and wait for that and make
15 sure that everybody is dealt from the same deck of cards
16 and that we're giving people the opportunity to present
17 their views.

18
19 Further discussion.

20
21 MR. BREWSTER: Mr. Chairman. I will vote
22 for my motion because I think the information is there
23 and I think it's the right thing to do. Saying that, I'm
24 certainly willing, if the vote fails, to look at some
25 other options that we might be able to proceed and to
26 address everybody's concerns.

27
28 CHAIRMAN DEMIENTIEFF: Harry.

29
30 MR. WILDE: Yeah, Mr. Chairman. Arctic
31 Village is a long ways from our area and it's people come
32 in here and they need help. I understand Arctic Village
33 people because I've got a son-in-law up there. They
34 always come and tell me about how they live. Everything
35 is flown in. Gas is expensive and everything. People are
36 living from the land. They come here and ask for you to
37 help, I'm really sorry for them a lot of the time. When
38 my daughter went up there and talked to them, Daddy,
39 these people are not living like us. We're rich compared
40 to them. Rich on subsistence way of life. That's all I
41 have.

42
43 CHAIRMAN DEMIENTIEFF: Thank you.

44 George, you had something.

45
46 MR. OVIATT: Thank you, Mr. Chairman.
47 Boy, I'm sort of neutral on this. As a Board member, I
48 do appreciate and understand the cost of people that they
49 spend and the time they spend to come in and testify.
50 BLM, where we are neutral in situations like this, we

1 have a tendency to want to show deference to the managing
2 agency. I'm not sure there is a conservation reason to
3 keep this closed. I think we have an obligation where
4 there maybe isn't a conservation reason that we do need
5 to open this up. I think I'm going to rely upon the Fish
6 and Wildlife Service's biologist in the field and with
7 the safeguards that I think Gary has put up here that I'm
8 going to support the motion.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. Judy.

11

12 MS. GOTTLIEB: Mr. Chair. I really
13 appreciate the comments we heard today. I think from the
14 process point of view I will not support the motion. I
15 really appreciate that Fish and Wildlife Service has made
16 some extra efforts here today and outlined some really
17 good plans, more specifically on how they would manage
18 the area. And I hope, if the population counts are what
19 we may expect them to be, that there be a special action
20 so that the Board would take action in a timely way this
21 summer and that the refuge manager would be monitoring as
22 described. I think that would be an excellent effort.

23

24 CHAIRMAN DEMIENTIEFF: Again, I'll
25 reiterate that the Board, the public, the RAC have my
26 sincere commitment that getting biological data -- and
27 the State, anybody else that's involved with this,
28 getting that information. I will make sure that we have
29 the time to make an informed decision with the
30 appropriate parties involved in the process, so we're all
31 dealing from the same deck. Is there further discussion.
32 Yes.

33

34 MS. ENTSMINGER: I don't want to drag
35 this out, but in reading what I see in front of me now,
36 can someone explain what that does any different because
37 it says defer action. Just explain to me what the motion
38 does.

39

40 MR. EDWARDS: It's my understanding this
41 action before us would not defer. If it gets defeated,
42 then it's going to require another motion to do
43 something. The only deferral on the original motion had
44 to do with the rest of the area, not the two drainages.
45 The motion only opens the two drainages. It continues to
46 keep closed the remainder of the drainages -- or the
47 remainder of the area, excuse me.

48

49 CHAIRMAN DEMIENTIEFF: Gary, if I can
50 just point one thing out and that is that if this motion

1 fails, the regulation is as it stands until we revisit it
2 based on biological data. So that's the way it would be.
3 We're not going to belabor the point. I think the record
4 is very solid in terms of people not being involved in
5 the process and we just need to get everybody to the
6 table in order to move this thing on. But we will do it
7 timely, I assure you.

8

9 Given that, if there's no further
10 discussion, roll call vote. I don't care which way you
11 go.

12

13 MR. BOYD: I'll stay from my right to the
14 left. Mr. Oviatt.

15

16 MR. OVIATT: Yes.

17

18 MR. BOYD: Mr. Cesar.

19

20 MR. CESAR: No.

21

22 MR. BOYD: Ms. Gottlieb.

23

24 MS. GOTTLIEB: No.

25

26 MR. BOYD: Mr. Edwards.

27

28 MR. EDWARDS: Yes.

29

30 MR. BOYD: Mr. Brewster.

31

32 MR. BREWSTER: No.

33

34 MR. BOYD: Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: No. Motion fails.

37 We are going to move on here. I think it's probably
38 appropriate for us to take a short break and then we'll
39 have the discussion with Regional Council Chairs.

40

41 (Off record)

42

43 (On record)

44

45 CHAIRMAN DEMIENTIEFF: Okay. We're going

46 to go ahead and start this conversation out with our

47 Council Chairs. The last time we went 10 through 1.

48 This time we'll go back to 1 through 10, so we'll start

49 out with Region 1 first. Dolly.

50

1 DR. GARZA: Thank you, Mr. Chair and
2 thank you to the Board for having the Councils here. It
3 is very important for us as representatives of our region
4 to be here and part of the deliberations and we know that
5 you're listening to us and we can report back on that.

6
7 I have several points that I would like
8 to bring up, Mr. Chair, so bear with me. This is my last
9 meeting, so I might talk until you kind of throw me out
10 of here, but I'll try and be as brief as possible.

11
12 First, Mr. Chairman, the rural status
13 determination is quite a concern for Southeast. We have
14 three communities that are basically on the chopping
15 block so to speak. The Southeast Region has reported to
16 you and continues to maintain that it is an issue of
17 deference, it is an issue of taking. If you take away a
18 rural status and you lose that opportunity, then you lose
19 that taking opportunity; therefore, the Council
20 recommendations regarding rural status of the Southeast
21 communities should be paramount to the Federal
22 Subsistence Board's decisions.

23
24 In terms of that process, we are a bit
25 disappointed that the initial determination will be made
26 in a working session that is an executive session, as we
27 feel that it's difficult to respond to that through the
28 Federal process once it goes out for public review if we
29 don't have an idea of what your concerns are as Board
30 members and how to respond to them.

31
32 So, in that process we are interested in
33 getting correspondence, any type of major correspondence
34 that we think has impacts on the Councils or impact on
35 subsistence, that that type of correspondence be made
36 sometimes quicker than the time that we've seen it in so
37 that we have opportunity to review it.

38
39 On another point, Mr. Chairman, I know
40 that you've seen this letter before and it has been
41 distributed to the Council as well as to the Federal
42 Subsistence Board again. The Southeast Region does
43 intend to petition the Secretary of Interior to eliminate
44 the requirement that we have a State hunting license in
45 order to hunt for subsistence resources on Federal lands.
46 That is not required by law. We do not require a State
47 fishing license for subsistence fishing in Federal areas.

48
49
50 Because this has potential for statewide

1 impact, we are asking the other regions to bring this up
2 in their fall meeting. So their October meeting, if you
3 would take this up, take this letter forward, we can
4 provide you with additional copies if you need and we
5 would appreciate any comments that each Council has,
6 whether or not they support it, don't support it. Those
7 comments will be attached to our letter and sent forward.
8
9

10 But it is our intent to get all of these
11 comments and to make a final determination as a Council
12 at a November teleconference meeting and then to send the
13 request off. We hope that the Federal Subsistence Board
14 understands our request and our need to have this change.
15

16
17 You said this was an opportunity for us
18 to shoot at you, but we do want to thank you for the
19 Makhnati issue. I know that that was a big stretch. At
20 least in Southeast Alaska, the importance of the
21 intertidal zone to subsistence users is just
22 fundamentally huge. So, to have an area like Makhnati
23 where we now have protections or will have protections
24 for subsistence uses of those resources in a marine area
25 because it's a Federal reserve is very important to us
26 and the Sitka people are extremely pleased that that
27 decision was made.
28

29 We have resource issues that are coming
30 up, Mr. Chairman, the Board and Council. We have sockeye
31 issues in Southeast in the Angoon and Kake area
32 primarily, which have smaller streams. Their sockeye
33 returns have been dismal. It appears the primary culprit
34 is commercial salmon fishermen, whichever gear type. The
35 Angoon area, the Southeast Regional Advisory Council did
36 petition the Board of Fishery, did request that there be
37 a working group created and the Board of Fisheries
38 declined. So basically we will be seeking from the
39 Federal Subsistence Board that they take extra
40 jurisdictional action in order to protect these stocks
41 because they are extremely low and subsistence needs are
42 not being met.
43

44 The other area, Mr. Chairman, in terms of
45 resource concern is eulachon in the Unuk River area and
46 this is the third year that we have not had a return.
47 Eulachon have somewhere between a three and five-year
48 cycle. So, to have three years of no return is very
49 critical. I know that Forest Service in Ketchikan is
50 working on this, but we will probably seek research funds

1 and some type of action. There's no known intercept of
2 the resource. We just do not know what's going on, so
3 that's just a heads up of something to come.

4
5 In the area of deer planning, Mr.
6 Chairman, we did have Mike Bangs and I thought he would
7 be back here to report on Unit 2 deer subcommittee and I
8 guess I kind of want to give you an idea of -- it was a
9 success. We did get some action out of it, but I wanted
10 to give an idea to other Council members and what made it
11 a success in terms of sort of the administration or the
12 nuts and bolts. What was paramount to a subcommittee
13 being successful was that it was a subcommittee of the
14 RAC and it fell under FACA requirements that the chairman
15 of that subcommittee and the vice chairman were both RAC
16 members. That was absolutely paramount.

17
18 The Regional Advisory Council established
19 the boundaries of what would happen at that meeting. It
20 gave direction to the subcommittee of what they should be
21 doing and that boundaries ensure that we protected
22 subsistence rights and opportunities, so it didn't become
23 a free for all if this is what we want to do.

24
25 The RAC established the size of the
26 subcommittee, so we estimated how many people we would
27 need for subsistence. We wanted to make sure we had
28 broad makeup, so we did have representation from all
29 users, but we limited the number of perhaps the guide,
30 the non-rural Ketchikan person. We made sure we had a
31 balance of everybody, but we were very careful that the
32 group did not get too large so it was functional.

33
34 The subcommittee of the first meeting was
35 made aware of ANILCA because when you have non-rural you
36 have guide people, you have non-subsistence people on the
37 subcommittee. They're not familiar with ANILCA like we
38 are. They haven't spent the last 10 years defending
39 ANILCA and subsistence, so it did take some education for
40 them to understand the parameters of protecting
41 subsistence while providing opportunity to non-rural,
42 which primarily was Ketchikan.

43
44 So what was the negative side of it?
45 That some of the people did not have ANILCA at heart,
46 that they did not take the lecture of ANILCA to their
47 heart and they didn't understand the status of being a
48 subcommittee of a FACA, that their recommendations would
49 go to the Regional Council. There was this level of
50 trying to take ownership of a report that had not been

1 adopted by the Regional Advisory Council and saying this
2 is the way it is. So taking the draft that suited your
3 needs in trying to take it forward and that is not the
4 way FACA works. So that was a bit of a concern.

5
6 Again, I did mention when Mr. Bangs
7 reported that there were too many meetings. I think
8 there were five meetings. Six with a pre-planning.
9 That's very difficult when you're working and trying to
10 make money, when you have other obligations, when you're
11 trying to go out and get some of these subsistence
12 resources. By having five meetings and people missing
13 one or two meetings, it was not as effective.

14
15 Then, finally, one of the concerns with
16 the subcommittee versus the Regional Advisory Council is
17 that the subcommittee didn't really understand the
18 history. I mean I could talk to any of you about U2 deer
19 and you would know it because you've seen it so many
20 times. You've seen all the reports, you've seen all the
21 past proposals. If you haven't, you've probably caught
22 up on it, but they didn't have that same type of history
23 that the Regional Advisory Council had with what
24 proposals had worked or didn't work or had been tried or
25 didn't have the biology, didn't have whatever it would
26 take to make it happen, so there were numerous
27 recommendations that were brought forward as ideas that
28 we knew just weren't going to happen, just wouldn't make
29 it through the ANILCA and FACA process.

30
31 So, in conclusion, that it is a
32 subcommittee of the Regional Advisory Council is a
33 paramount, that the boundaries of that subcommittee
34 should be determined by the Regional Advisory Council,
35 that that subcommittee should be time limited so that
36 people can commit to three or four meetings and say,
37 okay, I'm done.

38
39 Then I know I mentioned it earlier, but
40 it's so important to start first with education. If we
41 had several workshops in Ketchikan about what ANILCA is,
42 what the status of deer on Prince of Wales are, there
43 would have been far less hostility than what we faced at
44 our first meeting. So, in the future, if you're looking
45 at subcommittees, it shouldn't start without the
46 education prior to.

47
48 Just a final note, it was important to
49 have the independent person, Shineburg and Associates,
50 hold the meetings. They had no position for or against

1 anything, they were very good coordinators, they listened
2 to all sides and that made it valuable for all sides. As
3 a Ketchikan person, I'm a non-rural person, but I felt
4 like I had as much voice as the Prince of Wales people
5 did because of that independence.

6
7 I think those are all of my points.
8 Again, thank you for allowing me to participate.

9
10 CHAIRMAN DEMIENTIEFF: Do we have any
11 questions or comments by Board members.

12
13 (No comments)

14
15 CHAIRMAN DEMIENTIEFF: Thank you very
16 much. Region 2.

17
18 MR. BLOSSOM: I was honored to be here
19 and take Ralph's place. I thoroughly enjoyed it. I
20 think we did our homework because you agreed with what we
21 said, so I'm real tickled there. We do have one thing
22 that hasn't been resolved yet. We were asked to form a
23 subcommittee on fishery issues and defer our fishing
24 proposals and our Southcentral Council would like to
25 extend the deadline on that and have those proposals
26 brought in by like the 21st of October so that we can
27 take it up normally like we do in the spring on fishery
28 issues. In fact, we held a meeting with you folks trying
29 to get that and I haven't heard that being resolved.

30
31 I'd like to read into the record our
32 chairman's resolution on this issue. It's regarding the
33 preliminary plan for the Kenai Peninsula Fishery
34 Stakeholder Subcommittee. Whereas the Federal
35 Subsistence Board requested a Southcentral Regional
36 Advisory Council establish a Stakeholder Subcommittee to
37 help make recommendations for the Federal Subsistence
38 Fishing regulations on Federal public waters of the
39 Kasilof River drainage and for the waters north of and
40 including the Kenai River draining on the Kenai Peninsula
41 within the Kenai National Wildlife Refuge and the Chugach
42 National Forest.

43
44 Whereas the goal of the Stakeholder
45 Subcommittee was to draft proposals for Federal
46 subsistence fishing seasons, methods and means, harvest
47 limits on these Federal public waters.

48
49 Whereas the Council reviewed the
50 preliminary draft plan for the Kenai Peninsula fisheries,

1 Stakeholder Subcommittee, at their March 14-16 meeting in
2 Anchorage.

3

4 Whereas the Council voted to reject the
5 plan as presented by a 6-2 majority vote and further
6 stating that the current members of the Council are
7 knowledgeable of the Kenai fisheries resources and are
8 also represented as a sport and commercial users on the
9 Kenai Peninsula.

10

11 Now, therefore it be resolved the Council
12 requests the Federal Subsistence Board to either extend
13 the current deadline for the 2007 fishery proposals or
14 call for fishery proposals through the deadline of
15 October 21st of 2006 concurrent with the 2007 call for
16 wildlife proposals.

17

18 Whereas the extended deadline for a call
19 for fishery proposals would be specific to means, methods
20 and means and seasons, the harvest limits on Federal
21 public waters of the Kasilof River drainage and the
22 waters north of and including the Kenai River drainage
23 within the Kenai National Wildlife Refuge and the Chugach
24 National Forest within the Kenai Peninsula district.

25

26 Therefore it be resolved the Council felt
27 the existing Council meeting structure was adequate to
28 address Kenai Peninsula fisheries and encourages other
29 users to participate in their normally scheduled public
30 meetings through their existing regulatory process.

31

32 This was passed by our Council on March
33 14th, 2006. Just to further that, there's probably a
34 time when we'll need a subcommittee, but we'd first like
35 to see the proposals to see what we can do with them and
36 if it gets past us, then a subcommittee would be in
37 order.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. Any
40 questions or comments.

41

42 (No comments)

43

44 CHAIRMAN DEMIENTIEFF: Appreciate your
45 concerns. Region 3.

46

47 MR. TUTIAKOFF: I'd like to thank the
48 Federal Subsistence Board for allowing us to be here
49 today. It's a process that I think the chairs of all the
50 RAC's appreciate. We have an opportunity to understand

1 how you're thinking and possibly you'll understand how
2 we're thinking. We can resolve a lot of these proposals
3 as they come forward to you and we move on from within
4 the RAC's to you our concerns.
5

6 One of the concerns of the Kodiak area
7 and the Aleutians has been since its beginning, which
8 I've been a part of, and I'm sure Tom can appreciate this
9 because I say it at every one of these meetings, is that
10 we have a situation in the Aleutians/Kodiak kind of
11 unique maybe to the other regions is that we have a long
12 ways to travel to get to some of the villages, in some
13 cases 1,400 miles. In doing so, we lost membership. We
14 lose at least one a year. This last year I think we lost
15 two only because they could not make the meetings due to
16 regulation.
17

18 Appointment by the RAC is not allowed,
19 you know, getting a new member. One instance it took a
20 year and a half and by then election or process of
21 elimination we had three seats open. We requested this
22 before and I'd ask you to look into it again. Let's get
23 the authority of the Chairman of the Federal Subsistence
24 Board to appoint for a period of time so that we can have
25 a full meeting. We've had two meetings where we had to
26 travel all the way to Sand Point and we've not had a
27 quorum. That's very expensive.
28

29 And allowing the Staff to travel with us
30 that we need their input. We've had to travel back to
31 Anchorage, spending a couple more days, costing more
32 time, which we are willing to do, but it's hard on the
33 Staff. They've got other commitments to be with other
34 RAC's in some cases. So allowing the consideration of
35 the Federal Subsistence Board Chair where you, yourself,
36 appoint somebody for an interim period until such time
37 the Secretary appoints somebody, it would really help us
38 out.
39

40 The other one is on the comments now. In
41 regards to the gentlemen from some of the villages when I
42 was here yesterday listening to, in regards to Arctic
43 Village and some of these others, I think those are the
44 same concerns in our region. It's not only coming from
45 the Interior, Arctic Slope or wherever, it's coming from
46 all the RAC's and I support his comments that he made
47 yesterday in regards to being considerate of the RAC's
48 and the people that travel to these meetings.
49

50 The Alaska village initiatives issue that

1 was spoke of yesterday, I'm very interested in that. I
2 think that's a program that I'm going to ask the RAC
3 members of Kodiak/Aleutian to really look into. It would
4 help our whole problem that we have in regards to keeping
5 the herd in the peninsula. We had to address that issue
6 here at this level and I appreciate your support in
7 keeping two bulls for the communities that are involved.
8 I can see if we don't do something to bring that herd up
9 or do more surveys or disallow commercial hunts or guided
10 hunts for a period of time we're going to lose that herd
11 for various other reasons other than hunting. There has
12 to be some other reason why this herd went from 25,000 to
13 close to annihilation within a four-year period. We just
14 didn't understand and I don't think anybody does. So
15 we're going to look at that.

16
17 In regards to rural issues, Kodiak and
18 Adak are on that list within our region. We will support
19 Kodiak to continue to be rural and, of course, Adak
20 because of its reduction in the military and population
21 does qualify. We thank you for your support in that
22 particular issue.

23
24 What does come to mind and I just heard
25 this this morning that June 26 meeting, executive meeting
26 of the Federal Subsistence Board is going to be an
27 executive session. Consideration of public comments is
28 going to come after you've made a recommendation. That's
29 very hard to take. The process seems to me ought to be
30 the other way around. Get public input, then go into
31 discussions, deliberations and make recommendations to
32 the Secretary. I've been a part of this process for
33 almost 13 years. I don't think I've seen a process
34 within the Federal Subsistence Board that once a
35 recommendation is made has been reversed. It's very hard
36 to do by the RAC's to come to you and say this is hurting
37 our community. It may happen, but it takes two to three
38 years for it to happen and that hurts our people, all of
39 us. So consideration in regards to the rural issue
40 affects a lot of our communities. I hope you take that
41 into consideration and ask for public comment prior to
42 your recommendations. This is very hard to change.

43
44 One of the issues we brought up in
45 regards to the caribou issue on the peninsula was that
46 guides come in from all over the country. Some are out
47 of state. I've seen it happen in Adak. That herd out
48 there needs to be hunted, I understand that, but we do
49 have wanton waste going on within Adak and also in the
50 peninsula herd. Comments I received at the last meeting

1 we held in Cold Bay there were several community members
2 who were out hunting and observed these guides and non-
3 subsistence users just packing off the horns and leaving
4 the meat in the field.

5
6 The other issue is the duck hunting that
7 goes on in the fall in Cold Bay. Many of you may not be
8 aware of it, but close to 200 to 300 birds were
9 slaughtered by a guide under the privy of subsistence.
10 He actually utilized photo taking to enhance his own
11 business in the Lower 48. Very disturbing to those
12 people who are hungry and go out there and spend a lot of
13 money to get to Cold Bay from the other communities.
14 That has not to my satisfaction nor the RAC been
15 resolved.

16
17 There are proposals that have come before
18 this Council. One of them, unfortunately, I had to
19 observe this morning, for participation by the RAC's,
20 individuals from other communities who traveled here to
21 speak for or against a certain proposal, to have it
22 brought up again during a reconsideration. I understand
23 what the process is, I understand what the intent was,
24 but I think it's going to be viewed by the rural people
25 and the RAC's when they get back to their communities
26 that the Federal Subsistence Board basically utilizes the
27 RAC's as a tool to say, yeah, we've done our job. It
28 goes back to affect the people and it's going to be very
29 hard for most of us to convince our people that this is
30 the right process. They're going to start to mistrust
31 it. I think the intent is there. I think you're doing
32 what you think is right, but it's going to be viewed as
33 very untrusting again.

34
35 Lastly, an ongoing issue in regards to
36 the budget. This has always been Kodiak/Aleutians' big
37 issue, trying to get the other communities that benefit
38 from use of Federal lands, hunting, fishing and being
39 able to go out and get their own food. I don't know how
40 we can resolve this other than -- there are some
41 communities that haven't been involved with this process
42 within the Aleutians and it's unfortunate because a lot
43 of them would like to be. Due to budget concerns, we go
44 to Cold Bay, Kodiak or Anchorage. Sometimes we do get to
45 Sand Point. Because of weather we don't get to King
46 Cove. With the weather issue, nobody shows up and it's
47 very hard. There's other communities such as St. Paul in
48 the Pribilofs, St. George in the Pribilofs, Adak on the
49 Aleutians has jet service from Anchorage, three-hour
50 flight. The cost is similar to get into Sand Point.

1 They are not involved in this process and I think as long
2 as I've been here, Tom, I seem to bring that up at every
3 one of these meetings. I know it's a tough issue that
4 you don't control the budget, but what is it we can do as
5 RAC's. Maybe go to Senator Stevens, Senator Murkowski,
6 Young, the Secretary, who, to get some additional funds.

7
8 I read this letter from Southeast about
9 the amount of money going into the Department of Fish and
10 Game from the Federal funds. That money could be used to
11 bring in more input from the communities or get the
12 communities that have not been reached. I support this
13 idea and always have. If you're hunting or fishing on
14 Federal lands, you do not need a State license or permit,
15 but it's happening and I would support to change it and I
16 will take it to my RAC in the Kodiak/Aleutians.

17
18 Again, I would like to thank you for this
19 opportunity. I might be harsh, but sometimes that's the
20 only way we can get our message across. I do what I can
21 to help out in all of the RAC issues whenever we do get
22 together and I support all the RAC people that have come
23 out here and I hope that you'll take and consider some of
24 our comments when you get together on your work sessions.
25 Thanks.

26
27 CHAIRMAN DEMIENTIEFF: Thank you. Let me
28 respond to a couple points that you brought out. One is
29 that, as Chairman, I do not have the authority to do
30 interim appointments. It's not only affected your
31 region, it has affected others. Because of meetings like
32 this with the RAC chairs where we run into that problem,
33 we did request that delegation of authority to me or to
34 the chair from the secretaries, but we did not get that
35 delegation of authority. Secretaries retained that
36 appointment.

37
38 However, we have been able to streamline
39 our annual appointment process, which sometimes we'd have
40 to wait months, which also affected some regions other
41 than yours. So we were able successfully to streamline
42 that review and get those appointments out. The interim
43 appointments remain a problem, but we have tried and will
44 continue to try to find a way to see if there's a way we
45 can do that. We have the same concern you do. We do not
46 want the Councils to not be able to react.

47
48 The other thing was the June 26 meeting.
49 We have to get a proposed rule out and that's the whole
50 purpose of that, then we can have something for people to

1 review. We have changed when we get a proposed rule out
2 based on public review. We have changed the rule prior
3 to adoption. It's been done times in the past, so we're
4 not putting out the final rule. It's just like a
5 regulatory proposal. If we don't have something down for
6 people to react to, then it kind of defeats the point.
7 So I just wanted to respond to those two things.

8
9 We're scheduling a trip to Kodiak. I
10 know I'm planning. I think there are a couple other
11 Board members that are going down there. We'll be
12 working on that as soon as this meeting is over and
13 working closely with people to finalize the dates. We're
14 looking at early June, so I just wanted to let you know
15 that. That date will firm up hopefully before the week
16 is out because people we have are also busy people, just
17 like people in Kodiak. I know, Gary, you just got back
18 from Kodiak, didn't you? So we will be firming that date
19 up in cooperation with local people.

20
21 MR. TUTIAKOFF: Yes, Mr. Chairman. If I
22 can respond. Thank you for that information in regards
23 to going to Kodiak. I know it's a very intense issue for
24 the community members of Kodiak, those people on the road
25 systems. I get constant e-mails from people down there
26 about when is this going to happen, when is the RAC going
27 to have an advisory meeting in Kodiak so they can bring
28 up their concerns, maybe formulate some response when you
29 do get there. There again it's a budget issue. There's
30 about three members in Kodiak that would be willing to
31 sit down and hold a public meeting. There again they're
32 waiting for word from Washington to get something done.
33 We appreciate your efforts to get there.

34
35 In regards to Chair appointment, I've
36 received that letter from the Secretary to you and I
37 appreciate you sending it to me. I think it's an issue
38 that's just the matter of one line within the authority
39 of the Chair to appoint. I mean that's all we're asking
40 for. It's not like we're changing the whole system to
41 allow that to happen. You still go through the process
42 of nomination or whatever. If that individual appointed
43 is wanting to go through that process, fine. That's all
44 I'm asking for is some help because we have had to delay
45 meetings and it's very inconvenient for everyone
46 involved, including the Department.

47
48 Other than that, appreciate your input.

49
50 CHAIRMAN DEMIENTIEFF: Thank you. We're

1 just going to continue to go around the table by region
2 because Harry had to leave to go home and some of the
3 people didn't have representatives here. So I'll just go
4 with who I see. Bristol Bay concerns, please.
5

6 MS. MORRIS LYON: Thank you, Mr. Chair as
7 well as Board members. I appreciate also the opportunity
8 to be here and be heard and I appreciate the action that
9 you took on the revisiting also, I think in honor of the
10 process, and I was happy to see the outcome such as it
11 was. I think that's a dangerous thing to do. Otherwise
12 many of us will be wishing reconsideration on issues that
13 we feel are controversial. So I do appreciate that.
14

15 For our region we continue to have most
16 resource concerns. Unfortunately, we don't have many
17 positives to report in our troublesome areas. We
18 continue to have concerns with our sockeye returns for
19 the Kwichak and ongoing studies are going there. The
20 good news there was our subsistence users in the upper
21 regions of Lake Clark were able to have their subsistence
22 needs met this last year satisfactorily, which was the
23 first time in several years. We do have kind of a gloom
24 and doom forecast once again for that region, so that
25 area is going to have to continue to be watched and
26 monitored very closely to make sure that those folks are
27 getting what they need.
28

29 As everybody is fully aware, the Northern
30 Alaska Peninsula Caribou Herd is still at an incredibly
31 low number. It's pretty much disastrous. We've gone
32 from the thousands down to our latest estimate between
33 1,500 and 2,000 animals. It no longer supports a
34 subsistence hunt for us. Though our items were all on
35 the consensus agenda, two of them involved subsistence
36 hunts that we deleted from ourselves because of problems
37 out there with our resources.
38

39 It needs to be noted also that, you know,
40 in the past some of the more fortunate hunters on our
41 northern borders were able to access the Mulchatna herd
42 for those who are using the Northern Alaska Peninsula
43 herd and they were able to access those animals and bring
44 home some meat for people and do some sharing, but the
45 Mulchatna herd is also now on the decline and that's just
46 kind of a warning that we're going to have to start
47 monitoring things there much more closely. For those of
48 you who haven't seen the reports, it's definitely on a
49 downhill slope, which is not necessarily unexpected since
50 it had reached a very high point in past years. We need

1 to be aware of that because the animals also didn't
2 migrate as far south this winter as they have in the
3 past, so there were a lot of villages that were unable to
4 meet their needs as far as caribou went.

5
6 I think it's worthy to once again note,
7 as several of my colleagues before me, that as the
8 competition increases and difficulties grow for people
9 who live in the remote areas, with fuel prices,
10 everything else going up, we're going to have to become
11 more creative in our abilities to protect those
12 resources. The sheep proposal that was revisited this
13 morning is an ideal example. We also had proposals on
14 our plate at our meeting in February that we had to
15 address that were very much the same where perhaps
16 conservation concerns couldn't be totally identified but
17 user groups were definitely at conflict. I think it
18 would heed all of us, including us chairs, to start
19 putting on our thinking caps and thinking about how we're
20 going to address these issues in the future.

21
22 Personally, I put most of the burden upon
23 everybody who is the head of their departments for each
24 one of the services, including the State, to begin to
25 have stringent requirements for transporters and guides
26 that are going into Federal areas. I think it's a major
27 concern to subsistence users who feel like these people
28 are coming into their back yard and taking what little
29 they have.

30
31 We are already depleted in our herds.
32 The southern Alaska herd has fallen down to dangerously
33 low levels. We're already there with the Northern Alaska
34 herd. Our moose hunts we've had to decrease this winter
35 because of lower numbers as well. I think as we're more
36 and more threatened that threat becomes more and more
37 real. I understand that when the biological numbers
38 don't show it, ANILCA is very specific about who gets to
39 hunt when, but I think it would be a very smart idea for
40 the Federal people to start looking at how they allow
41 people to go in there and what the requirements should be
42 when they're using the land and property, especially when
43 there's heavy subsistence use in an area.

44
45 That's kind of a personal comment of
46 mine, but I wish everybody would think about it because I
47 think we're all hearing it from all of our people and I
48 think it's important or we would not be hearing it over
49 and over again.

50

1 Other than that, we are hoping that
2 studies and work continue to be done on the problems that
3 we're having out there with our resources and I am not
4 finding fault. I think that we're having our studies met
5 as best as possible until the scientific world can become
6 more realistic or more knowledgeable I should say about
7 how things are happening and why we struggle through and
8 we continue to thank you for your support in our area and
9 our voice. Thank you.

10
11 CHAIRMAN DEMIENTIEFF: Thank you for your
12 input. I should have opened this by saying this, but
13 I'll just do it right now. Time and time again the Board
14 uses this input. Since we added this meeting with the
15 Council Chairs, we draw upon the input, we work with it
16 and we apply it to areas. So we do utilize the input
17 fully and we've done things and respond to it. So make
18 sure you understand that we apply the things that we're
19 learning to our deliberations during the course of the
20 year. I should have pointed it out in the beginning, but
21 sometimes we get tired towards the end of the meeting,
22 but I just wanted to point it out right now. Make sure
23 you understand that your inputs are not falling upon deaf
24 ears. We use it as a tool.

25
26 Okay. Eastern.

27
28 MS. ENTSMINGER: I thought I was going to
29 be last. Thank you, Mr. Chair. I learned a long time
30 ago you get more with sugar than you do with vinegar. It
31 took a while for me though.

32
33 CHAIRMAN DEMIENTIEFF: I remember working
34 with you.

35
36 (Laughter)

37
38 MS. ENTSMINGER: I might have to tell a
39 funny story because you're very good at it. I remember
40 when the Park Service first came to the Slana area and
41 Chuck Budge was the superintendent. I might have been
42 all of 28 years old and I made fur hats and I had a skunk
43 hat with the tail straight up and a sign on the back that
44 said National Park Service stinks, so you have an idea
45 where I might be coming from. I've grown a lot. They
46 asked me to give that hat to him for his retirement.

47
48 (Laughter)

49
50 MS. ENTSMINGER: I want to say that I've

1 learned a lot also being here during these meetings and I
2 really want to commend the Board. That exercise in
3 reconsideration probably brought a lot of good
4 information out that we may learn to work together better
5 in the future. I also would like to thank Judy for her
6 willingness to work with the Fortymile plan. I think
7 that's awesome and the people will be real happy about
8 that. I feel that we have a long road to hoe. It's
9 really hard to be patient at times when the government
10 works pretty slowly.

11

12 I think the process of learning is that
13 we need to get together and join hands. I feel like the
14 Native and non-Native issues sometimes become very
15 contentious and very difficult, but I believe that we
16 need to join hands in the future because as time goes on
17 it's our kids and our grandkids that need to have us all
18 working together and that means a lot to me personally.
19 There's probably a lot of issues that I could bring up
20 now, but I feel like it will all come out. I'm ready to
21 move ahead with a positive manner. Thank you.

22

23 CHAIRMAN DEMIENTIEFF: I guess I should
24 point out for the rest of the RAC representatives, when I
25 say I remember those days, of course, I was a long-term
26 chair of our own
27 Advisory Committee and between Sue and I we probably had
28 about five gallons of vinegar. That's what I mean. We
29 both were in the same boat and coming from the same hard
30 point of view.

31

32 Judy, you had a follow up.

33

34 MS. GOTTLIEB: Sure, Mr. Chair. While I
35 know the Park does appreciate all of Sue's hard work and
36 dedicated efforts and she advocates joining hands but she
37 truly does it, too. So it's always nice to match the
38 actions with the words that are said. Thank you for your
39 service.

40

41 CHAIRMAN DEMIENTIEFF: Thank you.
42 Northwest.

43

44 MR. STONEY: Thank you, Mr. Chairman.
45 I'm borrowing Grace's mike so I can look directly at you
46 and Tom. In the process last night, the case of Tom's
47 retirement, at least I was so impressed about the fishing
48 gear last night. At least he got a decent fishing pole
49 in order to go fishing. You might recollect, Tom, two
50 years ago you and I were down at Aleutian Islands on one

1 of those vessels, we had to have a commercial fishing
2 license in order to be on the vessel, so they gave Tom a
3 fishing line with maybe a 500 pound test line and a
4 screwdriver for a fishing pole. He says how am I
5 supposed to fish. Well, throw it out and jig it. Within
6 about two minutes I seen Tom, uh-oh, uh-oh, pulling,
7 pulling, pulling a tom cod about that long. Tom's eyes
8 were like an owl, he was so excited to be fishing with a
9 screwdriver fishing pole. So, Tom, I congratulate you
10 about your two fishing poles last night and I hope you
11 have good luck on your retirement and go fishing down at
12 King Cove.

13
14 Of course, to the members of the Board, I
15 certainly want to thank you for the most hard you've ever
16 done again for this meeting for all of us. Always
17 remember that us right here in the RAC's give a strong
18 recommendation to you on your process to do business with
19 all the communities throughout Alaska, Arctic Village,
20 you know, and Arctic Slope, we should have somebody from
21 the RAC testify on this proposal. We work with all the
22 communities and work with the Board here. Dolly and
23 Vince, I certainly want to thank you about the issue
24 about the fishing license and sure we will take 100
25 percent attention to it at next fall meeting and respond
26 to it.

27
28 Again, I want to thank Mr. Chairman, you
29 and the Board members on a job well done again this year.
30 Thank you very much.

31
32 CHAIRMAN DEMIENTIEFF: Thank you. Seward
33 Pen.

34
35 MS. CROSS: Thank you, Mr. Chair. I
36 think the Board did excellent work these past few days
37 and I was really impressed. I was very glad that you
38 were able to -- that proposal this morning, I was very
39 glad that you were able to look at it rationally and deal
40 with it rationally.

41
42 Seward Pen's major concern, as you can
43 notice from our proposals, it's regarding moose. Our
44 moose seasons are getting smaller, the catch is getting
45 less. In Unalakleet and Wild and Scenic River there will
46 be no moose hunting. So that's our main concern.

47
48 I was so impressed or actually envious
49 when they started talking about what happened in Harry
50 Wilde's country and how the moose has gone back so much

1 that they asked to get a calf and they're able to do that
2 and I was also impressed with the caribou working groups.
3 I certainly hope BLM and the State will be looking at
4 something like that for situation, especially at
5 Unalakleet and Wild and Scenic River. The people
6 themselves chose to stop hunting because the situation is
7 so dire.

8
9 I think what really bothers me is that
10 all around Seward Pen the moose populations have declined
11 but yet we still have non-resident hunts in some of our
12 little bit healthier areas. So I would really encourage
13 this Board to start encouraging the State and OSM to
14 start addressing our moose situation. We are making our
15 own choices as subsistence hunters of cutting out and
16 reducing our subsistence needs. It needs to be
17 addressed, otherwise we'll probably be in the same
18 situation with our chum, still trying to recover. We
19 still have rivers that have no chum stock that used to
20 boil in the river. So I really would encourage you to
21 start looking at it. I will be talking to the RAC about
22 it in our next meeting.

23
24 What I also want to encourage OSM to do
25 is to pay more attention to the users. We live there, we
26 hunt there and we fish there. When we start noticing
27 certain things, they are real. If the game is going
28 down, we notice that because usually most of us hunt in a
29 certain area all the time and we venture out of it only
30 when there's not much there. So I really would encourage
31 OSM to continue to get as much input as possible from the
32 users from rural Alaska and start relying more on their
33 input versus maybe statistics from three years ago.

34
35 Well, this morning's decision scared me
36 at first, but, like I said, you made the right decision
37 and I encourage you to continue to do that. I wanted to
38 thank Tom Boyd for being my guinea pig a number of times
39 and I'm sorry I missed your picnic yesterday. Seward Pen
40 will certainly miss you. I know you have been to
41 meetings there, which we really appreciate it, to see a
42 top person from somewhere come and pay attention to us
43 with very few Federal land, so we were very much
44 impressed with that.

45
46 I also want to thank you for returning
47 Barb Armstrong to the region. She is really an asset to
48 us. Barb usually does things beyond call of duty. For
49 example, when I was going to come here, late at night I
50 was going to check in online and found out I couldn't

1 check in online, so I called her up at home. She had it
2 fixed by 7:00 in the morning. That's the kind of person
3 she is. Any time we need information she goes out of her
4 way to find it for us. So thank you very much for
5 returning her to the region.

6
7 And thank you, Board, for listening to us
8 once again. Throughout the years I see all of you
9 improving more and more and I really appreciate that.
10 Thank you.

11
12 CHAIRMAN DEMIENTIEFF: Tom.

13
14 MR. BOYD: I do want to respond to
15 something Grace said about going to her meetings. I know
16 early on when Grace became the chair I went to a meeting
17 and I believe it was in Unalakleet and it was a real
18 snowy time and Grace was admonishing us for something and
19 I can't even remember the issue and very stern about it,
20 but occasionally she would look right at me with a big
21 wink and what I took from that is Grace was saying to me
22 listen to me, I'm saying something to you, but don't take
23 it personally. At that moment I kind of knew we were
24 kindred spirits, Grace, and I've appreciated your
25 leadership in that council over the years. You've stayed
26 with it as well as most of you and your leadership has
27 really brought that council a long way. Thank you.

28
29 CHAIRMAN DEMIENTIEFF: Western.

30
31 MR. COLLINS: Thank you, Mr. Chairman.
32 It's been a while since I've been at one of these
33 meetings. I was chair in the early years. I've been on
34 the Western Interior RAC since its inception and it's
35 good to see this process has matured. I think one of the
36 last meetings I was at what happened is when you're
37 dealing with our area I would come up and sit before a
38 mike, but then the rest of the time I was in the
39 background, but now to see us all around the table here
40 throughout the discussions and interact is a real growth
41 in this process and I think it's much better than it was
42 in the early years.

43
44 A little bit of background. I mentioned
45 I've been on the Western Interior RAC since the
46 beginning. I've also been on the Denali Park SRC since
47 its founding and I was involved in the State process
48 since the mid '70s when I became chair of the McGrath
49 Fish and Game Advisory, so I've kind of been able to
50 watch this whole thing through as its developed. I think

1 it's important that we make note of some of the lessons
2 that we've learned and try to build on those and build
3 them into the process.

4
5 One of the things that I've learned and I
6 think you're learning too is that there's a real strong
7 need for interagency cooperation and State and Federal
8 and cooperation with the RAC's and the local people if
9 we're really going to do a right job in management.

10
11 For example, Henry Deacon, an elder from
12 Grayling, and myself were on the Western Interior RAC
13 when we saw what happened in the Koyukuk and it finally
14 led to that moose management plan coming into place up
15 there, we were finally able to deal with some of the
16 issues. At other times we had tried on the Federal side
17 to pass an action and then it didn't coincide with the
18 State and the users out there were very unhappy because
19 they didn't see either process working. We started
20 asking about that time, it was about eight years ago,
21 that we needed to do that same process down in the Innoko
22 River and eight years later we have a plan in place
23 there.

24
25 I hope in some of these others when we
26 identify a need for a plan we'll be able to move a little
27 quicker. I know we got behind the curve on the Kuskokwim
28 in the Aniak area and we lost it there, so now we have
29 advisory groups closing seasons and taking melodramatic
30 action to try to build it. So I hope that we can keep
31 this cooperation going.

32
33 Another strong example of that is I'm on
34 the Kuskokwim River Working Group in the fisheries area
35 and that's a group that really functions well together.
36 When the Federal money came in for fisheries, all of a
37 sudden we were able to do research projects that they
38 weren't able to do before and we're starting it in
39 genetic data, we're getting weirs in place to be able to
40 monitor the fish and we're really learning a lot about
41 that resource. I'm glad to see that go forward.

42
43 If we're going to build on those lessons
44 learned, I think we need to carry some of that over to
45 the wildlife side. We're still using data that the State
46 gathered on subsistence use and patterns out there and
47 that data has not been brought up to date. You do a
48 little study now when there's a need on customary and
49 traditional use, this kind of a study goes around, but
50 we're not developing the background history on some of

1 those communities of what their actual patterns of use
2 are.

3

4 On the part of the wildlife refuges and
5 so on, I don't know if they're actively documenting the
6 history of use in their areas and building it into the
7 plan so that when a new manager comes in he has a history
8 of what went on there.

9

10 One example of that is the Park Service
11 funded village histories and I was hired to write the
12 history from Nikolai and Telida and I really enjoyed
13 doing that and getting some of that on the record to show
14 how they used the park, but also about their lifestyle
15 and that's on the web now under Denali Park, the
16 Dichinaneh'hwat'ana people of the Upper Kuskokwim, so new
17 people coming into the park can read that at least. I
18 guess they're using some of the stories in their
19 presentations to the public, so it carries on.

20

21 It seems to me that something like that
22 should go on in some of the other refuges too, those
23 kinds of histories and studies involving local people so
24 that it's there as part of the record. It's not an
25 afterthought.

26

27 One of the questions that keeps coming up
28 is what is natural and healthy and you're supposed to
29 manage for natural and healthy. What does that mean?
30 One of the books I read this last year that really made
31 an impression on me was 1491, a picture of what the
32 Americas were like before the Europeans came in. What
33 they found through the studies that have gone on is the
34 landscape here has been reshaped by the people that lived
35 here for thousands of years. They were reshaping the
36 jungle. They were reshaping the eastern U.S. when the
37 colonists first landed here. They landed on a coast that
38 was depopulated because of sickness. Moved in and started
39 farming on the same thing, but when they went into the
40 forest, they could walk through the forest because fire
41 had been used to reshape that landscape. It looked
42 natural, there was abundant wildlife there, but the
43 people had been reshaping that. Human use has been part
44 of the natural landscape all along. We need to think
45 about that in Alaska.

46

47 There's another issue that I've been
48 bringing up on the Denali Park is that the Park Service
49 can't get involved in predator control and many of the
50 agencies are reluctant to do that, to not get involved in

1 intensive management, but what they can do is do the
2 studies to show what is the predator/prey relationships
3 in the Park where there's no hunting as opposed to what
4 is predator/prey relationships in the wildlife refuge and
5 so on. I'd like to see an in-depth study of that and see
6 that information made available to the public because
7 every time these issues come up there's so much bad
8 information that gets in the press. Like that focus on
9 how many wolves are killed. Well, wolves are killed
10 naturally every year. About a third of the population
11 gets kicked out every year from an area and they're
12 killed by other wolves or hunters and so on. We need to
13 understand what the natural relationships of those
14 populations are.

15
16 Just at this meeting a couple issues come
17 up. Down in the Aleutians they said, okay, we've got a
18 caribou herd there that's around 2,000 now. There's no
19 recruitment of calves. That sends up a red flag to me
20 that that refuge needs to study why is there no
21 recruitment of calves. What is going on there that's
22 causing that, what are the factors? And the sheep up in
23 Arctic Village we said what's the data there. Well, why
24 isn't there a history of what the harvest is of those
25 people and what that sheep population is doing now. We
26 need that information for decisions. So we need to flag
27 some of those and try to get studies going that address
28 some of those problems and maybe we can start answering
29 what is natural and healthy.

30
31 I know the Park Service reacts to
32 intensive management, but it would be much better, I
33 think, if we could become proactive instead of reactive
34 on a lot of these issues. But it's going to take
35 cooperation on all the parties.

36
37 So I'm hoping there can be some
38 directives from this Board that we need a study in this
39 area and the various agencies could take it back and do
40 something about it. And on the State side too, going
41 back when an area is identified, try to work out
42 cooperative teams to solve these if we're going to really
43 stay on top of this and manage the resources so they
44 benefit all the users out there and we won't get into
45 these crisis situations when we're trying to deal with
46 seasons and bag limits to protect a threatened population
47 instead of knowing ahead of time what's going on and what
48 kind of actions we should take.

49
50 But I'm glad to see the process going

1 forward and I think we are making some progress. I just
2 hope we don't lose sight of some of these and all go back
3 and work in our own areas and forget the big picture
4 because I think we need a better understanding of what
5 the big picture is. Thank you.

6
7 CHAIRMAN DEMIENTIEFF: Thank you. With
8 regard to the Fortymile Caribou Management Plan, it
9 appears they're going to need a couple more days, but
10 I've talked to Park Service and made it time specific
11 that they will have a report out. We have a meeting with
12 Drue Pearce next week, so I'm going to take a little time
13 at the end of that. That is time specific and I think
14 efficiently enough, so if there's no objection from the
15 Board members we'll go ahead and deal with that next
16 week.

17
18 MR. OVIATT: I have no objection.

19
20 CHAIRMAN DEMIENTIEFF: Okay. Good. I'm
21 not seeing any objection, so that's the way we'll deal
22 with it. That's timely enough for me and it gives the
23 Park Service the additional days they need.

24
25 You may have noticed a little cough in my
26 throat. I assure you I don't have a cold. It's just
27 stress comes out of me in different ways. Sometimes I
28 come out -- Tom has seen me like that. I come out just
29 shaking, especially after tough arguments. But I see the
30 stress in other people as well. I assure you, when I
31 drop this gavel, which is coming up very shortly, that
32 will go away. I see that stress because of everybody's
33 commitment to the work that we're doing. I don't care
34 whether it's Staff, whether it's RAC, Board members.
35 Everybody brings a certain level of stress to our job
36 because of the dedication to our job. I think in terms
37 of Ray's comments about maturity I think that pushes us
38 to be better because we are constantly striving to
39 improve our process.

40
41 So thank you one and all again. Terry,
42 you want something.

43
44 MR. HAYNES: Just before you adjourn I
45 have a couple comments I'd like to make.

46
47 CHAIRMAN DEMIENTIEFF: Sure.

48
49 MR. HAYNES: I keep interrupting your
50 train of thought and I hate doing that.

1 CHAIRMAN DEMIENTIEFF: It's not much of a
2 train anyway.

3
4 (Laughter)

5
6 MR. HAYNES: Thank you, Mr. Chairman.
7 With reference to the Fortymile Caribou Management Plan,
8 we want to extend our appreciation again to the Office of
9 Subsistence Management for its continued financial
10 support to the Department to conduct management
11 activities that are very important to monitoring that
12 herd and harvest of the Fortymile Caribou. Without that
13 support it would be extremely difficult for our Staff to
14 continue that work.

15
16 My second comment is on behalf of the
17 Department. I think all of us wish Tom Boyd very well in
18 his future endeavors and I personally agree with much of
19 what was said last night at the gathering. I don't deal
20 with Tom directly that much. When I have, it's been very
21 professional. We are often on other sides of the table,
22 but we do our business and move forward. I've always had
23 a lot of respect for Tom and how he handles his business
24 and I personally wish him well in the future.

25
26 CHAIRMAN DEMIENTIEFF: Thank you very
27 much. We do not have any further business. It looks
28 like we've got a beautiful day out there. We might as
29 well get out and enjoy it while we can. We are
30 adjourned.

31
32 (Off record)

33
34 (END OF PROCEEDINGS)

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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 300 through 348 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME III taken electronically by Nathan Hile on the 18th day of May 2006, beginning at the hour of 8:30 o'clock a.m. at the Marriott 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