

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

FEDERAL SUBSISTENCE BOARD  
PUBLIC REGULATORY MEETING

VOLUME I

MILLENNIUM HOTEL  
ANCHORAGE, ALASKA

MAY 19, 2004  
8:30 o'clock a.m.

Recorded and transcribed by:

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

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

2  
3 (Anchorage, Alaska - 5/19/2004)

4  
5 CHAIRMAN DEMIENTIEFF: I'd like to call  
6 the meeting to order. And while not picking on anybody,  
7 but as we get to the agenda, Ralph, the Chair for  
8 Southcentral may not be here when we get to his proposals  
9 and we will delay accordingly, he's got a fishing  
10 opening, Copper River fish.

11  
12 And before we get too serious about  
13 things, I seen Fred here, but he stepped out so I can  
14 tell on him a little bit. When he was working for the  
15 State as a biologist, he came down to Nenana getting set  
16 up, test fishwheel site and that kind of stuff, and he  
17 went by this one fish camp where they -- anyway, there  
18 were fish on the racks, nice bright looking red fish and  
19 Fred grabbed me before the meeting, we were also having a  
20 meeting and he pulled me aside and he said, Mitch, he  
21 says, when did the fish get here, it was this time of  
22 year, and I told him, oh, we've been getting them for  
23 about a week now and then, of course, they were Copper  
24 River fish that had come in a lot earlier and there were  
25 no fish anywhere else on the river but we had them in  
26 Nenana.

27  
28 As we get ready to start we want to have  
29 a little discussion about the discussions we're going to  
30 have. Basically this process began last August when we  
31 published a proposed rule and a call to change Federal  
32 Subsistence regulations for the 2004/2005 hunting season.  
33 We had received 85 proposals as a result of the call.  
34 These proposals have been evaluated by Staff from OSM and  
35 then presented to the 10 Regional Advisory Councils. The  
36 Councils, in turn, have worked on these proposals and  
37 have developed recommendations on each proposal during  
38 their public meetings in February and March. The  
39 Interagency Staff Committee has also reviewed these  
40 proposals and has worked directly with the Council Chairs  
41 in formulating recommendations to the Board. The  
42 Department has been involved in reviewing these proposals  
43 and providing comments, attending RAC meetings and  
44 meeting with Staff Committee.

45  
46 The Board book has basically a record of  
47 all the work that has gone on leading up to this meeting,  
48 and as a result of the work completed to date, we've  
49 identified about 60 proposals where there is mutual  
50 agreement on the recommendations. These will move on to

1 our consent agenda, although that's always a moving work  
2 in progress, people can add or delete as we begin our  
3 deliberations. We'll have about 25 proposals that will  
4 need deliberating on.

5  
6                                 Actually, Tom wrote this part and it  
7 says, I want to commend the Office of Subsistence  
8 Management.....

9  
10                                MR. BOYD: Here. Here.

11  
12                                (Laughter)

13  
14                                CHAIRMAN DEMIENTIEFF: .....the  
15 Interagency Staff Committee, they put in on that  
16 part.....

17  
18                                (Laughter)

19  
20                                CHAIRMAN DEMIENTIEFF: .....the RACs,  
21 well, they do their work, and the Department, for their  
22 efforts to date.

23  
24                                We will be having public testimony on the  
25 proposed rule setting a guideline for Council membership  
26 at 70 percent of the Council members to represent  
27 subsistence interests and 30 percent to represent  
28 commercial and sports interests. The Board will not  
29 deliberate on the proposed rule at this time, but only  
30 hear testimony from the public. This item is scheduled  
31 to occur tomorrow at 1:30 p.m.

32  
33                                Toward the end of the meeting, the Board  
34 will take action on the Predator Management Policy and  
35 hear a report on the Central Kuskokwim Moose Management  
36 Planning effort.

37  
38                                And finally we will have open discussion  
39 with our Council Chairs on several topics of concern to  
40 them.

41  
42                                With that, we will, at this time, have  
43 our introductions. I probably should have introduced  
44 myself before but my name is Mitch Demientieff. I'm  
45 tired because I drove in late last night from Nenana and  
46 that's where I'm from, I Chair the Federal Subsistence  
47 Board.

48  
49                                Tom.

50

1 MR. BOYD: Tom Boyd, Assistant Regional  
2 Director for subsistence management with the U.S. Fish  
3 and Wildlife Service.  
4  
5 MR. GOLTZ: Keith Goltz, Solicitor's  
6 Office.  
7  
8 MR. BSCHOR: Denny Bschor, U.S. Forest  
9 Service.  
10  
11 MR. EDWARDS: Gary Edwards with U.S. Fish  
12 and Wildlife Service.  
13  
14 MR. SAM: Ron Sam, Western Interior.  
15  
16 MR. O'HARA: Dan O'Hara, Chair of Bristol  
17 Bay.  
18  
19 MR. FLEENER: Craig Fleener. (In Native)  
20 From Fort Yukon, Alaska, Chairman of the Eastern Interior  
21 Regional Advisory Committee.  
22  
23 MR. HAYNES: Terry Haynes, Department of  
24 Fish and Game.  
25  
26 MR. REGLIN: Wayne Reglin, Department of  
27 Fish and Game.  
28  
29 MR. LITTLEFIELD: Good morning. Chair of  
30 Southeast RAC.  
31  
32 MR. WILDE: Harry Wilde, Yukon/Kuskokwim  
33 Chair.  
34  
35 MS. CROSS: Grace Cross, Chair, Seward  
36 Peninsula.  
37  
38 MR. BISSON: Good morning. I'm Henri  
39 Bisson with the Bureau of Land Management.  
40  
41 MR. TONY: Paul Tony, Bureau of Indian  
42 Affairs.  
43  
44 MS. GOTTLIEB: Judy Gottlieb, National  
45 Park Service.  
46  
47 CHAIRMAN DEMIENTIEFF: Are there any  
48 other corrections or additions to the agenda that we need  
49 to go into right now?  
50

1 MS. GOTTLIEB: Mr. Chair.  
2  
3 CHAIRMAN DEMIENTIEFF: Yes.  
4  
5 MS. GOTTLIEB: We would like to withdraw  
6 our Proposal 67 and I would like to, at the time that it  
7 would have been heard, just make a few short remarks.  
8  
9 Thank you.  
10  
11 CHAIRMAN DEMIENTIEFF: Okay. Anybody  
12 else, Harry.  
13  
14 REPORTER: Harry, your microphone,  
15 please.  
16  
17 MR. WILDE: Mr. Chairman, I was asked to  
18 pull out Proposal 51 by Village of Marshall for  
19 discussion purposes.  
20  
21 CHAIRMAN DEMIENTIEFF: Anybody -- do you  
22 have comment when we get to that?  
23  
24 MR. WILDE: I think Alex Nick will.  
25  
26 CHAIRMAN DEMIENTIEFF: Okay, yeah, we  
27 will just have comment then, the same thing as what we're  
28 doing for Judy so everybody understands what's going on  
29 here.  
30  
31 Anything else.  
32  
33 (No comments)  
34  
35 CHAIRMAN DEMIENTIEFF: Okay. With that,  
36 we'll go ahead.  
37  
38 (Pause)  
39  
40 CHAIRMAN DEMIENTIEFF: I'm sorry, it  
41 always takes us a little while to get going as there are  
42 always last minute changes to the agenda. The city of  
43 Kaktovik which had proposed 86(a) has contacted us and  
44 they also want to withdraw 86(a) and we'll just go ahead  
45 and note that for the record at this time.  
46  
47 We have the testimony request forms at  
48 the table outside here. And I think most of them are  
49 pretty specific to proposals that we have received so  
50 far, right?

1 MR. BOYD: Yes.

2

3 CHAIRMAN DEMIENTIEFF: Okay. We will  
4 have the opportunity, I think there's a request to move  
5 one item off the consent agenda so maybe we'll just go  
6 ahead and move into consent agenda, do you want to do  
7 that Tom.

8

9 MR. BOYD: Okay. There's been a number  
10 of proposals that appear to have mutual agreement from a  
11 number of parties that we have recommended to the Board  
12 to be placed on the consent agenda. These proposals,  
13 there's unanimous agreement the Federal Subsistence  
14 Regional Advisory Councils, the Federal Interagency Staff  
15 Committee, and the Alaska Department of Fish and Game  
16 concerning recommendations for Board action.

17

18 And anyone disputing the recommended  
19 action on a proposal may request that the Board remove  
20 the proposal from the consent agenda and place it on the  
21 regular agenda and the Board retains the final authority  
22 for removal of proposals from the consent agenda. The  
23 Board will take final action on the consent agenda after  
24 deliberation and decisions on all the proposals.

25

26 I'll now read the list of consent agenda  
27 items and I'll only read them by their number, I will not  
28 describe them.

29

30 The following are proposals from the  
31 Southeast Region, Region 1. WP04-02. And then I'll  
32 dispense from reading the WP04 because that applies to  
33 all of them. Then we go to 03, 04, 05, 06, 07, 08, 09,  
34 10, 11, 12, 13, 14, 15, 16, 17, 19 and 20.

35

36 From the Southcentral Region, Region 2,  
37 WP04-23(a) and (b), 24, 25, 26, 29, 30, 34, 35, 36, 39,  
38 87.

39

40 From the Kodiak/Aleutians Region, Region  
41 3, WP04-40.

42

43 From the Bristol Bay Region, Region 4,  
44 WP04-44, 45, 47, 48.

45

46 From the Yukon/Kuskokwim Delta Region,  
47 Region 5, WP04-51 and 52.

48

49 From Western Interior, Region 6, WP04-53,  
50 54, 56, 58, 59, 60, 63, 64, 66, 68, and 83.

1 From the Seward Peninsula Region, Region  
2 7, WP04-69, 70 and 71.

3  
4 From the Northwest Arctic Region, Region  
5 8, WP04-72, 73, 74, 75.

6  
7 From the Eastern Interior Region, Region  
8 9, WP04-77, 79, 80, 81.

9  
10 From the North Slope Region, Region 10,  
11 WP04-84, 85, and 86(a).

12  
13 CHAIRMAN DEMIENTIEFF: Yeah, Terry, just  
14 one minute. Harry, I got a little note that maybe you  
15 wanted an item pulled off the consent agenda, is that  
16 correct?

17  
18 MR. WILDE: Yes, Mr. Chairman.

19  
20 CHAIRMAN DEMIENTIEFF: Which one?

21  
22 MR. WILDE: It's that 51.

23  
24 CHAIRMAN DEMIENTIEFF: Okay, No. 51 has  
25 been pulled off the consent agenda.

26  
27 Terry.

28  
29 MR. HAYNES: Mr. Chairman, thank you.  
30 The Department would request that Proposal 43 be put on  
31 the consent agenda. We've revised our comments and in  
32 looking at all of the comments on that proposal we don't  
33 see any substantial differences now.

34  
35 CHAIRMAN DEMIENTIEFF: We will do that  
36 after we hear public testimony. We do have to -- we do  
37 have a couple of requests on a couple of proposals so  
38 we're going to allow that now and then it will take a  
39 Board action for us to pull items off and to add items on  
40 to the agenda, but I appreciate everybody's work.

41  
42 With that we'll go ahead. We have a  
43 couple of requests with regard to consent agenda items.  
44 Jack Hession from Anchorage here, Sierra Club is he --  
45 yes, go ahead.

46  
47 MR. O'HARA: Excuse me, Mr. Chairman.

48  
49 CHAIRMAN DEMIENTIEFF: Go ahead.

50

1 MR. O'HARA: Mr. Chairman.  
2  
3 CHAIRMAN DEMIENTIEFF: Yes, Dan, go  
4 ahead.  
5  
6 MR. O'HARA: Are you done with addressing  
7 the consent agenda items?  
8  
9 CHAIRMAN DEMIENTIEFF: Yeah, right after  
10 public testimony. We haven't voted on any consent agenda  
11 items yet.  
12  
13 MR. O'HARA: So all Mr. Boyd did was just  
14 make an announcement of what was going to be happening;  
15 is that right?  
16  
17 CHAIRMAN DEMIENTIEFF: Pardon? I'm  
18 sorry.  
19  
20 MR. O'HARA: All Tom did was make an  
21 announcement of what the numbers of the consent agenda  
22 items are going to be?  
23  
24 MR. BOYD: (Nods affirmatively)  
25  
26 MR. O'HARA: Okay. Because we don't  
27 necessarily support and we want some discussion on No. 43  
28 because the State has changed their minds mid-stream  
29 there, so when we get to that we'll take care of it.  
30  
31 Thank you.  
32  
33 CHAIRMAN DEMIENTIEFF: Okay. Go ahead,  
34 Terry.  
35  
36 MR. HESSION: My name is Jack Hession.  
37 I'm here this morning on behalf of the Alaska Chapter of  
38 the Sierra Club, and my request is that Item 48 --  
39 Proposal 48 be put on the regular agenda. It is in  
40 conflict with existing National Park Service regulations  
41 that prohibit hunting of beavers with guns.  
42  
43 Those regulations were the subject of  
44 public comment, nationwide, and it seems to me that if  
45 this Proposal 48 is adopted, it would have the effect of  
46 nullifying the prohibition against hunting beavers with  
47 guns. And it seems to me that from a procedural point of  
48 view only that the public should have the opportunity to  
49 comment on this departure from traditional National Park  
50 Service policy, and that would entail, I assume, new

1 proposed regulations from the National Park Service,  
2 including full public comment.

3  
4 I won't go into the substantive issues  
5 here, Mr. Chairman. It seems to me, though, that there  
6 is a major procedural problem with this approach, as is  
7 by the way, 49, which is on the regular consent agenda.  
8 When those two items -- or when at least 49 comes up, I'd  
9 be happy to comment on substantive aspects of this idea.

10  
11 Thank you.

12  
13 CHAIRMAN DEMIENTIEFF: Thank you. If we  
14 get a request from a RAC member or a Board member we will  
15 deliberate whether or not we're going to pull it off.

16  
17 Donna Pennington.

18  
19 MS. PENNINGTON: Thank you, Mr. Chair.  
20 Members of the Subsistence Board. I'm Donna Pennington  
21 from the Ahtna Region.

22  
23 I recognize the Board is trying to  
24 delegate authority to the Office of Subsistence  
25 Management on the lynx on Proposal 36, but I'm concerned  
26 about the new procedure for public input. I'm also  
27 concerned this sets precedence for other animals without  
28 public input. According to the web site, the Office of  
29 Subsistence Management only provides primary Staff  
30 support to this Board, which sets all the requirements  
31 for subsistence hunting.

32  
33 The Regional Director reports to the  
34 director of Fish and Wildlife Service in D.C., who  
35 reports to the Secretary of Interior. My concern is  
36 we've lost the public input that was provided under  
37 ANILCA for priority.

38  
39 I don't feel that this authority can be  
40 delegated at this time. I'm not sure of the  
41 qualifications of the Regional Director and the Deputy  
42 Regional Director to set policy without public input.

43  
44 The main concern is if this sets  
45 precedence for lynx, who is to determine it's not going  
46 to set precedence for marten and mink and other animals.  
47 My objection is to the delegation of the authority itself  
48 in regards to public input and if that can be clarified,  
49 maybe the Staff can answer some of my questions.

50

1                   But the cycle of lynx, also, I don't  
2 think is understood. It's a very cyclical predator that  
3 operates within the rabbit cycle. And I really am  
4 concerned that it's not understood enough at that level  
5 without our input.

6  
7                   Thank you.

8  
9                   CHAIRMAN DEMIENTIEFF: Thank you. Did  
10 you want that off the consent agenda?

11  
12                   MS. PENNINGTON: Yes, that was my request  
13 to pull 36.

14  
15                   CHAIRMAN DEMIENTIEFF: Okay, well, we'll  
16 take that up in a moment.

17  
18                   Okay, that concludes the people that  
19 wanted to testify on the consent agenda. At this time I  
20 think we have one proposal to add, 43, and the State has  
21 basically made the request. They were the ones that were  
22 holding out on adding it to the consent agenda as Terry  
23 Haynes has indicated earlier. So at this time the Chair  
24 will entertain a motion to add that No. 43 to the consent  
25 agenda.

26  
27                   MS. GOTTLIEB: Mr. Chair.

28  
29                   CHAIRMAN DEMIENTIEFF: Yes.

30  
31                   MS. GOTTLIEB: I'll certainly make that  
32 motion.

33  
34                   CHAIRMAN DEMIENTIEFF: Is there a second.

35  
36                   MR. BISSON: I'll second it.

37  
38                   CHAIRMAN DEMIENTIEFF: Okay. Discussion  
39 on the motion.

40  
41                   (No comments)

42  
43                   CHAIRMAN DEMIENTIEFF: Hearing none, all  
44 those in favor signify by saying aye.

45  
46                   MR. BISSON: Excuse me, I thought Mr.  
47 O'Hara wanted to have some discussion about No. 43.

48  
49                   MR. O'HARA: Yeah, first of all, who can  
50 make a motion on this? Can the Advisory Council members

1 make a motion or is this up to the Board?

2

3 CHAIRMAN DEMIENTIEFF: It's a Board  
4 action but you can certainly request -- if you're going  
5 to request that it be taken off consent agenda then, you  
6 know, we can deliberate that then in the next motion.

7

8 MR. O'HARA: Yeah, I don't think that 43  
9 should be on the consent agenda item because there are  
10 several sections of 43, for instance, Unit 9 takes in the  
11 Northern Peninsula Caribou Herd and, of course, we don't  
12 want same day's airborne hunting on that, but on Unit  
13 9(B) where you have the Mulchatna Herd coming in with 200  
14 plus thousand animals, you want the same day airborne  
15 hunting between January and March. And our Council did  
16 not support this, but I think we ought to take a look at  
17 it if State of Alaska changed their position on this and  
18 this is why I want to take a peak at it and just a slight  
19 discussion when this item comes up will be fine.

20

21 Thank you, Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

24

25 MR. EDWARDS: My understanding is now the  
26 State is also opposed to it so everybody is opposed to  
27 it, right, or am I missing something?

28

29 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

30

31 MR. BOYD: Mr. Chair, that's correct.

32

33 MR. EDWARDS: I mean I think everybody's  
34 in agreement with your Council, so my understanding, the  
35 way it works it will get voted on and it will be opposed.

36

37 MR. O'HARA: Yeah, well, that's why  
38 Saddam Hussain is not in power, I guess, anymore. Okay,  
39 if that -- if our Council is opposed to it, State of  
40 Alaska is opposed to it and the Staff has recommended  
41 that, then that's pretty much just leave it like it is,  
42 so just disregard that.

43

44 CHAIRMAN DEMIENTIEFF: Okay. We have a  
45 request from the RAC to oppose the motion and  
46 certainly.....

47

48 MR. BOYD: No, he.....

49

50 (Pause)

1 CHAIRMAN DEMIENTIEFF: Okay, now we're  
2 getting started here. We do have a motion to add  
3 Proposal 43 to the consent agenda, is there any further  
4 discussion.  
5  
6 (No comments)  
7  
8 MR. EDWARDS: I'm ready for a vote.  
9 Question.  
10  
11 CHAIRMAN DEMIENTIEFF: We're ready for a  
12 vote, there's a call for the question. All those in  
13 favor of the motion, please signify by saying aye.  
14  
15 IN UNISON: Aye.  
16  
17 CHAIRMAN DEMIENTIEFF: Those opposed,  
18 same sign.  
19  
20 (No opposing votes)  
21  
22 CHAIRMAN DEMIENTIEFF: Motion carries.  
23 43 has been added to the consent agenda item.  
24  
25 Let's see, Tom, now, if we can go to the  
26 removals, it would be Proposal 36.  
27  
28 (Pause)  
29  
30 CHAIRMAN DEMIENTIEFF: I'm sorry, Gloria,  
31 did you want to testify, I just seen your -- is she here?  
32  
33 MR. BOYD: Yes.  
34  
35 CHAIRMAN DEMIENTIEFF: We're going to  
36 hang on, I know I seen Gloria here just a minute ago.  
37  
38 (Pause)  
39  
40 MS. STICKWAN: My name is Gloria  
41 Stickwan, I represent AHTNA, Inc. I just wanted to say  
42 that we wanted to pull Proposal 36 and give public this  
43 morning on that.  
44  
45 CHAIRMAN DEMIENTIEFF: Paul.  
46  
47 MR. TONY: Yeah, Mr. Chair, I'd request  
48 that you pull WP04-36 from the consent agenda, please.  
49  
50 CHAIRMAN DEMIENTIEFF: Okay, so, Tom,

1 now, if we could summarize the proposals that Board and  
2 RAC members have requested be taken off the consent  
3 agenda.

4  
5 MR. BISSON: Mr. Chairman, is there a  
6 second for that?

7  
8 CHAIRMAN DEMIENTIEFF: Pardon?

9  
10 MR. BISSON: Do we need a second for  
11 that?

12  
13 CHAIRMAN DEMIENTIEFF: No, we got to get  
14 the motion down first, we're going to take them all up at  
15 once, we don't need to have -- that's just a request from  
16 a Board member so it will be -- we're going to summarize  
17 all the requests that we have and then we'll take a  
18 motion to remove those from consent agenda and move on.

19  
20 MS. GOTTLIEB: Mr. Chair.

21  
22 CHAIRMAN DEMIENTIEFF: Yes.

23  
24 MS. GOTTLIEB: I'll also add No. 48,  
25 please.

26  
27 CHAIRMAN DEMIENTIEFF: No. 48, Tom.

28  
29 MR. BOYD: Mr. Chair. You have three  
30 requests to remove items from the consent agenda, this  
31 would be for WP04-36 dealing with Southcentral lynx; and  
32 Proposal 48 dealing with Unit 9(B) beaver, and Proposal  
33 51 dealing with Unit 18 moose.

34  
35 MR. BISSON: Mr. Chair, I thought I heard  
36 the Park Service request 67 be withdrawn as well.

37  
38 MS. GOTTLIEB: Excuse me, Henri, that was  
39 withdrawn from discussion today.

40  
41 MR. BISSON: Okay, withdrawn from  
42 discussion.

43  
44 MR. WILDE: Mr. Chairman.

45  
46 CHAIRMAN DEMIENTIEFF: Yes.

47  
48 MR. WILDE: That 51, they would like to  
49 discuss it, that's the purpose of pull it out.

50

1                   CHAIRMAN DEMIENTIEFF: Yeah, that's one  
2 of the items that will be considered. So we will, at  
3 this time, take a motion to remove those items from the  
4 consent agenda, and the motion would be to remove 36, 48  
5 and 51.  
6  
7                   MR. TONY: So moved.  
8  
9                   CHAIRMAN DEMIENTIEFF: Is there a second.  
10  
11                  MR. BISSON: I'll second it.  
12  
13                  CHAIRMAN DEMIENTIEFF: Discussion.  
14  
15                  (No comments)  
16  
17                  CHAIRMAN DEMIENTIEFF: Hearing none, all  
18 those in favor of the motion.....  
19  
20                  MS. GOTTLIEB: Dan.  
21  
22                  CHAIRMAN DEMIENTIEFF: Oh, I'm sorry,  
23 Dan.  
24  
25                  MR. O'HARA: 48 is not on a consent  
26 agenda item anyway, is it, in your agenda 48 under  
27 Bristol Bay, is that what you're talking about Judy?  
28  
29                  MS. GOTTLIEB: Uh-huh.  
30  
31                  MR. O'HARA: That isn't on the consent  
32 agenda item anyway.  
33  
34                  MR. FLEENER: Yes, it is.  
35  
36                  MR. O'HARA: Is it?  
37  
38                  MR. BOYD: Yes.  
39  
40                  CHAIRMAN DEMIENTIEFF: 48 is on the  
41 consent agenda.  
42  
43                  MR. O'HARA: All right, okay.  
44  
45                  CHAIRMAN DEMIENTIEFF: So basically, Dan,  
46 let me see, what's your action with regard to 48, is  
47 there a request that you have?  
48  
49                  MR. O'HARA: No.  
50

1                   CHAIRMAN DEMIENTIEFF: Okay. Is there  
2 any further discussion on the motion.  
3  
4                   (No comments)  
5  
6                   CHAIRMAN DEMIENTIEFF: Hearing none, all  
7 those in favor signify by saying aye.  
8  
9                   IN UNISON: Aye.  
10  
11                  CHAIRMAN DEMIENTIEFF: Those opposed,  
12 same sign.  
13  
14                  (No opposing votes)  
15  
16                  CHAIRMAN DEMIENTIEFF: Motion carries.  
17 At any time during the meeting, of course, before we get  
18 to consent agenda if somebody wants to make a request we  
19 can deliberate any additions or deletions prior to  
20 adoption of the consent agenda items.  
21  
22                  Okay.  
23  
24                  Yes.  
25  
26                  MR. SAM: Yeah, Mr. Chair, where do we  
27 stand on 67, is it going to come up for some deliberation  
28 or just for informational?  
29  
30                  MS. GOTTLIEB: Mr. Chair.  
31  
32                  MR. SAM: Just for information.  
33  
34                  MS. GOTTLIEB: I can clarify that.  
35  
36                  CHAIRMAN DEMIENTIEFF: Go ahead.  
37  
38                  MS. GOTTLIEB: Mr. Chair, if I might.  
39 What we'd like to do is withdraw it as a proposal but  
40 after we've discussed 65 I'd just like to make a couple  
41 statements as to the reasoning why we're withdrawing it  
42 and the plans that we have for the next regulatory cycle.  
43  
44                  MR. SAM: Thank you, Judy. Mr. Chair,  
45 that would be my recommendation, too, my request.  
46  
47                  Thank you.  
48  
49                  CHAIRMAN DEMIENTIEFF: Also if you have  
50 comments that you wish to make at that time, yeah, you

1 know, you can add to the discussion.  
2  
3 There has been a request to remove WP04-  
4 01 to later in the agenda; is that right, when do you  
5 want it?  
6  
7 MS. GOTTLIEB: 79, along with 79.  
8  
9 CHAIRMAN DEMIENTIEFF: Oh, yeah.  
10  
11 MS. GOTTLIEB: They kind of go together.  
12  
13 CHAIRMAN DEMIENTIEFF: And we'll  
14 deliberate No. 1 with Proposal 79.....  
15  
16 MS. GOTTLIEB: Yes, or 78.  
17  
18 CHAIRMAN DEMIENTIEFF: .....or 78.  
19  
20 MS. GOTTLIEB: Thank you.  
21  
22 CHAIRMAN DEMIENTIEFF: So we will add  
23 that there.  
24  
25 Okay, we will now move into Southeast,  
26 Region 1. We have Proposal 18. First we'll go to the  
27 analysis, who's going to do that.  
28  
29 MR. SCHROEDER: Mr. Chairman, I'll be  
30 going through the analysis.  
31  
32 CHAIRMAN DEMIENTIEFF: Go ahead.  
33  
34 MR. SCHROEDER: Mr. Chairman, I'm Bob  
35 Schroeder, Southeast Regional Advisory coordinator and  
36 also the anthropologist on the Southeast Team. The  
37 proposal analysis for Proposal WP04-18 begins on Page 84  
38 of your Board Book.  
39  
40 Proposal WP04-18 was submitted by Louie  
41 Wagner of Metlakatla. It requests a positive customary  
42 and traditional use determination be made for moose for  
43 Unit 1(A), for all rural residents of Unit 1(A). This  
44 would change the current designation which is the default  
45 designation in which all rural residents of Alaska are  
46 eligible to hunt under subsistence regulations in this  
47 unit to one that would restrict participation to rural  
48 residents of Unit 1(A).  
49  
50 So far Map 1 in your book delineates this

1 area, the Unuk has been before the Federal Subsistence  
2 Board in the last two regulatory cycles, I think Board  
3 members are familiar with this. This is an area near  
4 Ketchikan, Alaska.

5  
6 Moose are thought to have entered Unit  
7 1(A) from interior British Columbia via the Unuk River  
8 drainage, with a resident population established in the  
9 unit sometime in the early 1900s. Some moose in the Unuk  
10 River may seasonally migrate across the international  
11 border, the Canadian side of the Unuk River drainage has  
12 high quality moose habitat. The Department of Fish and  
13 Game did some transplants of moose in this unit to the  
14 Chikamin River in '63, this transplant was not successful  
15 and didn't result in a huntable population of moose  
16 there. So what we're basically talking about are moose  
17 in the Unuk River.

18  
19 The Department of Fish and Game estimates  
20 the moose population at 35 to 50 moose and has a post-  
21 hunt population objective of 35 moose. The population  
22 could support a harvest of five to 10 bulls per year.

23  
24 We have a companion analysis in WP04-19  
25 that has more biological information.

26  
27 Over the past 13 years hunters have taken  
28 from zero to five moose per year in this unit, all  
29 hunting has taken place in the Unuk River area. This  
30 area is reported to be a difficult place to hunt,  
31 depending on which route is taken the hunt area is 65 to  
32 100 water miles from Ketchikan/Saxman and Metlakatla, the  
33 main communities that make use of this area. However you  
34 get to the mouth of the Unuk hunters need use of a river  
35 boat, preferably with a jet drive to hunt effectively  
36 there. The Southeast weather, the lack of local  
37 infrastructure, changing river conditions, brushy  
38 riverine habitat make this a pretty challenging hunt and  
39 definitely a local knowledge hunt.

40  
41 The regulatory history for this area is  
42 presented in Table 1, 1959 to present.

43  
44 The State of Alaska season has been  
45 consistently September 15th through October 15th.

46  
47 The Federal season was changed last year,  
48 the Federal Subsistence Board decided to open the Federal  
49 subsistence season on September 5 giving subsistence  
50 hunters a jump on the season over the general hunting

1 season. This hunt requires a registration permit and  
2 it's never been closed by emergency order.

3  
4 Three communities that are closest to the  
5 moose hunting areas in Unit 1(A) and have a strong  
6 history of use of Unit 1(A) resources, those places would  
7 be Ketchikan, Metlakatla and Saxman. Excluding Saxman,  
8 the Ketchikan Borough has a population of slightly more  
9 than 13,000, most of these borough residents live in a  
10 non-rural area and are not eligible for subsistence.  
11 There is a portion of the Ketchikan Borough which is in a  
12 non-rural standing. Metlakatla had a 2000 population of  
13 1,431. Saxman's population was 394. The small  
14 communities of Meyers Chuck 21 and Hyder population 97  
15 are also located within this unit. We consider the use  
16 of moose in Unit 1(A) by all of these communities.

17  
18 We also note that there may be a small  
19 number of other rural residents living outside named  
20 places at homesteads, allotments or other locations in  
21 Unit 1(A), some of these people may hunt Unuk River  
22 moose.

23  
24 Most of the land in Unit 1(A) is managed  
25 by Forest Service as part of the Tongass National Forest  
26 and all the known moose hunting takes place within the  
27 Misty Fjords National Monument portion of this unit.  
28 Occasionally moose may be cited at other locations as  
29 well. Forest Service, Ketchikan, Misty Fjords Ranger  
30 District located in Ketchikan administers the Federal  
31 land in the unit.

32  
33 In looking through the eight factors that  
34 we need to consider, a primary factor is looking at a  
35 long-term consistent pattern of use excluding  
36 interruptions beyond the control of the community.  
37 According to our historical data, the Burroughs Bay and  
38 Unuk River drainage as well as the Chikamin River  
39 drainage were part of the traditional territory of the  
40 Saxman, Cape Fox Teikweidi Clan, that's the Tlingit  
41 Teikweidi Clan. Other portions of what is now Unit 1(A)  
42 where moose may be found were also part of traditional  
43 Saxman, Cape Fox traditional territory. Tlingit Fort was  
44 located at the north shore of the Burroughs Bay and the  
45 Unuk River drainage had active hunting camps and  
46 smokehouses in the historic period. The small community  
47 of Saxman continues to maintain its cultural ties with  
48 this traditional territory.

49  
50 Household surveys conducted in Saxman

1 covering 1987 shows some harvest and use of moose by that  
2 community. Households were also surveyed in 2000  
3 covering, the 1999 harvest year reported some use of  
4 moose and attempt to harvest moose but no moose taken in  
5 '99. Household surveys conducted in Hyder and Meyers  
6 Chuck covering '87 documented moose harvest and use by  
7 residents of those communities for the study year.  
8 Metlakatla developed a pattern of subsistence use in Behm  
9 Canal and Unuk River drainage. Main subsistence harvest  
10 include eulachon and moose. Household surveys conducted  
11 in Metlakatla covering '87 harvest season shows some use  
12 of moose by that community but no harvest in that year by  
13 survey respondents.

14  
15 Here, I'm reporting the survey data  
16 rather than the harvest ticket data.

17  
18 Table 2 gets into the harvest ticket  
19 data, that's found on Page 89 in your book. Note that we  
20 don't have data for '93. Over this time period from zero  
21 to 13 rural residents mean 6.2 hunted in this unit, they  
22 took from zero to three moose per year with a mean of .5  
23 moose. The non-rural hunters range from zero to 41 with  
24 a mean of about 28, they took zero to five moose per year  
25 a mean 22. The number of rural and non-rural hunters as  
26 well as hunting success has varied over time, however,  
27 there aren't really clear trends in these data so  
28 participation is not demonstratively going up or down  
29 significantly and harvest hasn't been changing.

30  
31 The preponderance of hunters from rural  
32 communities over this time period came from Metlakatla  
33 and Saxman. I've outlined the other occasional hunters  
34 who have hunted at some time in that time period. We do  
35 have a problem in the way the hunts are coded, are by zip  
36 code, and we don't have any way of segregating out the  
37 hunters who may come from Meyers Chuck or, again, the  
38 hunters who would be using a Ketchikan zip code, but who  
39 live in the part of the Ketchikan Borough which is non-  
40 rural. Would note that almost all the known non-rural  
41 hunters are residents of the Federally designated non-  
42 subsistence part of the Ketchikan Gateway Borough, namely  
43 Ketchikan. These non-subsistence hunters would also  
44 include members of the Tongass Tlingit Tribe which is  
45 located in Ketchikan. The Tongass Tribe also has  
46 traditional ties to the Unuk River and members of the  
47 tribe may regularly hunt or undertake other harvesting  
48 activities in that area. Under current regulations, of  
49 course, because the members of the Tongass tribe reside  
50 primarily in Ketchikan, they wouldn't be eligible for

1 subsistence hunting.

2

3                   Looking at the pattern of use, as far as  
4 we know all the moose hunting that has taken place in  
5 recent times has been within the established moose  
6 hunting season. This season coincides with the rut when  
7 bulls are active and respond to the call.

8

9                   Criteria three are methods and means.  
10 These are basically the common ones used by moose hunters  
11 in Southeast Alaska. Access to the hunt areas is either  
12 by larger boat or plane. Hunters use skiffs or jet boats  
13 to navigate the Unuk River in search of moose. It's  
14 basically a riverine type hunt. There aren't too many  
15 places in the drainage that have large open areas where  
16 stand hunting or stalking can be effective. The area is  
17 remote, difficult to hunt and only moderately productive  
18 for moose. Nevertheless, it's been consistently hunted  
19 by rural residents in Metlakatla and Saxman and other  
20 rural residents of the Ketchikan Gateway Borough. A  
21 number of the persons who regularly hunt this area have  
22 cabins or hunting camps in the upper Burroughs Bay or  
23 lower Unuk River.

24

25                   The methods and means that people use for  
26 handling moose are typical of those found throughout  
27 Southeast Alaska. We did find that some people are able  
28 to bring moose back whole to fishing vessels and will  
29 part up a moose on board to keep things cleaner.

30

31                   In looking at pattern of use and  
32 transmission of knowledge. The intergenerational  
33 transmission follows common features throughout Southeast  
34 Alaska. In the Native community these would include the  
35 importance of clan and family ties for being important  
36 vehicles for transmission of knowledge. Traditionally,  
37 the new generation learns subsistence ways from key  
38 matrilineal kinsmen. In Native society the knowledge of  
39 subsistence is closely related to knowledge of place as  
40 well as clan and tribal history. Important learning  
41 about subsistence takes place at potlatches and other  
42 traditional celebrations where subsistence foods figure  
43 importantly.

44

45                   Non-Natives in the affected communities  
46 sometimes participate in Native subsistence practices and  
47 Native learning through friendships, attendance at Native  
48 celebrations or through traditional adoption. More  
49 typically non-Natives learn the hunting skills, values  
50 and lore from relatives and friends as they participate

1 in harvesting activities.

2

3 Looking at the pattern of use of sharing,  
4 distributing subsistence foods, I presented detail in  
5 Tables 3, 4, 5, 6 and 7, which summarize the harvest data  
6 from Division of Subsistence Household surveys. In all  
7 communities a large portion of respondents said they  
8 received and gave subsistence foods in the previous year.  
9 We will note that survey data don't show harvest of moose  
10 by residents of Metlakatla for '87 or Saxman in '99.  
11 This is basically a sampling questioning because  
12 household surveys only talk to a sample of households in  
13 a community and they may have missed the ones who took  
14 moose. The survey data do show harvest of moose in '87  
15 by residents of Hyder and Meyers Chuck and Saxman,  
16 however, these household survey data don't say where the  
17 moose were taken. The Saxman and Meyers Chuck residents  
18 who reported moose then may have hunted and harvested  
19 moose from the Unuk River. Because of their great  
20 distance from the Unuk, Hyder residents are unlikely to  
21 have ever hunted or taken moose there.

22

23 Looking at reliance on a wide variety of  
24 resources, the tables I just mentioned show some of the  
25 detail of subsistence harvest. Figure 1 presents overall  
26 per capita harvest for communities in Southeast with the  
27 communities in Unit 1(A) highlighted. The overall  
28 subsistence harvest varies quite a bit across these  
29 communities for the years where we have data. We found  
30 Hyder had a composite harvest level of 345 pounds per  
31 capita in '87. Metlakatla's harvest in that year, the  
32 only year for which we had data was 70 pounds per capita.  
33 Meyers Chuck had a harvest of 414 pounds per capita.  
34 Saxman's we have two data points of 90 pounds of  
35 subsistence foods per capita in '87 and 217 in '99. We  
36 don't have a clear explanation for why these amounts  
37 differ for Saxman, these may just be an artifact of the  
38 survey procedures used.

39

40 Looking at the effects of these  
41 proposals, the regulations currently in effect allow all  
42 rural Alaska residents to participate in subsistence  
43 hunting for moose in Unit 1(A). The proposed customary  
44 and traditional use determination would limit subsistence  
45 moose hunting in this unit to residents of the  
46 communities of Hyder, Metlakatla, Meyers Chuck, Saxman  
47 and other rural residents. Residents of other rural  
48 communities in Southeast Alaska and elsewhere in the  
49 state of Alaska would no longer be able to subsistence  
50 hunt for moose under Federal subsistence regulations in

1 this unit. Specifically hunters without recognized  
2 customary and traditional use of moose in this unit would  
3 be unable to hunt during the September 5 to 15 season  
4 when this unit is open to Federal subsistence hunting but  
5 closed to hunting under State regulations.

6  
7 I have one note that I didn't get that  
8 didn't make it in the Staff analysis here. I did contact  
9 someone from Meyers Chuck after -- I was able to contact  
10 them over the last month and got some updated information  
11 on Meyers Chuck. Meyers Chuck has a really small  
12 population at this time. There were just six or eight  
13 people there when I called. The overwintering population  
14 is something like 12 or 15 folks. These are people who  
15 hunt and fish, who have boats to get around. The person  
16 I spoke to had personally hunted in the Unuk River,  
17 however, he couldn't identify anyone who had recently  
18 hunted moose up there.

19  
20 Mr. Chairman, that concludes my review of  
21 the Staff analysis and I'd entertain any questions at  
22 this time.

23  
24 CHAIRMAN DEMIENTIEFF: Yeah, that, of  
25 course, is an ongoing process, you know, as we go into  
26 deliberations.

27  
28 Summary of written public comments.

29  
30 MR. SCHROEDER: Mr. Chairman, we didn't  
31 receive written public comments on this proposal.

32  
33 CHAIRMAN DEMIENTIEFF: Okay. At this  
34 time I'll open to public testimony. We have John  
35 Morrison.

36  
37 MR. BOYD: He doesn't want to do this  
38 one.

39  
40 CHAIRMAN DEMIENTIEFF: Well, which one  
41 does he want?

42  
43 MR. BOYD: He doesn't want to do this  
44 one, he wants to do No. 1.

45  
46 CHAIRMAN DEMIENTIEFF: Oh, No. 1, we're  
47 on 18, okay, I'm sorry, I apologize. We have no request  
48 for public testimony at this time.

49  
50 Regional Council recommendation.

1 MR. LITTLEFIELD: Thank you, Mr. Chair.  
2 The Regional Advisory Council, although recognizing the  
3 C&T work that was done on this proposal still opposed the  
4 proposal and that's our recommendation.  
5

6 We recommend maintaining the current  
7 customary and traditional use determination in which all  
8 rural Alaskans are eligible to hunt under Federal  
9 subsistence regulations in Unit 1(A). Hunting for moose  
10 in this unit takes place primarily in the Unuk River  
11 drainage. Few moose are taken annually. The area is  
12 remote, difficult to hunt and not particularly  
13 productive.  
14

15 Although, almost all hunters who have  
16 taken moose in this unit are Unit 1(A) residents, some  
17 residents of other communities have also hunted in this  
18 unit. The Council stated that the proposed customary and  
19 traditional use determinations would unnecessarily  
20 eliminate the possibility of some rural residents to hunt  
21 moose in Unit 1(A).  
22

23 The Council stated there was no need to  
24 make a restrictive customary and traditional use  
25 determination at this time, and I have some other  
26 comments that I would like to make after the State has  
27 had their presentation.  
28

29 Mr. Chair.  
30

31 CHAIRMAN DEMIENTIEFF: Sure, okay. Thank  
32 you. Staff Committee.  
33

34 MR. KESSLER: Mr. Chairman. Members of  
35 the Board. I'm Steve Kessler, Interagency Staff  
36 Committee member representing the Forest Service. My  
37 comments represent the Interagency Staff Committee views  
38 on this.  
39

40 The Committee recommends supporting the  
41 proposal with modification which would provide a  
42 customary and traditional determination for residents of  
43 Unit 1(A) except for the residents of Hyder. This  
44 proposal meets all eight customary and traditional  
45 criteria for making a determination for residents of Unit  
46 1(A) except for Hyder. Residents of Hyder have a  
47 subsistence orientation and documented use of moose,  
48 however, they are distant from the Unuk River hunt area  
49 and there's no evidence showing their use of this moose  
50 population.

1                   No other rural residents of Southeast  
2 Alaska are known to have a pattern of subsistence use of  
3 moose in this unit.

4  
5                   The Southeast Regional Advisory Council  
6 recommended to the Board to oppose this proposal, but it  
7 would not unnecessarily eliminate the possibility --  
8 because it would unnecessarily eliminate the possibility  
9 for some rural residents to hunt moose in Unit 1(A) and  
10 the prefer the no determination status allowing all rural  
11 residents to hunt.

12  
13                   The Interagency Staff Committee did not  
14 agree with this position because the Board should be  
15 responsive to proposals set before them on their merits  
16 applying the process established for making customary and  
17 traditional use determinations. This proposal analysis  
18 demonstrates that there's substantial evidence for a  
19 customary and traditional use determination.

20  
21                   I'd like to note that one member of the  
22 Interagency Staff Committee supported the Regional  
23 Advisory Council's recommendation to oppose because  
24 restricting the customary and traditional use  
25 determination could hinder family or friends from other  
26 areas hunting with local residents.

27  
28                   I'd also like to add that this is a  
29 special knowledge local hunt area. No rural resident  
30 outside Unit 1(A) is likely to hunt without a  
31 knowledgeable local hunter, therefore, whether you adopt  
32 or reject, there will likely be no real difference in who  
33 will actually be harvesting moose in the area.

34  
35                   Mr. Chair.

36  
37                   CHAIRMAN DEMIENTIEFF: Thank you.  
38 Department comments.

39  
40                   MR. HAYNES: Mr. Chairman, the Department  
41 supports this proposal with modification. Information  
42 presented in the eight factor analysis supports a finding  
43 that some residents of Unit 1(A) have a customary and  
44 traditional use of moose in that subunit. The evidence  
45 is sufficient to make a positive finding for Metlakatla,  
46 Saxman and rural residents living outside of but near the  
47 Ketchikan Borough.

48  
49                   However, evidence is not presented which  
50 demonstrates that residents of Meyers Chuck have a

1 customary and traditional pattern of moose hunting in  
2 Unit 1(A).

3  
4 The Department supports a positive C&T  
5 finding in Unit 1(A) being made only for those  
6 communities for which sufficient information is available  
7 on the eight factors to fully evaluate their uses of  
8 moose harvested in Unit 1(A), and to conclude that a  
9 customary and traditional pattern of use has been  
10 established.

11  
12 Thank you.

13  
14 CHAIRMAN DEMIENTIEFF: Thank you. Board  
15 and Council discussion. John, you had a request.

16  
17 MR. LITTLEFIELD: Mr. Chair. I think  
18 this is the appropriate time to show the difference  
19 between what the Interagency Staff Committee and the  
20 State are proposing as opposed to the Regional Council's  
21 recommendation. Our recommendation was to oppose, while  
22 the Interagency Staff Committee, as well as the State,  
23 both said that the eight criteria were met. They  
24 disputed some areas, Metlakatla, Saxman and Meyers Chuck,  
25 they weren't in agreement on that. But that doesn't get  
26 to the process.

27  
28 The Council said that it was not  
29 necessary to do this and we want to find out where we sit  
30 in this process. We're telling you as a Council it's not  
31 needed. And we're not disputing the fact that the  
32 criteria have been met for many of those communities,  
33 we're just saying it's not needed so if you take the  
34 Council's view, which I think you should, or at least you  
35 should explain to us how this process works, because if  
36 we recommend that there's no C&T we believe that that has  
37 merit. And I just wanted to show the differences are  
38 more than we don't agree with -- we don't disagree with  
39 them on how they came to their conclusion, but we  
40 disagree with the fact that -- I guess I'm not explaining  
41 this very well, Mr. Chair, but the Regional Advisory  
42 Council says it's unnecessary to do a C&T even though the  
43 C&T meets the eight criteria.

44  
45 CHAIRMAN DEMIENTIEFF: Thank you.  
46 Additional discussion. Yes, Gary.

47  
48 MR. EDWARDS: I just had a question for  
49 Mr. Littlefield. I notice that the proposal came from a  
50 resident of Metlakatla, do you think that represents the

1 general view of that community or is this just one  
2 individual?

3

4 MR. LITTLEFIELD: I can't speak for Mr.  
5 Wagner or the community of Metlakatla.

6

7 MR. BISSON: Mr. Chairman, I have a  
8 question for our attorney sitting at the table. It seems  
9 to me that the reason the Staff Committee came forward  
10 and recommended that we deal with it, the premise was  
11 that we have to deal with it because it's presented to  
12 us. I mean it gets at the heart of the difference  
13 between what I think John is talking about versus the  
14 Staff recommendation that we deal with it.

15

16 Do you have any reaction, Keith? I mean  
17 the RAC is not disputing the fact that these people are  
18 eligible, they're just saying we don't recommend it  
19 because it's not necessary and it seems like the reason  
20 we're dealing with it is because the Staff has said we  
21 have to deal with it or we need to take this forward.  
22 I'm just trying to sort out the legal requirement here.

23

24 MR. GOLTZ: Well, I think it's an  
25 interesting question. You've got the Southeast Council  
26 saying let's keep this an open system and the Staff  
27 Committee trying to close it down. I think that the  
28 Staff Committee does have an obligation to assess, but  
29 it's the Board's function to make a judgment.

30

31 We've used the word substantial evidence  
32 here and I'm not sure that .805(c) applies to a C&T  
33 recommendation, .805(c) applies to taking, and it's never  
34 been clear to me that a C&T recommendation is in fact a  
35 taking recommendation.

36

37 But I think that the Board's custom is to  
38 defer and to take very seriously the comments of the  
39 Council.

40

41 MR. BSCHOR: Mr. Chairman, I want to add  
42 on to that. I personally am concerned that if we don't  
43 have a problem, there's no appreciable difference in  
44 what's happening on the ground why would we want to put  
45 more regulation on the area. And I agree that I  
46 personally will take the Council's -- the Southeast  
47 Council's recommendation very seriously and if they feel  
48 there is not a problem that we need to fix here and we  
49 need to keep it as open as possible, it eliminates any  
50 other concerns about people not being able to hunt that

1 area.

2

3 So where I'm leaning is towards  
4 supporting the Council.

5

6 MR. EDWARDS: Well, Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Gary.

9

10 MR. EDWARDS: I look at it maybe a little  
11 differently. I mean I don't look at it as the Staff  
12 Committee trying to shut it down, I look at it as an  
13 individual came forward to this Board with a request and  
14 that request basically said that they felt that there  
15 should be C&T and that request was looked at and the  
16 evidence predominately said, yes, you are correct. And  
17 if that being the case it doesn't seem to me how we  
18 cannot support the individual who requested it because  
19 the findings were that he was right.

20

21 CHAIRMAN DEMIENTIEFF: Additional  
22 discussion. Craig.

23

24 MR. FLEENER: Thank you, Mr. Chairman.  
25 I think we went through this discussion countless times  
26 in the past and part of what we talked about was when you  
27 decide to give a C&T determination, if you give a too  
28 narrow determination then you exclude a lot of people  
29 that could potentially hunt or that potentially are  
30 hunting there already. And we've already heard some  
31 discussion that there are some people that hunt in this  
32 area who would be excluded. And so it sounds like Mr.  
33 Littlefield is saying we don't want to be exclusionary,  
34 and so while you do want to recognize customary and  
35 traditional uses, I think people often confuse a  
36 customary and traditional use determination with  
37 recognizing their traditional practices on the land, and  
38 that's not what the customary and traditional use  
39 determination is meant to do. That determination is  
40 meant to limit the amount of access to those resources  
41 when you need to protect that resource.

42

43 And so I think that if you don't need to  
44 protect the resource because it's running low then why  
45 would you want to be restrictive. And I think Mr.  
46 Littlefield is saying we don't want to be as restrictive  
47 and what you're going to do is be more restrictive and  
48 prevent people from using the resource who could be using  
49 it otherwise.

50

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: So in reading the  
4 Southeast RAC recommendation, and I haven't seen your  
5 minutes from your meeting or anything, does the RAC  
6 consider this proposal to be a work in progress in terms  
7 of making sure people are included or just total  
8 opposition?  
9

10 MR. LITTLEFIELD: Mr. Chair, I'm not  
11 certain I understand that but we didn't see it was a  
12 problem because as was mentioned by Staff, in the  
13 Interagency Staff Committee this is a local knowledge  
14 hunt, no one from another rural area is going to go down  
15 there and hunt because they can't hunt that correctly and  
16 it's dangerous and it's only local people with local  
17 knowledge hunt that and those are very limited amount of  
18 people and we saw no need to restrict those people to  
19 just those communities.  
20

21 And I guess a similar case, maybe like  
22 Mr. Fleener talked about was last year when you were  
23 discussing Unit 20(E) and you were talking about the  
24 communities and start going down the road, the Steese,  
25 you know, to Circle, and all these communities and I'm  
26 sitting here saying I hunt in Unit 20(E), you know, and  
27 I'm from Southeast. So when you do C&T's they're  
28 restricting people's access so you want to be as  
29 inclusive as possible, you want to get everybody. But  
30 there's -- we feel that there's just no need to go that  
31 step. It's a self-limiting hunt that takes care of  
32 itself as it is and maybe only a couple of people will be  
33 eliminated by this but we don't think it's fair to those  
34 people.  
35

36 CHAIRMAN DEMIENTIEFF: Thank you.

37

38 MS. GOTTLIEB: Mr. Chair.

39

40 CHAIRMAN DEMIENTIEFF: Judy.

41

42 MS. GOTTLIEB: Well, I think the Staff  
43 analysis was time well spent it just may not be the time  
44 to implement what the proposer originally asked for. And  
45 with the Forest Service being the major land manager in  
46 the area I would lean towards supporting what the Forest  
47 Service and the RAC has said.  
48

49

49 CHAIRMAN DEMIENTIEFF: Go ahead.

50

1 MR. BSCHOR: I'd like to make a motion,  
2 Mr. Chair.  
3  
4 CHAIRMAN DEMIENTIEFF: Yes.  
5  
6 MR. BSCHOR: I'd like to move to adopt  
7 the Regional Council's recommendation to oppose the  
8 proposal.  
9  
10 CHAIRMAN DEMIENTIEFF: Is there a second.  
11  
12 MR. TONY: Second.  
13  
14 CHAIRMAN DEMIENTIEFF: Yeah, well, as far  
15 as my comments and what I'm able to gather, I think since  
16 the access is already limiting as we've heard the RAC  
17 recommendation say, people are not going to be able to go  
18 down there and hunt and while sometimes regulation is  
19 necessary when we have more accessible points, you know,  
20 I intend to support the motion to go with the RAC  
21 recommendation based on their local knowledge. If it  
22 were other areas where access could be detrimental to the  
23 population I could understand it at that time, but as far  
24 as my intent I intend to support the motion based on that  
25 fact.  
26  
27 Anybody else.  
28  
29 Are we ready for a vote.  
30  
31 MR. BSCHOR: Question.  
32  
33 CHAIRMAN DEMIENTIEFF: All those in favor  
34 of the motion, please signify by saying aye.  
35  
36 IN UNISON: Aye.  
37  
38 CHAIRMAN DEMIENTIEFF: Those opposed,  
39 same sign.  
40  
41 (No opposing votes)  
42  
43 CHAIRMAN DEMIENTIEFF: Motion carries.  
44 Okay, I think at this time we're going to go ahead and  
45 take just a brief break.  
46  
47 (Off record)  
48  
49 (On record)  
50

1                   CHAIRMAN DEMIENTIEFF: We're ready to  
2 begin again. At this time we will go to Staff analysis  
3 on Proposal 22, who's going to do that. Chuck.

4  
5                   MR. PARSLEY: Good morning. My name is  
6 Chuck Parsley. I'm a biologist with the Forest Service  
7 Hoonah Ranger District in Southeast Alaska. WP04-22  
8 deals with marten trapping on Chichagof Island in Unit 4.

9  
10                   WP04-22 is deferral proposal WP03-11 from  
11 the 2002/2003 proposal cycle and WP03-11 is a deferral  
12 WP02-15 from the 2001/2002 proposal cycle concerning  
13 trapping regulations in Unit 4. There's quite the  
14 history here and I'm trying to summarize.

15  
16                   The Hoonah Indian Association submitted  
17 WP03-11 from the 2002/2003 proposal cycle and requested a  
18 current regulatory band on the use of motorized vehicles  
19 for the taking of marten, mink and weasel on Chichagof  
20 Island be lifted to allow the use of any motorized land  
21 vehicle. The Board deferred the proposal to allow  
22 Federal and State managers, the Council and local  
23 trappers to collect additional information and to provide  
24 better planning for marten on Chichagof Island. This  
25 information would also help determine appropriate harvest  
26 levels and determine if other in-season management  
27 restrictions would be needed. The Federal Subsistence  
28 Board directed the U.S. Forest Service to work closely  
29 with the HIA, trappers and the Alaska Department of Fish  
30 and Game to find a solution.

31  
32                   The Southeast Regional Advisory Council  
33 discussed Proposal WP02-15 during their spring 2002  
34 Juneau meeting. The Southeast Regional Advisory  
35 Council's recommendation was to defer the proposal. At  
36 the suggestion of an ADF&G manager, the Council requested  
37 Federal Staff meet with trappers and ADF&G biologists in  
38 Hoonah to see if a consensus solution to questions  
39 concerning trapping, trapping seasons, and the use of  
40 motorized land vehicles could be reached. The Federal  
41 Subsistence Board concurred with the Southeast Regional  
42 Advisory Council and deferred this proposal.

43  
44                   On October 11th, 2002, Jack Whitman,  
45 ADF&G area biologist, Dave Johnson, Tongass National  
46 Forest subsistence coordinator, myself, Chuck Parsley,  
47 Dave Belton from HIA and several local trappers attended  
48 a meeting in Hoonah to discuss issues associated with  
49 marten trapping in the Hoonah area. A compromise was  
50 agreed upon that would maintain the current Federal

1 season and allow the use of motorized land vehicles on  
2 Chichagof Island. ADF&G and Tongass National Forest  
3 biologists had proposed to monitor the harvest in an  
4 endeavor to prevent overharvest and to provide resource  
5 conservation measures. Trappers would be encouraged to  
6 submit their skin marten carcasses to local Forest  
7 Service, the management goal is to maintain the percent  
8 of total males harvested above 55 percent, more  
9 importantly it is critical not to allow the ratio of  
10 total young of the year to adult females greater than 2.5  
11 years to fall 3 to 1 ratio. Harvesting more than three  
12 juveniles to one adult greater than 2.5 years represents  
13 an acceptable harvest, Strickland and Douglas '87. Jack  
14 Whitman personal communication recommended the use of a  
15 more conservative ratio of four to one, total young of  
16 the year to adult female. Additionally, Whitman reports  
17 that managing marten populations for over 11 years in the  
18 Western Interior Alaska when seeing a three to one ratio,  
19 marten population seem to maintain themselves. With a  
20 more conservative four to one greater, or greater, marten  
21 populations going into the following winter would be at  
22 increased densities and higher probability of survival  
23 and recruitment.

24  
25 To ensure overharvest does not occur,  
26 biologists will monitor and harvest and determine sex and  
27 age ratio in the harvested population.

28  
29 Following the ADF&G, Unit 4, area  
30 biologists changing jobs, the ADF&G had differing  
31 opinions on how to best manage marten. The ADF&G changed  
32 their position citing new available information and did  
33 not support the previous agreement. This new position  
34 was first made public at the February 2003 Council  
35 meeting. As a result of additional information provided  
36 by ADF&G, the Board deferred WP03-11. This was done to  
37 enable Federal and State managers as well as Council and  
38 local trappers to review the additional information about  
39 marten populations and to determine if some modification  
40 of the access restriction in-season monitoring is  
41 appropriate.

42  
43 As a result U.S. Forest Service has met  
44 with ADF&G and Hoonah Indian Association on several dates  
45 this winter to discuss marten management on Chichagof  
46 Island. The Forest Service, State biologists managers  
47 agree, there is a need for conservation of the species,  
48 and further agree there is not a conservation concern  
49 regarding marten on Chichagof Island.

50

1                   The Forest Service is extremely grateful  
2 to Jack Whitman, Alaska Department of Fish and Game and  
3 his supervisors for allowing Jack to share his years of  
4 experience and research involving marten with others at a  
5 recent workshop in Hoonah.

6  
7                   ADF&G and Forest Service biologists  
8 examined marten carcasses and the data will be used to  
9 determine sex and age ratios. This endeavor is possible  
10 only because of the cooperative efforts and desire of the  
11 Hoonah Indian Association, local trappers, ADF&G and the  
12 Forest Service to better manage marten on Chichagof  
13 Island.

14  
15                   Effect of the proposal. Currently  
16 Federal regulation is more restrictive than the State  
17 regulation regarding access to trapping sites on  
18 Chichagof Island. Under the existing Federal regulations  
19 a large portion of the area is inaccessible to  
20 subsistence users because of the vehicle restriction.  
21 Removing the restriction would allow the use of motorized  
22 vehicles resulting in increased access. The change would  
23 allow equal access for the trapper under both Federal and  
24 State regulations. Subsistence trappers would be able to  
25 trap for two and a half months and use motorized land  
26 vehicles while trappers operating under State regulations  
27 would be limited to a one month season.

28  
29                   The Forest Service still plans to monitor  
30 marten in cooperation with the local trappers and Hoonah  
31 Indian Association and the State of Alaska and that  
32 information hopefully will be used to determine some  
33 trends and set some baselines.

34  
35                   And to speak more about that I'd like to  
36 defer to Steve Fadden, the Forest biologist.

37  
38                   Thank you.

39  
40                   CHAIRMAN DEMIENTIEFF: Go ahead.

41  
42                   MR. FADDEN: Mr. Chairman. Members of  
43 the Board. My name is Steve Fadden. I am the Forest  
44 wildlife biologist on the Tongass National Forest in  
45 Ketchikan, Alaska. And I'm here to present information  
46 related to this proposal.

47  
48                   The marten population on northeast  
49 Chichagof was addressed through necropsy data that was  
50 assimilated from local trappers. And the mechanisms that

1 we used to determine the fitness of the population were  
2 physical data that was the result of opening up the  
3 marten carcasses and taking body length measurements,  
4 tail length measurements, determinations of the  
5 reproductive internal reproductive anatomy. What we  
6 attempted to do was determine what the age and sex ratio  
7 of the marten that were given to us actually was and what  
8 we are hoping to determine in the future through more  
9 research in this area is a collective trend analysis over  
10 time as to what the survival of recruitment of marten are  
11 related to harvest.

12  
13 We are trying to keep the harvest within  
14 the interest of the population as opposed to the  
15 principle, if I can use that analogy. The necropsy data  
16 provides biological information that gives us this  
17 ability to analyze what's happened related to harvest.  
18 This is the accepted standard for determining population  
19 fitness in marten using necropsy data and it's been  
20 exhibited through Strickland and Douglas, 1987, and the  
21 ratios that we used to determine what the population  
22 fitness was empirically based on Strickland and Douglas  
23 research. And we proposed a more conservative measure  
24 than what has been empirically established as acceptable  
25 from three to one to four to one as a more protective  
26 measure of the population in the future.

27  
28 We used skull morphology reproductive  
29 anatomy to determine what the age of the marten harvested  
30 were and what the jaundice of the marten were and then we  
31 collected additional information on fitness related to  
32 parasites in the stomach. We extracted muscle tissue for  
33 forwarding through Jack Whitman to the University New  
34 Mexico for genetic analysis and we collected a lot of  
35 additional information in the process.

36  
37 Thank you.

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

41  
42 MR. SCHROEDER: Mr. Chairman, we haven't  
43 received written public comments for this proposal.

44  
45 CHAIRMAN DEMIENTIEFF: At this time we  
46 have no additional requests for public testimony.  
47 Regional Council recommendation.

48  
49 MR. LITTLEFIELD: Thank you, Mr. Chair.  
50 The Regional Council supports this proposal.

1                   The Council supported the proposal as  
2 originally submitted by the Hoonah Indian Association  
3 some years ago as was brought out in the record, we've  
4 been working with this for a couple years. So the  
5 Council appreciated the excellent work done by the tribe  
6 and by the State and the Forest Service biologists who  
7 examined population characteristics of the Chichagof  
8 Island marten. Area trappers cooperated fully with study  
9 efforts in 2003 to bring the carcasses of virtually all  
10 marten trapped for examination by Forest Service  
11 biologists. The necropsies showed that the age and sex  
12 ratio of the marten taken during the 2003 trapping  
13 seasons were well within the guideline levels for this  
14 species. This information added significantly to the  
15 Council's biological knowledge of marten. This work also  
16 gave the Council confidence that there were no  
17 conservation concerns with this proposal.

18  
19                   The proposal did not raise conservation  
20 concerns and would also be beneficial to subsistence  
21 users. We had sufficient data to support our  
22 recommendation and non-Federally-qualified trappers will  
23 not be adversely affected by adoption of this proposal.

24  
25                   The Council did not accept the  
26 preliminary Staff conclusion to put sex and age ratios  
27 into the regulations at this time. This management  
28 approach should receive public review before receiving a  
29 positive Council recommendation. The Council understands  
30 that the age and sex ratios will be monitored by the  
31 Forest Service biologists in the coming trapping season.  
32 If the age or sex ratio of martens harvested falls  
33 outside of accepted management parameters, the Council  
34 would consider supporting a closure of the trapping  
35 season by special action.

36  
37                   Mr. Chair.

38  
39                   CHAIRMAN DEMIENTIEFF: Thank you. Staff  
40 Committee.

41  
42                   MR. KESSLER: Mr. Chair. Members of the  
43 Board. I'm Steve Kessler with the Forest Service. The  
44 Interagency Staff Committee supports this proposal  
45 consistent with the recommendation of the Southeast  
46 Regional Advisory Council. The Forest Service and the  
47 Alaska Department of Fish and Game agree that there's  
48 currently no conservation concern for marten on Chichagof  
49 Island.

50

1 Use of motorized vehicles for the taking  
2 of marten, mink or weasel is allowed under State  
3 regulation during the State trapping season of December  
4 1st through the 31st. Most trapping is thought to occur  
5 during this period because of less snow than during the  
6 January 1st to February 15th period, when the Federal  
7 season only is open. This is unlikely to change as a  
8 result of this regulation change which would additionally  
9 allow trapping with the motorized vehicles from January  
10 1st to February 15th.

11  
12 At all times during open seasons access  
13 by skiff is readily available to large areas of the  
14 island and this would not change with implementation of  
15 this revised regulation.

16  
17 During the 2003/2004 trapping season  
18 marten carcasses were collected and later analyzed and  
19 determined population was healthy using sex and age  
20 ratios, preliminary analysis of these data indicate there  
21 is no conservation concern. To ensure overharvest does  
22 not occur in the future threatening marten conservation,  
23 Forest Service and Department biologists, with the  
24 cooperation of the local trappers will continue the sex  
25 and age ratio monitoring and the season may be closed by  
26 special action if potential overharvest is detected.

27  
28 There is some concern that areas of  
29 refugia must be maintained as you'll no doubt be hearing  
30 in the State comments to provide the long-term  
31 conservation of marten populations. Although much of  
32 Chichagof Island is accessible by roads or water, the  
33 island does have a network of old growth reserves,  
34 congressionally designated conservation areas and other  
35 areas with limited development established by the Tongass  
36 Land Management Plan in which all result in reduced  
37 trapping effectiveness. Although these areas are not  
38 closed to marten trapping, they do act as partial refugia  
39 for the marten.

40  
41 Again, marten harvest monitoring  
42 described previously will ensure a long-term conservation  
43 of the marten populations.

44  
45 Mr. Chair.

46  
47 CHAIRMAN DEMIENTIEFF: Thank you.  
48 Department.

49  
50 MR. HAYNES: Mr. Chairman, the Department

1 does not support this proposal. We and the Forest  
2 Service Staff agree that biological refugia should exist  
3 for marten in areas such as northeast Chichagof Island  
4 for substantial habitat operations have occurred as a  
5 consequence of logging and associated road construction.  
6 Refugia serve as protective areas for wildlife including  
7 marten in this case, and as a source of animals to  
8 replenish surrounding areas where seasons are liberal and  
9 access is less restricted.

10  
11 Because we know from previous experience  
12 that access can directly affect marten harvest in this  
13 area, the season was closed by emergency order in 1990,  
14 for example, we recommend that some form of refugia be  
15 maintained. After considering a number of ways to  
16 provide refugia, Department Staff believe the existing  
17 Federal road access restriction, in combination with a  
18 similarly applied restriction at the State level through  
19 the Alaska Board of Game is the most efficient and  
20 practical means to accomplish this. In addition to  
21 maintaining refugia for marten this approach would  
22 provide a more level playing field for all trappers  
23 operating under either State or Federal subsistence  
24 regulations.

25  
26 If there is interest in pursuing refugia  
27 through road access restrictions, the Department is  
28 prepared to submit a proposal to the Board of Game for  
29 consideration at its November 2004 meeting in Juneau  
30 requesting that the same access restrictions be  
31 incorporated into State regulations as currently exist in  
32 Federal regulation.

33  
34 The Department will also cooperate with  
35 future efforts of the Forest Service on northeast  
36 Chichagof Island to collect marten carcasses from  
37 trappers and annually assess sex and age composition.

38  
39 The Department recognizes that whether or  
40 not this proposal is adopted, the trapping season closure  
41 will remain February 15th under Federal regulations and  
42 December 31 under State regulations.

43  
44 Thank you.

45  
46 CHAIRMAN DEMIENTIEFF: Thank you. Board  
47 discussion. Gary.

48  
49 MR. EDWARDS: Mr. Chairman, I have a  
50 question for Staff. Don't we have to be a little careful

1 before we assume that by increasing -- by allowing it  
2 open to vehicles for another 46 days might -- could have  
3 an impact because we really don't have any data really to  
4 know what it will or will not do; is that right?  
5

6 MR. PARSLEY: Through the Chair. Mr.  
7 Edwards, you're right, we don't know what the effect will  
8 be. The majority of the harvest traditionally has been  
9 in the first month of the harvest, December 31st.  
10 Typically the snow conditions on Chichagof Island  
11 prohibit any sort of access after that date. It's deep  
12 snow, it's soft snow and you have to be out and back in a  
13 couple hours otherwise you sink in. So it's pretty much  
14 a self-limiting system, I think, and therefore it's  
15 expected that the access would not significantly  
16 increase. There's a few trappers who trap and most of  
17 them get their critters every year, at least the past  
18 years, within a certain timeframe.  
19

20 Additionally, to ensure, we do plan, the  
21 Forest Service does plan, with the cooperation of local  
22 trappers, HI and the State to continue to monitor sex and  
23 age ratios so that we can maintain a positive acceptable  
24 ratio so we should be able to catch any sort of  
25 overharvest before it happens, or not before it happens  
26 but while it's occurring.  
27

28 CHAIRMAN DEMIENTIEFF: Any other  
29 discussion.  
30

31 MR. BISSON: Mr. Chairman, I'm going to  
32 support the recommendation for the following reasons. I  
33 don't believe that this Board should be making  
34 regulations about accessing vehicle use on Federal lands.  
35 I really think that's the responsibility of the Federal  
36 land manager, and if there's a need to create refugia or  
37 if there's a need to manage access for any use on the  
38 National Forest, I think the Forest Service should be  
39 doing it. I don't think this Board should be doing it  
40 through these regulations.  
41

42 I think our purview ought to be set  
43 seasons, to close it, open it, that sort of thing, but I  
44 think the actual access that occurs on those lands ought  
45 to be managed by the Forest Service. And it's my  
46 understanding that, you know, if there are resource  
47 concerns, if there are issues on the ground, the Forest  
48 Service has the ability to close roads or close areas,  
49 they certainly through their Forest Plan have the ability  
50 to identify refugia and limit access into them.

1                   So I just think that however this came  
2 into play, I don't think this particular regulation ought  
3 to exist and I will support changing it.

4  
5                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
6 other discussion.

7  
8                   (No comments)

9  
10                  CHAIRMAN DEMIENTIEFF: If not, I think  
11 we're prepared for a motion.

12  
13                  MR. BSCHOR: I'm prepared to provide that  
14 motion in light of what we heard relative to the fact  
15 that there's recent data that supports viable age to sex  
16 ratios at four to one, this doesn't violate any of the  
17 recognized wildlife principles of conservation and as  
18 you've heard, we have the ability to manage locally and  
19 we are monitoring very closely with the help of the  
20 Alaska Department of Fish and Game. And that until or if  
21 there is any change in the State regulation, I think we  
22 need to make sure that the subsistence user has a similar  
23 ability to access the land.

24  
25                  So with all that said, I propose to adopt  
26 the Southeast Council's recommendation to adopt this  
27 proposal.

28  
29                  CHAIRMAN DEMIENTIEFF: There's a motion  
30 to adopt, is there a second.

31  
32                  MR. BISSON: I'll second it.

33  
34                  CHAIRMAN DEMIENTIEFF: Further  
35 discussion.

36  
37                  MS. GOTTLIEB: Mr. Chair.

38  
39                  CHAIRMAN DEMIENTIEFF: Go ahead, Judy.

40  
41                  MS. GOTTLIEB: This sounds like this  
42 really was a good cooperative effort from the start and I  
43 know it was a difficult issue last year so thank you  
44 everybody for your efforts towards this.

45  
46                  CHAIRMAN DEMIENTIEFF: Yeah, I think I  
47 will support the motion as well based on testimony by  
48 Staff that it's a self-limiting area to access and there  
49 is no conservation issue.

50

1                   So I intend to support the Regional  
2 Council recommendation as well.  
3  
4                   Further discussion.  
5  
6                   (No comments)  
7  
8                   CHAIRMAN DEMIENTIEFF: Hearing none, all  
9 those in favor signify by saying aye.  
10  
11                  IN UNISON: Aye.  
12  
13                  CHAIRMAN DEMIENTIEFF: Those opposed,  
14 same sign.  
15  
16                  (No opposing votes)  
17  
18                  CHAIRMAN DEMIENTIEFF: Motion carries.  
19 That concludes our work in Southeast.  
20  
21                  MR. LITTLEFIELD: Mr. Chair.  
22  
23                  CHAIRMAN DEMIENTIEFF: Yes.  
24  
25                  MR. LITTLEFIELD: I think we deserve a  
26 hand. We only had two proposals on the non-consent  
27 agenda.  
28  
29                  (Laughter)  
30  
31                  CHAIRMAN DEMIENTIEFF: I've been getting  
32 kudos all over on the break and earlier this morning for  
33 the same thing, that people are real happy.  
34  
35                  (Laughter)  
36  
37                  CHAIRMAN DEMIENTIEFF: With that, we're  
38 going to -- as I indicated earlier we're going to skip  
39 over Southcentral until the Chairman can get in here.  
40 And these guys almost beat you, we're going to go to  
41 Yukon/Kuskokwim Proposal No. 50. They did. It's  
42 Yukon/Kuskokwim Proposal No. 50. Now, originally they  
43 beat you John, they only had one on the non-consent  
44 agenda and then of course we got one pulled off to put  
45 you guys into a tie, so we'll have 50 and 51.  
46  
47                  (Laughter)  
48  
49                  CHAIRMAN DEMIENTIEFF: You're ready,  
50 okay, Staff analysis.

1 MR. FISHER: Thank you Mr. Chairman.  
2 Good morning. Members of the Board. My name's Dave  
3 Fisher with the Office of Subsistence Management and I'll  
4 be presenting the Staff analysis for No. 50.  
5

6 This proposal was submitted by the Yukon  
7 Delta Regional Advisory Council. And it would combine  
8 the north and south hunt areas in Unit 18 into one unit,  
9 just 18 for caribou hunting. It would extend the season  
10 to April 15th from March 31, therefore, lengthening the  
11 season by 15 days and it would also extend the meat on  
12 the bone requirement for the entire unit.  
13

14 The proposed hunting season would be  
15 August 1 through April 15th, five caribou, all edible  
16 meat of the front and hindquarters must remain on the  
17 bone on caribou harvested prior to October 1. Current  
18 State regulations passed by the Board of Game in the fall  
19 of 2003 parallel these proposed new Federal regulations.  
20 They also have a unit wide meat on the bone salvage  
21 requirement.  
22

23 The primary concern here is with the  
24 Mulchatna Caribou Herd. At one time there was another  
25 small caribou herd in this area, primarily around the  
26 Kilbuk Mountain area, known as the Kilbuk Caribou Herd  
27 and we did have separate regulations for that at one  
28 time, some of you may recall those. However, that herd  
29 did move sort of out of 18 at the same time that the  
30 Mulchatna Caribou Herd was increasing and pretty much  
31 inundated the Kilbuk Caribou Herd so we don't really have  
32 -- we don't worry about that herd much anymore.  
33

34 Another herd called the Western Arctic  
35 Herd moved south to the north of the Yukon River during  
36 the winter of '97/98. At that time the Board passed  
37 specific caribou regulations for the northern part of  
38 Unit 18, five caribou per day, August 1 through March 31,  
39 this was specifically for the Western Arctic Herd, and  
40 that herd has not been present in Unit 18 since '97/98,  
41 however, the five caribou per day regs remained on the  
42 books so that's one of the -- another reason for  
43 submittal of this proposal is to change that.  
44

45 This caribou herd, Mulchatna Caribou Herd  
46 covers approximately 60,000 square miles and it's found  
47 in Units 9(B), 9(C), Unit 17, Unit 18, Unit 19(A) and  
48 19(B). And between 1981 and 1997 the herd increased at  
49 an annual rate of about 17 percent. The population was  
50 around 200,000 in 1996. Since then it has declined down

1 somewhat down to around 147, 150,000. The bull/cow  
2 ratios began to decline in 2000 from 38 to 100 to 17 to  
3 100 in some survey areas. These lower bull/cow ratios  
4 primarily turned up in Unit 17(B) and 17(C), however  
5 surveys done in Unit 18 indicated a somewhat higher  
6 bull/cow ratio. The bull/cow ratio over all for the  
7 2002/2003 surveys for 26 to 100, and this is down  
8 somewhat from the 40 to 100 during the years of 1993 to  
9 1999.

10  
11 Surveys are conducted by the Togiak  
12 National Wildlife Refuge, Yukon Delta National Wildlife  
13 Refuge and also Department of Fish and Game offices out  
14 of Bethel and out of Dillingham. These people are aware  
15 of the little bit of discrepancy or a little bit of  
16 differences in the bull/cow ratios and they will be  
17 remodifying their survey techniques and method to come up  
18 with some possible better surveys so we have a little bit  
19 of a difference there between what was counted in 18 and  
20 what is currently counted in Unit 18, 17 and 18 and also  
21 19. We'll be talking a little bit about this in Proposal  
22 42, it is a crossover when we're dealing with Unit 18.

23  
24 Caribou is a very important subsistence  
25 resource for residents of Unit 18. Harvest ticket data  
26 indicates its high success rate for just about every  
27 rural resident in Unit 18 and all communities in Unit 18  
28 have reported harvesting caribou from 1983 to the year  
29 2000 and beyond.

30  
31 What this proposal would do is provide  
32 additional hunting opportunity for those subsistence  
33 users in Unit 18 by extending the season 15 days. The  
34 meat on the bone requirement would comply with local  
35 harvest and transport methods that refrain from deboning  
36 meat and it would combine Unit 18 into one unit, one  
37 management unit instead of the north and south part.

38  
39 That's about all I have, Mr. Chairman.  
40 Thank you.

41  
42 CHAIRMAN DEMIENTIEFF: Thank you.  
43 Written public comments.

44  
45 MR. NICK: Mr. Chairman, for the record  
46 my name is Alex Nick, Regional Council coordinator for  
47 the Yukon/Kuskokwim Delta Council. We did not receive  
48 any written public comments.

49  
50 CHAIRMAN DEMIENTIEFF: Thank you. There

1 have been no requests for additional public testimony at  
2 this time. Regional Council recommendation.

3

4 MR. WILDE: Mr. Chairman, the  
5 Yukon/Kuskokwim Delta Subsistence Regional Advisory  
6 Council supports the proposal since it would align with  
7 the State regulation, would compare with the current  
8 harvest guideline and would provide additional harvest  
9 opportunity to harvest caribou in Unit 18. Adoption of  
10 this proposal would also prevent meat spoilage during the  
11 transport from the harvest site.

12

13 CHAIRMAN DEMIENTIEFF: Thank you.  
14 Additional. Dan.

15

16 MR. O'HARA: Mr. Chairman, we have  
17 Proposal No. 42 on the books and our Council in Bristol  
18 Bay opposed this recommendation, as you can see in your  
19 books. And we felt that with the reduction of bulls, the  
20 taking of bulls would probably have a more reasonable  
21 effect on the conservation of the herd, and that's the  
22 reason that we opposed that proposal, Mr. Chairman.

23

24 Thank you.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Ron.

27

28 MR. SAM: Thank you, Mr. Chairman. There  
29 are times when our meeting processes flip-flop, so  
30 according to the book we deferred to home region, and  
31 that was simply because we met before YK-Delta. And with  
32 that, I wanted you to know that with our deferral we were  
33 in support of YK-Delta's action or request.

34

35 That's just for the record, thank you.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. Grace.

38

39 MS. CROSS: Thank you, Mr. Chair. Seward  
40 Peninsula supported this proposal. We have two  
41 communities that are affected by this proposal. We felt  
42 the same way as Yukon/Kuskokwim, that it would align  
43 Federal and State regulations making it easier for  
44 subsistence users to follow local game laws. A unit-wide  
45 bone requirement would also comply with local harvest and  
46 transport methods that refrain from deboning harvested  
47 meat.

48

49 Thank you.

50

1                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
2 other Regional Council comment. Staff Committee.

3  
4                   MR. JACK: Thank you, Mr. Chairman. For  
5 the record my name is Carl Jack. The Interagency Staff  
6 Committee supports the proposal consistent with the  
7 recommendations of the Seward Peninsula, Western Interior  
8 and Yukon/Kuskokwim Delta Regional Advisory Councils.

9  
10                  Adoption of the proposal would provide  
11 additional opportunity to harvest caribou during the  
12 longer days of spring, simplify the Unit 18 regulations  
13 and comply with current harvest guidelines. Adoption of  
14 the proposed regulation would extend to all of Unit 18.  
15 The regulation requiring that meat be left on the bone to  
16 reduce meat spoilage during transport from the harvest  
17 site. The unit-wide meat on the bone requirement would  
18 promote local harvest and transport methods that avoid  
19 deboning harvest meat. Because of this, adoption of the  
20 proposed regulation would not adversely affect the  
21 caribou population or Federally-qualified subsistence  
22 users. The proposed regulation would affect users who  
23 would otherwise choose to debone the meat of the caribou  
24 taken in Unit 18.

25  
26                  Thank you.

27  
28                  CHAIRMAN DEMIENTIEFF: Thank you.  
29 Department comments.

30  
31                  MR. HAYNES: Mr. Chairman, the Department  
32 supports this proposal as was noted in the Staff analysis  
33 at its fall 2003 meeting, the Alaska Board of Game  
34 extended the caribou season by two weeks in Unit 18 and  
35 instituted a unit-wide meat on bone salvage requirement.  
36 And you can see the current State regulation -- or the  
37 new State regulation on Page 400 of your meeting book.

38  
39                  Adoption of this proposal will better  
40 align the State and Federal caribou hunting regulations  
41 in Unit 18 but will not completely align them. You'll  
42 note that the State regulation provides that no more than  
43 one bull may be taken from August 1 through November 30.  
44 Because the harvest of bulls is a very small portion of  
45 the harvest in Unit 18, we do not have a concern about  
46 that limitation being included in the Federal  
47 regulations. So we support the proposal as written.

48  
49                  Thank you.

50

1                   CHAIRMAN DEMIENTIEFF: Thank you.  
2 Discussion. Gary.

3  
4                   MR. EDWARDS: Mr. Chairman, I have a  
5 question for the Bristol Bay Council. Dan, do you feel  
6 that the Council opposed the proposal on its merits or  
7 simply because you felt that your actions on Proposal 42  
8 made this action unnecessary and further, I guess, if  
9 this is passed, what impact does it have on your Proposal  
10 42?

11  
12                   CHAIRMAN DEMIENTIEFF: Thank you.

13  
14                   MR. EDENSHAW: Thank you, Mr. Chair and  
15 Board members. Mr. Edwards, when the Bristol Bay Council  
16 met in February they rejected Proposal 50 based on  
17 Proposal 42 which had been submitted by the Council. And  
18 the initial proposal, when we met in Naknek, I believe  
19 Jim Woolington came to the Council and asked that they --  
20 if you look at Proposal 42, which was to reduce the bull  
21 harvest and there was concerns in Units 9 and 17, which  
22 are Federal public lands which are affected, and so when  
23 the Council met recently, they just went ahead to reject  
24 Proposal 50 based on actions they had taken on Proposal  
25 42 which was to reduce the bull harvest.

26  
27                   So they felt that they were addressing  
28 the conservation concern of wanton waste in the bull  
29 harvest, in the reduction of the bull harvest.

30  
31                   MR. EDWARDS: So if we pass 50, then does  
32 it make 42 moot or do we still need 42 or a combination  
33 thereof or.....

34                   MR. O'HARA: Well, Mr. Chair.....

35                   CHAIRMAN DEMIENTIEFF: Go ahead.

36  
37  
38                   MR. O'HARA: Our concern, as Cliff has  
39 mentioned to you is the reduction of taking of bulls. We  
40 feel like -- of course, the non-subsistence hunter is  
41 targeting at that bull season during the rut, they want  
42 the horns and they get them. And then your subsistence  
43 user, he wants to get all the meat that he can get so he  
44 gets the bulls, you know, you want to take back as much  
45 as you can. And you got same day airborne hunting on  
46 that herd so they can be targeted pretty easily. And our  
47 concern is -- and I don't know what's going to happen  
48 with 50 or 42, we just have to reduce the taking of bulls  
49 to make sure that we can keep that herd healthy, and  
50

1 that's our main concern.  
2  
3 We feel that the conversation need is met  
4 by a reduction in the bull, and that's our main concern.  
5  
6 MR. EDWARDS: And 42 does include other  
7 units, too, right?  
8  
9 MR. O'HARA: Yes, it does.  
10  
11 MR. EDWARDS: 9 and 17.  
12  
13 MR. EDENSHAW: Yes, it does.  
14  
15 CHAIRMAN DEMIENTIEFF: Yes, go ahead, you  
16 have other information?  
17  
18 MR. EDENSHAW: (Shakes head negatively)  
19  
20 CHAIRMAN DEMIENTIEFF: Anybody else.  
21  
22 (No comments)  
23  
24 CHAIRMAN DEMIENTIEFF: Hearing none, is  
25 there a motion.  
26  
27 MR. EDWARDS: Mr. Chairman, I would move  
28 that we adopt the recommendations of the Seward Penn, the  
29 Western Interior and the Yukon/Kuskokwim Delta Regional  
30 Advisory Council.  
31  
32 As was pointed out, I think the adoption  
33 of this proposal would provide additional opportunity to  
34 harvest caribou. It would certainly simplify the Unit 18  
35 regulations and extend throughout all Unit 18 the  
36 regulations requiring that meat be left on the bone.  
37  
38 CHAIRMAN DEMIENTIEFF: Thank you. Is  
39 there a second to that motion.  
40  
41 MR. BISSON: I'll second it.  
42  
43 CHAIRMAN DEMIENTIEFF: Discussion.  
44  
45 MR. TONY: I'm sorry, could you restate  
46 the motion again?  
47  
48 CHAIRMAN DEMIENTIEFF: To support the  
49 recommendation of.....  
50

1 MR. EDWARDS: To support the  
2 recommendation of the three Councils. Western Interior,  
3 the way I read it deferred to the other Councils so I'm  
4 assuming that they support it so.....

5  
6 CHAIRMAN DEMIENTIEFF: Seward Penn and  
7 YK. Further discussion.

8  
9 (No comments)

10  
11 CHAIRMAN DEMIENTIEFF: Hearing none, all  
12 those in favor of the motion, please signify by saying  
13 aye.

14  
15 IN UNISON: Aye.

16  
17 CHAIRMAN DEMIENTIEFF: Those opposed,  
18 same sign.

19  
20 (No opposing votes)

21  
22 CHAIRMAN DEMIENTIEFF: Motion carries.  
23 That brings us to 51. Before we begin 51 here, let me  
24 just say one thing, we are getting requests for people to  
25 testify in different regions on pulling consent agenda  
26 items off. And then I have to make a correction also,  
27 I'm going to allow, as we enter those regions, I'm going  
28 to allow testimony by the people who are requesting that  
29 items be removed off of consent. But we voted on pulling  
30 items off earlier which is not consistent with our  
31 process. We have always, in the past, sometime when we  
32 got a little bored, cobwebs, going in, you know, we start  
33 doing things and then we had a discussion on the break  
34 about our process normally. And any Board member, Board  
35 members, can request something be pulled off at any time,  
36 and that's not something that has to be voted on. So  
37 just so we understand our process. So I had to make that  
38 correction, and that's how I intend to accommodate it,  
39 people have a say that may not have had the opportunity  
40 to, you know, testify at the discussion, so I'll open it  
41 up by region as we change regions.

42  
43 With that Staff analysis on 51, please.

44  
45 MR. LAPLANT: Good morning, Mr. Chairman.  
46 Members of the Board. My name is Dan LaPlant, and I'll  
47 be pinch-hitting for Pete DeMatteo here this morning who  
48 is unable to be here, but 51 has come off the consent  
49 agenda and the analysis for that is found on Page 410 of  
50 your Board Book. So we'll be switching from a discussion

1 on caribou over to moose.

2

3                   Proposal 51 was submitted by the  
4 Yukon/Kuskokwim Delta Regional Advisory Council. It  
5 would establish a five year moratorium on moose hunting  
6 in the Kuskokwim River drainage of Unit 18 and the areas  
7 easterly of Dall Lake and Takslesluk Lake, and that  
8 portion of the Kuskokwim River drainage and this is to  
9 encourage establishment of a moose population capable of  
10 supporting annual harvest. And on the following page, on  
11 Page 411 is a map of Unit 18 with that proposed closure  
12 area outlined so it's basically the lower Kuskokwim River  
13 drainage.

14

15                   The moose habitat along the Kuskokwim  
16 River drainage is capable of supporting considerably more  
17 moose than currently reside there. The harvest of moose  
18 out of season, particularly cows is the primary reason  
19 that a moose population has never become established at a  
20 significant level. The Lower Kuskokwim Advisory  
21 Committee has worked for several years with the  
22 Department and Fish and Wildlife Service, the Refuge  
23 Staff, and area villages to consider approaches to this  
24 problem.

25

26                   The preferred solution is modeled after  
27 successful efforts that have been implemented on the  
28 Lower Yukon River below Mountain Village, and that's to  
29 close the season for five years to create this moratorium  
30 until a moose population recovers to a level of 1,000  
31 moose and then to allow moose harvest to be established  
32 for bulls only -- to establish a bulls only season.

33

34                   The proposed change to the current  
35 regulations for the Yukon River drainage in Unit 18 part  
36 of this proposal would extend the moose hunting season in  
37 that area of the Lower Yukon River below Mountain  
38 Village. The moose population in that area has grown, it  
39 no longer requires a separate management from the rest of  
40 the Yukon River -- excuse me, from the rest of Unit 18,  
41 and this change would simplify regulations, it would  
42 provide additional subsistence hunting opportunity and  
43 avoid confusion for hunters with no adverse impacts to  
44 the Yukon River moose population.

45

46                   So, again, this proposal would create  
47 this moratorium on the Lower Kuskokwim and it would  
48 extend the season in the Lower Yukon by including that  
49 area in what would be labeled as the remainder of Unit  
50 18.

1                   The draft of the Lower Kuskokwim Moose  
2 Management Strategy that's outlined on Page 414 of the  
3 analysis was presented to the affected villages to obtain  
4 their support for this effort and to get this grassroots  
5 support. The strategy calls for a moose hunting  
6 moratorium of five years, again, or until the population  
7 reaches 1,000 moose in the Lower Kuskokwim area. And  
8 there was general support from the villages that this was  
9 presented to.

10  
11                   Some current biological information, the  
12 Lower Kuskokwim River drainage moose population has been  
13 existing at extremely low levels. The density estimates  
14 that were calculated in the last few years, in 2002 back  
15 to the year 2000 were at .129 moose per square mile for  
16 2002 and then back in 2000 it was .093, so extremely low  
17 levels of moose in the area. The area does have  
18 outstanding moose habitat, though, but still the  
19 populations have been low. Estimated population over  
20 all in year 2000 was just 84 moose for this area and in  
21 2002 the population was estimated to be 94 moose. And  
22 the management goal, again, is 2,000 moose for the area,  
23 so again significantly low management objectives.

24  
25                   Habitat is outstanding in the Lower Yukon  
26 River and Lower Kuskokwim River drainages in Unit 18.  
27 Recent brow surveys revealed large amounts of high  
28 quality unused forage.

29  
30                   The effects of this proposal, again, the  
31 five year moratorium on moose hunting in the Lower  
32 Kuskokwim River drainage would allow for the  
33 establishment of the moose population capable of  
34 supporting an annual harvest. There's about 10,000  
35 residents in the Lower Kuskokwim drainage that would  
36 benefit from a moose population capable of supporting  
37 harvest. Currently most of those residents hunt moose up  
38 river in Unit 19 and you'll hear about the Middle  
39 Kuskokwim Moose Management Plan later in the meeting,  
40 about the conditions there, but moose populations in that  
41 area are declining as well.

42  
43                   So after a moose population is  
44 established through this moratorium, those Unit 18  
45 residents that are hunting currently up in Unit 19 would  
46 have that opportunity back in Unit 18 so there would be  
47 benefits to Unit 19 subsistence users as well reducing  
48 the competition.

49  
50                   Moose population along the Yukon River

1 below Mountain Village, as I said earlier has grown and  
2 can now support additional hunting opportunity and this  
3 would be provided by this change in regulation, would  
4 actually provide 10 additional days, again, incorporating  
5 it into what's described as the remainder of Unit 18.  
6 Hunting pressure on the upriver moose population in the  
7 Yukon River would likely decrease as more opportunity is  
8 created below Mountain Village. In other proposals  
9 you'll hear about the hunting pressure in the upriver  
10 areas along the Yukon, so in the longterm benefit, this  
11 change would benefit that situation.

12  
13 The Board of Game passed a similar moose  
14 moratorium in the Lower Kuskokwim at their November  
15 meeting so passage of this regulation would be consistent  
16 with actions taken by the Board of Game making State and  
17 Federal regulations similar.

18  
19 Mr. Chairman, that concludes my  
20 presentation.

21  
22 CHAIRMAN DEMIENTIEFF: Written public  
23 comments.

24  
25 MR. NICK: Mr. Chairman, we received 12  
26 written public comments. And with your permission, Mr.  
27 Chairman, I would like to go to the comments from  
28 Marshall.

29  
30 CHAIRMAN DEMIENTIEFF: Go ahead.

31  
32 MR. NICK: Mr. Chairman, Ray Oney, who is  
33 the Regional Council member with the Yukon/Kuskokwim  
34 Delta Regional Advisory Council working with Benjamin  
35 Francis of Marshall came up with concern on the proposed  
36 Kuskokwim moose moratorium boundary which the Regional  
37 Advisory Council, I believe, overlooked, during their  
38 meeting in St. Mary's last winter.

39  
40 Marshall Traditional Council met with the  
41 local people there and requested that Proposal 51 be  
42 pulled for discussion purposes. Mr. Oney, who is a  
43 Regional Council member was also concerned about  
44 important moose hunting areas, the boundary came very  
45 close to along the Yukon drainages, a couple Yukon  
46 drainages between Marshall and Russian Mission. Oney and  
47 Francis are both concerned about moratorium boundary and  
48 two main drainages that drain out to Yukon River, the  
49 boundary came very close to it and if you look at the  
50 topo zone maps, the drainage -- the Kuskokwim drainage

1 comes as close as one half to quarter mile in some areas.

2

3 And Mr. Oney and Mr. Francis are also  
4 concerned about potential moose hunting pressure that  
5 will be in the area. I believe Mr. Oney -- rather Mr.  
6 Francis told me that Mr. Oney sent messages from Alakanuk  
7 all the way up to Russian Mission regarding the issue of  
8 the boundary.

9

10 For your information, Mr. Chairman, and  
11 the Board members, Mr. Don Rivard and I, we spoke with  
12 Mr. Mike Rearden who is the Refuge manager for Yukon  
13 Delta, he agreed that there would be some map of  
14 boundaries, I believe, on the Yukon River side that would  
15 simplify or clarify some confusion that's being caused, I  
16 think, by the boundary.

17

18 Mr. Chairman, those are those the summary  
19 -- that's the summary of what I gathered from Mr.  
20 Benjamin Francis of Marshall.

21

22 CHAIRMAN DEMIENTIEFF: Thank you very  
23 much. We have no additional request for public  
24 testimony. At this time Regional Council  
25 recommendations.

26

27 MR. WILDE: Mr. Chairman, Yukon/Kuskokwim  
28 Delta Advisory Council recommendation supporting the  
29 moose moratorium within the area of the Kuskokwim River  
30 should allow for any increase in the moose population.  
31 The Council expressed concern and allow a winter moose  
32 season below Mountain Village in the Lower Yukon portion  
33 of this proposal or because of the cow moose can be  
34 mistake for the bull moose during last winter hunting.

35

36 The Lower Yukon and the coastal area  
37 moose hunters are really concerned expressing economy  
38 hardship but due to declining of salmon for commercial  
39 fishing, this makes it more difficult for hunters to make  
40 any extensive trips during moose hunting season, however,  
41 the results in a few years will be hopefully more moose  
42 that will be available to subsistence use in this area.

43

44 Thank you, Mr. Chairman.

45

46 CHAIRMAN DEMIENTIEFF: Thank you.  
47 Western, you had comments.

48

49 MR. SAM: Thank you, Mr. Chairman.

50 Again, we deferred this in more or less of support of YK-

1 Delta action. However, because of this moratorium we  
2 will -- we share some concern about displacing hunters  
3 and which way they go to go hunting, this is Unit 18, but  
4 where is Unit 19, which is in the Western Interior  
5 regional area so we have some concerns about this, but we  
6 will support what YK-Delta's action is.

7  
8 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
9 Committee.

10  
11 MS. GOTTLIEB: Bristol Bay.

12  
13 CHAIRMAN DEMIENTIEFF: Dan.

14  
15 MR. O'HARA: Could I ask the Staff a  
16 couple of questions here if I could.

17  
18 CHAIRMAN DEMIENTIEFF: Yes.

19  
20 MR. O'HARA: Who would know about the  
21 predator control or the number of predators in the area?  
22 That moose population is really low. Who would give an  
23 answer on if there's predators in the area?

24  
25 MR. LAPLANT: Mr. Chairman.

26  
27 CHAIRMAN DEMIENTIEFF: Go ahead.

28  
29 MR. LAPLANT: Mr. O'Hara, predator  
30 control was discussed pretty extensively when the Board  
31 of Game took up this similar proposal. In fact, they  
32 also passed a predator control/predator management plan  
33 for this area under State regulations. The Refuge Staff  
34 will be monitoring that activity and -- well, I guess  
35 that's it, the Refuge Staff will be monitoring, they've  
36 been part of that discussion and they will be tracking  
37 the success of this moratorium.

38  
39 MR. O'HARA: Mr. Chairman.

40  
41 CHAIRMAN DEMIENTIEFF: Dan.

42  
43 MR. O'HARA: And I notice you have  
44 community support as far as the moratorium goes, which is  
45 good, we face the same situation in Bristol Bay where we  
46 had the animals down to about 90 to 100 and 105, and it  
47 was illegal take of the animals that just kept reducing  
48 because there are no, as far as I understand, even now,  
49 on that moose population, we don't have any predators.  
50 The bear or the wolves have not moved in on that moose

1 population and we went from 100 to probably close to 700  
2 now. In fact, you can see it in one of our proposals,  
3 one of the -- but what did it was the support of the  
4 communities not going out and taking any illegal animals.  
5 And so I certainly wish you the best because we need that  
6 population to come up.

7  
8 Thank you, Mr. Chair.

9  
10 MS. CROSS: Mr. Chair.

11  
12 CHAIRMAN DEMIENTIEFF: Grace.

13  
14 MS. CROSS: I have a quick explanation.  
15 In the proposals that Seward Penn does not make any  
16 comments, what we do with the proposals from  
17 Yukon/Kuskokwim was we sent them on to Stebbins and St.  
18 Michael and if they chose as not to address them then we  
19 don't address them so this is one of those.

20  
21 CHAIRMAN DEMIENTIEFF: It seems like  
22 we're kind of jumping ahead of ourselves. I will call on  
23 our chart the Councils that have actually made  
24 recommendations but the rest of the RACs are certainly  
25 welcome to ask questions or make comments after we hear  
26 the Staff Committee and the Department reports, and so  
27 that's how we'll do it. We'll just call on the ones that  
28 actually made recommendations and then you guys will have  
29 your chance also to comment on any other issues.

30  
31 Staff Committee.

32  
33 MR. JACK: Thank you, Mr. Chairman. The  
34 Interagency Staff Committee supports the proposal with  
35 modification consistent with the recommendation of the  
36 Yukon/Kuskokwim Delta Regional Advisory Council. The  
37 modified Federal regulation is on Page 408, I'll just  
38 read the bolded one.

39  
40 Unit 18, that portion easterly of a line  
41 from the mouth of Ishkowik River to the  
42 closest point of Dall Lake then to the  
43 easternmost point of Takslesluk Lake then  
44 along the Kuskokwim River drainage  
45 boundary to the Unit 18 border and north  
46 of and including the Eek River drainage.

47  
48 No open season.

49  
50 A five year moratorium on moose hunting

1 in the Kuskokwim River drainage should allow for the  
2 establishment of a moose population capable of supporting  
3 annual harvests. There are approximately 10,000  
4 residents along the Kuskokwim River in Unit 18 who would  
5 benefit from the moose population capable of supporting  
6 harvest.

7

8 Thank you, Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Thank you.  
11 Department comments.

12

13 MR. HAYNES: Mr. Chairman, the Department  
14 supports the proposal as modified by the Interagency  
15 Staff Committee. The description that Mr. Jack read into  
16 the record of the Unit 18 area that would be closed is,  
17 in fact, what the Board of Game adopted in State  
18 regulation. The original proposal described a slightly  
19 different area, and we believe using the State  
20 description will eliminate confusion and simplify the  
21 regulations without having any substantive effect on the  
22 area on Federal lands in the area being proposed for  
23 closure.

24

25 Thank you.

26

27 CHAIRMAN DEMIENTIEFF: Thank you.  
28 Discussion. Gary.

29

30 MR. EDWARDS: Mr. Chairman, maybe  
31 somebody could at least clarify for me kind of the  
32 specific issue, which calls this to be taken off the  
33 consent agreement, was it a boundary issue, is that what  
34 it was?

35

36 CHAIRMAN DEMIENTIEFF: Staff.

37

38 MR. NICK: Mr. Chairman. Board members.  
39 Yes, that was the purpose according to Mr. Ben Francis of  
40 Marshall, because the boundary is very close to the Yukon  
41 drainage where local people hunt in the fall and  
42 wintertime. In one area when Mike Rearden and I, we  
43 spoke about this, in one area of the drainage you could  
44 just simply walk up on top of the bank where people hunt  
45 from Yukon River and you're almost on the boundary,  
46 you're just a couple of steps away from it.

47

48 CHAIRMAN DEMIENTIEFF: Further  
49 discussion.

50

1 MS. GOTTLIEB: Mr. Chair.  
2  
3 CHAIRMAN DEMIENTIEFF: Go ahead.  
4  
5 MS. GOTTLIEB: So I just wanted to double  
6 check with Harry, so you'll be working with Alex and the  
7 Refuge to have a map so everybody's clear and  
8 understanding of where they can and can't go?  
9  
10 MR. WILDE: Mr. Chairman, I think some of  
11 the people back home they would like to see the map,  
12 where the locations are because we didn't have any map at  
13 our meeting.  
14  
15 CHAIRMAN DEMIENTIEFF: Thank you.  
16  
17 MR. EDWARDS: Mr. Chairman, I guess I  
18 understand now that there is concern about the boundary,  
19 but is there an alternative being proposed?  
20  
21 MR. NICK: Mr. Chairman. Members of the  
22 Board. I think only Mr. Oney and Mr. Francis would be  
23 able to answer that question. Their only concern is that  
24 this fall when people are hunting, if it becomes a  
25 regulation then, you know, some of the important local  
26 hunting areas will be affected.  
27  
28 CHAIRMAN DEMIENTIEFF: Further  
29 discussion.  
30  
31 MR. BISSON: Mr. Chairman, I guess the  
32 question I would have, I would think that if people are  
33 hunting from the river along the edge of this unit, you  
34 know, if they only have to walk a very short distance to  
35 be in the unit, to be in violation, I think there's a lot  
36 of potential to create problems for people who may have  
37 to conduct some enforcement activities out there.  
38  
39 Is there any idea what length of river  
40 we're talking about?  
41  
42 CHAIRMAN DEMIENTIEFF: Alex.  
43  
44 MR. NICK: There is a drainage below  
45 Russian Mission -- I'm from that area, I know what they  
46 are talking about. There is a drainage called Takslesluk  
47 River, it's spelled Takslesluk in the map, it comes out  
48 right below Russian Mission and goes all the way up to --  
49 almost to the boundary. The boundary area is where some  
50 of the people from Marshall, Pilot Station and Russian

1 Mission hunts in fall time by boat. And also there's  
2 also another area where in the old village of Ouhgmuit  
3 (sp), if you look in the map, there's another drainage  
4 below it, it does not have a name on the map but in  
5 Yup'ik it's called (In Yup'ik), you also go up that  
6 river, if you're from down around Marshall or Pilot  
7 Station, even below, you go hunting in that area for  
8 moose.

9

10 CHAIRMAN DEMIENTIEFF: Go ahead.

11

12 MR. LAPLANT: Yeah, Mr. Chairman and  
13 members of the Board, as you can see on the map on Page  
14 411, the boundary that is proposed in this proposal is  
15 the boundary, hydrologic boundary between the Kuskokwim  
16 and the Yukon River. Now, the topography in that area,  
17 of course, isn't real conducive to identifying the  
18 hydrologic boundaries on the ground so that will be  
19 difficult to identify. But it is the boundary between  
20 the Kuskokwim and the Yukon River so hunters won't be,  
21 you know, taking their boat into the closed area. And  
22 the Refuge has made a commitment to work with the  
23 community of Marshall and help get that boundary more  
24 precisely identified on better quality maps so that  
25 everybody knows exactly where it is.

26

27 Mr. Chairman.

28

29 MR. BISSON: Mr. Chairman, I can't tell  
30 anything from this map. I don't know what you're  
31 reading. I mean it's very difficult to discern exactly  
32 where it is near the river or where it isn't based on  
33 what we see in front of us.

34

35 You know, as an alternative, one  
36 possibility would be to not use the watershed boundary in  
37 this area and pick something like a mile from the  
38 centerline of the river, something that gives people some  
39 reasonable access along the river to avoid confusion.

40

41 MR. EDWARDS: You know, that might be a  
42 good suggestion but it seems to me isn't it problematic  
43 if the goal isto put a moratorium on harvest, you would  
44 seem like you would have to push the boundary further out  
45 as opposed to bringing it in because it's within the  
46 boundary, is where you want to provide the protection.

47

48 CHAIRMAN DEMIENTIEFF: Further  
49 discussion.

50

1 MR. TONY: I guess, Mr. Chairman, my  
2 concern is that maybe the process wasn't fully  
3 deliberated with knowledge of where the boundary was if  
4 the RAC didn't have, you know, maps clearly showing where  
5 the proposed boundary was, and I guess that would be a  
6 concern that I would have.

7  
8 CHAIRMAN DEMIENTIEFF: Further  
9 discussion. Go ahead, Dan.

10  
11 MR. LAPLANT: Mr. Chairman, again, as I  
12 mentioned earlier, I'm kind of pinch-hitting for Pete on  
13 this one, I wasn't directly involved in the complete  
14 process. But as you can see on Page 414 that process  
15 that the strategy -- members of that strategy brought  
16 forth to all the communities, they had, as I understand  
17 it, you know, detailed information available and those  
18 communities are listed on Page 409. those that provided  
19 the support. And the community of Marshall is not on  
20 that list because the community of Marshall is in the  
21 Yukon drainage, so all the communities in the Kuskokwim  
22 drainage were part of that process. So that may have  
23 been an oversight but, again, and I should probably  
24 apologize for the quality of map here, but the Board Book  
25 kind of limits the ability to provide, you know, bigger  
26 maps, but that, again, is the hydrologic boundary.

27  
28 CHAIRMAN DEMIENTIEFF: Thank you.

29  
30 MR. EDWARDS: Mr. Chairman.

31  
32 CHAIRMAN DEMIENTIEFF: Gary.

33  
34 MR. EDWARDS: I guess, you know, given  
35 that 12 villages are obviously involved -- heavily  
36 involved in this decision and certainly seem to support  
37 it, I guess I'm inclined to support the recommendation  
38 with the understanding that, you know, we'd take what  
39 steps necessary to try to get out information so people  
40 don't unwittingly end up hunting in the wrong units.

41  
42 CHAIRMAN DEMIENTIEFF: Gary is that a  
43 motion to accept the RAC recommendation or I'm not sure,  
44 I didn't.....

45  
46 MR. EDWARDS: Well, I guess if you'd like  
47 I could make a motion that I would support the proposal  
48 with modifications that's consistent with the  
49 recommendation of the Yukon/Kuskokwim Delta Regional  
50 Advisory Council.

1                   CHAIRMAN DEMIENTIEFF: Is there a second  
2 to that motion.

3  
4                   MS. GOTTLIEB: I'll second.

5  
6                   CHAIRMAN DEMIENTIEFF: Discussion. Yes,  
7 Terry.

8  
9                   MR. HAYNES: In the Yukon/Kuskokwim Delta  
10 Regional Advisory Council recommendation, there's no  
11 reference made to which description of the area,  
12 moratorium area they are supporting. And if a  
13 description other than the current State description is  
14 put on the table, I guess we would just, again, express  
15 concerns about the potential of having different areas  
16 covered by the moratorium in State and Federal  
17 regulation.

18  
19                   CHAIRMAN DEMIENTIEFF: Thank you. Let me  
20 see, Staff Committee, the modification, does that include  
21 lining up the boundaries with the State?

22  
23                   MR. JACK: Yeah, Mr. Chairman, that's  
24 correct. And also for your information, I was at the YK  
25 Regional Council meeting in St. Mary's and we worked out  
26 the same description that I read earlier.

27  
28                   Thank you.

29  
30                   CHAIRMAN DEMIENTIEFF: Okay. And Gary,  
31 my understanding of your motion is to adopt the RAC  
32 recommendation as modified by Staff Committee, I just  
33 want to get it clear. That's what I heard you say but I  
34 just want to make sure we understand.

35  
36                   MR. EDWARDS: That's correct, Mr.  
37 Chairman. I guess in response to the State, my  
38 understanding is that the description is exactly what the  
39 State's description is.

40  
41                   CHAIRMAN DEMIENTIEFF: Yeah, that would  
42 be the modification. Terry.

43  
44                   MR. HAYNES: We just want to clearly  
45 understand that because the Regional Council's comments  
46 on Page 407 don't specify an area so we just wanted to be  
47 clear on that and if you're using the State's description  
48 then we're fully supportive of that action.

49  
50                   CHAIRMAN DEMIENTIEFF: Yeah, that's the

1 motion that Gary made, and I guess is that the  
2 understanding that you have, Judy, you seconded it,  
3 right?

4

5 MS. GOTTLIEB: Yes.

6

7 CHAIRMAN DEMIENTIEFF: Yeah, because  
8 we're really concerned about that, we don't need any more  
9 confusion than we're already dealing with here at the  
10 table.

11

12 (Laughter)

13

14 CHAIRMAN DEMIENTIEFF: Yeah, that, you  
15 know, I also support that. Harry, do you have any  
16 comments with regard to the modification?

17

18 MR. WILDE: Mr. Chairman, I don't have  
19 any because ever since I've been sitting here back in 33  
20 [sic] I try to follow what the Council say. I don't have  
21 more.

22

23 CHAIRMAN DEMIENTIEFF: Okay, thank you.  
24 Further discussion.

25

26 (No comments)

27

28 CHAIRMAN DEMIENTIEFF: Hearing none, all  
29 those in favor please signify by saying aye.

30

31 IN UNISON: Aye.

32

33 CHAIRMAN DEMIENTIEFF: Those opposed,  
34 same sign.

35

36 (No opposing votes)

37

38 CHAIRMAN DEMIENTIEFF: Motion carries.  
39 We're noticing that we do have quite a few -- we're going  
40 to go to Bristol Bay next, we have six proposals to do.  
41 I think we're just going to go ahead and break for lunch  
42 at this time, it's a quarter to 12:00 before we go and  
43 shift gears, so we will come back with Bristol Bay at  
44 1:00 o'clock. And because we're breaking a little bit  
45 early, we'll probably start pretty prompt at 1:00 so just  
46 be advised.

47

48 Thank you.

49

50 (Off record)

1 (On record)

2

3 CHAIRMAN DEMIENTIEFF: Well, if we could  
4 make our ways to our chairs, I think we're going to go  
5 ahead and get started here.

6

7 (Pause)

8

9

10 CHAIRMAN DEMIENTIEFF: Okay, we're moving  
11 on, as I indicated before lunch, that we're moving on  
12 into Bristol Bay. And with that, we'll get to Proposal  
13 41.

14

15 MR. FISHER: Thank you, Mr. Chairman.  
16 This is Proposal No. 41, it was submitted by the Alaska  
17 Peninsula Becharof National Wildlife Refuges  
18 headquartered in King Salmon.

19

20 What this proposal would do is revise the  
21 Federal sealing requirements for brown bears harvested  
22 for subsistence in Game Management Unit 9(E). Current  
23 Federal sealing regulations require that the skin and  
24 skull of a brown bear taken in 9(E) be sealed by  
25 Department of Fish and Game people. What this proposal  
26 would do is delete that requirement. In other words, if  
27 you harvested a bear in Unit 9(E), a brown bear in Unit  
28 9(E), unless you removed it from the unit you wouldn't  
29 have to have it sealed. It lines up with sealing  
30 requirements in other areas in Unit 9, like the Western  
31 Alaska Brown Bear Management Area.

32

33 The proposal map for this proposal is on  
34 Page 297, if you wanted to take a look at that and look  
35 at the Federal public lands involved and it also shows  
36 the Chignik Brown Bear Management Area.

37

38 The brown bear population in Unit 9(E) is  
39 stable. The estimate is more than 3,000 bears in this  
40 subunit. Most of the harvest occurs by sporthunters.  
41 The reported Federal subsistence harvest is very low,  
42 varies between one, two, possibly three bears per year by  
43 Federal registration permit. And what this proposal  
44 would do is remove the current sealing requirements for  
45 the subsistence harvest on Federal public lands in -- for  
46 brown bear in Unit 9(E). Again, it wouldn't have to be  
47 sealed unless they're removed from the area.

48

49 That's basically all I have, Mr.  
50 Chairman.

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

3  
4                   MR. EDENSHAW: Thank you, Mr. Chair.  
5 There was one written public comment that was submitted  
6 by the Aniakchak Subsistence Resource Commission.

7  
8                   The SRC supports the change in the  
9 sealing requirement to allow subsistence users taking  
10 brown bear in Unit 9(E) to seal brown bear hides and/or  
11 skulls only if they are removed from Unit 9(E).

12  
13                   That concluded written public comments,  
14 Mr. Chair.

15  
16                   CHAIRMAN DEMIENTIEFF: Thank you very  
17 much. We have no additional request for public testimony  
18 at this time. Regional Council recommendation.

19  
20                   MR. O'HARA: Mr. Chairman.

21  
22                   CHAIRMAN DEMIENTIEFF: Yes.

23  
24                   MR. O'HARA: As you can see from the  
25 proposal, the Bristol Bay RAC supported the Staff's  
26 proposal. And on Page 291 it's just, you know, the  
27 Council's recommendations are on that page and pretty  
28 much the same as what Dave has told us, that you have the  
29 bear in your possession but if you're going to take it  
30 out of region then you need to have it sealed and so we  
31 support that. I think that's pretty straight ahead.

32  
33                   CHAIRMAN DEMIENTIEFF: Thank you.  
34 Interagency Staff Committee please.

35  
36                   MR. BOS: Thank you, Mr. Chairman.  
37 Members of the Board. My name is Greg Bos. Fish and  
38 Wildlife Service Interagency Staff Committee member.

39  
40                   The Interagency Staff Committee's  
41 recommendation is to support the proposal with  
42 modification consistent with the recommendation of the  
43 Bristol Bay Regional Advisory Council. The modification  
44 is to add the special provision allowing the use of a  
45 Federal registration in lieu of a State locking tag. The  
46 regulatory wording you'll find on Page 292. The change  
47 would be in bold.

48  
49                   This proposal would allow subsistence  
50 hunting for brown bear without requiring

1 the purchase of a locking tag and  
2 simplify sealing requirements for  
3 Federally-qualified subsistence brown  
4 bear hunters harvesting brown bear in  
5 Unit 9(E).  
6

7 Hunters would not be required to have the  
8 skull and skin sealed unless they removed  
9 the skull and/or skin from Unit 9(E).  
10 This change would make brown bear sealing  
11 and tag requirements in 9(E) consistent  
12 with sealing and tag requirements in  
13 nearby units 9(B) and 17.  
14

15 CHAIRMAN DEMIENTIEFF: Thank you.  
16 Department.

17  
18 MR. HAYNES: Mr. Chairman, the Department  
19 is neutral on this proposal. The original proposal and  
20 the proposal as modified by the Interagency Staff  
21 Committee would align the Federal brown bear sealing  
22 regulations in Unit 9(E) only with the corresponding  
23 State regulations for the Chignik Alaska Brown Bear  
24 Management area. The mix of State and Federal lands in  
25 Unit 9(E) is a valid reason to keep the regulations as  
26 clear and consistent as possible while also providing  
27 hunting opportunities for Federally-qualified subsistence  
28 users.  
29

30 The Department prefers a modified version  
31 of this proposal that would align the State and Federal  
32 brown bear sealing requirements in that portion of Unit  
33 9(E) in that portion of Unit 9(E) within the Chignik  
34 Alaska Brown Bear Management area.  
35

36 According to the Staff analysis, hunters  
37 using Federal subsistence registration permits in Unit  
38 9(E) have harvested an average of one to two brown bears  
39 per year since 1992. This level of harvest does not  
40 raise conservation concerns at this time. However, if  
41 either the proposal or the proposal as modified is  
42 adopted and harvest do increase substantially, this  
43 regulation may need to be revisited to ensure that  
44 harvest levels can be sustained. One possible benefit of  
45 removing the sealing requirements for brown bear taken on  
46 Federal lands in all of Unit 9(E) is improved and more  
47 accurate harvest reporting which will be essential for  
48 evaluating the effects of this regulatory action if this  
49 proposal is adopted.  
50

1                   If the sex of the bear harvested and the  
2 location of harvest is not already being recorded on  
3 Federal registration permits for the Unit 9(E) brown bear  
4 hunt, we recommend that successful hunters be required to  
5 report this information if this proposal is adopted.

6  
7                   We also strongly urge that there be  
8 regular follow up on getting back permits from hunters  
9 who have obtained them. This is crucial management  
10 information that will help to replace information lost if  
11 the sealing requirements are eliminated in the Federal  
12 regulations.

13  
14                   Thank you.

15  
16                   CHAIRMAN DEMIENTIEFF: Thank you.  
17 Discussion. Go ahead.

18  
19                   MR. O'HARA: I think Dave said that there  
20 was an adequate supply of brown bear in this region.  
21 There's an over adequate supply. They need to be better  
22 managed, and anything we can do to thin this population  
23 down without hurting the number of animals you need to  
24 maintain a population which is reasonable, Mr. Chairman,  
25 and you just need to kind of be reminded of that once in  
26 awhile, okay.

27  
28                   Thank you.

29  
30                   CHAIRMAN DEMIENTIEFF: Wasn't I reading  
31 something about the Department and their predator control  
32 program with regard to bears? Wayne.

33  
34                   MR. REGLIN: Mr. Chairman, there was  
35 legislation before the Alaska Senate that would have  
36 changed how bear management and set up a predator  
37 management program for bears but that did not pass.

38  
39                   CHAIRMAN DEMIENTIEFF: Okay, thank you.  
40 I knew I read something, I just couldn't remember what.

41  
42                   Further discussion.

43  
44                   MS. GOTTLIEB: Mr. Chair.

45  
46                   CHAIRMAN DEMIENTIEFF: Yes.

47  
48                   MS. GOTTLIEB: I appreciate the concern  
49 on the permits and the follow up and so I know on behalf  
50 of the Park Service we'll talk to the superintendent

1 about seeing what can be done in terms of monitoring and  
2 contacting permit holders.

3

4 CHAIRMAN DEMIENTIEFF: Thank you.  
5 Further discussion. Gary.

6

7 MR. EDWARDS: Mr. Chairman, if there's no  
8 more discussion then I would move that we would adopt the  
9 proposal as amended by the Bristol Bay Regional Council  
10 which would allow the use of Federal registration permits  
11 in lieu of a State locking tag.

12

13 CHAIRMAN DEMIENTIEFF: There's a motion,  
14 is there a second.

15

16 MR. TONY: Second.

17

18 CHAIRMAN DEMIENTIEFF: It's been moved  
19 and seconded. Discussion.

20

21 (No comments)

22

23 CHAIRMAN DEMIENTIEFF: I think pretty  
24 much I intend to support the motion for the reason that I  
25 think we've resolved in the Staff process and as well as  
26 our discussion here that the reporting requirements  
27 which, as I understand is the biggest concern, would be  
28 taken care of and I think probably information would be  
29 exchanged.

30

31 I mean these are not going to be done in  
32 a vacuum. During our work together between State  
33 reporting on State hunts and Federal reporting on Federal  
34 hunts, that information will be exchanged. So for that  
35 reason I intend to support the motion.

36

37 MS. GOTTLIEB: Mr. Chair.

38

39 CHAIRMAN DEMIENTIEFF: Yes.

40

41 MS. GOTTLIEB: My understanding is that  
42 this proposal originated with the Refuge really early in  
43 the process and it's a good example of early  
44 coordination, asking for comments, working with the SRC  
45 and RAC and local people and other Federal agencies and  
46 the State so I really appreciate that that effort was  
47 made early on to settle as many differences as possible.

48

49 CHAIRMAN DEMIENTIEFF: Further discussion  
50 on the motion.

1 (No comments)  
2  
3 CHAIRMAN DEMIENTIEFF: Hearing none, all  
4 those in favor of the motion, please signify by saying  
5 aye.  
6  
7 IN UNISON: Aye.  
8  
9 CHAIRMAN DEMIENTIEFF: Those opposed,  
10 same sign.  
11  
12 (No opposing votes)  
13  
14 CHAIRMAN DEMIENTIEFF: Motion carries.  
15 Proposal 42, Staff analysis, please.  
16  
17 MR. FISHER: Yes, Mr. Chairman, Proposal  
18 42 was submitted by the Bristol Bay Regional Advisory  
19 Council, and what this proposal would do is reduce the  
20 bull caribou harvest limits and modify harvest seasons in  
21 Units 9(B), 17(A), (B) and (C), and Unit 18. We talked  
22 about 18 earlier under Proposal 50 so I won't really say  
23 too much about that, that's already been addressed.  
24  
25 We also talked a little bit about the  
26 Mulchatna Caribou Herd this morning. The range covers  
27 approximately 60,000 square miles. It's found in Units  
28 9(B), (C), 17, 18 and also Unit 19(A) and (B). And the  
29 population was estimated at about 200,000 in '96. The  
30 current estimate is around 147,000, maybe a little bit  
31 more. And we also talked about the decline in bull/cow  
32 ratios. Most of this decline, as I talked about earlier,  
33 was in the Unit 17 area, hence the concern for the  
34 Bristol Bay Regional Advisory Council to reduce those --  
35 modify the bull caribou harvest limits, they're proposing  
36 to reduce that from two to one.  
37  
38 This is a very important species,  
39 subsistence species for subsistence users, not only on  
40 the Yukon Delta but also in the Bristol Bay area. The  
41 harvest at times has been as high as 12,000 animals.  
42 Most of the harvest has been bulls and most of the  
43 harvest occurs in August and September.  
44  
45 That's basically pretty much it as far as  
46 the harvest and the biology goes.  
47  
48 What this proposal would do would reduce  
49 the bull harvest from two to one for specific time  
50 periods in Unit 9(B), 17(A), 17(B) and 17(C). The

1 overall harvest limit would still remain at five so this  
2 really shouldn't affect subsistence users, and it may  
3 help the bull/cow ratio in line within State management  
4 guidelines.

5  
6 That's basically all I have.

7  
8 Thank you, Mr. Chairman.

9  
10 CHAIRMAN DEMIENTIEFF: Thank you.  
11 Written public comments.

12  
13 MR. EDENSHAW: Thank you, Mr. Chairman.  
14 Board members. There was one written public comment  
15 submitted by the Lake Clark SRC.

16  
17 The Lake Clark SRC recognizes the  
18 conservation concern for the Mulchatna Caribou Herd and  
19 supports reducing the harvest limit for bull caribou from  
20 two to one.

21  
22 That concluded written public comments,  
23 Mr. Chair.

24  
25 CHAIRMAN DEMIENTIEFF: Thank you. At  
26 this time we have no additional request for public  
27 testimony. Regional Council recommendation.

28  
29 MR. O'HARA: Mr. Chair, Dan, from Bristol  
30 Bay. Back in the '70s we had the same problem with the  
31 North Peninsula Caribou Herd and the biologists  
32 recommended same day airborne hunting in those days from  
33 January to the end of March, that you only kill a caribou  
34 that had horns, and that meant that that was a pregnant  
35 cow, because the cow/bull ratio had reduced so far down  
36 and the subsistence user was taking big animals and so we  
37 had a real problem. Within five years that problem was  
38 corrected. And we went back then to normal hunting.

39  
40 So you have a conservation issue on your  
41 hands right now that you have to deal with.

42  
43 I know Bristol Bay wants the recruitment  
44 stock, they want the escapement, that's our first  
45 priority or you'll not have subsistence so that's the  
46 horns of the dilemma right now you're going to have to  
47 deal with.

48  
49 And I don't, you know, the sports hunter  
50 is going to get the big horns in October when they're in

1 rut and I realize that's really a big issue that we could  
2 go on forever with and the subsistence user can reduce  
3 his take on a bull and the subsistence user knows the  
4 difference between a cow and a bull as far as hunting,  
5 you know. The gal from California when we did beaver  
6 said, you know, these kids are going to be out there  
7 killing all kinds of beavers and shooting each other and,  
8 you know, all this stuff is a bologna.

9

10 So thank you.

11

12 CHAIRMAN DEMIENTIEFF: Well, actually  
13 we've got four. YK.

14

15 MR. WILDE: Yeah, Mr. Chairman,  
16 Yukon/Kuskokwim Delta Advisory Council recommend support  
17 and modification modify to establish season date of  
18 August 1 to April 15 for caribou in Unit 18 with the  
19 harvest limit of five. This would also align with the  
20 recommendation made by the Council on the proposal WP04-  
21 50 the Yukon/Kuskokwim Delta Subsistence Regional  
22 Advisory Council agree that it's a benefit to align  
23 Federal subsistence caribou regulation for Unit 18 with  
24 the State's regulation. This would reduce possibly  
25 confusion for Unit 18 caribou hunters.

26

27 The Council did not want to impose  
28 additional restrictions on the caribou hunters in Unit  
29 18.

30

31 Mr. Chairman.

32

33 CHAIRMAN DEMIENTIEFF: Thank you.  
34 Western.

35

36 MR. SAM: Thank you, Mr. Chair. On Page  
37 305, our justification for -- or our recommendations are  
38 listed. As with Proposal 67, with all the subunits and  
39 the areas specifically designed we just wanted to combine  
40 the 18 for -- to avoid confusion and the boundary issue.  
41 Again, in all our deliberations we always worry about the  
42 bull/cow ratio for sustainable yield purposes.

43

44 And with that, we support with  
45 modification.

46

47 CHAIRMAN DEMIENTIEFF: Thank you. Seward  
48 Penn.

49

50 MS. CROSS: Seward Penn supported this

1 proposal with modification to modify to extend Federal  
2 season to July 1st in Unit 9(B), April 15 and Unit 18 to  
3 combine the north and south parts of Unit 18 as Unit 18.  
4 This would align the Federal and State regulations making  
5 it easier for subsistence users to follow local game  
6 laws.

7  
8 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
9 Committee.

10  
11 MR. BOS: Thank you, Mr. Chair. The  
12 recommendation of the Interagency Staff Committee is to  
13 support with modification, which for the most part is  
14 consistent with the recommendations of the Bristol Bay,  
15 Seward Peninsula and Western Interior Regional Councils,  
16 which would extend the Federal season to July 1 in Unit  
17 9(B), April 15 in Unit 18, and to combine the north and  
18 south parts of Unit 18.

19  
20 However, consistent with the  
21 recommendation of the Yukon/Kuskokwim Regional Council,  
22 the proposed modification does not include a reduction in  
23 the bull harvest in Unit 18 as recommended by the other  
24 affected Councils.

25  
26 The regulatory wording in bold is on Page  
27 306.

28  
29 The Mulchatna Caribou Herd is close to  
30 the upper range of the desired population  
31 size management objective but is below  
32 the bull/cow ratio, which have declined  
33 below population management objectives  
34 most markedly in the southern portions of  
35 the herd's range.

36  
37 The annual harvest may be as high as  
38 12,000, of which about two-thirds is  
39 estimated to be bulls and the reduction  
40 in the bull harvest limit prior to  
41 November 30 is intended to increase the  
42 proportion of bulls in the population  
43 primarily by reductions in the non-  
44 subsistence harvest of bulls.

45  
46 The proposal modifications for Unit 9(B)  
47 and Unit 18 season dates and areas would  
48 align the Federal subsistence caribou  
49 harvest regulations with the State  
50 regulations, except for the fall bull

1 caribou harvest limit in Unit 18.

2

3

4 The Staff Committee feels that the Unit  
5 18 fall subsistence harvest of bulls is thought to be a  
6 relatively minor component of the total bull harvest from  
7 the entire range of the herd, but is an important harvest  
8 opportunity for Unit 18 residents particularly with the  
9 closure of moose hunting in the Kuskokwim drainage, which  
10 you have recently approved.

11

12 Harvest of bulls in Unit 18 are not  
13 thought to be of sufficient magnitude to warrant a  
14 reduction in the harvest limit given some uncertainties  
15 in the survey data. And further, the alignment with  
16 State harvest limits is less of a concern in Unit 18 than  
17 in other units because most of the land where the caribou  
18 are taken is Federal public land. In your previous  
19 action on Proposal No. 50, I think, took care of the  
20 elements of this proposal that deal with Unit 18, and so  
21 we're left with the proposal where the Staff Committee is  
22 lined up with the Bristol Bay Council, the Seward  
23 Peninsula, and Western Interior Regional Advisory Council  
24 with respect to Unit 9 and Unit 17.

25

26 I would also say that the Federal and  
27 State managers intend to strengthen our collaborative  
28 efforts to obtain more complete and representative data  
29 on the composition and size of the herd and if additional  
30 information on the biological status of the herd  
31 indicates more conservative management is necessary,  
32 regulatory revisions can be considered then.

33

34 Thank you.

35

36 CHAIRMAN DEMIENTIEFF: Thank you.  
37 Department comments.

38

39 MR. HAYNES: Mr. Chairman, the Department  
40 supports the proposal as modified by the Interagency  
41 Staff Committee for the reasons that Mr. Bos read into  
42 the record.

43

44 Although the proposed action does not  
45 completely align the State and Federal regulations as we  
46 mentioned for Proposal 50, we don't have a problem with  
47 the Unit 18 exception so we're comfortable with what's  
48 being proposed.

49

50 Thank you.

1                   CHAIRMAN DEMIENTIEFF: Okay. As we begin  
2 discussion, you're just going to have to tolerate me  
3 eating bananas. Most of you noticed me limping around  
4 this morning. We all know high potassium, it's just a  
5 muscle cramp that I had, so we'll just have to work  
6 around that, okay.

7  
8                   (Laughter)

9  
10                  CHAIRMAN DEMIENTIEFF: Board discussion.

11  
12                  MR. EDWARDS: Mr. Chairman, correct me if  
13 I'm wrong, but it actually it seems we have full  
14 agreement on this; is that correct?

15  
16                  CHAIRMAN DEMIENTIEFF: It occurs to me  
17 the western hemisphere is aligned behind the proposal.  
18 It probably was some last minute issues sounds like that  
19 needed to be worked out.

20  
21                  MR. EDWARDS: Well, in that case, unless  
22 somebody else wants to discuss, I would move that we  
23 amend the proposal consistent with recommendation of the  
24 Bristol Bay, Seward -- let me make sure I've got the  
25 right one, is that the right one, 42, right?

26  
27                  MR. BOYD: Right.

28  
29                  MR. EDWARDS: Okay. So it would be  
30 consistent with Seward Penn and Western Interior Regional  
31 Advisory Council by not reducing the harvest limit for  
32 bulls in Unit 18(A) as recommended by the Yukon/Kuskokwim  
33 Delta Regional Advisory Council.

34  
35                  CHAIRMAN DEMIENTIEFF: Thank you.  
36 There's a motion, is there a second.

37  
38                  MR. TONY: Second.

39  
40                  CHAIRMAN DEMIENTIEFF: The point you  
41 brought out, I think, is probably, you know, everybody  
42 has worked the issue out and lined up behind it so I  
43 think for that reason I intend to support the motion.  
44 It's a good motion.

45  
46                  Any other discussion.

47  
48                  (No comments)

49  
50                  CHAIRMAN DEMIENTIEFF: Hearing none, all

1 those in favor signify by saying aye.

2

3

IN UNISON: Aye.

4

5

6

CHAIRMAN DEMIENTIEFF: Those opposed,

7

8

(No opposing votes)

9

10

CHAIRMAN DEMIENTIEFF: Motion carries.

11

Okay, 43 has been put on the consent agenda. That moves

12

us to 46.

13

14

15

MR. FISHER: Yes, Mr. Chairman, 46. This

16

proposal was submitted by the Bristol Bay Native

17

Association. This proposal replaces a deferred proposal

18

03-24 and that deferred proposal was to replace a special

19

action 02-11.

20

21

The reason 03-24 was deferred by the

22

Council was to allow the moose working group to review

23

the proposal and to make a recommendation. The special

24

action 02-11, by the way we're talking about moose in

25

17(A), that's kind of one of my favorite topics, it goes

26

back to 1980.

27

28

(Laughter)

29

30

MR. FISHER: Anyway, the special action

31

was to provide a 14 day to be announced season, sometime

32

between December 1 and January 31st. One antlered bull

33

be State registration permit. The hunt area was only

34

part of 17(A) and this was done to allow moose to expand

35

to the west in Unit 18. It aligned with State

36

regulations and it was adopted by the Board. However,

37

there was no hunting season that year because there was

38

no snow, consequently no snow for travel so there was no

39

hunting season.

40

41

This proposal No. 46 is requesting a one

42

antlered bull by Federal registration permit with a

43

limited winter hunt to occur sometime between December

44

1st and January 31st. The same hunt area was outlined

45

that I described in the special action, the opening and

46

closing of the to be announced season would be announced

47

by the Refuge manager in Dillingham.

48

49

Current regulations provide for a fall

50

Federal hunt and also a State Federal [sic], that's one

bull by State registration permit, August 25 through

1 September 20. There's currently no Federal winter  
2 season. There is a State winter season. And this was  
3 established by the Board of Game in October of 2002 and  
4 that provides one antlered bull by State registration  
5 permit, a to be announced season of up to 14 days,  
6 December 1 through January 31, the same hunt area as we  
7 were talking about in the special action.

8  
9 Now, a little bit about the biology of  
10 these moose in 17(A), the season was closed in 1980 due  
11 to a very low population. The season remained closed for  
12 about 17 years until 1997 when we had the first fall  
13 hunt. The population did start to come back a little bit  
14 in the late '80s, early '90s. There was about 430  
15 animals in 1998, 650 in 2002 and a current estimated  
16 population is somewhere around 750 animals.

17  
18 As a result of the very low population in  
19 the early '90s a planning effort was initiated. This was  
20 started in '96 by the Department of Fish and Game, Fish  
21 and Wildlife Service and the Bristol Bay Regional  
22 Advisory Council. And they came up with some basic  
23 management objectives. They want to maintain a minimum  
24 population of 300 animals in Unit 17(A), increase the  
25 population to an estimated carrying capacity of somewhere  
26 between a thousand and 1,200 animals, establish a fall  
27 harvest for bulls when the population is greater than 300  
28 and establish a limited winter hunt when the population  
29 exceeds 600. So we've just about completed those  
30 objectives.

31  
32 What this proposal would do would provide  
33 a to be announced season sometime in December and  
34 January, one antlered bull by Federal registration  
35 permit. We have to remember, though, if we use a Federal  
36 registration permit it's only good on Federal public  
37 lands, whereas a State registration permit would be valid  
38 on all the hunt area. Hunters who wish to hunt on both  
39 areas would have to get two permits. Some of the best  
40 moose habitat is located close to the village of Togiak  
41 which is managed by the State, so if you only had a  
42 Federal registration permit, you'd have to go through  
43 that area to get to the Federal lands or get a State  
44 registration permit. Two permit systems would mean two  
45 harvest reporting systems, and any closure by one agency  
46 or the other could be confusing. Two permits for a  
47 winter hunt could also be confusing with the State  
48 registration permit that's required with the Federal  
49 hunt. And the Federal Subsistence Board has already  
50 determined when they approved Special Action 02-11 that a

1 single permit system is more effective and would be less  
2 confusing.

3

4 That's basically all I have, Mr.  
5 Chairman, thank you very much.

6

7 CHAIRMAN DEMIENTIEFF: Thank you.  
8 Written public comments.

9

10 MR. EDENSHAW: Thank you, Mr. Chair.  
11 There weren't any written public comments.

12

13 CHAIRMAN DEMIENTIEFF: We have no  
14 requests for additional public testimony at this time.  
15 Regional Council recommendation.

16

17 MR. O'HARA: Mr. Chairman.

18

19 CHAIRMAN DEMIENTIEFF: Bristol Bay,  
20 first, go ahead.

21

22 MR. O'HARA: The Council supported the  
23 modification, which included certain closures of 17(A)  
24 that the moose may continue migrating and establishing  
25 themselves and hopefully lead to increasing moose  
26 population.

27

28 The Council supports the use of State  
29 registration permit. Local rural residents have  
30 supported the permit and see no need to have two permits  
31 which may lead to confusion among the subsistence  
32 hunters. The winter moose hunt will allow subsistence  
33 users the opportunity to harvest a bull.

34

35 Thank you.

36

37 CHAIRMAN DEMIENTIEFF: YK.

38

39 MR. WILDE: Mr. Chairman, Yukon/Kuskokwim  
40 Regional Advisory Council oppose Proposal 46 and 47. The  
41 Yukon/Kuskokwim Delta Subsistence Regional Advisory  
42 Council suggest that there should be more support from  
43 the local users and not enough information was presented  
44 to support the proposal at this time.

45

46 Mr. Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
49 Committee.

50

1 MR. BOS: Thank you, Mr. Chair. The  
2 Staff Committee supports Proposal 46 with modification  
3 consistent with the recommendation of the Bristol Bay  
4 Regional Advisory Council but contrary to the  
5 recommendation of the Yukon/Kuskokwim Delta Regional  
6 Council.

7  
8 The modified proposal would establish up  
9 to a 14 day winter season during the period of December 1  
10 to January 31 and would implement the hunt using a State  
11 registration permit instead of a Federal registration  
12 permit. The regulatory language can be found on Page 367  
13 of your Board Books.

14  
15 Conservative winter harvest of antlered  
16 bulls with a limited to be announced season of up to 14  
17 days should not impact this expanding moose population.  
18 This proposal would allow managers the flexibility to  
19 open the winter season when snow conditions permit winter  
20 travel and close the season when harvest objectives have  
21 been met.

22  
23 As modified the proposal would align with  
24 State winter harvest regulations, including the use of a  
25 State registration permit rather than a Federal permit.  
26 This would be less confusing and reduce harvest reporting  
27 requirements for local hunters.

28  
29 In addition, limiting the winter hunt to  
30 that part of Unit 17(A) east of Kemuk and Togiak Rivers  
31 should encourage the westward expansion of moose from the  
32 un hunted portion of Unit 17(A) to the Goodnews, Arolik  
33 and Kankektok River drainages in adjacent Unit 18.

34  
35 Thank you.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you.  
38 Department.

39  
40 MR. HAYNES: Mr. Chairman, the Department  
41 supports the proposal as amended by the Bristol Bay  
42 Regional Advisory Council. This proposal presents no  
43 compelling biological evidence supporting the need to  
44 establish a separate Federal registration permit hunt for  
45 the winter moose season in Unit 17(A). The Department  
46 supported deferral of a similar proposal by the Federal  
47 Subsistence Board at its May 2003 meeting pending review  
48 of this issue by the Unit 17(A) Moose Working Group. The  
49 amended proposal is consistent with the recommendations  
50 made by this working group at a February meeting in

1 Togiak.

2

3 The Staff analysis for a similar proposal  
4 submitted to the Federal Board last year concluded that  
5 requiring a separate Federal permit, quote, may create  
6 confusion for hunters and potential law enforcement  
7 problems as some excellent moose habitat in Unit 17(A) is  
8 located on lands managed by the State. The State managed  
9 lands are closer to Togiak and Twin Hills than the  
10 Federal public lands and would not be open to hunters  
11 using only a Federal registration permit. Rural  
12 residents desiring to hunt on State managed lands would  
13 be required to obtain a separate State registration  
14 permit, end quote.

15

16 The Department does not support a Federal  
17 regulation that does not match the current State season  
18 and harvest limit and that would unnecessarily restrict  
19 non-Federally-qualified subsistence users from hunting on  
20 Federal public lands in Unit 17(A).

21

22 Thank you.

23

24 CHAIRMAN DEMIENTIEFF: Thank you.

25 Discussion.

26

27 MR. EDWARDS: Mr. Chairman, I have maybe  
28 one question for Harry. Was there specific opposition  
29 from local hunters within your Council for the winter  
30 hunt and, if so, what were their concerns?

31

32 MR. WILDE: I do not really know what  
33 their real concern is, but according to some of the  
34 Councils there, it's not -- it should be more -- known by  
35 more people, not enough information to them, that's the  
36 reason is.

37

38 CHAIRMAN DEMIENTIEFF: Any other  
39 discussion.

40

41 (No comments)

42

43 CHAIRMAN DEMIENTIEFF: Gary.

44

45 MR. EDWARDS: Mr. Chairman, if there's no  
46 further discussion, I would move that we would adopt  
47 Proposal 46 as recommended by the Bristol Bay Regional  
48 Advisory Council. Certainly this winter season would  
49 provide additional opportunities to hunt and the fact  
50 that we'll be able to control it through the Refuge, I

1 think, will address any conservation concerns as might --  
2 there might be, and as modified, I think the proposal  
3 would mirror, you know, the State's current winter  
4 harvest regulations which is a good thing. And as  
5 pointed out, hopefully that approach will encourage, you  
6 know, westward expansion of moose from the unhunted  
7 portions of Unit 17(A).

8  
9 CHAIRMAN DEMIENTIEFF: Thank you. Is  
10 there a second.

11  
12 MR. BISSON: I'll second it.

13  
14 CHAIRMAN DEMIENTIEFF: Okay, I was  
15 getting ahead of myself, I was getting ready to vote.

16  
17 (Laughter)

18  
19 CHAIRMAN DEMIENTIEFF: Yeah, well, the  
20 only thing I take exception with is that, it's just a  
21 slightly different way of looking at it, I admire the  
22 State for conforming to our regulations, make it easier  
23 on subsistence users.

24  
25 Any other discussion.

26  
27 MS. GOTTLIEB: Mr. Chair.

28  
29 CHAIRMAN DEMIENTIEFF: Yes.

30  
31 MS. GOTTLIEB: I guess I would hope,  
32 perhaps as a follow up, that the managers or Staff can  
33 get with Harry or the YK Council and just maybe you need  
34 to present more information on this regulation so it does  
35 come across as clearer to them.

36  
37 CHAIRMAN DEMIENTIEFF: Good point.  
38 Further discussion.

39  
40 (No comments)

41  
42 CHAIRMAN DEMIENTIEFF: Hearing none, all  
43 those in favor signify by saying aye.

44  
45 IN UNISON: Aye.

46  
47 CHAIRMAN DEMIENTIEFF: Those opposed,  
48 same sign.

49  
50 (No opposing votes)

1 CHAIRMAN DEMIENTIEFF: Motion carries.  
2 Let's see, we go now to Proposal 48 which was pulled off  
3 the consent agenda, so Staff analysis.

4  
5 MR. FISHER: Yes, Mr. Chairman. Proposal  
6 48 and also the following one, 49, they're similar, they  
7 both deal with beaver.

8  
9 Proposal 48 was submitted by the Lake  
10 Clark Subsistence Resource Commission and they're  
11 requesting that a hunting season be established for  
12 Federal public lands for beaver in Unit 9(B), B as in  
13 Bob. The hunting season would be April 15th through May  
14 31st with a harvest limit of two beaver per day.

15  
16 Currently there is no hunting season for  
17 beaver in Unit 9(B) either under the State regulations or  
18 the Federal subsistence regulations. Under current  
19 trapping regulations for both agencies, they do allow the  
20 use of firearms only from April 15th through May 31st,  
21 two beaver per day, however, firearms are prohibited on  
22 Park Service lands during this time period.

23  
24 There is a proposal map showing Unit 9(B)  
25 on Page 383. Rural residents of 9(A), (B), (C) and (E)  
26 and Unit 17 have a positive customary and traditional use  
27 determination for beaver in these units. The beaver  
28 population in Unit 9(B) has been increasing and is quite  
29 healthy. Beavers have historically been an important  
30 furbearer and a food source for rural resident in this  
31 unit. And what this proposal would do would provide  
32 additional opportunity for eligible subsistence users in  
33 a resident zone community to harvest beaver with a  
34 firearm under hunting regulations on Federal public lands  
35 in Unit 9(B).

36  
37 There is a little bit of a concern in  
38 that these regulations would not align with State  
39 regulations. There could be some confusion due to the  
40 land status, navigability issues and so on, but it  
41 shouldn't impact the beaver population as it's healthy.

42  
43 And that's about all I have, Mr.  
44 Chairman, thank you.

45  
46 CHAIRMAN DEMIENTIEFF: Thank you.  
47 Written public comments.

48  
49 MR. EDENSHAW: Thank you, Mr. Chair.  
50 There was one written public comment received by the Lake

1 Clark SRC.

2

3 The Lake Clark SRC supports establishing  
4 a beaver hunting season in Unit 9(B) to allow subsistence  
5 hunters to use a firearm to take beaver in Lake Clark  
6 National Park and Preserve.

7

8 And that concluded written public  
9 comments, Mr. Chair.

10

11 CHAIRMAN DEMIENTIEFF: Thank you. Jack  
12 Hession, I don't know if you had additional comment to  
13 this.

14

15 MR. HESSION: Yes, I do.

16

17 CHAIRMAN DEMIENTIEFF: Come on up.

18

19 MR. HESSION: Thank you, Mr. Chairman and  
20 members of the Board and Councils. My name is Jack  
21 Hession. I'm here today on behalf of the Alaska Chapter  
22 of the Sierra Club. My remarks on 48 also extend to 49,  
23 which is, of course, on the regular calendar.

24

25 48, in effect, would go around existing  
26 National Park Service regulations that as I mentioned  
27 earlier this morning was the subject of published  
28 regulation, draft published regulations in which every  
29 citizen of Alaska and the nation could comment. This  
30 seems to be a rather back door way of circumventing these  
31 existing rules. And I would suggest that if the Park  
32 Service wishes to amend its regulations to allow this  
33 kind of hunting in a National Park and Preserve, then it  
34 go through another round of rulemaking, as it's called.  
35 Draft regulations to amend the existing ones. Not this  
36 particular process here which is unprecedented.

37

38 The same interest extends to 49 where the  
39 difference is there would be no limit on hunting beavers  
40 with guns and the season would be different, seven months  
41 as opposed to 47 days in Lake Clark National Park and  
42 Preserve.

43

44 I believe this 48 and 49 with respect to  
45 Aniakchak conflicts with National Park Service standards.  
46 Earlier I mentioned the public comment on the National  
47 Park Service's existing regs. In those regulations,  
48 which not only included no firearms in hunting beaver but  
49 also no same day airborne and other similar proposals  
50 received strong public support and the Park Service

1 followed through and adopted them.

2

3                   There are, just briefly, some problems  
4 here. It's April 15th through March 31st, a time at  
5 which the young beaver are born and reared and it seems  
6 strange to me that you would allow -- or any agency would  
7 allow hunting of the adult beavers at this time. It's  
8 just simply not done.

9

10                   It also conflicts, to some extent with  
11 the non-consumptive interest in National Parks and  
12 Preserves. People visit these areas for the purpose of  
13 observing wildlife. And to the extent that the pressure,  
14 hunting pressure and trapping pressure is on these  
15 animals, it deprives, to some degree, the opportunity for  
16 the public to view wildlife in an un hunted situation.

17

18                   As I mentioned, Mr. Chairman, my remarks  
19 extend also to 49 which involves Aniakchak National  
20 Monument. There, the distinction is seasons and bag  
21 limits, no limit in that case, but the principle is the  
22 same. I would urge the Board to not adopt Proposal No.  
23 48 or 49.

24

25                   Thank you, very much.

26

27                   CHAIRMAN DEMIENTIEFF: Thank you. It  
28 seems like that table is a little unstable I see. We got  
29 somebody from maintenance who's going to look so whenever  
30 they get here then we'll probably stand down for a moment  
31 while they -- I don't want to see anybody tip over.  
32 Remember the year the lights blew off over my head. Holy  
33 cow.

34

35                   (Laughter)

36

37                   CHAIRMAN DEMIENTIEFF: Written -- no,  
38 let's see where are we, we already did that. Regional  
39 Council recommendation.

40

41                   MR. O'HARA: Mr. Chair.

42

43                   CHAIRMAN DEMIENTIEFF: Yes.

44

45                   MR. O'HARA: Of course our Council  
46 recommends that they follow through on the recommendation  
47 from Lake Clark on taking these beavers.

48

49                   The population is very good. I don't  
50 think there's a great deal of numbers of beaver taken,

1 it's only a certain number of people who like subsistence  
2 and if they can save the hide, fine. It's a subsistence  
3 issue.

4  
5                   And whereas the Sierra Club made mention  
6 that they would like to observe the game, we still need  
7 to use the game. We're not here just to observe the  
8 game, we're here to do a management program and use  
9 subsistence. It's okay for people from someplace else  
10 who don't have to worry about a beaver cap when it's 25  
11 below but we do, and we want to use these animals and  
12 right now there's a good opportunity for management, and  
13 if it starts getting carried away you have emergency  
14 methods at your disposal, Mr. Chairman, and the Federal  
15 Staff and the Board to shut it down. And I think Title  
16 VIII is a little different than the Park Service, they're  
17 certainly doing things different now under Title VIII  
18 than they've ever done before. This is a law passed by  
19 Congress. And I'm sorry our lawyer's not here today but  
20 I think we'd have just as much right on subsistence  
21 proposals in Parks as the Sierra Club would have on their  
22 observing an animal and whatever the Park regulations  
23 would require for proposals.

24  
25                   So on 48, we feel the population is fine.  
26 They'll use the animals. They can use a traditional  
27 lifestyle. Before you became a state we shot beavers  
28 almost to extinction, that's why we stopped. And I was a  
29 young boy when this took place. And now the population  
30 has come back and it's been very reasonable to maintain  
31 that population and a good healthy animal population.

32  
33                   Thank you very much.

34  
35                   CHAIRMAN DEMIENTIEFF: Thank you. Staff  
36 Committee.

37  
38                   MR. BOS: Thank you, Mr. Chair. The  
39 Staff Committee supports the proposal consistent with the  
40 recommendation of the Bristol Bay Regional Advisory  
41 Council. The proposed harvest limit for Unit 9(B) would  
42 not adversely impact beaver populations which have been  
43 increasing.

44  
45                   The proposal would allow hunters to shoot  
46 beaver with a firearm under hunting regulations during  
47 the same spring season and with the same harvest limit  
48 allowed for trappers using firearms. This will provide  
49 additional subsistence harvest opportunities on National  
50 Park Service lands where the use of firearms under

1 trapping regulations is prohibited.

2

3

Thank you.

4

5

CHAIRMAN DEMIENTIEFF: Thank you.

6

Department.

7

8

9

MR. HAYNES: Mr. Chairman, the Department supports the Bristol Bay Regional Advisory Council recommendation to adopt this proposal, which would authorize the same provisions in the Federal subsistence hunting regulations as are currently allowed in the State trapping regulations for beaver in Unit 9(B).

10

11

12

13

14

15

CHAIRMAN DEMIENTIEFF: Discussion.

16

17

MS. GOTTLIEB: Mr. Chair.

18

19

CHAIRMAN DEMIENTIEFF: Judy.

20

21

22

23

24

MS. GOTTLIEB: I'll try to explain the Park Service regulations which in this particular case have never been easy for me to understand so I'll try to do a good job of explaining it.

25

26

27

28

29

30

31

On National Park lands shooting with a hunting license is allowed, if it's consistent with hunting regulations. And what's being proposed here by our Subsistence Resource Commission, which we have a great deal of obligation to listen to, is consistent with that regulation, it's a hunting regulation.

32

33

34

35

36

37

38

39

Park Service regulations, if one has a trapping license, Park Service regulations are such that shooting a free-ranging beaver which is one that's not in the trap or for bear, if you have a trapping license, that's what is not allowed, but we are talking about hunting regulations here, other agencies do not have this restriction on trapping licenses.

40

41

42

So that's where the difference is on Park Service lands.

43

44

MR. BISSON: Mr. Chairman.

45

46

CHAIRMAN DEMIENTIEFF: Yes.

47

48

49

50

MR. BISSON: I would ask Ms. Gottlieb, are there other Park Service units in Alaska where this regulation or something similar is already in effect?

1 MS. GOTTLIEB: Thank you. You are  
2 correct, that there are some other Park Service areas  
3 where this regulation has been in effect.  
4  
5 MR. BISSON: Okay.  
6  
7 MR. EDWARDS: Mr. Chairman, I have two  
8 questions. One then, are free-ranging beaver like free-  
9 ranging cattle or is there a difference there?  
10  
11 (Laughter)  
12  
13 MR. EDWARDS: That was my first question.  
14  
15 (Laughter)  
16  
17 MR. EDWARDS: And my second question is,  
18 so under this, if you are a trapper but you possess a  
19 hunting license, then while you're out trapping beaver  
20 you can shoot these free-ranging beavers; is that right?  
21  
22 MS. GOTTLIEB: Yes.  
23  
24 MR. EDWARDS: Okay.  
25  
26 CHAIRMAN DEMIENTIEFF: Yeah, we seem to  
27 have a bit of a shortage of cattle on our property so  
28 maybe you know a little bit more about cattle than us,  
29 free-ranging cattle.  
30  
31 Further discussion.  
32  
33 (No comments)  
34  
35 CHAIRMAN DEMIENTIEFF: Hearing none then  
36 is somebody prepared to offer a motion.  
37  
38 MR. BSCHOR: I move to support the  
39 proposal consistent with the recommendation of the  
40 Bristol Bay Regional Advisory Council.  
41  
42 CHAIRMAN DEMIENTIEFF: Is there a second.  
43  
44 MR. TONY: Second.  
45  
46 CHAIRMAN DEMIENTIEFF: Discussion. I am  
47 comfortable with the population. I mean the population  
48 of the beaver, very comfortable with that biological  
49 information. And I support the proposal because actually  
50 they're primary food source, we all know that, as was

1 testified to by Dan and there are certain areas, certain  
2 areas around my village where they're overpopulated and  
3 they're actually causing problems with our fish because  
4 they can't get past the dams to get to where they  
5 normally spawn. So it cuts a couple different ways  
6 actually, these issues.

7  
8 But also with the drop in the price  
9 several -- well, quite a few years back, actually, for  
10 beaver skin, a lot of beaver trappers lost their  
11 motivation to go out so this gives them the opportunity  
12 to get food on their table and we certainly in rural  
13 Alaska, we certainly depend on that as a fresh meat  
14 source in the spring and so it's real important.

15  
16 So I support the Council as well.

17  
18 Further discussion.

19  
20 (No comments)

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

25  
26 IN UNISON: Aye.

27  
28 CHAIRMAN DEMIENTIEFF: Those opposed,  
29 same sign.

30  
31 (No opposing votes)

32  
33 CHAIRMAN DEMIENTIEFF: Motion carries.  
34 49.

35  
36 MR. FISHER: Thank you, Mr. Chairman.  
37 Proposal 49 was submitted by the Aniakchak Subsistence  
38 Resource Commission.

39  
40 This proposal also requests a hunting  
41 season be established for beavers for Federal public  
42 lands in Unit 9(E). The proposal map is on Page 392 for  
43 your reference. The requested hunting season, a little  
44 bit different than No. 48, but they're requesting a  
45 hunting season seven month season, September 1 through  
46 March 31st with no harvest limit.

47  
48 Currently there is no hunting season for  
49 beaver in Unit 9(E) under either Federal or State regs.  
50 Both State and Federal regs, trapping regs, allow use of

1 a firearm to take beaver April 15th through May 31st, two  
2 beaver per day except on National Park Service lands.  
3 C&T is the same as what we talked about in 48. The  
4 biology is basically the same. The population is  
5 increasing and is healthy.

6  
7 What this proposal would do would provide  
8 additional opportunities for eligible subsistence users  
9 to harvest beaver with a firearm under hunting  
10 regulations on Federal public lands in Unit 9(E).

11  
12 We do have some concern though that an  
13 unlimited harvest for seven months that the effort to  
14 retrieve shot beavers could be lots and could lead to a  
15 high exploitation rate and some waste. And also this  
16 regulation may create some confusion with the current  
17 State regulation. There is no State hunting regulation  
18 so there could be some confusion there.

19  
20 That's all I have, Mr. Chairman, thank  
21 you.

22  
23 CHAIRMAN DEMIENTIEFF: Written public  
24 comments.

25  
26 MR. EDENSHAW: Thank you, Mr. Chair. The  
27 Aniakchak SRC submitted written public comment.

28  
29 They support establishing a beaver  
30 hunting season in Unit 9(E) to allow subsistence hunters  
31 to use a firearm to take beaver in Aniakchak National  
32 Monument and Preserve.

33  
34 That concluded written public comments,  
35 Mr. Chair.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you. Jack,  
38 I don't know if you have anything else you want to add to  
39 your earlier comments on 49?

40  
41 MR. HESSION: No, thank you, Mr.  
42 Chairman.

43  
44 CHAIRMAN DEMIENTIEFF: Okay, thank you.  
45 Regional Council recommendation.

46  
47 MR. O'HARA: Mr. Chair, Bristol Bay  
48 supported the proposal.

49  
50 CHAIRMAN DEMIENTIEFF: Okay. Thank you.

1 Staff Committee.

2

3 MR. BOS: Thank you, Mr. Chair. The  
4 Staff Committee supports Proposal 49 with a modification  
5 contrary to the Bristol Bay Regional Advisory Council's  
6 recommendation to adopt without modification.

7

8 The modification recommended by the Staff  
9 Committee would establish a harvest limit of two beaver  
10 per day and hunting season dates that would align with  
11 the existing trapping regulations for the use of a  
12 firearm.

13

14 This proposal is similar to Proposal 48,  
15 in that, the intent of the proposal, we believe, is to  
16 provide subsistence opportunity to take beaver using a  
17 firearm on Park Service lands that is similar to the  
18 opportunity currently provided to subsistence trappers to  
19 take beaver with a firearm on other Federal lands within  
20 the unit. The harvest limit of two beaver per day for  
21 Unit 9(E) would not adversely impact beaver populations.  
22 And the hunting season would provide additional  
23 subsistence opportunities to harvest beavers on Park  
24 Service lands.

25

26 The harvest limit and season date  
27 modifications recommended by the Staff Committee would  
28 address biological concerns, such as shot beaver not  
29 being retrieved. Mortality of kits that are orphaned in  
30 the fall and potential overharvest or localized  
31 depletions of accessible beaver populations.

32

33 Thank you.

34

35 CHAIRMAN DEMIENTIEFF: Thank you.  
36 Department.

37

38 MR. HAYNES: Mr. Chairman, the Department  
39 supports the proposal as modified by the Interagency  
40 Staff Committee. The Department supports a Federal  
41 beaver hunting season in Unit 9(E) that is consistent  
42 with that portion of the current State trapping season  
43 during which firearms can be used, and that would be  
44 April 15 to May 31 with a harvest limit of two beaver per  
45 day.

46

47 The proposed seven month hunting season  
48 with no harvest limit would subject beaver populations in  
49 this area to overharvest especially during the open water  
50 periods, which for lakes and streams in this area can

1 extend from April through January. No evidence is  
2 presented in the proposal or the Staff analysis to  
3 indicate that a daily limit of two beaver would be  
4 detrimental to satisfying subsistence needs.

5

6 Thank you.

7

8 CHAIRMAN DEMIENTIEFF: Thank you.

9 Discussion. Gary.

10

11 MR. EDWARDS: Mr. Chairman, I do have a  
12 question for Dan. Dan, it's my understanding that in the  
13 past the Council has been supportive of a two day bag  
14 limit as well as a shorter season and, you know, this is  
15 an extremely extended season as well as no limit, I mean  
16 what has changed that has persuaded the Council to open  
17 this up more?

18

19 MR. O'HARA: Mr. Chairman.

20

21 CHAIRMAN DEMIENTIEFF: Go ahead.

22

23 MR. O'HARA: I was not at that meeting so  
24 I don't know what the nature of the Council was to  
25 support an open-ended type situation.

26

27 I don't know if they, you know, I've  
28 flown that are, I do it almost every week and the  
29 population is good, I mean there's a lot of beavers, and  
30 the Meshik area, that's being addressed here is suffering  
31 somewhat from lack of some species of salmon, some of the  
32 five species, but I do not know why they supported two in  
33 one area and an open-ended situation in the other area.  
34 I just do not know the answer to that.

35

36 MS. GOTTLIEB: Mr. Chair.

37

38 CHAIRMAN DEMIENTIEFF: Judy.

39

40 MS. GOTTLIEB: I guess I sat in on some  
41 of that meeting and I think Dan's absence and some of the  
42 other senior members of the Council not being there in  
43 person did have an effect, but I'd like to see us proceed  
44 with a season but be more cautious on having a limit, and  
45 so I think, too, consistent with other parts of the  
46 region, would be a good idea.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you. Dan,

1 in your neck of the woods affected by this proposal, is  
2 it common for people when they do shoot beaver to shoot  
3 them on the bank as opposed to shooting them in the  
4 water, because they really don't float very well?  
5

6 MR. O'HARA: No. But a lot of the beaver  
7 hunting that has been done in this type of a situation  
8 where they shoot the beaver, they really don't lose them.  
9 You lose something all the time, I mean like you go out  
10 duck hunting and your dog is going to miss a bird that's  
11 gone in the grass and couldn't catch it or something,  
12 that's understandable. But I would say on a large  
13 percentage of basis of the people who hunt beavers,  
14 they're going to shoot them in a shallow stream or it's  
15 pretty rare to catch them out on land, really it is.  
16 Most of the time they're under water or they're back in  
17 the water and they'll swim, they'll -- you can hunt a  
18 beaver and he'll swim along and you can keep hunting him  
19 until you get them to a location where you can harvest  
20 him and get him back.

21  
22 And believe it or not, a lot of people  
23 do, beaver meat is very good, it's good to eat. And the  
24 fur, you know, if it's not too late, if it's a cold  
25 spring, that's an awfully good beaver skin cap.

26  
27 So I think retrieving them is not a  
28 problem, you just might deal with the open-ended part of  
29 this thing, too, you know.

30  
31 CHAIRMAN DEMIENTIEFF: Any other  
32 discussion.

33  
34 (No comments)

35  
36 CHAIRMAN DEMIENTIEFF: Is somebody  
37 prepared to offer a motion.

38  
39 MR. EDWARDS: Well, Mr. Chairman, I would  
40 move that we would amend the recommendation by the  
41 Bristol Bay Regional Council that we would establish a  
42 harvest limit of two beaver per day and to align the  
43 hunting season dates with existing trapping date  
44 regulations for use of firearms.

45  
46 And as we discussed, I think this is a  
47 more conservative, or at least a conservation approach so  
48 this is not open-ended and basically seems to be  
49 consistent with how we have addressed, you know, these  
50 other types of seasons with beavers.

1                   CHAIRMAN DEMIENTIEFF: There's a motion,  
2 is there a second.  
3  
4                   MR. BSCHOR: I second it.  
5  
6                   CHAIRMAN DEMIENTIEFF: Okay. Discussion  
7 on the motion. Terry.  
8  
9                   MR. HAYNES: Mr. Chairman, I just wonder  
10 if Mr. Edwards could clarify what season dates were you  
11 recommending?  
12  
13                   MR. EDWARDS: April 15th through May  
14 31st.  
15  
16                   MR. HAYNES: Thank you.  
17  
18                   CHAIRMAN DEMIENTIEFF: Further  
19 discussion.  
20  
21                   MR. BSCHOR: We had no discussion on what  
22 the demand would be and how many people who really go out  
23 there and do this but I'm more comfortable with the  
24 motion as amended because it's a more conservative  
25 approach initially.  
26  
27                   CHAIRMAN DEMIENTIEFF: I guess the only  
28 other concern that I have with regard to the subsistence  
29 hunter, it's real tough to justify, especially with  
30 today's gas prices a big beaver hunting trip for two a  
31 day, it's -- you know, I really question whether or not  
32 there will be very many people out. The only ones that  
33 will do that is if it's incidental to some other  
34 harvesting activity where you could kind of justify it.  
35 But I know, personally, I wouldn't go out for two beaver  
36 a day, it just costs too much.  
37  
38                   Further discussion.  
39  
40                   MR. LITTLEFIELD: Mr. Chair.  
41  
42                   CHAIRMAN DEMIENTIEFF: Yes, John.  
43  
44                   MR. LITTLEFIELD: Thank you, Mr. Chair.  
45 I don't want to take any position on this, but I do have  
46 a question on process. I thought that in an earlier  
47 correspondence that we were going -- that the Federal  
48 Subsistence Board was going to move to adopt the Regional  
49 Advisory Council recommendation and then amend it so that  
50 the record was clear why they were changing it, then

1 amending it, and when they sent the letter back to the  
2 Council saying why they did not approve what they  
3 recommended, that the record was real clear to follow  
4 that. I thought that was the process that the Board was  
5 going to follow.

6  
7 CHAIRMAN DEMIENTIEFF: I think, again,  
8 and that's one of the things I talked about earlier in  
9 talking to Gary, you did move the Regional Council  
10 recommendation as modified, did I hear that?

11  
12 MR. EDWARDS: Mr. Chairman, what I did  
13 say was that I would move to adopt their recommendation  
14 as modified.

15  
16 CHAIRMAN DEMIENTIEFF: Right.

17  
18 MR. EDWARDS: If I didn't that's what I  
19 intended to do.

20  
21 CHAIRMAN DEMIENTIEFF: Yes.

22  
23 MR. EDWARDS: And I don't know if that  
24 addresses what John's concern is or not but.....

25  
26 CHAIRMAN DEMIENTIEFF: Yes.

27  
28 MR. LITTLEFIELD: I guess the process I  
29 would have liked to have seen would be, and I thought  
30 that's what you were going to follow was to move to adopt  
31 the Regional Advisory Council recommendation as they  
32 submitted it, and then subsequent to that to amend that  
33 and then justify why you are supporting the amendments.  
34 I don't have any position on this but I thought that was  
35 the process that you had agreed to earlier.

36  
37 CHAIRMAN DEMIENTIEFF: I think, John,  
38 pretty much procedurally we made a commitment to use the  
39 Regional Council recommendation, you know, as the  
40 vehicle, and what we've kind of done right now is using  
41 that as a vehicle, but also in the motion accepting the  
42 modification. You know, procedurally it is our  
43 commitment that we have made to use the Regional Council  
44 recommendation.

45  
46 Further discussion.

47  
48 (No comments)

49  
50 CHAIRMAN DEMIENTIEFF: Hearing none, all

1 those in favor of the motion, please signify by saying  
2 aye.

3

4 IN UNISON: Aye.

5

6 CHAIRMAN DEMIENTIEFF: Those opposed,

7 same sign.

8

9 (No opposing votes)

10

11 CHAIRMAN DEMIENTIEFF: Motion carries.

12

13 MR. O'HARA: Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Yes.

16

17 MR. O'HARA: Does that conclude Bristol

18 Bay?

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MR. O'HARA: All right.

23

24 CHAIRMAN DEMIENTIEFF: Yes.

25

26 MR. O'HARA: I want to thank you for your

27 consideration and we can have a brown bear hide without

28 cutting his arms off and everything else off and if we

29 want to take it out of the region we'll seal it and that

30 will protect everybody.

31

32 (Laughter)

33

34 MR. O'HARA: And I think you were very

35 reasonable on the beaver situation where it is a good

36 subsistence animal and has good fur still and we do thank

37 you for your consideration.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. We are

40 going to just take a real quick break, we need to get

41 this table fixed so it will be just a short break, don't

42 go too far.

43

44 (Off record)

45

46 (On record)

47

48 CHAIRMAN DEMIENTIEFF: Okay, we're going

49 to go back into Southcentral at this time. Our Chairman

50 came in and I don't have to ball him out this year for

1 not bringing fish because he was taking a beating from  
2 several people in the room and not to mention his wife,  
3 he said, he didn't bring fish even for his wife.

4

(Laughter)

6

7 CHAIRMAN DEMIENTIEFF: So he's been  
8 fairly well abused, I think.

9

10 MR. LOHSE: Not half as bad as I'm going  
11 to be.

12

(Laughter)

14

15 CHAIRMAN DEMIENTIEFF: Okay, now, let's  
16 see we have Karen Deatherage, who I think wants to  
17 testify on Proposals 31, 32 and 33, which are not consent  
18 items but I think what it is is -- wants to discuss  
19 removing some other items off of the consent agenda, so  
20 29, 30 and 34 as I got it.

21

22 MR. BOYD: Yes.

23

24 MS. DEATHERAGE: Wasn't 34 already  
25 removed?

26

27 CHAIRMAN DEMIENTIEFF: No.

28

29 MR. BOYD: No.

30

31 MS. DEATHERAGE: Is that lynx?

32

33 REPORTER: You need to come on up to the  
34 microphone.

35

36 MS. DEATHERAGE: Is that lynx, 34?

37

38 CHAIRMAN DEMIENTIEFF: 36 came off.

39

40 MS. DEATHERAGE: Well, I'd like to -- Mr.  
41 Chairman, Members of the Board, I'd like to testify on  
42 29, 30, 31, 32, 33 and 34.

43

44 CHAIRMAN DEMIENTIEFF: Well, are you  
45 going to be here when we deliberate those because 31, 32  
46 and 33 are going to be considered right now.

47

48 MS. DEATHERAGE: So you're not going to  
49 be considering 29 and 30 right now?

50

1 CHAIRMAN DEMIENTIEFF: No. I was just  
2 going to allow you simply the opportunity to make your  
3 request to pull them off the consent agenda, which was my  
4 understanding of what you wanted to do.

5  
6 MS. DEATHERAGE: Yes. I would like to  
7 have Proposals 29 and 30 removed from the consent agenda.

8  
9 CHAIRMAN DEMIENTIEFF: Okay. And 34  
10 also?

11  
12 MS. DEATHERAGE: And 34.

13  
14 CHAIRMAN DEMIENTIEFF: Okay. Well, go  
15 ahead and make your case specifically to why you want  
16 them off.

17  
18 MS. DEATHERAGE: Well, I'm with  
19 Defender's of Wildlife and I'm representing that  
20 organization today and we're opposed to Proposals 29, 30  
21 and 34 and so we would like to present our case before  
22 the Board to express that opposition and our  
23 justification for that.

24  
25 CHAIRMAN DEMIENTIEFF: This is your  
26 opportunity.

27  
28 MS. DEATHERAGE: To do that?

29  
30 CHAIRMAN DEMIENTIEFF: Yes.

31  
32 MS. DEATHERAGE: Okay. And really the  
33 points I'm going to make are applicable to all the  
34 proposals that I listed that we are in opposition to  
35 which deal with coyote, fox and lynx in Southcentral.

36  
37 The first most disturbing points that we  
38 found in the proposals was that the justification for  
39 these proposals was to align State and Federal season  
40 dates because they're easier to follow and understand.  
41 And we believe that doing that is incompatible with  
42 existing Federal laws and policy. Federal policy  
43 dictates that wildlife be managed for a variety of uses  
44 and provide for natural densities and levels of variation  
45 and populations of species. This is not currently  
46 evident in State regulations, which, in recent years have  
47 been extreme in nature, are designed to augment only  
48 those species desired for consumptive purposes and  
49 represent gross mismanagement of Alaska ecosystems.  
50 Therefore, alignment with State regulations is not

1 reasonable justification for liberalizing bag limits and  
2 seasons for coyotes or any other species.

3  
4                   Defenders encourages you to rely on the  
5 principle to ensure, and I quote, stable and continuing  
6 natural populations of species of plants and animals in  
7 their ecosystems. We believe that by doing so you will  
8 both protect these ecosystem and provide for subsistence  
9 needs of rural residents.

10  
11                   The second point, which is in particular  
12 to the coyote season being extended to August 10th is  
13 that we consider this wanton waste. And under the  
14 Section .802 of ANILCA it identifies the congressional  
15 policy that non-wasteful subsistence uses of fish and  
16 wildlife and other renewable resources shall be the  
17 priority consumptive uses of all such resources on public  
18 lands in Alaska. We're not familiar with any value that  
19 a coyote or any other animal, furbearer for that matter,  
20 may have in August pelt-wise. It's certainly not an  
21 animal that's consumed and so the only value of that  
22 animal would be in the pelt. I've personally been in the  
23 field a lot in August, September and October and I can  
24 assure you that the pelts on these animals are not worthy  
25 of any economic value or any subsistence value for  
26 someone who is looking to use it to keep warm in the  
27 winter, they're non-existent almost, particularly in the  
28 months of August, which is what this proposal is asking  
29 the season extension to accomplish.

30  
31                   So we think that any regulatory changes  
32 to increase or expand take into this season would be  
33 considered for the purpose of sport hunting or for  
34 predator control, that's really only the justification we  
35 can see for extending the coyote season into August.

36  
37                   Also another point is that extending this  
38 season into August conflicts with non-consumptive users  
39 using parks leaving only 40 days for these users  
40 particularly in Game Management Unit 11, which is vastly  
41 compromised of National Park and Preserve land.

42  
43                   And then finally a concern that I think  
44 is applicable to all of the proposals that are asking for  
45 liberalization of seasons and bag limits is that no data  
46 exists and no surveys have been undertaken to determine  
47 the current populations of these animals.

48  
49                   Alaska Department of Fish and Game  
50 estimates are based solely on anecdotal information. And

1 we believe to liberalize seasons and bag limits to this  
2 extent without these data is scientifically unsound and  
3 does not fall within the conservation based policies of  
4 managing wildlife on Federal lands.

5  
6 Thank you, for the opportunity to  
7 comment.

8  
9 CHAIRMAN DEMIENTIEFF: Jack Hession.

10  
11 MR. HESSION: In the interest of time,  
12 Mr. Chairman, I'll defer to Ms. Deatherage's comments.

13  
14 CHAIRMAN DEMIENTIEFF: Okay, thank you.  
15 Is there any request by Board members to remove those  
16 items from the consent agenda?

17  
18 (No comments)

19  
20 CHAIRMAN DEMIENTIEFF: Hearing none we'll  
21 go ahead and move on with Proposal 27, Southcentral.

22  
23 MR. ARDIZZONE: Mr. Chair. Board  
24 members. My name is Chuck Ardizzone, I'll be presenting  
25 Southcentral proposals today. The maps for Southcentral  
26 are in the supplemental map packet, Pages 1 through 5.  
27 Proposal 27 can be found on Page 193 of the Board Book.

28  
29 Proposal WP04-27 was submitted by the  
30 Alaska Department of Fish and Game and it requests  
31 Federal harvest dates for moose in Unit 13 remainder be  
32 shortened by 14 days and that the reporting of the  
33 harvest to BLM to be done within three days. The harvest  
34 season would be changed from 1 August to September 20th  
35 to August 15th to September 20th.

36  
37 The proponent wants the season change for  
38 several reasons. The first reason is the first two weeks  
39 of August are often warm and wet. To ensure proper care  
40 of meat, thus reducing or eliminating meat spoilage cool  
41 and dry weather is required. Typically this weather does  
42 not occur until mid-August.

43  
44 The second reason has to deal with  
45 enforcement issues. The proponent believes that many of  
46 the moose taken under the Federal subsistence regulations  
47 are harvested outside of Federal lands.

48  
49 A little bit of regulatory history. The  
50 existing Federal subsistence moose regulations have been

1 in place since 1995 when the season start was changed  
2 from August 25th to August 1st providing a 14 day period  
3 for subsistence users to harvest moose without  
4 interference from State Tier II hunters. The moose  
5 population in Unit 13 has fluctuated broadly since the  
6 1940s, with the most recent peak in 1987. ADF&G's  
7 overall moose population goal for Unit 13 is to increase  
8 the population to 20,000 to 25,000 moose and to increase  
9 the harvest to 1,200 to 2,000 animals annually. The  
10 current population is considered stable and you can look  
11 at Table 1 for that.

12  
13 Federal moose harvest in Unit 13 for  
14 August was 14 animals in 2000; nine animals in 2001 and  
15 10 animals in 2002, and that would be in Table 3.

16  
17 Federal moose harvest before 15 August  
18 has been minimal. Six animals in 2000, seven animals in  
19 2001 and five animals in 2002.

20  
21 The effects of this proposal. If the  
22 proposal is adopted it would be more restrictive than  
23 current regulations and would shorten the Federal harvest  
24 season by 14 days, thus reducing opportunities for  
25 qualified subsistence users to harvest moose.

26  
27 Currently the moose population is  
28 considered stable and the current harvest is considered  
29 sustainable. Subsistence harvest of moose during the  
30 first 14 days of August has been low, ranging between  
31 five and seven animals between 2000 and 2002. Shortening  
32 the season would lessen the opportunity for the  
33 subsistence user basically placing the burden on all  
34 subsistence users is possible illegal harvest by some  
35 individuals. Adopting this proposal would not address  
36 the main concern of the proponent, which is Federal  
37 hunters harvesting moose on State lands but reporting  
38 their harvest was taken from Federal lands.

39  
40 Federal law enforcement officers have  
41 stated that in the future officers will be watching the  
42 trails that pass through Federal lands to State lands  
43 more closely to help eliminate a possibility of illegal  
44 harvest.

45  
46 There are very few moose harvested in  
47 early August in Unit 13. Subsistence hunters are aware  
48 of the possibility of meat spoilage during warm weather  
49 and take measures to prevent it from occurring.

50

1 And are there any questions.

2

3 CHAIRMAN DEMIENTIEFF: Any time they come  
4 up you'll be at the table anyway so you'll be able to  
5 respond to different things.

6

7 Summary of written public comments.

8

9 MR. MIKE: Thank you, Mr. Chairman.  
10 Donald Mike, Council coordinator. You will find your  
11 public comments under written public comments on Page  
12 192. We received three written public comments, two in  
13 opposition and one in support.

14

15 The Copper River Native Association/Ahtna  
16 Incorporated Joint Committee opposes the proposal to  
17 shorten the moose season from an August 1 through  
18 September 20th season to an August 15th to a September  
19 20th season.

20

21 Wrangell-St. Elias National Park  
22 Subsistence Resource Commission supports the proposal as  
23 written.

24

25 The Denali Park and Preserve Subsistence  
26 Resource Commission opposes the proposal. The harvest  
27 reporting dates are very unreasonable. There are very  
28 few Federal harvests during this time period in August  
29 and it would reduce subsistence opportunity in general.  
30 This is an enforcement issue, not a biological issue, and  
31 the Commission is not convinced about illegal harvest.

32

33 Thank you, Mr. Chair.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. We have  
36 no additional request for public testimony at this time.  
37 Regional Council recommendation.

38

39 MR. LOHSE: Southcentral Regional Council  
40 opposes this proposal. We looked at the data that was  
41 given us and the big issue seemed to be that many were  
42 taken outside on Federal land, it seemed kind of a moot  
43 point to us that there couldn't be very many when the  
44 harvest is somewhere between five and seven animals a  
45 year.

46

47 And like the testimony that was presented  
48 at the meeting, said, most of those came along the road  
49 system down there, towards Valdez where you're actually  
50 right along side the road in that area that's accessible,

1 and they can be taken there legally with no problem.

2

3

CHAIRMAN DEMIENTIEFF: Eastern.

4

5

MR. FLEENER: Thank you, Mr. Chair.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

But as far as the proposal goes we deferred to the home region.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. KESSLER: Mr. Chair. Members of the Board. Steve Kessler, and we're going to be sitting in the back here now with our microphones working again.

The Interagency Staff Committee opposes this proposal consistent with the recommendation of the Southcentral Regional Advisory Council. This proposal is more restrictive than the current regulation and would shorten the harvest season by 14 days thus reducing opportunities for Federally-qualified subsistence users to harvest moose.

The prospect that some hunting under Federal regulations is occurring off of Federal public lands is an enforcement and hunt administration issue best addressed through continuing hunter education and orientation by the Bureau of Land Management.

The proposed reduction in season length would not rectify the issues concerning the harvest site and land status. Shortening the reporting time to three days would do little to curtail the concern of illegal harvest and would place a burden on subsistence users. The Federal registration permit requires reporting within five days after harvest.

Mr. Chair.

1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Department.

3  
4 MR. HAYNES: Mr. Chairman, we obviously  
5 support this Department of Fish and Game proposal.

6  
7 The proposal would align the Federal and  
8 State moose season opening dates in the portion of Unit  
9 13 of which less than two percent is Federal public land  
10 and it would require reporting within three days of  
11 harvest.

12  
13 Less than half of the Federal lands in  
14 this area are considered good moose habitat. If the  
15 annual reported Federal harvest is averaged nine percent  
16 of the total moose harvest in Unit 13 during the past  
17 four years, the Department questions whether it's  
18 biologically possible for such a high harvest of moose to  
19 occur in such a small amount of Federal land.

20  
21 Many of the well-used ATV trails leading  
22 to Federal lands run through larger tracks of State  
23 lands. The shorter Federal season beginning on August  
24 15th will still provide Federally-qualified subsistence  
25 users with two weeks of moose hunting opportunity with  
26 minimal competition from State hunters since there are  
27 only 150 Tier II permittees, many of whom are local  
28 residents who would also possess a Federal permit.

29  
30 The reported Federal harvest of moose  
31 during the first two weeks of August is relatively low  
32 due to warm weather and wet conditions. Restricting the  
33 season to the last two weeks of August and aligning the  
34 State and Federal seasons would minimize the chance of  
35 meat spoilage and would facilitate enforcement.

36  
37 At the Southcentral Regional Advisory  
38 Council meeting this spring, the Bureau of Land  
39 Management indicated that beginning next hunting season  
40 hunters will report their harvest within five days of  
41 harvest to the BLM office in Glennallen rather than to  
42 the Office of Subsistence Management in Anchorage. The  
43 Department considers this a positive step that will  
44 better enable enforcement officers to respond quickly  
45 when possible violations are reported.

46  
47 Thank you.

48  
49 CHAIRMAN DEMIENTIEFF: Thank you.  
50 Discussion. Gary.

1 MR. EDWARDS: One question I would have  
2 for the State, I mean, could you maybe elaborate a little  
3 on the difficulties facing your enforcement people? I  
4 guess philosophically I've sort of always been opposed  
5 whether it's sport hunting or otherwise to pass  
6 regulations just to make it easier on law enforcement  
7 personnel. I certainly would be opposed for us doing  
8 this, for example, on any of our Refuges. Because I  
9 think the opportunity is to provide the use, and then for  
10 enforcement to sort of figure out how to enforce it.

11  
12 MR. HAYNES: Mr. Chairman. Mr. Edwards,  
13 part of the problem is the lay of the land. In order to  
14 access Federal lands one has to cross State lands and  
15 just the configuration of lands makes it more difficult  
16 for enforcement to determine exactly where a moose was  
17 harvested. The enforcement will be enhanced with this  
18 change of where the permits will be returned. Part of  
19 the problem experienced last year was the fact that maybe  
20 permits maybe had to be returned within a five day period  
21 but logistically they didn't show up in the Anchorage  
22 office for some time longer than that and they weren't  
23 readily available if enforcement officers needed them.  
24 With BLM's agreement to have those permits returned to  
25 Glennallen, we believe that addresses some of the  
26 enforcement related concerns.

27  
28 MR. BISSON: Mr. Chairman.

29  
30 CHAIRMAN DEMIENTIEFF: Yes.

31  
32 MR. BISSON: I guess the question I would  
33 have is this reporting requirement back to the field  
34 office in Glennallen, the BLM office, is that going to be  
35 in the regulation book? I mean how is that going to be  
36 enforced, are they going to be told that when the permits  
37 are issued?

38  
39 We have the biologist from Glennallen,  
40 he's in the audience, could I ask him to answer that  
41 question, Mr. Chairman?

42  
43 CHAIRMAN DEMIENTIEFF: Yes.

44  
45 MR. WATERS: Good afternoon, Mr.  
46 Chairman. My name is Elijah Waters, I'm the subsistence  
47 coordinator for the Glennallen Field Office. And there's  
48 two ways we can handle that. One, we can work with Fish  
49 and Wildlife Service to get those permit reports  
50 addressed to us. The simple solution is to do what the

1 Park Service currently does and that's just to take a  
2 mailing label and put them right over those permits and  
3 they come right back to us, it's no problem.

4  
5 CHAIRMAN DEMIENTIEFF: Thank you. Any  
6 other questions.

7  
8 MR. BISSON: Mr. Chairman, if there's no  
9 further discussion, I guess I'd like to make a motion.

10  
11 CHAIRMAN DEMIENTIEFF: Go ahead.

12  
13 MR. BISSON: I move that we reject the  
14 proposal consistent with the recommendation of the  
15 Southcentral Regional Council. This issue, I feel, is  
16 better served through information, education of the  
17 hunters involved in the Federal hunt. And, of course, we  
18 will work closely with the subsistence users and I think  
19 Mr. Haynes is correct, in that, that the reporting back  
20 to Glennallen where the enforcement officers actually are  
21 and they work well together on the ground will facilitate  
22 going out and checking the kill locations if it seems  
23 suspect to where it actually happened.

24  
25 CHAIRMAN DEMIENTIEFF: There's a motion,  
26 is there a second.

27  
28 MS. GOTTLIEB: Second.

29  
30 CHAIRMAN DEMIENTIEFF: Discussion on the  
31 motion.

32  
33 (No comments)

34  
35 CHAIRMAN DEMIENTIEFF: If none, all those  
36 in favor of the motion, please signify by saying aye.

37  
38 IN UNISON: Aye.

39  
40 CHAIRMAN DEMIENTIEFF: All those opposed,  
41 same sign.

42  
43 (No opposing votes)

44  
45 CHAIRMAN DEMIENTIEFF: Motion carries.

46 No. 28.

47  
48 MR. ARDIZZONE: Mr. Chair, Proposal 28 is  
49 on Page 204 of your Board Book and the map to correspond  
50 with that proposal is in Page 2 of your supplemental map

1 handout.

2

3

4 Proposal WP04-28 was submitted by the  
5 Alaska Department of Fish and Game and it requests  
6 Federal subsistence harvest limits for moose in 16(B)  
7 remainder be changed from one moose to one bull. The  
8 proponent requests that the harvest limit for moose be  
9 changed to eliminate cow harvest which is an important  
10 step for promoting the growth of the declining moose  
11 population.

12

13 The current Federal subsistence  
14 regulations for moose in 16(B) remainder were adopted in  
15 1991 and have remained unchanged.

16

17 The current State management objectives  
18 for moose in Unit 16(B) are, one, to maintain a moose  
19 population of 6,500 to 7,500 moose with 20 to 25 bulls  
20 per 100 cows; and, two, maintain a harvest of 310 to 600  
21 moose from the population.

22

23 Because of the unit size, ADF&G has  
24 divided Unit 16(B) into three zones, north, middle and  
25 south for survey purposes. None of these zones exactly  
26 corresponds with the Federal Unit 16(B) remainder,  
27 however, we can look at the numbers and get a good idea  
28 of the moose population.

29

30 In 1999 16(B) middle moose population  
31 composition was 28 bulls to 100 cows with nine calves to  
32 100 cows. In 2001 the population composition was 32  
33 bulls to 100 cows with 10 calves per 100 cows. This can  
34 be seen in Table 1.

35

36 The Unit 16(B) north moose population  
37 composition for 2000 was 39 bulls per 100 cows, seven  
38 calves per 100 cows. In 2001 was 40 bulls per cows, with  
39 14 cows per 100 cows.

40

41 In the 16(B) south moose population  
42 composition in 1999 was 38 bulls per 100 cows, with eight  
43 calves per 100 cows. And in 2001 it was 31 bulls per 100  
44 cows and 13 calves per 100 cows.

45

46 Overall in 2001 the composition of the  
47 entire unit was 33 bulls per 100 cows, with 12 calves per  
48 100 cows, which is not very low or not -- there have been  
49 no Federal subsistence cow harvests reported since 1993  
50 in 16(B) remainder. You can look at Table 3 and that  
51 shows the permits issued and the actual harvest data.

1 The only reported harvest was in 2001 and that was  
2 actually a bull moose.

3  
4 The effects of this proposal, if adopted,  
5 it would have little effect on the moose population  
6 because few permits are issued and even fewer moose are  
7 harvested under the Federal subsistence regulations.  
8 However, the current moose population is low and  
9 eliminating the possibility of cow harvest would remove  
10 the potential impact to the population. Conservation of  
11 cows is an important step for promoting growth of the  
12 declining moose population. Currently Federally-  
13 qualified subsistence users could harvest a cow, however,  
14 no one has reported harvesting a cow since 1993.

15  
16 Therefore, changing the current  
17 regulation from one moose to one bull would have little  
18 to no effect on subsistence users.

19  
20 Mr. Chair.

21  
22 CHAIRMAN DEMIENTIEFF: Thank you.  
23 Written public comments.

24  
25 MR. MIKE: Thank you, Mr. Chair. We  
26 received four written comments, two in opposition and two  
27 in support.

28  
29 The Mt. Enlow Advisory Committee (ph)  
30 supports the proposal. The advisory committee listened  
31 to the Department biologists attending the meeting. Most  
32 members agreed that although there was an unmeasurable  
33 effect due to the hunt as is, the perception was plenty  
34 to justify removing antlerless moose from the book that  
35 the proposal addresses.

36  
37 Mr. Dade McHose of Skwentna commented  
38 that moose population in Unit 16 has been in decline  
39 since the early to mid-1980s due, in part, to winter cow  
40 season managed by the Department during the mid-80s  
41 resulting in the harvest of over 100 cows per year.  
42 Recently the Department supported a 20 day general moose  
43 hunt for Alaska residents for spike-fork or 50-inch bulls  
44 in Unit 16(B) despite opposition by the local advisory  
45 committee. The committee did not believe that enough  
46 surplus bulls warranted a season. The new season will  
47 probably result in a larger illegal harvest of cows than  
48 the Federal season as no enforcement is present. 140  
49 permits are issued under the State Tier II system for  
50 November 15th to February 28th season. This results in

1 the harassment of cows during January and February as the  
2 hunters try to determine if an animal is an antlerless  
3 bull which may result in illegal and accidental harvest  
4 of cows.  
5

6 Matanuska Valley Fish and Game Advisory  
7 Committee would like to support Department of Fish and  
8 Game Proposal No. WP04-28 to eliminate cow moose hunting  
9 in Game Management Unit 16(B). Our committee recently  
10 met and heard testimony on the status of the moose  
11 population in the unit and we are concerned about the  
12 long-term health of that population. We understand that  
13 currently few permits are issued and few animals are  
14 taken, however, we feel that the moose herd has declined  
15 dramatically and we should be taking all steps necessary  
16 to help this herd recover, therefore, we request the  
17 Southcentral Regional Advisory Council and the Federal  
18 Subsistence Board support the proposal to eliminate cow  
19 hunting in Unit 16(B).  
20

21 The Denali National Park Preserve  
22 Subsistence Resource Commission opposes the proposal.  
23 The Federal subsistence use is minimal and does not  
24 influence the moose population decline in 16(B). Federal  
25 registration permits in 16(B) remainder, antlerless moose  
26 hunt has averaged one permit per year over the last 14  
27 years. No cows have been harvested under the Federal  
28 permits for the last 10 years. The State's Tier II  
29 winter hunts and reopening of Unit 16(B) remainder to  
30 general State hunts in 2003 and 2004 has caused far  
31 greater damage to the moose population in this area than  
32 the minimal Federal subsistence harvest.  
33

34 Thank you, Mr. Chair.  
35

36 CHAIRMAN DEMIENTIEFF: Thank you. We  
37 have no additional requests for public testimony at this  
38 time. Regional Council recommendation.  
39

40 MR. LOHSE: Southcentral Regional  
41 Advisory Council supported this proposal. We felt that  
42 since there hadn't been any take to speak of in the last  
43 10 years that it would have minimal impact on any  
44 subsistence users.  
45

46 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
47 Committee.  
48

49 MR. KESSLER: Mr. Chair. Members of the  
50 Board. I'm Steve Kessler with the Interagency Staff

1 Committee.

2

3

4 The Interagency Staff Committee supports  
5 the proposal consistent with the recommendation of the  
6 Southcentral Regional Advisory Council. Eliminating the  
7 Federal cow harvest would be consistent with conservation  
8 actions taken by the State to avoid harvest of cow moose  
9 and would have little effect on subsistence harvest of  
10 moose in the area. Currently there are a few permits  
11 issued for antlerless moose harvest and there has been no  
12 reported cow harvest under Federal regulations in the  
13 last 10 years.

14

15 The Interagency Staff Committee also  
16 considered the Denali National Park and Preserve  
17 Subsistence Resource Commission recommendation that the  
18 Federal subsistence harvest is minimal and has not  
19 influenced the moose decline in 16(B) remainder,  
20 therefore, modifying this regulation is not necessary.  
21 However, the Interagency Staff Committee did support the  
22 proposal as recommended.

23

24 Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Thank you.  
27 Department.

28

29 MR. HAYNES: Mr. Chairman, we, naturally  
30 support this proposal consistent with the recommendation  
31 of the Southcentral Regional Advisory Council. The  
32 Department proposal addresses a conservation issue in  
33 Unit 16(B), it would minimally impact Federally-qualified  
34 subsistence users due to their low level of participation  
35 in this moose hunt.

36

37 In 1984 the National Park Service  
38 surveyed moose throughout much of Denali National Park  
39 and Preserve and counted 198 moose in the southwestern  
40 portion of the Park unit. A February 2004 survey counted  
41 only 27 moose in this area, which is 13 percent of the  
42 1984 count, comprised of 20 adults and seven calves.  
43 The harvest of one moose from this area would represent  
44 five percent of the remaining adult animals present.

45

46 The Alaska Board of Game adopted a  
47 predator control plan for this area in March 2003 and has  
48 directed the Department to implement a predator control  
49 program on State lands there next winter. A Federal cow  
50 moose season is unsustainable and should not be retained  
51 in an area where the State regulatory authority has

1 determined that active predator management is needed to  
2 ensure adequate moose populations.

3

4 The area biologist from the area is also  
5 here if you have questions or need more information about  
6 this issue.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Board  
9 discussion.

10

11 MS. GOTTLIEB: Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: Yes.

14

15 MS. GOTTLIEB: If I might, with due  
16 respect to the RAC, I will disagree a little bit because  
17 the majority of the lands in this portion are in Denali  
18 National Park and Preserve and because we know there is  
19 one subsistence hunter who fairly consistently over the  
20 years has been taking a bull, I feel that, yes, there is  
21 definitely a conservation concern but it's not  
22 subsistence users that are causing the decline and I feel  
23 it would be an unnecessary restriction to this individual  
24 to say bulls only.

25

26 I think there's been evidence of a very  
27 low take and some pretty fair discrimination on his part  
28 about what he is taking.

29

30 Thank you.

31

32 CHAIRMAN DEMIENTIEFF: Mr. Reglin.

33

34 MR. REGLIN: Thank you, Mr. Chairman.  
35 We'll begin a wolf control in this area next winter, this  
36 coming winter and in any area to have -- where we're  
37 going to conduct a wolf control program where we have a  
38 cow season is going to be -- even if none are going to be  
39 -- very few or none are taken is going to be used against  
40 the Department by the animal rights groups to try to stop  
41 this predator reduction effort, so I urge you to pass  
42 this proposal just so that we don't have the perception  
43 out there that we are killing cows at the same time we're  
44 reducing predation by reducing wolf numbers.

45

46 CHAIRMAN DEMIENTIEFF: Thank you. Any  
47 other discussion.

48

49 (No comments)

50

1 CHAIRMAN DEMIENTIEFF: Questions.  
2  
3 (No comments)  
4  
5 CHAIRMAN DEMIENTIEFF: Is there somebody  
6 that's prepared to make a motion.  
7  
8 (Pause)  
9  
10 CHAIRMAN DEMIENTIEFF: Well, I don't have  
11 nothing to do until July, I guess we can just sit here  
12 and look at each other, chat during breaks.  
13  
14 (Laughter)  
15  
16 CHAIRMAN DEMIENTIEFF: Or somebody could  
17 make a motion.  
18  
19 (Laughter)  
20  
21 MR. BSCHOR: Mr. Chair, it sounds to me  
22 like we do have a serious conservation problem here that  
23 would be significantly helped if there was consistency in  
24 not shooting cows. And although it's not happening by  
25 subsistence users right now, by agreeing with the  
26 proposal it doesn't seem to be in the way of subsistence  
27 activities. But for assurance, I'm prepared to make a  
28 motion for those reasons that we support the proposal as  
29 consistent with the recommendation from Southcentral  
30 Regional Advisory Council.  
31  
32 CHAIRMAN DEMIENTIEFF: We have a motion,  
33 is there a second.  
34  
35 MR. BISSON: I'll second it.  
36  
37 CHAIRMAN DEMIENTIEFF: Okay, moved and  
38 seconded. Discussion on the motion.  
39  
40 (No comments)  
41  
42 CHAIRMAN DEMIENTIEFF: I think, I, too,  
43 appreciate the work that has gone into this proposal and  
44 it's obvious that the Council and the -- you know people  
45 have worked hard to get to this point and so I intend to  
46 support the motion.  
47  
48 Further discussion.  
49  
50 (No comments)

1 CHAIRMAN DEMIENTIEFF: Hearing none, all  
2 those in favor signify by saying aye.

3  
4 IN UNISON: Aye.

5  
6 CHAIRMAN DEMIENTIEFF: Those opposed,  
7 same sign.

8  
9 MS. GOTTLIEB: Aye.

10  
11 CHAIRMAN DEMIENTIEFF: Okay. Proposal  
12 31.

13  
14 MR. ARDIZZONE: Mr. Chair. Proposals 31  
15 and 32 I'd present together since they come.....

16  
17 CHAIRMAN DEMIENTIEFF: Right, yeah.

18  
19 MR. ARDIZZONE: Okay. They can be found  
20 on Page 223 of your Board Book and the map of those  
21 proposals are on Page 3 of the supplemental hand out.

22  
23 Proposal WP04-31 and WP04-32 were  
24 submitted by the State of Alaska and request that Federal  
25 harvest dates for red fox hunting in Units 11 and 13 be  
26 extended by 28 days and the annual harvest limit be  
27 raised from two to 10. The proponent requests that the  
28 harvest regulations for red fox hunting be changed to  
29 align with existing State seasons.

30  
31 The status of red fox populations in Unit  
32 11 and 13 are not fully known.

33  
34 Based on trapper response to  
35 questionnaires harvest is moderate, although, exact red  
36 fox population numbers are not available, data from  
37 trapper questionnaires are used by Alaska Department of  
38 Fish and Game to determine relative abundance and broad  
39 trends of furbearers. In Unit 11 and 13 red fox were  
40 determined to be common and the population appears to be  
41 stable. Harvest of red fox are well within sustainable  
42 levels.

43  
44 Effects of this proposal. This proposal,  
45 this proposed change would reduce confusion among Federal  
46 subsistence hunters by aligning Federal and State  
47 regulations. This proposal would allow additional  
48 opportunities for Federally-qualified subsistence users  
49 to harvest red fox by lengthening the season and  
50 increasing the harvest limit in Wrangell-St. Elias

1 National Park and Denali National Park since State  
2 regulations do not apply there. Currently the red fox  
3 population is considered to be stable and this proposal  
4 should have little effect on the overall population.  
5

6 Thank you, Mr. Chair.  
7

8 CHAIRMAN DEMIENTIEFF: Thank you.  
9 Written public comments.  
10

11 MR. MIKE: Thank you, Mr. Chair. We  
12 received three written public comments for Proposal 31  
13 and three written public comments for 32.  
14

15 The Copper River Native Association/Ahtna  
16 Incorporated Joint Committee supports the proposal to  
17 lengthen the season for fox hunting in Unit 11 so that  
18 Federal subsistence users will have more opportunity to  
19 hunt red fox and to increase the take of red fox to 10  
20 foxes and no more than two red fox before October 1st.  
21

22 Wrangell-St. Elias National Park  
23 Subsistence Resource Commission opposes the proposal due  
24 to conservation concerns.  
25

26 The Denali Park and Preserve Subsistence  
27 Resource Commission supports the proposal. This proposal  
28 would provide additional opportunity for subsistence  
29 users, would have minimal impact on the red fox  
30 population which is healthy and would align Federal and  
31 State regulations.  
32

33 On Proposal 32, the Copper River Native  
34 Association/Ahtna Incorporated Joint Committee supports  
35 the proposal to lengthen the season for fox hunting in  
36 Unit 13 so that Federal subsistence users will have more  
37 opportunity to hunt red fox to increase take of red fox  
38 to 10 foxes and no more than two red fox before October  
39 1st.  
40

41 The Wrangell-St. Elias National Park  
42 Subsistence Resource Commission opposes the proposal due  
43 to conservation concerns.  
44

45 The Denali Park and Preserve Subsistence  
46 Resource Commission supports this proposal. This  
47 proposal would provide additional opportunity for  
48 subsistence users, would have minimal impact on the red  
49 fox population which is healthy and it would align  
50 Federal and State regulations.

1 Thank you, Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Public  
4 comment, we have Jack Hession.

5

6 MR. HESSION: Thank you, Mr. Chairman.  
7 I'd like to go on record as opposed to both proposals as  
8 excessive given the fact that we're dealing here with  
9 National Parks and National Preserves.

10

11 In Unit 11 the season would be extended  
12 by 28 more days and the bag limit increased from two to  
13 10. In Unit 13, which involves about a half of the south  
14 of Denali National Park a similar proposal, this is on  
15 top of a trapping season by all rural residents that's in  
16 one case five and a half months in length and there's no  
17 limit. So this seems to be a way of blurring the  
18 distinction between Federal lands that are set aside for  
19 preservation as well as conservation purposes, if I can  
20 put it that way, and all other Federal lands.

21

22 We would urge you to be more  
23 discriminating when it comes to National Parks and  
24 Preserves and take a conservative approach here.

25

26 It seems, again, excessive to jump the  
27 bag limit five times in these National Parks.

28

29 Thank you very much.

30

31 CHAIRMAN DEMIENTIEFF: Thank you.  
32 Regional Council.

33

34 MR. LOHSE: The Southcentral Regional  
35 Advisory Council supported both of these proposals. We  
36 felt that it would give more opportunity.

37

38 We were looking at it from the standpoint  
39 that when a trapper is out trapping, currently under Park  
40 regulations, which most trappers don't realize, they  
41 cannot take a fox with a firearm, it has to be in a trap  
42 and most trappers, not realizing that would do that so  
43 this causes some confusion. By aligning it with what the  
44 current practice is and what the State is it would take  
45 this confusion away.

46

47 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
48 Committee.

49

50 MR. RABINOWITCH: Yes, Mr. Chairman.

1 Sandy Rabinowitch with the National Park Service.

2

3                   The Interagency Staff Committee supported  
4 the proposal consistent with the recommendations of the  
5 Southcentral Regional Advisory Council. The  
6 justification the Staff Committee came up with, which is  
7 on Page 220 of your Board Book has three different  
8 points, and they're a little lengthy so I will just  
9 summarize those.

10

11                   The first one is that this proposal  
12 provides additional opportunity for subsistence users and  
13 as has been said would reduce confusion by aligning State  
14 and Federal regulations. I think that probably sums that  
15 up.

16

17                   The second view that the Staff Committee  
18 came up with was that an alternative view is to not  
19 support this proposal, that the analysis says that the  
20 status of the red fox population is not fully known.  
21 That no one is arguing that the harvest limit is too low  
22 to meet subsistence needs and that the only justification  
23 is to align with recent changes to State regulations. So  
24 although it's appealing to many that the five-fold  
25 increase in the harvest with little biological  
26 information is inconsistent with management standards of  
27 NPS.

28

29                   The third view is an alternative to  
30 modify this, and that modification would be to increase  
31 the harvest limit to five rather than the 10 proposed.  
32 The impacts of the extended season and an increased  
33 harvest limit are unknown and a more conservative  
34 management strategy would be suggested since NPS areas  
35 are directly affected by the proposed regulation.

36

37                   Thank you.

38

39                   CHAIRMAN DEMIENTIEFF: Thank you. Is  
40 Karen Deatherage still here?

41

42                   MS. DEATHERAGE: Yes.

43

44                   CHAIRMAN DEMIENTIEFF: Okay. I forgot to  
45 call you up, you better come up and testify, 31 and 32.

46

47                   MS. DEATHERAGE: I believe I gave my  
48 comments already earlier.

49

50                   CHAIRMAN DEMIENTIEFF: Okay.

1 MS. DEATHERAGE: But I would like to  
2 ask.....  
3  
4 REPORTER: Please, you're going to need  
5 to come up to the microphone.  
6  
7 MS. DEATHERAGE: .....for a  
8 reconsideration.....  
9  
10 REPORTER: Wait, wait, please, you need  
11 to.....  
12  
13 MS. DEATHERAGE: .....of the consent  
14 agenda, I believe.....  
15  
16 REPORTER: Wait, please, and.....  
17  
18 CHAIRMAN DEMIENTIEFF: You need to get --  
19 we need to record you.  
20  
21 MS. DEATHERAGE: .....there was a.....  
22  
23 CHAIRMAN DEMIENTIEFF: Yeah, it doesn't  
24 work so well from way back there on the floor.  
25  
26 MS. DEATHERAGE: Okay.  
27  
28 REPORTER: Thank you.  
29  
30 CHAIRMAN DEMIENTIEFF: Thank you.  
31  
32 MS. DEATHERAGE: I wanted to refer to my  
33 statements, Mr. Chairman, earlier made about excessive  
34 and liberalized bag limits and seasons for fox, coyote  
35 and lynx. And that Defenders of Wildlife does not  
36 believe that those particular regulatory changes are  
37 appropriate for Federal lands.  
38  
39 I would also like to ask that if possible  
40 you reask the question to consider taking Proposals 29  
41 and 30 off the consent agenda. I saw a Board member try  
42 to respond to that question and was unable to, so I would  
43 like to request, if possible, for you to reask that  
44 question.  
45  
46 Thank you.  
47  
48 CHAIRMAN DEMIENTIEFF: Thank you very  
49 much. I'll just note that people have microphones in  
50 front of them and can do what they want to, Board

1 members.

2

3 Okay, Regional Council, Staff Committee  
4 -- Department.

5

6 MR. HAYNES: Thank you, Mr. Chairman.  
7 The Department supports both of these proposals 04-31 and  
8 32. Their adoption would align the State and Federal  
9 regulations and provide additional red fox hunting  
10 opportunity in Units 11 and 13 for Federally-qualified  
11 subsistence users.

12

13 The Department does not anticipate that  
14 the longer hunting season and harvest limit requested in  
15 these proposals will result in much additional harvest  
16 and that no conservation concerns will be created.

17

18 I queried our Staff in Glennallen to see  
19 if they could estimate what they thought the increased  
20 harvest might be if these proposals were adopted and they  
21 just estimated, given the harvest that's occurring under  
22 the trapping regulations already, they did not expect  
23 much additional harvest and estimated that it could be as  
24 small as five animals per year. So at this time we're  
25 not expecting adoption of these proposals to result in  
26 much increased harvest but it would just provide  
27 additional opportunity.

28

29 Thank you.

30

31 CHAIRMAN DEMIENTIEFF: Thank you.  
32 Discussion.

33

34 MS. GOTTLIEB: Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: Yes.

37

38 MS. GOTTLIEB: I think we've heard a  
39 variety of assessments and opinions here and, again,  
40 unfortunately I'm going to have to disagree a bit with  
41 the Regional Advisory Council because the Wrangell  
42 Subsistence Resource Commission did express a  
43 conservation concern with respect to red fox in the Unit  
44 11, and so I think as was mentioned, the idea perhaps  
45 going to a harvest of five rather than 10 may be one  
46 worth pursuing for discussion.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

1 MR. EDWARDS: Mr. Chairman, I guess I  
2 could agree that, you know, jumping from two to 10 does  
3 seem like a large jump but if we sort of are in agreement  
4 that the majority are taken by trappers and at least the  
5 data that's provided, does not appear that there is very  
6 many. I think there is some data that shows between '99  
7 and 2000 there was a little over 300 that were exported.  
8 I'm sure some of them stayed in the state, but those that  
9 were exported even could have come from other years.

10  
11 But at the same time we have a trapping  
12 season which you can take as many as you want or as many  
13 as you can catch I guess and it does seem then  
14 inconsistent with trying to put restrictions on hunting,  
15 which we acknowledge is probably going to be a very minor  
16 harvest at that.

17  
18 CHAIRMAN DEMIENTIEFF: Any other  
19 discussion.

20  
21 (No comments)

22  
23 CHAIRMAN DEMIENTIEFF: Are we ready to  
24 make a motion.

25  
26 (Pause)

27  
28 CHAIRMAN DEMIENTIEFF: Paul.

29  
30 MR. TONY: Consistent with the  
31 Southcentral Regional Advisory Council recommendation I  
32 would move to adopt the proposal.

33  
34 CHAIRMAN DEMIENTIEFF: 31 and 32?

35  
36 MR. TONY: (Nods affirmatively)

37  
38 CHAIRMAN DEMIENTIEFF: Okay. There's a  
39 motion to adopt Proposals 31 and 32, is there a second.

40  
41 (No comments)

42  
43 CHAIRMAN DEMIENTIEFF: No second.

44  
45 (No comments)

46  
47 CHAIRMAN DEMIENTIEFF: Motion dies for a  
48 lack of second. Is there another motion.

49  
50 MS. GOTTLIEB: Mr. Chair.

1 CHAIRMAN DEMIENTIEFF: Yes.  
2  
3 MS. GOTTLIEB: I mean we haven't heard --  
4 or maybe this discussion did take place at the Regional  
5 Advisory Council about subsistence needs not being met at  
6 the current levels, so it just might be another thing we  
7 can consider here.  
8  
9 (Pause)  
10  
11 CHAIRMAN DEMIENTIEFF: Does anybody wish  
12 to offer another motion.  
13  
14 (No comments)  
15  
16 CHAIRMAN DEMIENTIEFF: How much are  
17 apartments down here?  
18  
19 (Laughter)  
20  
21 CHAIRMAN DEMIENTIEFF: Well, we need to  
22 resolve it, a motion to support died for a lack of a  
23 second as the Chair ruled. There must be somebody ready  
24 to offer some kind of a motion.  
25  
26 (No comments)  
27  
28 CHAIRMAN DEMIENTIEFF: John.  
29  
30 MR. LITTLEFIELD: Thank you, Mr. Chair.  
31 This goes back to my earlier comments, you have to  
32 address what the Regional Advisory Council put before  
33 you. You can say yes or no, you can amend it, you can do  
34 anything you want to do but you need to put it on the  
35 floor and not be afraid to second it and then discuss it  
36 and change it. I mean somebody's got to second this,  
37 this is -- sorry.  
38  
39 CHAIRMAN DEMIENTIEFF: You know, John's  
40 point is well taken. Basically, you know, we had a  
41 motion offered and just because you second the motion or  
42 make a motion doesn't commit you to the motion, but a lot  
43 of times there just moved and seconded to get them up for  
44 consideration. Now, that's basically what we need to do  
45 here is get a motion on the table.  
46  
47 (Pause)  
48  
49 MR. BISSON: Mr. Chairman, I'll second  
50 the motion to get it on the table so we can discuss it

1 further.

2

3 CHAIRMAN DEMIENTIEFF: You'll make the  
4 motion.

5

6 MR. BISSON: Because the motion  
7 previously died?

8

9 CHAIRMAN DEMIENTIEFF: Yeah, I ruled that  
10 out because nobody seconded it, so there is another  
11 motion maker, is there a second to that motion.

12

13 MR. TONY: Second.

14

15 CHAIRMAN DEMIENTIEFF: Okay. Now we can  
16 discuss it.

17

18 MR. BISSON: Mr. Chairman, I guess I  
19 would ask the question about whether -- there's obviously  
20 a difference of opinion between the subsistence groups in  
21 the two different National Park Service Units and we're  
22 throwing them all in here together, I just wonder if  
23 there isn't a difference between -- a real difference  
24 between these two or whether or it's just a philosophical  
25 difference.

26

27 Is there a biological reason for the  
28 local subsistence groups for taking a different position  
29 in each of the National Park Service areas? Perhaps Ms.  
30 Gottlieb could.....

31

32 MS. GOTTLIEB: Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Go ahead.

35

36 MS. GOTTLIEB: In both of these cases, as  
37 I understand it the majority of the land is within  
38 National Park Service units. In both cases the Wrangell-  
39 St. Elias Subsistence Resource Commission opposed the  
40 proposals to go to 10 because of conservation reasons.  
41 Denali SRC supported both of those proposals. However,  
42 the Denali National Park favored going with a more  
43 conservative approach going from the 10 to five limit as  
44 well as Wrangell-St. Elias, that was the preferred as  
45 well, partly because we don't have lots of data, but,  
46 again, we want to provide some additional subsistence  
47 opportunity but be cautious upon making changes as well.

48

49 And it's really hard when you have both  
50 of the SRCs, one being closer in one case and one being

1 more distant and then vice versa and they don't have a  
2 chance to talk with each other.

3  
4 CHAIRMAN DEMIENTIEFF: Any other  
5 discussion.

6  
7 MR. TONY: Mr. Chairman.

8  
9 CHAIRMAN DEMIENTIEFF: Yes.

10  
11 MR. TONY: I guess it seems kind of  
12 inconsistent to say on the one hand that you have a  
13 conservation concern and then say on the other hand that  
14 you don't have any data to support the concern. It seems  
15 like, you know, the Regional Advisory Council supports  
16 the proposal, the majority of written public comments  
17 support it and the Interagency Staff Committee  
18 recommendation is to support it. So, you know, I'm with  
19 Mr. Edwards, I don't see that there will be that great of  
20 an impact by this, you know.

21  
22 CHAIRMAN DEMIENTIEFF: Any other  
23 discussion.

24  
25 (No comments)

26  
27 CHAIRMAN DEMIENTIEFF: Tom, I don't know,  
28 it seems like we're kind of split, we better take a roll  
29 call vote.

30  
31 MR. BOYD: Well, Mr. Chair, I'll start at  
32 my left. Mr. Edwards.

33  
34 MR. EDWARDS: I vote aye.

35  
36 MR. BOYD: Mr. Bschor.

37  
38 MR. BSCHOR: I vote aye.

39  
40 MR. BOYD: Ms. Gottlieb.

41  
42 MS. GOTTLIEB: Oppose.

43  
44 MR. BOYD: Mr. Tony.

45  
46 MR. TONY: Yes.

47  
48 MR. BOYD: Mr. Bisson.

49  
50 MR. BISSON: Aye.

1 MR. BOYD: Mr. Chair.  
2  
3 CHAIRMAN DEMIENTIEFF: Yes. Okay, motion  
4 carries. Proposal 33.  
5  
6 MR. ARDIZZONE: Mr. Chair, Proposal 33  
7 can be found on Page 230 and the corresponding map would  
8 be on Page 3 of the supplement.  
9  
10 Proposal WP04-33 was submitted by the  
11 State of Alaska and requests the Federal harvest dates  
12 for lynx hunting in Unit 11 be extended by 51 days. The  
13 proponent requests that the harvest regulations for lynx  
14 hunting be changed to align with existing State seasons.  
15  
16 Lynx populations are cyclic throughout  
17 the range with highs and lows occurring approximately  
18 every eight to 11 years. Lynx management decisions need  
19 to be responsive to these cyclic lynx populations changes  
20 and rely on indicators such as the overall harvest of  
21 percentage of kits within the harvest. Currently the  
22 lynx population in Unit 11 is in the low portion of their  
23 cycle based on sealing records, lynx tracks index and  
24 field observations.  
25  
26 In Unit 11 and 13, the combined annual  
27 lynx harvest averaged 426 animals between 1996 and 2002.  
28 Lynx harvest was low in 2000 to 2003 season.  
29  
30 The reported number of lynx shot or  
31 hunted in Unit 11 during the 2001/2002 season was zero.  
32 In 2001/2002 four lynx were shot and in 2002/2003 no lynx  
33 were shot.  
34  
35 You can look at Table 1, that makes it  
36 quite evident.  
37  
38 Currently the lynx population in Unit 11  
39 is low but stable.  
40  
41 The effects of this proposal. The  
42 proposed change would reduce confusion among Federal  
43 subsistence hunters by aligning Federal and State  
44 regulations. This proposal would allow time for  
45 Federally-qualified subsistence users to harvest lynx by  
46 lengthening the season in Wrangell-St. Elias National  
47 Park since State regulations do not apply there. This  
48 proposal does not increase the harvest limit which is two  
49 lynx per year. Currently the lynx population is low but  
50 considered stable. The vast majority of lynx harvested

1 in Unit 11 is through trapping not hunting. Hunting has  
2 minimal impact on the overall lynx population. Lynx  
3 hunting harvest levels are not anticipated to increase,  
4 even in the event this proposed change were adopted.  
5 Lynx harvested by firearm are low and generally occur on  
6 an incidental basis.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN DEMIENTIEFF: Thank you.  
11 Written public comments.

12

13 MR. MIKE: Thank you, Mr. Chair. We  
14 received three written public comments -- three in  
15 support and one opposing.

16

17 The Copper River Native Association/Ahtna  
18 Incorporated Joint Committee supports the proposal to  
19 lengthen the season for lynx from December 15th to  
20 January 15th to November to January 15th so that Federal  
21 subsistence users will have increased opportunity of  
22 hunting lynx in Unit 11.

23

24 The Wrangell-St. Elias National Park  
25 Subsistence Resource Commission opposes the proposal due  
26 to conservation concerns.

27

28 The Denali National Park and Preserve  
29 Subsistence Resource Commission supports this proposal.  
30 This would provide additional opportunity for subsistence  
31 users by significantly lengthening the season by 51 days,  
32 yet, provide some level of protection for the lynx  
33 population by retaining the harvest limit of two lynx.  
34 In retaining this limit it is not expected to impact the  
35 lynx population and it would align Federal and State  
36 regulations. Passage of Proposal WP04-36 would address  
37 the conservation concerns the Commission has by providing  
38 the Board delegate authority flexibility to adjust season  
39 dates to meet conservation needs for the protection of  
40 the lynx population.

41

42 Thank you, Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. We  
45 have one additional request for public testimony. Karen  
46 Deatherage.

47

48 MS. DEATHERAGE: Mr. Chairman. Members  
49 of the Board. I think I'm doing it right this time, I'm  
50 learning. My name is Karen Deatherage and I'm

1 representing Defenders of Wildlife.

2

3

4 We are opposed to Proposals to No's 33  
5 and 34. Again, we feel that justification that aligning  
6 State and Federal seasons because they're easier to  
7 follow and convenient is incompatible with existing  
8 Federal laws and policies. Federal policy dictates that  
9 wildlife be managed for a variety of uses and provide for  
10 natural densities and levels of variation in populations  
11 of species.

12

13 This, as I have stated before, is not  
14 currently evident in State regulations, which in recent  
15 years have been extreme in nature and designed to augment  
16 only those species desired for consumptive purposes and  
17 represent gross mismanagement of Alaska's ecosystems.

18

19 Defenders encourages you to rely on the  
20 principle to ensure stable and continuing natural  
21 populations of species of plants and animals in their  
22 ecosystems. We're particularly concerned about the lynx  
23 populations statewide. Few data exist to recognize how  
24 many lynx there are. In addition, this is a species that  
25 is almost solely dependent upon the snowshoe hare as prey  
26 and those populations are very cyclic in nature. As was  
27 stated earlier the population of lynx is believed to be  
28 low and regardless of whether or not the take under  
29 hunting is incidental and low we don't believe that there  
30 should be expansion of that take at this time until the  
31 populations start to recover.

32

33 Thank you very much.

34

35 CHAIRMAN DEMIENTIEFF: Thank you.

36

37 MR. EDWARDS: Mr. Chairman, can I ask a  
38 question?

39

40 CHAIRMAN DEMIENTIEFF: Yes.

41

42 MR. EDWARDS: Karen, I guess I'm just  
43 trying to understand, I mean other than the, maybe the  
44 process issue, does Defendants, you know, really feel  
45 that by expanding these hunting days that there's really  
46 going to be much of an increase? You know my belief is  
47 that lynx are hard enough to hunt when populations are  
48 high and when they're low they're -- basically you don't  
49 see them. So I mean is there a true belief that there  
50 will be a significant increase in numbers?

51

1 MS. DEATHERAGE: I think that the concern  
2 here is that there would even be a consideration given  
3 the low population for expansion. I don't think that  
4 Defenders would support that for any regulatory action  
5 when a population is considered low. I think that for  
6 the time being that we should leave the regulations in  
7 place and monitor them accordingly but certainly not  
8 expand them at this time.

9  
10 You never know on hunting you could take  
11 out a whole family of lynx. You know, it's something  
12 that is vulnerable at this point in time.

13  
14 CHAIRMAN DEMIENTIEFF: Thank you. Any  
15 other questions. Regional Council.

16  
17 MR. LOHSE: Southcentral Regional  
18 Advisory Council supported this proposal.

19  
20 First of for the reason that the current  
21 lynx population is healthy even if it is cyclic. If you  
22 go back through history and take a look at the records on  
23 cyclic lynx, you'll find that the cycle goes up and down  
24 on average of every nine to 10 years for as far back as  
25 you want to check the records.

26  
27 The idea of aligning it for the sake of  
28 the subsistence users that are in the area to prevent  
29 confusion, I think is a worthwhile goal. Not just to  
30 align it for the sake of aligning it with the State  
31 season but to align it for the sake of the subsistence  
32 users. There has been some confusion I know in Unit 11  
33 and the confusion is over the fact that most trappers  
34 would expect that they would be able to shoot a lynx if  
35 they saw it, and under current regulations you can't do  
36 that, and yet most of them would do it because they  
37 didn't know that it was illegal, it's always been legal  
38 under State regulations. So this would prevent some of  
39 those inadvertent violations.

40  
41 I like the fact that this season does  
42 line up with the fur season and lines up when the pelts  
43 are prime, and I think that she had a point there before  
44 and I agree with that.

45  
46 CHAIRMAN DEMIENTIEFF: Staff Committee.

47  
48 MR. RABINOWITCH: Yes, Mr. Chairman. I'm  
49 on Page 227 of your Board Book. Staff Committee  
50 supported the proposal consistent with the recommendation

1 of the Southcentral Regional Advisory Council but there  
2 were two different perspectives from the Staff Committee.

3  
4                   The proposal would provide more  
5 opportunity for subsistence users and align the State and  
6 Federal seasons as you've heard. The proposed season is  
7 already in effect on State managed lands and hunters can  
8 take lynx under State regulations on Federal lands except  
9 for the Park Service managed Parks and Monuments. While  
10 the lynx population is currently low, it's considered  
11 stable. Harvest levels are not anticipated to increase  
12 with the adoption of the proposal because lynx harvested  
13 by firearm are infrequent and generally occur on an  
14 incidental basis as you've heard.

15  
16                   The other view would be to not support  
17 the proposal. The analysis tells you that the population  
18 is in the low point of their cycle. It tells you that  
19 harvest is though to have additive effects on lynx  
20 numbers during the low phases of the population cycle.  
21 It suggests that the index results from 2002 and 2003  
22 confirm that the numbers have decreased. It tells us  
23 that the predicted 1996 high point in the cycle did not  
24 fully materialize and that the previous high point in '91  
25 and '92 was lower than the previous high. So the  
26 information in the analysis in this view is not  
27 sufficient to support an increased length in the season  
28 at this time when the population is in the low point of  
29 their cycle.

30  
31                   Thank you.

32  
33                   CHAIRMAN DEMIENTIEFF: Thank you.

34  
35                   MR. HAYNES: Mr. Chairman, the Department  
36 supports adoption of this proposal as it would align the  
37 State and Federal regulations and provide additional lynx  
38 hunting opportunity in Unit 11 to Federally-qualified  
39 subsistence users. And as with the previous proposals,  
40 the Department does not expect that much additional  
41 harvest would actually result if this proposal was  
42 implemented, provide additional but we doubt that there'd  
43 be much additional harvest.

44  
45                   Thank you.

46  
47                   CHAIRMAN DEMIENTIEFF: Thank you.

48 Discussion.

49

50                   MR. EDWARDS: Mr. Chairman, I guess I

1 have the same concern from a conservation standpoint with  
2 this one as I did with the last one. It just seems to me  
3 that if we have a conservation concern why would we allow  
4 an unlimited trapping season as opposed to trying to  
5 regulate or restrict a method of take that by all  
6 appearances would have a very insignificant harvest  
7 level.

8

9 CHAIRMAN DEMIENTIEFF: Thank you. Any  
10 other discussion.

11

12 MS. GOTTLIEB: Mr. Chair.

13

14 CHAIRMAN DEMIENTIEFF: Yes.

15

16 MS. GOTTLIEB: No, go ahead.

17

18 MR. LOHSE: Mr. Chair, just for curiosity  
19 sake, I know I've only been out there for five rabbit  
20 cycles, but in that five rabbit cycles the thing that  
21 I've noticed is that the rabbits don't reach the same  
22 peak on every cycle either and the lynx follow the  
23 rabbits, and the rabbit cycles have been lower on the  
24 last couple cycles and they are not affected by hunting.  
25 They're affected because that's what the rabbit cycle  
26 does. And if you go back for 200 years and look at the  
27 cycles see that the cycles cycle.

28

29 And so consequently, the fact that you  
30 have lower lynx cycles on the last two cycles, they  
31 correspond with the fact you had lower rabbit cycles on  
32 the last two cycles. Anybody that was there in the '70s  
33 and saw what rabbits really were like when our lynx cycle  
34 was high could see the difference in a heartbeat.

35

36 CHAIRMAN DEMIENTIEFF: Thank you.  
37 Further discussion.

38

39 MS. GOTTLIEB: Mr. Chair.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MS. GOTTLIEB: Well, unfortunately the  
44 Wrangell-St. Elias Subsistence Resource Commission did  
45 again express their concern that there would be  
46 conservation problems with this proposal and I think  
47 Gary's point is well taken. Perhaps next year the SRC  
48 can look at the trapping regulation because of those  
49 concerns and if they want to make any proposals for  
50 adjustments to that.

1 Thank you.

2

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

5

6 MR. TONY: Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Yes.

9

10 MR. TONY: I have to agree with most of  
11 the comments that have gone before. I grew up in Unit 13  
12 and spent a fair amount of time in the woods and in my  
13 entire life I've only ever seen three lynx and all three  
14 of those I seen were in the summer time and I've spent a  
15 good deal of time hunting and trapping and it's not as  
16 easy as you might think to hunt a lynx.

17

18 CHAIRMAN DEMIENTIEFF: Is somebody  
19 prepared to offer a motion here.

20

21 MR. EDWARDS: Mr. Chairman, I move that  
22 we adopt Proposal 33 as recommended by the Southcentral  
23 Regional Advisory Council.

24

25 CHAIRMAN DEMIENTIEFF: There's a motion,  
26 is there a second.

27

28 MR. TONY: Second.

29

30 CHAIRMAN DEMIENTIEFF: Yeah, I'm going to  
31 support the motion. I've actually seen a few more lynx  
32 than three. Again, it goes back to the early argument or  
33 questions that Gary asked, you know, if these are free-  
34 ranging lynx I have seen a few more than that. But we  
35 eat them, as very many people do and they just taste like  
36 a big old rabbit because that's what they eat. And the  
37 reason I probably seen a little bit more when rabbits are  
38 down is because there are always pockets of rabbits in  
39 the country and when there are pockets like that you will  
40 find lynx, it's just what goes on.

41

42 So I just think we have to support, you  
43 know, just in case people do have that opportunity.  
44 Because even though there's unlimited trapping, when the  
45 prices aren't there, you know, people will be selective  
46 about what they're going to trap, but still it provides  
47 them the opportunity for food, so I will support the  
48 motion.

49

50 MR. BISSON: Mr. Chairman, I'm certainly

1 glad that someone's concerned about the poor rabbits  
2 because I really think they're critical to the cycles.  
3 But I would point out on Table 1, Page 232 that it's  
4 apparent to me that what is happening right now with lynx  
5 that are shot is extremely minimal compared to what's  
6 being harvested by other means, by trapping. So to me, I  
7 can't see that unless the popula -- and I'm very  
8 concerned, I would not want to see the lynx population  
9 crash, that would be the last thing any of us would want  
10 to see, but I can't see that hunting, even if it was  
11 increased is going to be a major impact to them. It  
12 would be an additional impact, obviously, but compared to  
13 other means it's not significant.

14  
15 CHAIRMAN DEMIENTIEFF: Further discussion  
16 on the motion.

17  
18 (No comments)

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

22  
23 IN UNISON: Aye.

24  
25 CHAIRMAN DEMIENTIEFF: All those opposed,  
26 same sign.

27  
28 MS. GOTTLIEB: Aye.

29  
30 CHAIRMAN DEMIENTIEFF: Motion carries.  
31 That brings us to Proposal 36.

32  
33 MR. ARDIZZONE: Mr. Chair, Proposal 36 is  
34 on Page 243 of your Board Book. This proposal initiated  
35 by the Office of Subsistence Management is a housekeeping  
36 measure to move the delegated authority for annual lynx  
37 season adjustments from special action provisions to a  
38 Federal Subsistence Board delegated authority to be  
39 described in Subpart D.

40  
41 This regulatory action will clarify  
42 implementation procedures for delegation of authority to  
43 the Assistant Regional Director for Subsistence  
44 Management. The current delegation of authority letter  
45 allows the Assistant Regional Director to implement  
46 changes to seasons and harvest limits through the special  
47 action provisions.

48  
49 Special action provisions, however, do  
50 not allow for such changes in seasons and harvest limits

1 to exceed 60 days without conducting a public hearing.  
2 As the Board's intent was to allow OSM to make annual  
3 adjustments in lynx harvest regulations for specified  
4 units using current harvest information and the lynx  
5 harvest management strategy a regulatory change is  
6 needed. To accomplish this change the delegation of  
7 authority letter for lynx special actions should be  
8 withdrawn and the delegated authority should be  
9 articulated in Subpart D.

10  
11 The effects of this proposal. The  
12 adoption of this proposal would allow the Office of  
13 Subsistence Management to continue making annual  
14 adjustments to lynx seasons and harvest limits consistent  
15 with the lynx harvest management strategy. The new  
16 regulatory language would clarify implementation  
17 procedures and therefore would not be subject to  
18 limitations of special action provisions.

19  
20 Thank you, Mr. Chair.

21  
22 CHAIRMAN DEMIENTIEFF: Thank you.  
23 Written public comments.

24  
25 MR. MIKE: Thank you, Mr. Chair. Written  
26 public comments are summarized on Page 242. Since the  
27 Board Book publication we've received recent updates from  
28 the position of the Copper River Native Association/Ahtna  
29 Joint Committee changed their position on Proposal No. 36  
30 from support to opposing the proposal. And they sent the  
31 letter to the Office of Subsistence Management.

32  
33 The Copper River Native  
34 Association/Ahtna, Incorporated Joint Committee, which  
35 represents the seven Ahtna villages in the Ahtna Region  
36 is hereby changing its position on Proposal 36 and  
37 Proposal 37 on the 2004-2005 wildlife proposals.

38  
39 Specific to Wildlife Proposal No. 36,  
40 Ahtna does not support the delegation of authority to  
41 just seasons and harvest limits for lynx to the OSM  
42 because it eliminates the participation of subsistence  
43 users in the process.

44  
45 The Wrangell-St. Elias National Park  
46 Subsistence Resource Commission supports the proposal as  
47 written.

48  
49 The Denali National Park and Preserve  
50 Subsistence Resource Commission supports this proposal.

1 The Commission concurs with the justification as stated  
2 in the Staff proposal analysis. Passage of this proposal  
3 is necessary to address conservation concerns we have  
4 regarding WP04-33/34 to lengthen the lynx season by 51  
5 days.

6

7

Thank you, Mr. Chair.

8

9

CHAIRMAN DEMIENTIEFF: We have no  
10 requests for additional public testimony at this time.

11

12

Okay, go ahead and come on up and state  
13 your name.

14

15

MS. PENNINGTON: Thank you, Mr. Chair.  
16 I'm Donna Pennington from the Ahtna region. We have  
17 eight villages in our region that I also am here to  
18 testify on behalf, and thank you for this opportunity.

19

20

The Proposal 36 will allow the Assistant  
21 Regional Director to open and close and adjust all the,  
22 et cetera, on this statement. But my opinion is that  
23 authority given to this Board cannot just be delegated to  
24 its Staff under Title VIII of ANILCA to provide a  
25 subsistence priority. OSM is not bound by Staff -- as  
26 Staff to protect subsistence under ANILCA. The Staff can  
27 only make recommendations to this Board, this Board sets  
28 policy. And I'm not sure, having not seen any of their  
29 resumes whether they're qualified as Staff members to set  
30 policy, nor should precedence be set to change any  
31 procedures affecting rural subsistence to align with  
32 State regulations on these.

33

34

I hear quite a bit that the State -- a  
35 lot of testimony keeps coming up to align with State  
36 regulations, to align with State regulations. But  
37 because Alaska law no longer provides for rural priority  
38 in conformance with Federal law, that's why this Board  
39 has been handling subsistence since 1990. It cannot be  
40 delegated without the subsistence users input.

41

42

As I've previously stated Staff reports  
43 to the Division of Fish and Wildlife Service in  
44 Washington, who reports to the Secretary of Interior,  
45 that eliminates this Board from getting reported and our  
46 public input on such very important issues of  
47 subsistence.

48

49

Some questions need to be answered if  
50 authority will be delegated. My questions include, what

1 is the composition of the Office of Subsistence  
2 Management? What is their methods of evaluating? Can  
3 they override the concept of this Board's decisions?  
4 There's not much room for the traditional and local  
5 knowledge in the procedure as I see it. I still am  
6 concerned about the cyclical cycle of the lynx not being  
7 understood by the OSM. This sets precedence on predator  
8 furbearing animals. I think the other point I wanted to  
9 make is that these are predators, they're competing with  
10 us for food sources. And since there is a lot of  
11 controversy surrounding the Predator Management Policy, I  
12 believe that this needs to go in for a legal review.

13  
14 As a tribal member, I would just have to  
15 object. We value our ability to provide input, we very  
16 much value it.

17  
18 Also one other thing I did want to point  
19 out and I think it's just a typo, but the dates conflict  
20 with -- what is it 34, the one we just passed, the only  
21 other point I wanted to make and it goes back to the  
22 authority, according to regulatory history, the Office of  
23 Subsistence Management in order to adjust the lynx  
24 seasons must do it through the use of Department of Fish  
25 and Game's harvest tracking management strategy,  
26 requiring coordination with Alaska Department of Fish and  
27 Game.

28  
29 To get back to my original point, this is  
30 why this Federal Board, Subsistence Board was  
31 established, because the concepts conflict, I guess I'm  
32 searching for words here.

33  
34 I'd like to answer any questions, if I  
35 could.

36  
37 CHAIRMAN DEMIENTIEFF: Gary.

38  
39 MR. EDWARDS: Ms. Pennington, I guess I'm  
40 trying to understand, how would you suggest then we would  
41 address conservation concerns, and I guess maybe a  
42 broader question, would you have the same concerns with  
43 how we do in-season management on salmon?

44  
45 MS. PENNINGTON: Yes, sir. I think my  
46 objection is to the procedure, by how policy will be set.  
47 In my mind, the Office of Subsistence Management is only  
48 Staff and not very many times does Staff set policy. So  
49 actually this kind of falls in line with other proposals  
50 that will come forth because it does set precedence. And

1 I don't like to -- I'm really trying to be careful about  
2 how precedence is set on animals.

3

4 MR. EDWARDS: So I guess then it's view  
5 if we would have a conservation concern, it should be  
6 brought to the Board and then the Board needs to act upon  
7 that?

8

9 MS. PENNINGTON: Yes. In my view, only  
10 this Board has the authority to change dates, seasons,  
11 bag limits, et cetera, only this Board, and that's how I  
12 recognize it, in my mind, OSM is merely Staff support to  
13 this Board, am I not correct?

14

15 CHAIRMAN DEMIENTIEFF: There is one thing  
16 we need to correct.

17

18 MS. PENNINGTON: Uh-huh.

19

20 CHAIRMAN DEMIENTIEFF: We do not delegate  
21 policy to Staff. I mean we do, we make the regulations,  
22 both fish and game, but we do delegate certain  
23 responsibilities to our managers in order for  
24 conservation of the resource but they cannot, they do not  
25 make regulations at all, and that's the way we work and  
26 it's a very common management practice. And the idea,  
27 the thing that Gary was talking about is it's a  
28 conservation concern for resources.

29

30 MS. PENNINGTON: Uh-huh.

31

32 CHAIRMAN DEMIENTIEFF: If they're getting  
33 hit too hard, the managers in some certain cases have the  
34 ability to close the season but they do not make  
35 regulation, never have. We take our responsibilities  
36 very seriously between the Board members, we make  
37 regulations.

38

39 MS. PENNINGTON: Mr. Chairman, if I may,  
40 as I read it, it says the Assistant Regional -- this will  
41 allow the Assistant Regional Director to open, close and  
42 address Federal subsistence seasons, and to set harvest  
43 and possession limits, that, to me, is policy.

44

45 Other questions.

46

47 CHAIRMAN DEMIENTIEFF: Yeah, based on the  
48 regulations that the Board has already approved and it's  
49 just a matter of when we have a conservation concern,  
50 then the Staff that we do delegate some certain

1 authorities in some situations to Staff, but it is a very  
2 common management practice, realistically it is and it's  
3 an effective tool. It doesn't mean they can go hob-knob,  
4 but if we've got a resource that's -- for example, a fish  
5 run that shows up, doesn't show up in the numbers, then  
6 we don't have to have a Board meeting, the managers have  
7 that authority. It's just a real common practice. But  
8 we set the regulations.

9

10 MS. GOTTLIEB: Mr. Chair.

11

12 CHAIRMAN DEMIENTIEFF: Yes.

13

14 MS. GOTTLIEB: I'm sorry, John.

15

16 MR. LITTLEFIELD: Mr. Chair, I don't know  
17 if it's appropriate to comment, but I think the words you  
18 were looking for might be the grassroots, from the bottom  
19 up approach. The Southeast Regional Council has gone on  
20 record many times opposing proposals that came from the  
21 Office of Subsistence Management because we feel that  
22 they should be coming from the people who are out there  
23 writing a proposal and bringing it up through the ranks.

24

25 MS. PENNINGTON: Uh-huh.

26

27 MR. LITTLEFIELD: And these particular  
28 proposals are coming from the top down and that's not  
29 what this program was designed to do, so I agree with the  
30 young lady.

31

32 Thank you.

33

34 MS. PENNINGTON: Mr. Chair, if I may make  
35 one more point. The only -- my main objection, also, is  
36 the OSM, the authority granted to them requires  
37 coordination with the Alaska Department of Fish and Game,  
38 and to get back to my original point, the reason this  
39 Board was established was because we couldn't get  
40 cooperation from Fish and Game.

41

42 CHAIRMAN DEMIENTIEFF: Thank you.

43

44 MS. PENNINGTON: Thank you, very much for  
45 this opportunity.

46

47 MS. GOTTLIEB: Mr. Chair.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

1 MS. GOTTLIEB: I just wondered if it  
2 might help if somebody could just briefly explain the  
3 harvest management strategy so that maybe we'd understand  
4 those principles a little bit better and maybe provide  
5 some level of assurance that our interests are met.

6  
7 MR. LAPLANT: Mr. Chairman. Member  
8 Gottlieb. The harvest management tracking strategy which  
9 is used by the Alaska Department of Fish and Game and  
10 recognized by this Federal Subsistence Board back in the  
11 mid-90s takes into consideration the harvest data from  
12 the previous year's harvest and that data is usually  
13 summarized about this time of year. In fact, we just got  
14 the reports from the field biologists yesterday to  
15 summarize this past harvest.

16  
17 We look at the composition of the harvest  
18 in terms of the percent of kits in the harvest and in  
19 relationship to previous years harvest, the lynx cycle,  
20 the population of snowshoe hares and how that population  
21 is, what position of the cycle they're in.

22  
23 I guess I apologize for not having a  
24 complete copy of lynx mapping -- or lynx tracking  
25 strategy here in front of me.

26  
27 But it takes into those elements of the  
28 lynx cycle and the composition of the population and how  
29 much of that was harvested in the past year. And this  
30 information comes in at this time of year so it doesn't  
31 match up with our regulatory cycle very easily. So if we  
32 waited for our regulatory cycle to implement that annual  
33 recommendation, and it is an annual recommendation  
34 because of the cyclic nature of the lynx. If we waited  
35 for the regulatory cycle we'd be a year behind each year.

36  
37  
38 So what we had been doing is implementing  
39 this annual change through special action authority. And  
40 when we do that we prepare a complete analysis of the  
41 issue, and we had been presenting that to the Board each  
42 year and having the Board make that decision. In 2001,  
43 the Board delegated the authority to the Assistant  
44 Regional Director for Subsistence to make that special  
45 action decision each year. And the solicitor's office  
46 wasn't comfortable with using special action authority to  
47 make that annual change each year, so it was their  
48 recommendation that we submit this proposal to move that  
49 authority from the special action regulations to Subpart  
50 D regulations.

1                   So in a way, it's sort of a housekeeping,  
2 it was done under the recommendation of the solicitor's  
3 office, and by doing this we allowed this change to take  
4 place through the normal regulatory cycle, it receives  
5 public review, Regional Councils had a chance to provide  
6 their input, we're having this discussion right now.

7  
8                   Mr. Chairman.

9  
10                  CHAIRMAN DEMIENTIEFF: Thank you.

11  
12                  MR. TONY: Can I ask a question?

13  
14                  CHAIRMAN DEMIENTIEFF: Go ahead.

15  
16                  MR. TONY: What do you mean when you say  
17 you're a year behind?

18  
19                  MR. LAPLANT: Well, we've got the  
20 information at this time. And if we took that  
21 information and prepared a proposal, the next window for  
22 submitting proposals is in the fall and it would come  
23 before the Board a year from now. By using the special  
24 action authority or the new authority that's being  
25 requested in this proposal, the Assistant Director for  
26 Subsistence can make that decision and we can get that  
27 change printed in the reg books, regulation books that  
28 will be available the first of July and it will go into  
29 effect for this winter season.

30  
31                  So if we waited for the normal regulatory  
32 cycle, it would be a year before we could implement it.

33  
34                  MR. TONY: I guess that kind of begs the  
35 question about why lynx are special and I mean isn't that  
36 the way we operate in all the other species that are  
37 regulated?

38  
39                  MR. LAPLANT: I guess the special nature  
40 of the lynx is the regulatory cycle and we recognize that  
41 the populations, you know, fluctuate, in some cases  
42 pretty drastically when the population starts dropping  
43 quickly. So to be able to respond to that rapid decline,  
44 you know, population gradually increases over the years  
45 and then it drops pretty rapidly so we'd be able to  
46 recognize that and implement new regulations and to  
47 respond to that, it wouldn't be necessary to wait a full  
48 year.

49  
50                  CHAIRMAN DEMIENTIEFF: Wayne.

1 MR. REGLIN: Thank you, Mr. Chairman.  
2 The lynx harvest tracking strategy was implemented by the  
3 Department of Fish and Game probably in the mid-80s and  
4 it's worked extremely well. It allows us to take  
5 advantage of the high's in the lynx population and also  
6 it allows us to protect the lynx population when they are  
7 in decline, so it's detrimental to the population to have  
8 too much harvest when they are at that low levels. And  
9 we have the same consideration in the State system as you  
10 do, the Board doesn't meet every year, they have a  
11 biennial cycle, so it just allows us to take advantage of  
12 what the biology of the animal is telling us so that we  
13 can -- when they have those high numbers out there, the  
14 trappers and the hunters can take advantage of them but  
15 as soon as they start declining then we can adjust the  
16 seasons very quickly.

17  
18 Thank you.

19  
20 CHAIRMAN DEMIENTIEFF: Thank you. You  
21 know, Ralph, we are kind of actually getting ourselves  
22 and we will have every opportunity to discuss these. You  
23 know, we've kind of varied from the points, I think Donna  
24 was raising.

25  
26 If you have comments germane to her  
27 testimony she's already left the table, that's fine, but  
28 otherwise I'm ready to move on to hear the Regional  
29 Council report and get all the information on the table  
30 and we will have ample -- or as much time as we need to  
31 debate, or discuss the issue.

32  
33 Ralph, Regional Council report.

34  
35 MR. LOHSE: Our Regional Council  
36 supported this with modification. I think the  
37 modifications that we suggested show some of our concerns  
38 and some of our concerns align with Ahtna.

39  
40 One of the modifications we expressed is  
41 we would like a maximum season of November 10th to  
42 February 28th. We also wanted to make sure that when it  
43 said lynx harvest management strategy everybody knew that  
44 it was ADF&G's lynx management harvest strategy so we  
45 wanted ADF&G included in that name.

46  
47 The other thing is we also wanted a  
48 review of this delegation to the OSM every five years  
49 just to see how it was working.

50

1                   With that said, that's how we supported  
2 this with modification.

3  
4                   I guess I had a question that I would  
5 have liked to have asked of our last speaker and I think  
6 it applies to this and it applies to all of the issues  
7 that we've had on lynx up until this point in time, if I  
8 may?

9  
10                  CHAIRMAN DEMIENTIEFF: Yeah, you could  
11 call her up when we go to discussion.

12  
13                  MR. LOHSE: No, I was thinking of the  
14 biologist.

15  
16                  CHAIRMAN DEMIENTIEFF: Okay. Do you wish  
17 to call him up?

18  
19                  MR. LOHSE: No, I can ask him later  
20 during discussion.

21  
22                  CHAIRMAN DEMIENTIEFF: Okay. Yeah,  
23 that's fine, he's not going anywhere.

24  
25                  (Laughter)

26  
27                  CHAIRMAN DEMIENTIEFF: Okay. Staff  
28 Committee.

29  
30                  MR. RABINOWITCH: Thank you, Mr.  
31 Chairman. On Page 241 of your Board Book, Staff  
32 Committee supported this with modification, it's  
33 consistent with the recommendations of the Southcentral  
34 Regional Council. And although it doesn't say it in your  
35 Board Book, I believe it's also consistent with the  
36 Eastern Interior Regional Advisory Council, their  
37 comments on Page 240.

38  
39                  I don't think I need to read all this.  
40 The crux of the Staff Committee recommendation as with  
41 the Councils, is to add in the maximum season that this  
42 delegation would be for and that's in the bold text,  
43 November 10 to February 28th. And I think I can leave it  
44 at that, the justification of Staff Committee has here,  
45 you've basically already heard presented, so I won't  
46 repeat that at this time.

47  
48                  Thank you.

49  
50                  CHAIRMAN DEMIENTIEFF: I'm sorry, Craig,

1 I should have called on you before we -- we were just  
2 getting kind of a little bit off track and I've had to  
3 concentrate on getting it back on track, and in the  
4 process overlooked you.

5  
6 MR. FLEENER: No, problem, Mr. Chairman,  
7 thank you. As the screen showed and the book shows, we  
8 supported with modification complimentary with what  
9 Southcentral has written here.

10  
11 Upon further review of this, though, I  
12 pulled out the regulation book earlier and if we are to  
13 go with this maximum season of November 10 to February  
14 28th, I notice that two of the regions -- or two of the  
15 game management units, 12 and 20 East will have to reduce  
16 their seasons. I'm not sure if you're aware of that,  
17 their seasons go from November 1st to March 15th, and  
18 that's 12 and 20(E) goes from November 1st to January  
19 31st. So I would caution you to -- you might want to  
20 pull that out or change it to November 1st.

21  
22 Thank you, Mr. Chair.

23  
24 CHAIRMAN DEMIENTIEFF: Thank you.  
25 Department comments.

26  
27 MR. HAYNES: Thank you, Mr. Chairman. I  
28 was relieved, finally, I always try to make errors in our  
29 comments and I was relieved to finally reach a comment  
30 where I made an error [sic], and Mr. Fleener beat me to  
31 the punch.

32  
33 We support the Regional Council positions  
34 on these proposals but in order to accommodate the  
35 existing opening season dates for lynx in these areas  
36 there are two units in which the opens on November 1, so  
37 we would encourage that consideration be given to  
38 changing the language in the Staff Committee  
39 recommendation with a maximum season of November 1 to  
40 February 28, rather than November 10, that way you  
41 wouldn't end up with a patchwork of authorities that were  
42 delegated and action wouldn't have to be taken at some  
43 other point in the process.

44  
45 Thank you.

46  
47 CHAIRMAN DEMIENTIEFF: Okay, now Board  
48 discussion.

49  
50 MR. TONY: Mr. Chairman.

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. TONY: I guess I have a problem with  
4 this and part of it is, you know, in the other  
5 regulations that we talk about, you know, we talk about  
6 the land managers having the ability to make in-season  
7 closures if there's a concern. But in this case we're  
8 not doing that and it seems -- I don't really understand  
9 the rationale. I don't really believe that lynx are  
10 somehow a unique animal and have to be managed different  
11 than all other animals, you know, in the world. And I  
12 guess what's a little troubling to me is reading the  
13 discussion part of the Staff analysis talks about that  
14 the current special action doesn't allow changes in  
15 seasons and harvest limits to exceed 60 days without  
16 conducting a public hearing. And I guess that's what's  
17 troubling to me about this whole thing, is that, it seems  
18 like the intent behind it is to cut the public out of the  
19 process.

20

21 And, you know, by delegating the  
22 authority that this Board has, you know, we have a very  
23 public process. I mean our whole process is based on  
24 respect for Regional Advisory Councils, respect for, and  
25 the review process of allowing the Councils to review  
26 changes prior to them being made and it seems like the  
27 intent is to, in a sense, maybe subvert or cut the public  
28 out of that process, and I have a problem with that. I  
29 don't like the idea of doing that.

30

31 And I guess I would be opposed to this  
32 for that reason.

33

34 CHAIRMAN DEMIENTIEFF: Apparently there  
35 is some confusion about maybe losing the testimony  
36 request, but I'm just going to use the prerogative of a  
37 Board member and I'd like to call upon a RAC member,  
38 Gloria Stickwan, who has some additional information that  
39 we need to hear, and I know she is a member of the RAC.  
40 But we, as the Board members, have the prerogative to do  
41 that.

42

43 So Gloria, can I ask you to come up and  
44 help us out. And, again, we don't need to have that form  
45 because this is my prerogative as a Board member just to  
46 call up for additional information during discussion.

47

48 MS. STICKWAN: So I'm speaking as a RAC  
49 member here?

50

1                                   CHAIRMAN DEMIENTIEFF: Pardon?  
2  
3                                   MS. STICKWAN: I'm speaking as a RAC  
4 member here, is that what you wanted comments on that, as  
5 a RAC member?  
6  
7                                   CHAIRMAN DEMIENTIEFF: No. You have  
8 additional information that I was made aware of but  
9 somehow we don't have your testimony but I wanted to just  
10 make sure that we were getting all the views represented  
11 here, so that's why I called you up. You can be whatever  
12 you want.  
13  
14                                   (Laughter)  
15  
16                                   MS. STICKWAN: Okay. I wanted to give  
17 additional information. I guess when we reviewed this  
18 proposal in February everybody agreed to it and then some  
19 people went back and read the proposals and we went back  
20 after the RAC met and there was some dissent among the --  
21 on this proposal because the way it reads and our  
22 understanding of it is that it's delegated authority  
23 without an ending to it and that's what they opposed, was  
24 the delegating authority to OSM.  
25  
26                                   At the same time it's like, you know,  
27 recent action that was taken by the Federal Subsistence  
28 Board on fisheries, we supported that and we thought that  
29 was good, so it's like one was temporary and the other  
30 one was permanent and that was what they opposed, the  
31 permanency of the delegating authority on the closing and  
32 opening. That was the reason given.  
33  
34                                   CHAIRMAN DEMIENTIEFF: Good. I'm glad to  
35 hear your voice. It would have been the first Board  
36 meeting that I can remember since you started attending  
37 them that we would have got away without your friendly  
38 advice. Thank you.  
39  
40                                   Any questions of Gloria.  
41  
42                                   (No comments)  
43  
44                                   CHAIRMAN DEMIENTIEFF: Thank you very  
45 much. Okay, we'll go back to RAC and Board discussion.  
46  
47                                   MS. GOTTLIEB: Mr. Chair, I have two  
48 questions, please.  
49  
50                                   CHAIRMAN DEMIENTIEFF: Judy.

1 MS. GOTTLIEB: One would be this  
2 regulation, if implemented would be an annual regulation,  
3 just like all the others; is that correct?

4  
5 MR. BOYD: Mr. Chair. Ms. Gottlieb,  
6 that's correct.

7  
8 MS. GOTTLIEB: And secondly, are we  
9 talking hunting and trapping or just the trapping seasons  
10 here?

11  
12 CHAIRMAN DEMIENTIEFF: Staff.

13  
14 MR. LAPLANT: Mr. Chair. The lynx harvest  
15 tracking strategy has only been used by OSM for trapping  
16 seasons, and that would be our intent to continue using  
17 it for just trapping. You see that we do have a proposal  
18 for lynx hunting that was just discussed by the Board and  
19 we haven't been applying this for hunting.

20  
21 CHAIRMAN DEMIENTIEFF: Craig, you had --  
22 I thought I seen your hand go up.

23  
24 MR. FLEENER: Yes, thank you, Mr. Chair.  
25 I don't know if it's appropriate or not but I was sort of  
26 wondering if there's been any time in the past, maybe by  
27 the State or Fish and Wildlife Service or any of the  
28 Federal agencies, I guess, where we've actually had to  
29 step in and officially manage lynx population because we  
30 were concerned about their demise during the cycle  
31 because -- I guess I ask that because in the Yukon Flats  
32 when we're out trapping lynx, when they're not there you  
33 don't catch them. So it's sort of a self-regulating  
34 trapping.

35  
36 The trapping out there for lynx is self-  
37 regulating so I guess I'm wondering if there's an example  
38 of when we've actually had to do this. I really don't  
39 want to know about special instances where maybe all of a  
40 sudden there was a disease, or a flood, everything was  
41 drowned off, I'm more interested in following the natural  
42 cycles, have we had to do this before.

43  
44 Thank you.

45  
46 CHAIRMAN DEMIENTIEFF: Dan.

47  
48 MR. LAPLANT: Well, Mr. Chairman, Mr.  
49 Fleener. We've been using the lynx harvest tracking  
50 strategy for 10 years or more now so in my history with

1 it, that has been the mechanism and the effect of that is  
2 that the bottom of the cycle is not as deep because we  
3 take action prior to reaching that bottom. So, you know,  
4 it allows additional opportunity faster when the  
5 population is recovering and it prevents that decline in  
6 population from going down. Now, in many aspects of it,  
7 yes, lynx are self-regulating, we recognize that as well.  
8 And using the strategy might not be as drastic of a  
9 management tool as some might think but I think it does  
10 help keep the population from declining as far down as it  
11 could without cutting back on the harvest.

12  
13 It's been recognized that it's most  
14 valuable in areas in Southcentral and that's why it is  
15 only used in Southcentral because trappers in this area  
16 tend to do trapping more based on the opportunity, you  
17 know, it's not as expensive to go out and trap because  
18 you're trapping from the road system. So even though the  
19 population declines, they're trapping is maybe as much  
20 recreational as it is economic, so they would tend to  
21 trap even as the population declines. So that's one of  
22 the benefits of using this method.

23  
24 CHAIRMAN DEMIENTIEFF: Thank you. Yes.

25  
26 MR. LITTLEFIELD: Mr. Chair, I have a  
27 question for Staff. You talked about protecting these  
28 lynx. You've been doing that, is what I'm getting from  
29 you, you've been doing that but hasn't that been done  
30 under special actions; isn't that the vehicle and why are  
31 you proposing to change it if it's working?

32  
33 MR. LAPLANT: Yes, it has been working  
34 and, yes, that is the method we've been using. But as I  
35 mentioned the solicitor's office didn't feel comfortable  
36 with using the special action authority because of the 60  
37 day limit. And some of these lynx seasons extend beyond  
38 60 days. I think originally the Board thought that this  
39 was a special situation and the special action  
40 regulations could be used for this, but more recently  
41 they recommended that we move this authority -- using the  
42 same authority, the same method, the same cycle, using an  
43 analysis, coordinating with the State, but we just do it  
44 under Subpart D regulations rather than special action  
45 regulations, that's really the only change.

46  
47 MR. TONY: Mr. Chairman.

48  
49 CHAIRMAN DEMIENTIEFF: Yes.

50

1 MR. TONY: Do you have any kind of record  
2 of what the decisions were that were made under this  
3 scheme since you've been doing it?

4  
5 MR. LAPLANT: Mr. Chairman. I don't have  
6 a record with me as to what changes have been made. You  
7 know, maybe Chuck might be able to identify which ones or  
8 remember which ones we made last year through this  
9 method. I started out being involved in this in 2001,  
10 that year we made adjustments in Unit 7 and 15, and it  
11 was a little bit more broad the following year. I don't  
12 quite recall what it was last year but, you know, we've  
13 been following the lynx cycle making adjustments in  
14 response to that, to those population changes.

15  
16 CHAIRMAN DEMIENTIEFF: Is there any  
17 further discussion.

18  
19 MR. LOHSE: Mr. Chair.

20  
21 CHAIRMAN DEMIENTIEFF: Yes.

22  
23 MR. LOHSE: I think I know what Paul Tony  
24 is getting at and it's the same question that I wanted to  
25 ask before and that's the fact that, well, I guess like I  
26 said I've been here for five cycles and I've seen high  
27 cycles and I've seen low lynx cycles and I've trapped  
28 them. And the thing was, when I started trapping there  
29 was lynx and lynx have been cycling for as far back as  
30 they've got records and people have been trapping them  
31 for as far back as they got records and we had a November  
32 10th through March 31st season every year and when the  
33 value was down they didn't get trapped, when the value  
34 was up they got trapped, and when the cycle was high they  
35 got trapped, when the cycle was low they didn't get  
36 trapped. But after 200 years of trapping in Alaska there  
37 was still lynx when I got there and there's still lynx  
38 today.

39  
40 And it's just like all the rest of these  
41 cyclic animals like, I mean, Minnesota decided that on  
42 grouse 50, 60 years ago, you don't manage cyclic animals  
43 like that, they're going to go in a cycle. And I just  
44 wonder if this whole thing is necessary, I guess, is my  
45 question on it, or is this just a means of providing  
46 window dressing like we actually think we're doing  
47 something or possibly like he said in Southcentral where  
48 you have road access, it might make a difference, but  
49 when you get out into the bush it's not going to make any  
50 difference.

1 I think it's just a management tool that  
2 looks good on paper but really doesn't accomplish  
3 anything.

4  
5 CHAIRMAN DEMIENTIEFF: Thank you. Yes.

6  
7 MR. LITTLEFIELD: The reason I had a  
8 problem with this is if I was to substitute the word,  
9 moose, for lynx in here and moose management plan  
10 everybody would be going nuts if we had a proposal like  
11 this in front of us. And I think, again, as Staff has  
12 said we've handled through special actions whenever  
13 necessary and taken care of them, and that's the process  
14 that -- and if there's something wrong with it we want  
15 those proposals, again, to come from the bottom up, we'll  
16 tell you whether there's some -- people that are out  
17 there will tell you if there's a problem, probably better  
18 than this lynx harvest plan would do.

19  
20 But I think this sets a bad precedence,  
21 Mr. Chair, and I would like to see you reject this  
22 proposal.

23  
24 CHAIRMAN DEMIENTIEFF: You know, earlier  
25 you talked about using the Regional Council  
26 recommendations and basically we have two Regional  
27 Councils on record in support with modification, and  
28 that's a thing that we have to keep in mind. And I'm  
29 sure some of these concerns came up in the RAC meetings,  
30 but, you know, those are the recommendations, they're  
31 formal recommendations and in the affected area, so we  
32 have to keep that in mind.

33  
34 MR. EDWARDS: Mr. Chairman.

35  
36 CHAIRMAN DEMIENTIEFF: Yes, Gary.

37  
38 MR. EDWARDS: You know, I guess I  
39 understand that the RAC's modification is to basically  
40 not give the Office of Subsistence Management cart  
41 blanche, so it sets both a five year time window and, I  
42 guess, harvest window. But I was just curious as to why  
43 we went in at January 31st as opposed to February 28th,  
44 because isn't the previous we took, for example, in 13,  
45 doesn't that season end on the 31st or am I wrong -- so  
46 sort of this does give them cart blanche at least to  
47 extend it some additional days; am I right or wrong?

48  
49 MS. GOTTLIEB: Mr. Chair.

50

1 CHAIRMAN DEMIENTIEFF: Yes.  
2  
3 MS. GOTTLIEB: Well, maybe I better let  
4 somebody else answer first, I thought this is only  
5 trapping.  
6  
7 MR. ARDIZZONE: I was just going to  
8 answer the question that January 15 is the end of the  
9 trapping season for lynx in Unit 13.  
10  
11 MS. GOTTLIEB: Thank you.  
12  
13 MR. TONY: Mr. Chairman.  
14  
15 CHAIRMAN DEMIENTIEFF: Yes.  
16  
17 MR. TONY: One of the problems, I think  
18 with this, and maybe part of it is that we're just not  
19 understanding it and that's where some of the concerns  
20 are coming from is maybe, you know, it's not easily  
21 understood. But it doesn't say trapping in the proposed  
22 Federal regulation, it says open, close or adjust Federal  
23 subsistence lynx seasons and to set harvest and  
24 possession limits for lynx in the nine mentioned game  
25 management units in Alaska. And I guess, you know, if  
26 the intent was trapping, they should have just said  
27 trapping in the proposed reg.  
28  
29 Maybe, I guess what I'd like to propose  
30 is maybe we could give everybody a little more time to  
31 kind of review and understand this fully and maybe give  
32 Staff a little more time to articulate clearly in writing  
33 what the proposal is and just run it through the process  
34 one more time and I don't think it will hurt anything  
35 drastically, but that's what I'd like to propose.  
36  
37 CHAIRMAN DEMIENTIEFF: Craig.  
38  
39 MR. FLEENER: Thank you, Mr. Chair. I  
40 know that often in the past when Regional Advisory  
41 Councils have disagreed or the Board has had questions  
42 that they've deferred and gone back and said let's handle  
43 it at a later time, that would be my recommendation since  
44 there's a lot of confusion. Since the wording doesn't  
45 seem to be correct. Since there are a couple of Regional  
46 Advisory Committee members that are opposed to it, a few  
47 that are in support, let's just put it aside. It didn't  
48 come from a Regional Advisory Committee as was so  
49 eloquently pointed out by Mr. Littlefield and the lady in  
50 the back, I don't know why we can't let you guys handle

1 it behind closed doors and move on, let's defer it until  
2 there's more consensus on the issue.

3

4

Thank you, Mr. Chair.

5

6

CHAIRMAN DEMIENTIEFF: Well, I think one  
7 of the suggestions in terms of working with Staff, and it  
8 is almost 5:00 o'clock right now and we're going to  
9 adjourn at 5:00. I think probably what we're going to do  
10 right now in talking with Staff, they figure it can be  
11 done real quickly, so I think I'm just going to go ahead  
12 and recess for the day until 8:30 in the morning and have  
13 the Staff meet with interested people right now, not  
14 behind closed doors.....

15

16

(Laughter)

17

18

CHAIRMAN DEMIENTIEFF: .....and then we  
19 will get to a Board action after that. It shouldn't take  
20 very long so let's just get together and anybody who's  
21 interested in working on it is more invited and welcome  
22 to stay and it can be done very effectively.

23

24

So we'll recess until the morning and  
25 take it up again.

26

27

(PROCEEDINGS TO BE CONTINUED)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

C E R T I F I C A T E

UNITED STATES OF AMERICA            )  
  )ss.  
STATE OF ALASKA                        )

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

THAT the foregoing pages numbered 2 through 141 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Salena Hile on the 19th day of May 2004, beginning at the hour of 8:30 o'clock a.m. at the Millennium 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 28th day of May 2004.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 3/12/2008 \_