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6 FEDERAL SUBSISTENCE BOARD MEETING

7

8 MAY 20, 2003

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10 VOLUME 1

11

12 Millennium Hotel

13 Anchorage, Alaska

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15 BOARD MEMBERS PRESENT:

16

17 Mitch Demientieff, Chairman

18 Gary Edwards, Fish and Wildlife Service

19 Dr. Wini Kessler, Forest Service

20 Henri Bisson, Bureau of Land Management

21 Judy Gottlieb, National Park Service

22 Niles Cesar, Bureau of Indian Affairs

23

24 Keith Goltz, Solicitor

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1 PROCEEDINGS

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3 (On record)

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5 CHAIRMAN DEMIENTIEFF: Good morning. We'll
6 call the meeting of the Federal Subsistence Board to order.
7 I'd like to take a moment to welcome everybody here today
8 and with that maybe we'll just go around and introduce
9 ourselves.

10

11 My name is Mitch Demientieff and I've been
12 chairing the Federal Board now, how many years, Tom, nine
13 years? I don't.

14

15 MR. BOYD: '95, so it would be eight years.

16

17 CHAIRMAN DEMIENTIEFF: Yeah, eight years,
18 I guess and it's been a real adventure all the time, but I
19 really appreciate having the opportunity to be here and to
20 welcome you once again as we begin. One of our most
21 hardest working weeks as we begin to make game regulations,
22 of course, the other one would be the fishery regulations.
23 But we do work hard at it and we're real glad to see all of
24 you people here.

25

26 So with that maybe we'll just go around and
27 introduce ourselves.

28

29 MR. BOYD: I'm Tom Boyd, I'm the Assistant
30 Regional Director for subsistence management. I work in
31 the Offices of Subsistence Management with the U.S. Fish
32 and Wildlife Service.

33

34 MR. CESAR: My name is Niles Cesar, I'm the
35 Regional Director for the Bureau of Indian Affairs and I've
36 been a part of the Federal Subsistence Board since 1990, so
37 I've been here for a while.

38

39 MR. GOLTZ: My name is Keith Goltz, I'm in
40 the Solicitor's office and I try to stay as quite as I can.

41

42 MR. NICHOLIA: Yeah, my name is Gerald
43 Nicholia from Eastern Interior, Tanana.

44

45 MR. SAMPSON: Walter Sampson, I'm a member
46 of the Northwest Arctic Regional Advisory Council.

47

48 MS. CROSS: Grace Cross, Chair of Seward
49 Pen.

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1 MR. SAM: I'm Ron Sam, Chair of Western
2 Interior.

3
4 MR. HAYNES: (Feedback sound) Squeaky.
5 Terry Hayes, Wildlife Liaison for the Department of Fish
6 and Game.

7
8 CHAIRMAN DEMIENTIEFF: We got that wired in
9 case we don't like what you have to say.

10
11 (Laughter)

12
13 MR. WILDE: Harry Wilde, the Yukon-
14 Kuskokwim Advisory Committee's Chair.

15
16 MR. ABRAHAM: Pete Abraham, Bristol Bay
17 taking the place of Dan O'Hara.

18
19 MS. TRUMBLE: Della Trumble, Chair of
20 Kodiak/Aleutians.

21
22 MR. CHURCHILL: Bob Churchill for Ralph
23 Lohse, Southcentral Regional Advisory Council.

24
25 MR. LITTLEFIELD: Good morning, John
26 Littlefield, Southeast Alaska Regional Advisory Council.

27
28 MR. EDWARDS: Good morning, Gary Edwards,
29 I'm Deputy Regional Director for Fish and Wildlife Service
30 and represent the Service on the Board.

31
32 MS. KESSLER: Wini Kessler with U.S. Forest
33 Service.

34
35 MR. BISSON: I'm Henri Bisson, State
36 Director for the BLM here in Alaska.

37
38 MS. GOTTLIEB: I'm Judy Gottlieb with the
39 National Park Service.

40
41 CHAIRMAN DEMIENTIEFF: Are there any
42 comments from Regional Council Chairs with regard to the
43 Board before we get on to procedures?

44
45 Walter.

46
47 MR. SAMPSON: Mr. Chairman, I just want to
48 make short comment in regards to having to come participate
49 in my first Federal meeting. Having participated in the
50 State system for about six years this is certainly and

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1 honor and a privilege to participate in this Federal
2 system. And I hope that we as regional people will focus
3 our comments in regards to what and how the Federal system
4 is set up throughout the state. So with that I want to
5 thank you for the invitation. Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Any
8 other comments? Yes.

9

10 MR. LITTLEFIELD: Mr. Chair, thank you.
11 Again, John Littlefield and I'm also a first time attending
12 one of these Federal Subsistence Board meetings, so I'm
13 unsure of the protocol. But we have several concerns in
14 the Southeast Alaska Regional Advisory Council and I
15 suspect with your indulgence I can talk about some of them
16 now.

17

18 One of them is the Regional Advisory
19 Council appointments. We discussed this over the last
20 several years in Southeast Alaska, we felt in Southeast
21 Alaska we were particularly well represented, we had
22 charter fishermen, we had commercial fishermen, we had
23 guides, we had the whole gamut, businessmen, subsistence
24 users all represented and we felt there was no need to have
25 the particular mix that's required now, that's been
26 mandated. However, we also realize that you're going
27 forward with this, so we would urge you to go forward
28 slowly with a couple, one or two, appointments per year to
29 carry that out. But, again, our Council does not believe
30 it's even required in our case.

31

32 Another thing that we talked about several
33 times in Southeast Alaska that has been basically buried
34 every time it's brought up and that is the requirement for
35 having a State hunting license and fishing tags to go
36 subsistence hunting. It is a thorn in our side, we cannot
37 get that by first base. We submitted several proposals and
38 every time we do the OSM comes out and says it's not within
39 your authority. But we do believe it is something that is
40 deserving of the other regions to discuss, as well as the
41 Federal Subsistence Board. There is no requirement for
42 sportfishing, for a sportfish license to harvest
43 subsistence fish. We feel, likewise, there should be no
44 requirement for a sport hunting license to harvest
45 subsistence deer, moose or other ungulates.

46

47 Rural determination, the ISER study that
48 was just done, we were glad to see it pretty much
49 paralleled what the existing determinations are. We are
50 strongly in favor of the community of Ketchikan being

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1 considered for rural status and we passed a resolution in
2 Saxman to support that because of the nature -- Ketchikan
3 has changed quite a bit in the last 10 years, they've lost
4 a significant enterprise and the community has changed and
5 they definitely exhibit all of the criteria for a rural
6 community and we would ask that when it gets before you
7 that you consider Ketchikan as well as Sitka.

8

9 We're concerned in Southeast area that
10 species that are not wildlife or fish, in other words, our
11 devil club, black seaweed, and others are being
12 commercialized without any input. We're very concerned
13 about that. Some of the local communities have started
14 their own commissions to deal with other resources. And
15 ANILCA deals with those other resources and we think that
16 they need to -- they're deserving of more input and more
17 oversight.

18

19 We have concerns in Southeast about the
20 cruise ship pollution and disturbances affecting
21 subsistence resources. This was brought out in -- the one
22 example I can think of is where the cruise ships were just
23 having an impact on the seal puppy. And we think that the
24 cruise ships need to be looked at carefully, as well as the
25 outfitter guides that are dropping hundreds of people in
26 fishing areas that are traditional areas, we think all of
27 those need to take subsistence into effect. The meetings
28 that I've had always had subsistence on the bottom right as
29 an afterthought and we don't believe that's an afterthought
30 when you look at these outfitter guide program, as well as
31 these other EISs that come up, that subsistence needs to be
32 near the top or at the top.

33

34 We support local management in Southeast.
35 We found a couple of examples that work well. I hope we're
36 going to get into that a little later on Proposals 4 and 5.
37 But we believe that local people, wherever they're from,
38 can best determine their own destiny. It's hard for
39 somebody up here in Anchorage to determine what's
40 happening, you know, hundreds of miles away better than the
41 people from that area can, we believe that local management
42 should be used whenever possible.

43

44 In Southeast we had a deer harvest issue
45 for every year that I've been on the Council, we believe
46 there's better data available, that we can get mandatory
47 harvest report, particularly on Prince of Wales Island
48 where deer should be accounted for. In Southeast Alaska
49 there's lots of timber harvest going on and the plan fairly
50 states that we're going to have huge problems in Southeast

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1 Alaska in deer. And we think that we need to have better
2 numbers now.

3

4 We're also concerned about the deference
5 that's not given to the Regional Councils' recommendations.
6 Title VIII clearly gives the power to the Regional Advisory
7 Councils to review and evaluate proposals for regulations,
8 that's our job. We have a very short meeting, three or
9 four days, in which we're allowed to comment on information
10 presented by the State, written public comments and others.
11 And once we make a decision it goes forward, we never see
12 it again, it is out of the Regional Council's hands. It
13 goes to the Interagency Staff Committee where it can be
14 completely changed to totally no resemble anything that we
15 passed at the Regional Advisory Council. And when it gets
16 to the Federal Subsistence Board it says that this is our
17 proposal from Southeast with modification. Well the
18 modification has changed this thing -- it's morphed into
19 something that isn't even close to what we adopted. We
20 believe that it's appropriate for those Interagency Staff
21 Committee recommendations, State of Alaska recommendations
22 to be presented at the Regional Advisory Council. That's
23 what the law provides for. If they need more staff, we
24 also believe ANILCA says the Secretary will provide the
25 Regional Advisory Council with staff, there's a process for
26 this and we think it's being violated. And we'll talk more
27 about that when we get to 4 and 5.

28

29 Also the Stikine River, we've submitted
30 several proposals, they were deferred by the Federal
31 Subsistence Board. There's another proposal coming forward
32 where we're -- we have an allocation issue with the State
33 of Alaska where they can easily allocate those fish to the
34 subsistence users. This is not a new fishery, any
35 subsistence fishery on the Stikine River predates contact
36 with whitemen, it's not new. It's something that we
37 believe is long overdue and we would hope that you would
38 urge your representatives to support us at these
39 transboundary panels or whatever to get subsistence fishing
40 on the Stikine.

41

42 That's all I have, Mr. Chair, thank you.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Yes,
45 Grace.

46

47 MS. CROSS: I'm Grace Cross, I'm the Chair
48 of Seward Pen. Seward Pen's main concern is downsizing of
49 our RAC to 10 members. We have submitted a request to
50 increase our RAC size to 13, mainly because our village

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1 representation is going down from nine to three. Most of
2 our game guides and sport guides come from Nome. And if
3 our RAC is not increased to 13 members, if it remains at
4 10, our village representation is going to go down to six.
5 And we do have severe fish and game problems in Nome area
6 and I really hope that everybody will take that into
7 consideration and honor our request at some point to
8 increase our RAC size to 13.

9

10 Lastly, I want to thank BLM for paying
11 attention to Unalakleet River. I wrote a letter at the
12 request of Unalakleet people and I really appreciate the
13 quick response that BLM has given us.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Any other comments?

18 Yes, Walter.

19

20 MR. SAMPSON: Mr. Chairman, members of the
21 Board, I would like address some additional comments in
22 regards to some of the issues that's been raised. And we
23 support the issues that's been raised by John in Southeast
24 there. I think one of the areas where it's been lacking --
25 in the past I was speaking on the State process where local
26 folks input are not recognized and I hope that the Federal
27 system, through its process, will recognize that the local
28 input is certainly something that we need to recognize.
29 Too often decisions and recommendations are being made from
30 the top level going down, that's the top/bottom system and
31 that's exactly how the State system was set up. I hope
32 those influences, those types of influences will not be
33 worked into the Federal system, because we're strictly
34 dealing with the rural communities in regards to their
35 livelihood. And I hope that through the process of working
36 on regulations that we always will recognize the local
37 folks through that process. And certainly Title VIII
38 recognizes and spells out clearly the process that should
39 be in place.

40

41 And with that I'm looking forward to
42 working with the Board on issues. Thank you.

43

44 CHAIRMAN DEMIENTIEFF: Any other comments?

45

46 (No audible responses)

47

48 CHAIRMAN DEMIENTIEFF: There is one thing
49 that I forgot in my opening remarks to make. This past
50 Sunday I was fortunate enough -- in Nenana we had our high

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1 school graduation, so I was fortunate enough to be able to
2 see my niece graduate and it was really beautiful. But
3 during the week, of course, while we're here, they'll be
4 two other nephews and another niece that are going to be
5 graduating while we're here working. So if those of you --
6 I hope you get the chance to see your relatives graduate,
7 I'm hope they're not graduating while we're down here, but
8 these are the sacrifices we make to be here. But I just
9 want to take a moment to congratulate -- this year I
10 happened to have four of them graduating and I just, you
11 know, want to take a moment to express my appreciation, I
12 think probably all of our appreciations for the young
13 people that have worked so hard, because we know that
14 they're going to be the ones to replace us. We've always
15 said that. And so I just want to take a moment to express
16 my appreciation for the young people and for all the hard
17 work that they did to get where they are.

18

19 Any other comments? Yes.

20

21 MR. LITTLEFIELD: Mr. Chair, there is a
22 brochure on the desk as we came in here called "Customary
23 Trade: Questions and Answers". I'd just like to note that
24 I have lots of questions after reading it. Can I sell
25 fish? Yes. Can I sell fish? No. Is it legal? Yes. Can
26 you sell to rural residents? No. This is very confusing,
27 I don't think it does much to solve the -- to help the
28 public work their way though this. If you read the
29 regulations that say that you can sell the rural residents
30 and then you read this where it say -- or can a rural
31 resident sell to others? And you look in here and it
32 clearly says, no, you can't. So I think this, as well as
33 the -- there's one other I got here that came out. It
34 either had to be the "Frequently Asked Questions About
35 Regional Council Composition". That some of those, again,
36 came out and I don't think they really clarify things, so
37 I don't know who looks at these, but this particular to me
38 really didn't clarify even to my mind. Maybe we'll come
39 out with a new one to clarify it.

40

41 CHAIRMAN DEMIENTIEFF: Any other comments?

42 Yes, Gerald.

43

44 MR. NICHOLIA: Yeah, thank you, Mitch. I
45 have a grave concern that concerns all of us here. It
46 seems like we've been managing from the past and the
47 present and we hardly, for the past three or four years
48 I've been the Chairman, we hardly concern ourselves with
49 the future generation. And the way I see things going is
50 like what John Littlefield said, the management scheme

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1 comes from top down, not like it supposed to be planned in
2 ANILCA, from the people to the top. And I see a lot of --
3 I've been reading this book here last night and I see a lot
4 of staff modifications and stuff that doesn't even reflect
5 the work we did in the Regional Council system. And if
6 it's going to be this way we're managing for the present
7 and we're not even thinking about the future. We ought to
8 spend a little more time thinking about the future
9 generations. If we mismanage everything right now, we're
10 not going to have nothing for our future generations that's
11 ahead of us.

12

13 Thank you.

14

15 CHAIRMAN DEMIENTIEFF: Any other comments?

16

17

18 (No audible responses)

19

20 CHAIRMAN DEMIENTIEFF: Are there any
21 corrections or additions to the agenda?

22

23 (No audible responses)

24

25 CHAIRMAN DEMIENTIEFF: If not, then we'll
26 move on to public comment. These are on non-agenda items;
27 however, there has been some requests with regard to the
28 consent agenda and so I'm going to go ahead and allow
29 comments with regard to that because we're going to take up
30 the consent agenda here shortly. So we'll go ahead and
31 expand that agenda item to include some of these. With
32 regard to that, Jack Hession.

33

34 MR. HESSION: Thank you, Mr. Chairman,
35 members of the Commission. My name is Jack Hession, I'm a
36 regional representative of the Sierra Club here in
37 Anchorage. I'm here today on behalf of the Alaska Chapter
38 of the Sierra Club. I requested that the Commission take
39 Proposals 13, 42, 43, 49 and 50 off the consent agenda,
40 place them on the regular agenda for further discussion.

41 Briefly, 13 would align the subsistence
42 season for brown bear with the State season and lengthen
43 the hunting season by 36 days within the Wrangell-St. Elias
44 National Park. Proposal 42 would allow the baiting of
45 black bears in the Yukon Flats National Wildlife Refuge.
46 43 would lengthen the spring hunting season for brown bears
47 by 15 days in the Arctic National Wildlife Refuge and
48 Yukon-Charley National Preserve. 49 would extend beaver
49 trapping season by 72 days and allow firearms to be used to
50 bag up to six beavers per hunter. This affects Wrangell-

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1 St. Elias National Park and most of Yukon-Charley national
2 rivers. Proposal 50 would extend the coyote season by 22
3 days, increase the bag limit from two to 10 and affect
4 Wrangell-St. Elias National Park and Preserve, Denali
5 National Park and Preserve and the Yukon-Charley Rivers
6 National Preserve.

7

8 All of these share a common theme, they
9 would all align the Federal regulations, proposed Federal
10 regulations with the State seasons by either extending
11 seasons and increasing bag limits or both. In summary, I
12 think -- and with the special reference to national parks,
13 I think this conflicts -- these alignments conflict with
14 ANILCA mandates with respect to the national parks, and
15 with the preserves for that matter. And, secondly, we're
16 seeing these season extended into -- generally into the
17 three prime visitor months. For those residents of Alaska
18 and the nation who visit national parks to see wildlife
19 essentially left alone for at least a reasonable amount
20 time. In some instances, particularly the extension of the
21 brown bear season, if these regulations are adopted you
22 would see a conflict set up between the non-consumptive
23 users, interested in the viewing unhunted wildlife and
24 untrapped wildlife, if I could use those two words, and the
25 interests of subsistence users. I think the balance here
26 is tipping way, way further away from ANILCA directives and
27 criteria. I would urge the Board to think more carefully
28 how to resolve those potential conflicts.

29

30 That concludes my remarks, Mr. Chairman.
31 I'd be prepared to go into greater detail later if in the
32 Commission's wisdom it decides to debate some of these
33 proposals to a greater extent. Thank you.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. Mike
36 Smith.

37

38 MR. SMITH: (Away from the microphone)

39

40 CHAIRMAN DEMIENTIEFF: Are you wanting to
41 testify on a specific proposal?

42

43 MR. SMITH: Yeah.

44

45 CHAIRMAN DEMIENTIEFF: Oh, no, we'll get to
46 that when it gets here. Thank you. Debra Holle.

47

48 MS. HOLLE: Thank you, Mr. Chairman. This
49 is my first time to speak before the Board and I thank you,
50 each one, for the opportunity. My testimony I have

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1 prepared and there are copies that have been made for each
2 member of the Board, I have prepared written testimony. I
3 would be speaking in support of Proposal 20, which begins
4 on Page 189 in the green -- if you see fit to pull that off
5 the consent agenda so that I can speak to that issue now.
6 I can present my testimony right now or is it appropriate
7 for me to wait until the item is pulled from the consent
8 agenda to do so?

9

10 CHAIRMAN DEMIENTIEFF: Yes, ma'am, if you
11 want to make a case for why it should be pulled off the
12 consent agenda, then you should do that at this time.

13

14 MS. HOLLE: Okay, I would.

15

16 CHAIRMAN DEMIENTIEFF: Okay.

17

18 MS. HOLLE: This testimony is in support of
19 Proposal 20, which has recently been presented by Mr. Tim
20 O'Brien. I believe it should be considered and not left on
21 the consent agenda for deferral because I believe that the
22 overall impact would be minimal and that it's a very
23 reasonable proposal and as -- let me just read my brief
24 statement. I can answer questions later at another time if
25 you would prefer.

26

27 I'm requesting that the Board -- well,
28 first of all, my name is Debra Holle, I have land and
29 residence within the boundaries of the Kenai National
30 Wildlife Refuge on the north shore of Tustumena Lake. This
31 area is remote and is within Management Unit 15(B). I'm
32 requesting of the Board to make a positive customary and
33 traditional use determination for moose in Unit 15 for
34 rural residents. The Federal subsistence management
35 proposal already recognizes rural residents as eligible for
36 subsistence use. And I want to encourage the Board to be
37 confident today to recognize positive and customary
38 traditional use based on area patterns and/or community
39 patterns. My testimony is very similar to Mr. O'Brien's.
40 I hope my testimony will help you.

41

42 As a teenage girl I married a young Alaska
43 man whose family had lived here will before statehood. So
44 I was a young teenage girl coming to Alaska. I learned to
45 live a subsistence lifestyle which he had been living. Our
46 first home was on our homestead just below Skyline Drive in
47 the Homer area, which is Unit 15(C) for a subunit. We used
48 wood and coal for heat and cooking. We hauled the coal
49 from the Homer beaches, we hunted for moose and other
50 available game. We fished. For a short time we lived in

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1 the village of Port Graham. We hunted afoot with a 30-06
2 rifle, but if we had no ammunition, which happened, we
3 could always use the bow or consider a snare. Winter
4 hunting is good for moose, the fresh meat is best, but not
5 often are winter hunts allowed now. I tried to keep a good
6 dog to help with hunting game in the winter. I canned fish
7 and moose for winter, I smoked fish and made moose jerky.
8

9

10 Our lifestyle was not much different for
11 the Alutiiq or Dena'ina during those years. We would go
12 hunting for two weeks at a time in the fall until we had
13 enough meat for winter. We would pick berries, hunt for
14 ducks, fish and hunt for game during these trips. It's a
15 way of life, it's a way of living, it's the way I was
16 taught and the way I'm accustomed to living. I've
17 harvested food from the land and water every year
18 consistently since my youth, my teenage beginning in
19 Alaska. I've taught my three children to know the edible
20 plants and berries from the poisonous ones and to know how
21 to preserve foods for winter. I look forward to teaching
22 my grandchildren the same ways. I'm 50 years old, if you
23 can't tell by looking at my red hair, you can tell by
24 looking at my hands.
25

26

Usually we were successful getting meat for
27 winter. We would share with grandma and grandpa and other
28 family members and neighbors who needed meat. I've learned
29 many things from neighbors who are Alaska Native women.
30 For example, I learned how to filet fish properly for
31 hanging in a smokehouse. I learned how to take care of
32 moose after the kill. I learned how to tan hides and sew
33 with skins. Families and hunting partners would share food
34 and almost everything in those days, we needed each other.
35 And I continue to do this with fish and moose and other
36 important food items today. We hunted in what is now
37 called the subunits of 15 (A, B and C), not just one
38 boundary. We hunted or fished anywhere we thought our
39 efforts would be most productive. We didn't want to waste
40 anything. We would eat moose heart and tongue and liver or
41 any other part that was edible. I make my grandmother's
42 pickled recipe for moose heart and tongue, it's one of my
43 very favorite foods. I would make repairs to things and
44 sew. Moose hide can be used for making snowshoe repairs or
45 for making lanyards to fix or tie anything. I would use
46 other skins for sewing snow mittens and even hats.
47

48

Valuing the land, water and wild food is
49 taught from one generation to the next. Good and bad
50 hunting stories and how to go safely into the wilderness

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1 and how to safely preserve food is a very important part of
2 life which must be passed on. How to hunt and fish and
3 preserve food for winter with canning, salting and smoking
4 or drying needs to be taught by actually doing it.

5

6 In closing, I'm asking the Board to please
7 not defer action on this proposal. Please recognize the
8 customary and traditional use by rural residents of Unit 15
9 for moose to enable those who qualify to subsistence hunt
10 for moose beginning this year. If you move to approve a
11 positive determination for Subunits 15(A and B) only the
12 number of Kenai Peninsula rural residents potentially
13 qualify would be no more than 68 people. And that table,
14 number 1, describes the census data information you've seen
15 before. If you would move to approve determination for
16 moose in all three subunits the rural residents potentially
17 qualifying would be no more than 108 people. The overall
18 impact would be minimal as so far not very many people are
19 actually participating.

20

21 The other two sheets that I prepared for
22 you, Mr. Chairman, and those of the others among you and on
23 the Board, I proposed Mr. O'Brien's proposal -- he uses the
24 words "roadless area", what I'm asking the Board to do is
25 make a minor change which would delete the words "roadless
26 area" and just simply say to add to that proposed
27 regulation "residents of any rural area within Unit 15."
28 That's on the short page there that I was suggesting. I
29 think it would fit fine with what we should expect from the
30 Board currently.

31

32 The top sheet, Page 1, when I was young I
33 began to learn Dena'ina words from the women that I had for
34 friends around me and as a result I studied and studied and
35 I have now accomplished quite a significant thing and I
36 have presented for you in Dena'ina language my true story
37 which has a translation in English. I think it would help
38 because my friends mean a lot to me and the unity that we
39 have among people is very important. It's also very
40 important for the subsistence management program and the
41 Federal Board to know that non-Native and Native alike have
42 a history of using the resource in very much the same way.
43 And besides the air that we breathe and the liberty that we
44 enjoy it's life to us.

45

46 And I thank you for the opportunity and
47 would ask that you call me back up for questions, I can
48 answer questions now if you have any, but I would
49 graciously request that you pull this item from the consent
50 agenda and allow us the opportunity to do as we have

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1 expected. Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Bill
4 Thomas.

5

6 MR. THOMAS: Morning, Mr. Chairman, members
7 of the Board. Give me a minute to put my other glasses on,
8 this is a pretty serious -- one reason I can't see out of
9 the other pair. I really appreciate this opportunity for
10 members of the public to offer comments to give you insight
11 that wasn't always an opportunity earlier. And I'm hoping
12 it'll have a positive impact on how you review the
13 proposals and what attitude you do your deliberations with.
14 I'm going to kind of elaborate on communications I done
15 earlier, about a month ago.

16

17 On April 25th, I sent a note to OSM
18 inquiring about the chronology of the Staff Committee. I
19 didn't expect it was too complicated to answer; however, I
20 didn't think it would go unanswered. They may not have
21 even received it, I don't know, I mailed it. To the best
22 of my recollection the membership was limited to staff of
23 management responsible Federal offices. It was brought to
24 my attention that a number of State Department of Fish and
25 Game was present at the meeting, as well as other
26 Department member via teleconference. This is in reference
27 to the recent Staff Committee meeting. This leads me to
28 believe that proposal deliberations to include Department
29 comments if they were active with Staff Committee in making
30 these recommendations. It essentially reduces Department
31 comments to getting through motions as they participate in
32 the recommended language. If you're curious about what I'm
33 suggesting look at the language in the analysis and
34 justification from the Staff Committee. They use words
35 like may, can, could.

36

37 Now, to elaborate on that, I did just now
38 review the language submitted by the majority Staff
39 Committee and so that went a ways to justify the comments
40 that I prepared. Because the analysis and the
41 justification for the recommendation of the Staff Committee
42 is really -- it's not a justification, it's not a reason.
43 And like it was mentioned it really takes away from the
44 proposal. My next bullet here says -- and I make the
45 statement no more than speculated hypotheticals. I've always
46 felt that and you heard me say that before. And speculated
47 hypotheticals isn't anything.

48

49 I'm curious to know what criteria changes
50 in Staff Committee came about, because there isn't a public

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1 criteria change. I see this as a violation and a
2 compromise if the existing provisions of Title VIII. This
3 puts the Regional Advisory Council and this Board at a
4 serious disadvantage by depriving them of opportunity of
5 satisfying the existing attempt of the provisions of Title
6 VIII. It leaves the impression that the RACs are competing
7 with the Board and that isn't should be put together. The
8 Board and the RACs are supposed to be a team, they're
9 supposed to move forward. They should at least be on the
10 same highway if not the same trail.

11

12 A management conflict exists between the
13 State of Alaska and the Federal government. I know there's
14 an anticipated memorandum of agreement with the State, but
15 I don't know what the status is. I don't whether this
16 Board has signed off on that memorandum of agreement or
17 not. And this leaves me with a series of applicable
18 questions. Have the Councils endorsed what's occurred with
19 the work force of the memorandum of agreement people that
20 are putting this together? Has the calendar of progress
21 the MOA working group scheduled been accomplished? I
22 served on that and the calendar kept getting changed and
23 nothing of any significance, nothing tangible occurred in
24 the language on the MOA as long as I was on there.

25

26 The note I sent to OSM read like this.
27 After 10 years as a Regional Advisory Council member I have
28 a vested interest and plan to continue advocacy for the
29 provision of Title VIII of ANILCA using every word and
30 spelling and interpretation as defined in Webster's
31 Dictionary. This includes each punctuation mark used to
32 craft the existing language in the very literal sense.
33 Without identifying people by name and rank, would you
34 please explain to me, number 1, how the Federal Subsistence
35 Staff Committee came to be; what is their prescribed role;
36 who constitutes the Staff Committee; who participates in
37 the deliberations; what constitutes fair and equitable
38 representation at Staff Committee meetings?

39

40 And so that was the meat of what I sent,
41 the last minutes of my reading here is what I sent. And so
42 like was mentioned earlier by members of the Regional
43 Advisory Council they are recognizing that there's a split
44 between the members of the Board and the members of the
45 Regional Advisory Councils and that's not going to work.

46

47 And the other comments I have prepared,
48 I'll elaborate more with regards to the Staff Committee.
49 And the only reason I'm bring forward is because for the
50 last year there's been a distinct appearance that the Board

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1 in their action has all but totally disregarded the
2 recommendations of their RACs. They discuss them, but
3 their decision was to follow that recommendation given to
4 you by Staff Committee. And I'll get into that in another
5 opportunity.

6

7 Thank you, Mr. Chairman, that concludes my
8 comments for this portion.

9

10 CHAIRMAN DEMIENTIEFF: Thank you, Bill. I
11 know I talked with you at the airport when we were arriving
12 last night, but you are going to be here all week.

13

14 MR. THOMAS: Yes.

15

16 CHAIRMAN DEMIENTIEFF: Okay. I don't want
17 to go into it in too much detail now, but we do appreciate
18 your years of service and we have certain awards that are
19 going to go out and so I'm not exactly sure where on the
20 agenda we're going to fit those in, but I want to make sure
21 -- I'll get word to you so that you'll know to be here
22 because we do appreciate your years of service and we'll go
23 into that in more detail at that time.

24

25 MR. THOMAS: Thank you, Mr. Chairman.

26

27 CHAIRMAN DEMIENTIEFF: That concludes our
28 public comment period. With that I think we'll go into
29 review of our consent agenda items. We have requests for
30 13, 20, 42, 43, 49 and 50 to be removed from the consent
31 agenda. Currently we have, let's see, Region 7, Seward
32 Pen, we have 40 and 41 they're on the consent agenda.
33 Southcentral 13, 17, 20; Kodiak/Aleutians 21A, 21B; Bristol
34 Bay 22, 23; Yukon-Kuskokwim 29; Western Interior 30, 34,
35 31, 32, 35 36 and 39; Eastern Interior 42, 43, 44, 45, 46,
36 48, 49, 50, 51; North Slope 53; Southeast 3, 4, 6, 7 and 8
37 on the consent agenda.

38

39 MS. KESSLER: Mr. Chairman.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MS. KESSLER: I'd like to suggest that we
44 can add to the consent agenda Proposals Number 15, 16 and
45 55. I understand that there's been agreement among Staff
46 Committee, the Council and State about these proposals and
47 this would allow us to put them on the consent agenda, if
48 there's agreement.

49

50 CHAIRMAN DEMIENTIEFF: 15, 16 and 55; is

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1 that correct?

2

3 MS. KESSLER: Correct.

4

5 CHAIRMAN DEMIENTIEFF: Do we have all of
6 the planets aligned wt.....

7

8 MS. KESSLER: That's what I understand,
9 yes.

10

11 CHAIRMAN DEMIENTIEFF: Is there anybody
12 that knows anything different with regard to those?
13 Southcentral. Go ahead, Bob.

14

15 MR. CHURCHILL: Mr. Chairman, we have no
16 objection to that. Just note for the record that we did
17 fail 15, took no action on 16 and significantly modified
18 55, but given that we have no objection to putting these on
19 the consent agenda.

20

21 CHAIRMAN DEMIENTIEFF: Okay. If there's no
22 objection then -- Mr. Haynes.

23

24 MR. HAYNES: Mr. Chairman, we don't object
25 to that. We do have a couple of comments that we would
26 like to be part of the record. If these proposals are put
27 on the consent agenda and the modified version of Proposal
28 55 is adopted, we want to ask if the Federal Board should
29 discuss developing a working definition of temporarily
30 disabled instead of provisions for getting a designated
31 hunter permit under the proposed regulation. We don't know
32 what that means and it might be useful for the public to
33 know what constitutes being temporarily disabled.

34

35 We also note that there's been a
36 substantial increase in black bear harvest in Unit 6(B) in
37 the past few years and should designated hunting contribute
38 to even further increase in black bear harvest in Unit
39 6(B), conservation concerns could develop in that area and
40 it would require paying some attention to designated
41 hunting and perhaps other aspects of the regulations in
42 that area.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Any
45 other comments?

46

47 (No audible responses)

48

49 CHAIRMAN DEMIENTIEFF: Well, if there's no
50 objection, then we'll go ahead and add 15, 16 and 55 to the

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1 consent agenda. With regard to the other comments -- with
2 regard to removing those items, is there any concerns by
3 the Board?

4

5 MS. GOTTLIEB: Mr. Chair, I believe
6 consistent with what the Board has done in the past it
7 would be good to have a discussion of those proposals.

8

9 CHAIRMAN DEMIENTIEFF: Are you recommending
10 that we remove those items from the consent agenda?

11

12 MS. GOTTLIEB: Yes, that would be my
13 recommendation.

14

15 CHAIRMAN DEMIENTIEFF: Since it is the
16 prerogative of a Board member to do that, we will go ahead
17 and remove Proposals 13, 20, 42, 43, 49 and 50 from the
18 consent agenda and we will give them full consideration.

19

20 Okay. I think before we begin
21 deliberations on our proposals, we'll go ahead and take a
22 brief break. Sometimes when we're starting out these
23 meetings it take us, as a Board, a few moments to get into
24 the full consideration of things, so I think we'll just go
25 ahead and take a little break right now before we begin.

26

27 (Off record)

28

29 (On record)

30

31 CHAIRMAN DEMIENTIEFF: Okay, all the
32 touchy-feely stuff is over with not, now we got to go to
33 work. With regard to that, the first item we have is
34 WP303-01. And who's going to do the analysis on this?
35 Barb or Helen, okay.

36

37 MS. H. ARMSTRONG: Thank you, Mr. Chairman.
38 My name is Helen Armstrong, I'm a social anthropologist
39 with the Office of Subsistence Management and I'm normally
40 on the team that serves the North Slope, Northwest Arctic
41 and Seward Peninsula Councils, but today I'm going to be
42 presenting the statewide proposal WP03-01. This proposal
43 analysis can be found in Tab A on Page 8, the description
44 of the proposal begins on Page 1.

45

46 This proposal was submitted by the Office
47 of Subsistence Management. The proposal requests that the
48 Federal Subsistence Board establish a statewide provision
49 outside of seasons and harvest limits allowing wildlife to
50 be taken for traditional funerary or mortuary ceremonies.

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1 Adoption of this proposal would standardized and simplify
2 Federal subsistence wildlife regulations and extend an
3 opportunity to all federally qualified subsistence users to
4 harvest wildlife for use in traditional religious funerary
5 or mortuary ceremonies or potlatches. This proposal is
6 closely related to Proposal 12 in the Southcentral region,
7 which you'll hear next. The similarities are that it's the
8 same subject, but Proposal 12 is on a regional basis, this
9 one is on a statewide basis. And Pat Petrivelli will be
10 presenting that next.

11

12 The existing regulations are varied around
13 the state and they're quite lengthy, I'm not going to go
14 into detail on those, but those could be found on Appendix
15 A of this analysis. Currently the Federal subsistence
16 regulations allow wildlife to be taking outside of season
17 and harvest limits for ceremony potlatch purposes in 13 of
18 the 26 units. The proposed regulation can be found on Page
19 9 of the analysis, it's also rather lengthy, I'm going to
20 summarize it.

21

22 This regulation parallels the fishery
23 regulation that was passed by the Board in December of
24 2002. There's one primary difference between this proposed
25 regulation and the fishery regulation and that is that the
26 name of the decedent was not required in the final
27 fisheries regulation that was passed by the Board. In this
28 proposed regulation for wildlife, the main points are you
29 may take wildlife outside of season of harvest limits for
30 traditional religious ceremonies, for funerals or
31 mortuaries ceremonies, including memorial potlatches.
32 Prior to the taking of the wildlife, the person organizing
33 the ceremony must contact the Federal land management
34 agency with information about the name of the decedent, the
35 nature of the ceremony, species and number of animals to be
36 taken and the units where the taking will occur. The
37 taking cannot violate recognized principles of fish and
38 wildlife conservation.

39

40 A written report must be filed with Federal
41 management agency within 15 days after the harvest. The
42 report must specify the harvester's name and address,
43 numbers, sex and species of wildlife taken, the date and
44 locations of the taking and the name of the decedent for
45 whom the ceremony was held. No permit or harvest ticket is
46 required but the harvester must be an Alaska resident with
47 C&T for resource in that area.

48

49 The reason that this proposal has come
50 about has been the State has also been working on revising

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1 their regulations for taking wildlife for religious
2 ceremonies. They've been working on this for the past two
3 years. The State ceremony harvest regulation was revised
4 by the Board of Game in November 2002 and it will be
5 effected this coming July in 2003. The intent was that
6 they would bring the State and the Federal regulation
7 somewhat in line. There are some difference and
8 particularly because this proposed regulation was written
9 before the final Board regulation was passed. There as
10 also differences but there are also differences in some of
11 our mandates.

12

13 Because it all gets a bit confusing with
14 these lengthy regulations, I'm going to emphasize what the
15 difference between the State and the Federal regulations
16 are. The State regulation can be found on Page 9 in Tab A
17 if you want to follow along with that. The State
18 regulations allow for the taking of big game for certain
19 religious ceremonies whereas the Federal regulation allows
20 for the taking of wildlife, so it includes all wildlife,
21 not just large mammals or big game, using the State's
22 terminology. Both the proposed Federal and State
23 regulations require prior notification of the number of
24 animals to be taken and the location of the taking, but
25 there's a difference, because the notification for the
26 Federal regulation also includes naming the decedent. And
27 the State regulation there is -- the tribal chief, village
28 council president or designee maintain records of the
29 successful hunter and the decedent and they have to make
30 that information available if it's asked for by the State
31 Department of Fish and Game or law enforcement upon
32 request. Whereas the Fed regulation just requires that
33 this information be in the prior notification.

34

35 The naming the decedent became a primary
36 focus at the Council meetings and, as you'll see when the
37 Council chairs give their recommendations, a number of the
38 Councils actually asked for that to be removed from this
39 proposed regulation. The Federal regulation also requires
40 a written report within 15 days; the State requirement
41 requires that the tribal chief, village council president,
42 or designee notify the Department, but it doesn't mention
43 that they actually have to do it in writing. Both the
44 Federal and the State require information on the species,
45 sex and number of animals to be taken, that has to be
46 within 15 days, but one is a written report and one is not.

47

48 Another difference is the State regs have
49 specifications for a hunter outside of the village or a
50 tribal organization and this portion is identical to the

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1 part that's above it, it goes through what you have to do
2 if you're part of a village and is not paralleled in the
3 Federal proposed regulation. Part of that difference, we
4 had discussions with the State, is because the State is
5 accommodating a regulation for people in urban areas as
6 well, whereas our regulations don't have to do that.

7

8 The State requires that the meat be used in
9 a customary and traditional Alaska Native religious
10 ceremony, the Federal regulation doesn't make the
11 specification. They have to be Native, it only has to be
12 a traditional funerary or mortuary ceremony, since our
13 regulations apply to rural residents and don't specifically
14 apply to Natives. The State also has a provision for
15 Koyukon Potlatch ceremony, and this can be found on Page 10
16 of the analysis. The differences are to the State
17 regulation that no prior notification is needed of the
18 intended harvest, there is no designation of the name of
19 the decedent anywhere in the regulation and the list of
20 designated hunters must also be maintained by the tribal
21 chiefs, village council president or the chief's designee.

22

23 The regulatory history for this proposal is
24 fairly lengthy. The full regulatory history can be found
25 in Appendix A in Tab A of your book on Page 14. Since 1991
26 the Federal subsistence regulations have contained
27 provisions in Subpart B to allow the Board to authorize the
28 taking of fish and wildlife outside prescribed seasons and
29 harvest limits for special purposes, including ceremonies
30 and potlatches. On a case-by-case basis this Board has
31 then implemented unit specific provisions either through
32 regulatory changes or special actions. As of the 2002-2003
33 regulatory year there were 13 out of 26 units that had
34 these provisions.

35

36 Actually I misquoted, Appendix A is the
37 specific regulations, Appendix B is the regulatory history.
38 And then Appendix C provides the regulations that would
39 remain if this proposal is passed and which ones would be
40 revoked.

41

42 While there is variation between unit
43 specific regulations, the Board has required in most of
44 these regulations the features that are in this proposed
45 regulation, such as the harvesting of the resource does not
46 violate recognized principles of fish and wildlife
47 conservation and that the following be provided to the
48 appropriate land managers. There must be, again, the prior
49 notification with information about the activity and the
50 information about the ceremony and the name of the

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1 decedent, reporting of species, sex, number, location and
2 timing of the harvest that will occur and the name and
3 address of the harvesters. The Board also has required in
4 all of these that the harvester must be a qualified rural
5 subsistence user for the species and has C&T in the area in
6 which the harvest occurs.

7

8 There are a couple of exceptions. In Units
9 21 and 24 the existing regulations mirror the State's
10 regulations that were in existence at that time and the
11 have no pre-hunting notification requirement and a post-
12 harvest reporting period of a maximum of 20 days. In all
13 other units there is pre-notification required and a
14 harvest reporting in 15 days. So there would be -- if this
15 is implemented there then a shift for those units, that
16 there would have to be pre-hunting notification and a
17 shorter time period for reporting.

18

19 Briefly, the sort of background information
20 used to making a recommendation for this proposal. The
21 organized communal consumption of wild or Native foods is
22 a central feature of Alaska Native cultural gatherings.
23 The serving of fish and wildlife reaffirms ethnic identity
24 and ties to the land and resources. Participation in such
25 feasting serves to transmit, sustain and reinforce cultural
26 values, beliefs, practices, traditions, social order and
27 group solidarity. While all Alaska Native ceremonies
28 recognize the passing of group members, not all of Alaska's
29 indigenous peoples hold funerary, mortuary or memorial
30 potlatches. This fact became relevant to Federal
31 subsistence management during the Regional Advisory Council
32 contemplations of Proposal FQ03-27 that proposed allowing
33 Natives to fish for such ceremonies statewide.

34

35 The effects of this proposal, if this
36 proposal were to be adopted, is not expected to affect
37 wildlife populations because the regulatory language
38 specifically provides for conservation of wildlife
39 population. And, in addition, little harvest is
40 anticipated as the practice has been ongoing under the
41 State of Alaska and, in some units, under Federal
42 provisions. Those unit regulations that are specie
43 specific, ceremonial specific or those with special
44 provisions would not be changed. And those can be found in
45 Appendix C at the end of this analysis. This proposal, if
46 adopted, would standardize and simplify Federal
47 subsistence regulations pertaining to the taking of
48 wildlife for use in traditional ceremonies and it would
49 give all Federally qualified subsistence users an
50 opportunity to take wildlife for use for traditional

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1 religious ceremonies, which are part of the funerary and
2 mortuary cycle, including memorial potlatches and may not
3 be applicable to local customs in some areas of the state.

4

5

6 The proposal also would shorten by five
7 days the post-harvest reporting period for Units 21 and 24,
8 which was adopted by the Board in 2002. And it would
9 require prior notification of the hunt for those units and
10 the notification would be within -- sorry. Units 21 and 24
11 would have to notify the appropriate Federal land manager
12 prior to attempting harvest resources and would require
13 naming the decedent, which is not culturally acceptable for
14 many Natives around the state.

15

16 Thank you, Mr. Chair, that concludes my
17 presentation.

18

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

21

22 MS. B. ARMSTRONG: Good morning, Mr. Chair.
23 We have one letter from Major James B. Cockwell, Acting
24 Director for Fish and Wildlife Protection and he says that
25 during the November 2002 Board of Game meeting in Juneau
26 the Board passed new language to the State's ceremonial
27 harvest regulation. And that new language addressed --
28 will reduce enforcement problems. The State of Alaska,
29 Department of Public Safety requests that the Federal
30 Subsistence Board mirror the language of the new State
31 regulation as close as possible.

32

33 Then we have seven support, one is from
34 Alaska Native Brotherhood, one from Denali Resource
35 Subsistence Commission, Wrangell-St. Elias National Park
36 Subsistence Resource Commission, Grayling, Anvik, Shageluk,
37 Holy Cross Fish and Game Advisory Committees, Lake Clark
38 Subsistence Resource Commission and Aniakchak Subsistence
39 Resource Commission.

40

41 Thank you, sir.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. We had
44 one request for public comment. Mike Smith.

45

46 MR. SMITH: Mr. Chairman, thank you. My
47 name is Mike Smith, I represent Tanana Chiefs Conference
48 here today and we were the lead in negotiating the Koyukon
49 provision at the Board of Game meeting in November. When
50 the initial Federal proposal came out it was my

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1 understanding that it was inadvertently left out and so we
2 worked with the Regional Advisory Council to add that
3 provision back in.

4
5 I'd like to take this opportunity to
6 support the proposal as modified. The Staff Committee
7 recommendation, as modified, along with the Eastern
8 Interior Regional Advisory Council recommendations for
9 inclusion of the Koyukon provision and the addition of the
10 word Gwitch'in to that proposal.

11
12 With that, Mr. Chairman, if there's any
13 questions, I'd be more than happy to answer. And, Mr.
14 Chairman, if I could just ask for kind of a point of
15 clarification for my own edification. There are a couple
16 of other things that weren't on the agenda that I'm not so
17 sure if it's appropriate to address at this point. There
18 is a couple of draft reports that staff is working that we
19 have some serious concerns about. I'm not sure when would
20 be an appropriate time address those.

21
22 CHAIRMAN DEMIENTIEFF: Are you going to be
23 here all week? I think we'll do that first thing in the
24 morning, those are non-agenda items, that's what we're
25 having. That why it was unclear tome, I knew we had
26 concerns and that's why I was trying to call you up to, you
27 know -- but we'll provide opportunity in the morning, it's
28 kind of like right now, we're in the regulatory process, we
29 need to keep this thing going, so the first thing in the
30 morning.

31
32 MR. SMITH: Thank you, Mr. Chairman.

33
34 CHAIRMAN DEMIENTIEFF: Uh-huh. There are
35 no additional requests for public testimony. At this time
36 Regional Council recommendations. Gerald.

37
38 MR. NICHOLIA: Yeah, Mr. Chairman, I want
39 to make a correction to this proposal here. For the
40 Koyukon Gwitch'in area it says for units -- on Page 4, I
41 wanted to include Unit 20 in that by Eastern Interior.
42 Tanana is in Unit 20, Rampart, Stevens Village apparently
43 Minto. See where I'm talking? Unit 20 should be down
44 there, there's Unit 21, 24 and 25. Mr. Chair, I am in Unit
45 20, there's five villages in Unit 20 from the Eastern
46 Interior.

47
48 CHAIRMAN DEMIENTIEFF: Go ahead, Tom

49
50 MR. BOYD: Thank you, Mr. Chair. Regarding

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1 Mr. Nicholia's point, I would just ask staff if they have
2 any comments regarding the suggestion that he's made?
3

4 MS. H. ARMSTRONG: I think that's fine, I'm
5 not and Athabaskan expert, so I was turning to Pat, but I
6 think it's certainly -- if that's what you're saying, I'd
7 say that's right. I don't think there should be a problem
8 with that at all. See what Taylor says? Is that okay?
9 That's fine?

10
11 MR. BRELSFORD: Unit 20 extends all the way
12 down into the road connected area, so the Koyukon villages
13 that Gerald is trying to reach actually.....
14

15 MS. H. ARMSTRONG: Okay. Taylor is
16 pointing out that we should probably say 20(F) instead of
17 20. Do you want to name the village that you're concerned
18 with just so we have it on the record?
19

20 MR. NICHOLIA: You know I have to stand for
21 what my people tell me to do and, I mean, if we include
22 20(F), but I think as far as Minto, Nenana is considered,
23 I'd leave that up to Mitch.
24

25 CHAIRMAN DEMIENTIEFF: I guess, Gerald, in
26 response, I'm just wondering why we would name specific
27 tribes, because it's in my estimation it should be all
28 inclusive, you know. That's like this Koyukon Gwitch'in,
29 you know, because it's not a common practice for all of us
30 basically. So I'd just exempt the units, period, would be
31 the best way that I could see to go about it as opposed to
32 naming specific tribes.
33

34 Any other Regional Council comment? Yes,
35 Pete.
36

37 MR. ABRAHAM: Bristol Bay Council wrote in
38 61 asking to modify the staff analysis. The Council
39 modified the proposal to the rule requiring that the name
40 of the decedent to be on a permit on this proposal here.
41

42 That's all I got, thank you.
43

44 CHAIRMAN DEMIENTIEFF: Della.
45

46 MS. TRUMBLE: Thank you, Mr. Chair.
47 Kodiak/Aleutians also agreed to remove the name of the
48 decedent. And maybe just as a recommendation to have item
49 number 1, which states to take wildlife to provide the
50 nature of the ceremony, which is going to fulfill the

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1 purpose anyway, it takes it out, which is pretty much
2 supportive of all the regions.

3

4 CHAIRMAN DEMIENTIEFF: Ron.

5

6 MR. SAM: Thank you, Mr. Chair. As you
7 know, you and I worked with the State Board of Game for a
8 good number of years to get the Koyukon provision in there
9 without the naming of the decedent or prior reporting -- or
10 prior request. And I feel comfortable asking that number
11 1 provision on Page 1 be completely deleted. If we deleted
12 that it would be consistent with the State Department
13 regulation that are already in place for the Koyukon
14 culture.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. Yes,
17 Bob.

18

19 MR. CHURCHILL: Yeah, Southcentral opposed
20 this and the reason we did is it was a concern of not
21 certainly with not honoring this tradition, it's so well
22 documented, but the fact that we felt it was moving us into
23 a one size fits all situation. We looked over a number of
24 the areas that had these and they seemed to be well drafted
25 and thought out and take care of any conversation concerns
26 in the way they were drafted locally. And, again, as many
27 other speakers have addressed better than I, we wanted to
28 keep that in the hands of local folks. Our vote was
29 actually a 6-1 against vote. The one person who voted for
30 it felt that there should be some overall structure, but we
31 were fairly well unified in saying that this should be
32 drawn by the local RACs that fit and local hunts and needs.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Walter.

35

36 MR. SAMPSON: Thank you, Mr. Chairman,
37 members of the Board. The Northwest Arctic Regional
38 Advisory Council recommendation is to support with
39 modification. And the Council supported the proposal with
40 modification to delete the name of the decedent and the
41 Council felt that regulatory provisions requiring
42 identification of the nature of the ceremony and name of
43 the decedent and parties involved were inappropriate for
44 cultural reasons. And I don't think we ought to demand the
45 folks who have these types of funerals to say this is what
46 you're going to do and this is how you're going to do it.
47 That's been their way of life, that's been their culture,
48 I think we ought to leave it at that.

49

50 Thank you.

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1 CHAIRMAN DEMIENTIEFF: Thank you. John.

2

3 MR. LITTLEFIELD: Mr. Chair, the Southeast
4 Alaska Regional Advisory Council supported this proposal
5 with the modification to add cultural events. The existing
6 regulations for Unit 1 through 5 provide for the harvest of
7 wildlife for traditional religious ceremonies, which are
8 part of the funerary and mortuary cycles. These
9 regulations were passed in response to proposals
10 recommended by the Southeast Council. The current proposal
11 would substitute a similar statewide regulation for the
12 unit specific regulations that are in force at the present
13 time. The Southeast Council supports this change as a
14 statewide regulation with the modification that the new
15 regulation permit harvesting of wildlife for cultural
16 events.

17

18 In Southeast Alaska cultural events would
19 include totem pole raisings, dedications and cultural
20 celebrations that may not be closely tied to funerary and
21 mortuary cycles or memorial potlatches. Wildlife has
22 traditional been used in these cultural events. The
23 Southeast Council believes that the harvest for this
24 purpose should be allowed to take place and that they may
25 be authorized under Subpart B 36.CFR. part 242 and 50.CFR
26 part 100, Section 10(D)(5) which covers wildlife harvest
27 for special purposes, including ceremonies and potlatches.

28

29 Several times at the Southeast meeting in
30 Ketchikan it was mentioned that these proposals need to
31 come from the bottom up and I note that this proposal came
32 from OSM. If you look at the comments from every Regional
33 Advisory Council you will see certainly one size does not
34 fit all. This should have come as needed. Units 1 through
35 5 have already addressed this in previous proposals and we
36 feel it should have done the same for the other regions.

37 And we would like to see OSM not put in proposals like this
38 again.

39

40 CHAIRMAN DEMIENTIEFF: Thank you. Harry.

41

42 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
43 Delta Regional Advisory Council recommends support with
44 modification, modify to all one moose of either sex, remove
45 the requirement of the decedent's name and add a
46 requirement for the local tribal office, not the
47 individual, to report the harvest.

48

49 CHAIRMAN DEMIENTIEFF: Thank you.

50 Additional comments? Yes, Grace.

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1 MS. CROSS: Seward Pen supported this
2 proposal with modification to remove the requirement for
3 listing the decedent's name. In our region we expect a
4 very limited use of this provision, we have one ceremonial
5 muskoxen and moose and that's for the village of Wales. We
6 believe that the proposal as modified would standardize and
7 simplify regulations while providing this opportunity
8 statewide and we don't expect -- we expect minimal impacts
9 to wildlife resources.

10

11 Thank you.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Ron, you
14 got additional comments?

15

16 MR. SAM: Thank you, Mr. Chair. As stated
17 by many of our Council chairs, this practice has been going
18 on for quite some time with or without regulations and it's
19 a simple fact of feeding the people that come in to pay
20 their respects. And, as I said, depending on the renown of
21 the deceased, sometimes we've got statewide representation
22 of people paying their respects and it's a simple of
23 feeding people, taking care of people that are paying their
24 respects.

25

26 Thank you, Mr. Chairman.

27

28 CHAIRMAN DEMIENTIEFF: Thank you. Any
29 additional comments?

30

31 (No audible responses)

32

33 CHAIRMAN DEMIENTIEFF: Staff Committee
34 recommendation.

35

36 MR. RABINOWITCH: Thank you, Mr. Chairman.

37 If you bear with me, I usually try to summarize these
38 recommendations but I'm going to read a fair bit of this
39 into the record because it is rather complicated, but I
40 won't read it all. So I'm on Tab A, Page 3 of the Board
41 book.

42

43 The Staff Committee recommendation is to
44 adopt the proposal with modifications that are consistent
45 with the majority of the recommendations of the Regional
46 Councils. I think, as you heard, it would be impossible to
47 have a recommendation consistent with all the Regional
48 Councils. So the proposal is structured in the following
49 way, and this part I'm going summarize. You may take
50 wildlife outside of established season or harvest limit for

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1 food in a traditional religious ceremonies which are part
2 of funerary or mortuary cycle, including memorial
3 potlatches, under the following provisions.

4
5 For the remainder of the regulation,
6 Sections A, B and C are consistent in the Staff Committee
7 recommendation. Then in Section C we diverge and this
8 follows the structure of the new State regulation, so in
9 Units 1 to 20, 22, 23 and 26 there are three sections, 1,
10 2 and 3.

11
12 Section 1 is the prior notification
13 section. It explains who has the responsibility of prior
14 notification and it explains what information must be
15 provided. I would note that you will not find the
16 requirement for the name of the decedent in this Section
17 C(1).

18
19 In Section 2, immediately after wildlife is
20 take there's a requirement for either the official or the
21 individual who is organizing this to know who the name of
22 the decedent is and only share it if requested by a Federal
23 representative. And that's a provision consistent with the
24 State regulation. And then C(3) is the reporting portion
25 and I think this is pretty straightforward, it's 15 day
26 reporting. And, again, the name of the decedent is not
27 required.

28
29 Moving on to Section D in Units 21, 24, and
30 25 for the Koyukon Gwitch'in potlatch ceremonies, D(1),
31 there is no prior notification required, so that's
32 different from C(1). D(2) the after the hunt record
33 keeping is similar, information must be maintained, but not
34 shared unless requested by a Federal official. And, again,
35 the name of the decedent is not in that list of things
36 required. And then in Item D(3) you again have the
37 reporting, which is a consistent 15 days.

38
39 I'd like to point out that there are a
40 number of regulations on the books, as Helen spoke about,
41 some to be revoked if you pass this regulation, some to be
42 retained, and those are on Page 21. You may have some
43 questions about those. I just, again, point out that those
44 lists are on those pages.

45
46 The justification I'm going to read in its
47 entirety here, and I'll try to read quickly. The Staff
48 Committee appreciates the Regional Councils spent
49 considerable time discussing this proposal at the winter
50 2003 meetings. Also that while many of Alaska's indigenous

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1 peoples hold funerary, mortuary or memorial potlatches, not
2 all do. This fact was put before the Council in 2002 when
3 a proposal was discussed for the taking of fish for similar
4 purposes. The 10 Council recommendations vary and
5 consensus was not achieved; however, there are common
6 threads.

7

8 We believe the Staff Committee
9 recommendation is consistent with the intent of most
10 Councils. An important component of the discussion is the
11 State's new regulation 5 AAC 92.017 and the 017 is not in
12 the written record and 92.019. "Taking of Big Game for
13 Certain Religious Ceremonies" is its title. This
14 regulation goes into effect July 1st, 2003, as you've
15 already been told. A copy of this is in your Board book on
16 Page 9 through 11.

17

18 The goals of the Staff Committee were to
19 craft the recommendation consistent with and sensitive to
20 the religious and ceremonial practices of rural Alaskans to
21 support the varied recommendations of the Regional
22 Councils, to be consistent with the legal mandates of
23 ANILCA and to the extent possible, to align this proposed
24 Federal regulation with the new State regulation to
25 minimize confusion.

26

27 So the regulation has different
28 requirements for areas of the state, and this is what I
29 just went through a moment ago. The Koyukon Gwitch'in
30 area, Units 21, 24 and 25 and the remainder of the states
31 Unit 1 through 20, 22, 23 and 26. And the requirements are
32 organized in three parts, C(1), (2) and (3), D(1), (2) and
33 (3).

34

35 Part one can be thought of as the prior
36 notification portion; part two is the after hunt record
37 keeping; and part three is the harvest reporting.

38

39 I think I'm going to now jump to Page 5 and
40 point out the last things that I need to bring up. Other
41 details of the Staff Committee recommendation, it does not
42 include cultural events as requested by the Southeast
43 Regional Advisory Council. The Staff Committee believes
44 these are best considered individually on their own merits
45 as they have been in the past. And there are a number of
46 regulations that this Board has passed in support of
47 various cultural events.

48

49 Two, it uses the ANILCA term wildlife
50 instead of the State's definition of big game. Three, it

00031

1 uses the ANILCA standard of healthy populations rather the
2 State's standard of sustained yield. Four, it adds
3 Gwitch'in to the Koyukon portion of the regulation as
4 requested by the Eastern Interior Council. And, five, it
5 states which units the Koyukon Gwitch'in special provisions
6 will be applied to, that is Units 21, 24 and 25.

7

8

9 I would add verbally in regards to Gerald's
10 comment about Unit 20, that was not brought up at the Staff
11 Committee discussion. The intent of the Staff Committee
12 was to include all of the geographic area of the Koyukon
13 and the Gwitch'in. And I'll look around at my Staff
14 Committee peers to see if anyone would disagree with that.
15 I don't see any head shaking, so I think I'm on safe
16 ground.

17

18 That ends my comments, Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: Thank you, Sandy.
21 Department comments.

22

23 MR. HAYNES: Thank you, Mr. Chairman. I
24 believe you have a handout with our written comments some
25 of which were incorporated into the Board [sic] meeting,
26 some of which were not because we didn't have time to
27 complete them before the publication date.

28

29 Speaking specifically to the Interagency
30 Staff Committee recommendation, the Department appreciates
31 the Staff Committee's effort to craft a statewide Federal
32 ceremonial harvest regulation that, to the extent possible,
33 resembles the revised State regulation that takes effect
34 July 1st. Because differences do remain, however, and if
35 the modified proposal is adopted, it is imperative for
36 Federal managers to ensure that rural residents are
37 informed of these differences before they harvest wildlife
38 for use in traditional religious ceremonies. The proposed
39 Federal regulation authorizes harvest of wildlife on
40 Federal public land, while the State regulation authorizes
41 hunting big game only for ceremonies purposes on all lands,
42 although National Park Service eligibility requirements
43 would continue to apply on National Park and Monument
44 lands.

45

46 The proposed Federal regulation would
47 exempt from the prior notification requirements persons
48 harvesting for both the Koyukon and Gwitch'in potlatch
49 ceremonies in Units 21, 24 and 25, while the State
50 exemption applies only to the Koyukon potlatch ceremony.

00032

1 And we're also talking about maybe even adding subunits to
2 this provision, which I'll speak to in a moment.

3

4 The ultimate goal of the statewide
5 ceremonial harvest regulation should be to accommodate the
6 harvest of wild resources used for food in traditional
7 religious ceremonies that are part of a funerary or
8 mortuary cycle and by doing so to show respect for these
9 activities. Coordination and communication between Federal
10 and State managers and enforcement personnel may be needed
11 to ensure that ceremonial harvest regulations are enforced
12 in ways clearly understood by, and least disruptive to,
13 rural residents and communities.

14

15 Mr. Chairman, I have some concern about
16 expanding the scope of this proposal to include Unit 20 for
17 a number of reasons. Revisions to the State ceremonial
18 harvest regulation are a product of concern that State
19 enforcement officers had primarily about abuses and
20 problems in the road connected areas of the Interior and
21 Southcentral Alaska. To propose including all of Unit 20
22 to this Staff Committee recommendation would result in
23 major differences between the State and Federal regulation.
24 I would point out that there isn't a large amount of
25 Federal land in Unit 20, so including all of Unit 20 in the
26 Federal regulation probably would not benefit many rural
27 residents.

28

29 If the scope of an amendment to this Staff
30 Committee recommendation was limited to Unit 20(F) there
31 still isn't much Federal land that's near the effected
32 villages in those areas, so having a Federal ceremonial
33 harvest regulation in Unit 20(F) might not be that
34 beneficial to rural residents in that area. The State
35 regulation would apply to all lands in 20(F) and so we
36 believe that it would add to the burden for the Office of
37 Subsistence Management to ensure that the public clearly
38 understands that the scope of the Federal statewide
39 ceremonial harvest regulation applies only to Federal
40 public lands. The State regulation can apply to all lands.
41 So we really would have some concern about expanding the
42 scope of this Staff Committee recommendation at this time.

43

44 I wish that someone from State Fish and
45 Wildlife Protection was here to off their perspective, but
46 I would just again point out that the major concerns that
47 have been expressed by the State have been with misuses of
48 the ceremonial harvest regulation in communities on or near
49 the road system. And if you discuss this further I may
50 have additional comments later, Mr. Chairman

00033

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Sure. Any other
4 Regional Council comment? Ron.

5

6 MR. SAM: Thank you, Mr. Chairman. I
7 address this issue as not a conversation issue. There are
8 times when we do not harvest wildlife simply because of the
9 state they are in, the calves running around. There are
10 times when we do not harvest, period, because of the
11 scarcity of the animals, and those are the times that most,
12 if not all, the freezers are emptied out.

13

14 Thank you, Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Yes, Walter.

17

18 MR. SAMPSON: Thank you, Mr. Chairman.
19 After listening to some of the concerns that the State of
20 Alaska has I think if the Regional Council has been given
21 that authority to make the recommendations to this very
22 body and they need to consider those recommendations that
23 are being brought before you. If the State of Alaska has
24 crafted something else that we want to include in there,
25 and the Regional Councils are objecting to it, then I'm
26 sorry that it occurs that way. And I think if this body
27 can exercise its authority in regards to Section 805 of
28 ANILCA, the provision in there in having the Regional
29 Advisory Councils exercise their authority as well, then
30 it's something that we need to look at.

31

32 I don't think that we ought to demand to a
33 community who has been having their funeral for a time now,
34 a continued potlatches in the past, we ought to demand of
35 them this is how your potlatches are going to occur. It's
36 not right to a community to demand it to them.

37

38 So with that I certainly want to encourage
39 the Board to adopt this with the recommendations of the
40 Regional Advisory Councils. Thank you.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Any
43 other Regional Council discussion?

44

45 MR. WILDE: Mr. Chairman.

46

47 CHAIRMAN DEMIENTIEFF: Yes.

48

49 MR. WILDE: I think you said, this is a
50 very important proposal. It has been used for generations.

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1 Sometimes I go up to out of my area, go up to above -- way
2 up there. Sometime I meet the people, they having a
3 ceremony and potlatch, so -- and elders there they always
4 tell me this is something that has been going on from
5 generations now.

6
7 Today it's kind of hard to do things
8 because everything is go by law and regulation, and that's
9 the part that we're having a problem with our elders, they
10 want to do it the way they used to do it, they has been and
11 even those, nothing has been short of getting it, but the
12 law requires everything. I think this opportunity it
13 should be presented to the elders that has been doing it in
14 the past, it's not going to be quit doing it even though
15 we're short of some animals.

16
17 CHAIRMAN DEMIENTIEFF: Additional comment?

18
19 (No audible responses)

20
21 CHAIRMAN DEMIENTIEFF: We're ready now for
22 Board deliberation. I think the one thing I want to
23 comment on is with regard to Mr. Littlefield's request on
24 behalf of the Southeast RAC to expand this, you know, to
25 include other events. I just note that we have -- we used
26 to respond for different cultural events on a case-by-case
27 basis and some of those became, you know, year after year,
28 you know, they'd have to go through this process. So they
29 finally proposed and we put in regulation, so you might
30 inform the RAC that that is something that they would want
31 to do to go ahead and put a proposal before the Board so we
32 can deal with Southeast specific, because, at least, I am
33 not inclined at this point to mix, you know, this event,
34 which everybody recognizes is a very important cultural
35 event and that's not to dismiss the idea of totem pole
36 raising or those kinds of things as not being important
37 because I'm certain they are, but we need to deal with
38 those separate then in this proposal. So I encourage the
39 Southeast RAC to consider that and maybe come forward with
40 a proposal if there are things that you want to have added
41 into.

42
43 Go ahead.

44
45 MR. LITTLEFIELD: Thank you, Mr. Chair, I
46 concur that these proposals should come from the RAC to the
47 Federal Subsistence Board.

48
49 CHAIRMAN DEMIENTIEFF: Okay. Board
50 discussion.

00035

1 MR. BISSON: Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MR. BISSON: Contrary to what Mr. Haynes
6 said, at least one of these subunits has a substantial
7 amount of public land, it's BLM land in Unit 20(F) and it's
8 primarily unroaded. And I think that an adjustment for
9 Unit 20(F) would probably accommodate most of Mr.
10 Nicholia's concern in terms of the villages that he's
11 concerned about. Consequently I think that at some point
12 when we take a vote I would be inclined to include Unit
13 20(F) with 21, 24, and 25. I think that the rest of Unit
14 20 is substantially roaded and I personally view that as a
15 different situation than 20(F).

16

17 CHAIRMAN DEMIENTIEFF: Maybe we should just
18 go ahead and have a motion to adopt, so we can start making
19 these recommendations. Niles, do you have a comment first?

20

21 MR. CESAR: Mr. Chairman, I move that we
22 adopt the proposal as modified by the Staff Committee, but
23 which would also include the inclusion of 20(F) -- for that
24 portion of 20 which is 20(F).

25

26 MR. BISSON: I second that motion.

27

28 CHAIRMAN DEMIENTIEFF: Moved and seconded.
29 Further discussion.

30

31 MS. GOTTLIEB: Mr. Chair.

32

33 CHAIRMAN DEMIENTIEFF: Judy and then Gary.

34

35 MS. GOTTLIEB: Della, I wonder, you
36 mentioned a wording suggestion, I wonder if you could say
37 that again, please?

38

39 MS. TRUMBLE: Oh, yes. To remove the name
40 of the decedent and just to read like -- I have to find my
41 page here. Just remove a section, I think, and if you
42 remove those words and leave it as it, the basic purpose is
43 already outlined in the first section of the -- that it is
44 what it is for. Hold on, let me find my page here.
45 Section 1, if you just have it read, person or designee
46 organizing the religious ceremony contact appropriate --
47 just to remove.....

48

49 MS. GOTTLIEB: Della, just to be clear,
50 what page are you on then so we're sure on the version.

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1 MS. TRUMBLE: This is on 29, but I think
2 that's not the staff one. I guess the whole purpose is to
3 remove the name of the decedent and just have to take
4 wildlife to provide the nature of the ceremony because
5 basically you're going to take that information in when
6 you're asking for a permit. Because the biggest concern,
7 if you look at all the regions, were those words.

8

9 CHAIRMAN DEMIENTIEFF: Gary.

10

11 MR. EDWARDS: Mr. Chairman, I had kind of
12 a general question, maybe more for my own information and
13 there might be several people that can answer it, but, you
14 know, it's my understand that the State, you know, spent a
15 fair amount of time working with the Native community, and
16 which my understanding, I guess, even some our RAC units
17 were involved in that process to try to add this very
18 sensitive issue. And I'm just trying to maybe understand
19 a little better, given that effort and given that -- again
20 my understanding that was widely supported across the whole
21 state, why are we somewhat now at differences with the
22 State as opposed to being more in lock step. They went
23 probably through a much more extensive process than we've
24 gone through in order to address this and my understanding
25 is that the Native community was very supportive of that,
26 so I'm just trying to understand and maybe those of you who
27 participated on that or maybe the State or somebody could
28 just answer that question.

29

30 CHAIRMAN DEMIENTIEFF: Anybody wish to
31 respond to his question? Terry.

32

33 MR. HAYNES: Mr. Chairman, I wasn't
34 involved in the process myself and I can't tell you all of
35 the specific details, but because there were problems with
36 the existing statewide ceremonial statewide regulation Will
37 Mayo, who is the special assistant to Governor Knowles in
38 the last administration was assigned to meet with Alaska
39 Natives, rural residents and talk about changes that could
40 be made to the ceremonial harvest regulation. And as I
41 understand it that in his consultation with rural residents
42 and discussion of the issue that the main concern about the
43 prior notification requirement had to do with the Koyukon
44 potlatch ceremony and so that was separated out. The prior
45 reporting requirement was not an issue raised by other
46 Alaska Natives who were consulted, so that is how the
47 distinction is made between Koyukon potlatch ceremonial and
48 other ceremonial harvesting in the State regulations.

49

50 MR. EDWARDS: Mr. Chairman, this is sort of

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1 a follow-up on sort of my question, is that even if there's
2 an agreement that that was an extensive process they went
3 through and, in general, had the support of the community,
4 I guess I would just encourage us as we go forward to try
5 to parallel as much as we can unless the folks feel there
6 wasn't adequate involvement and an adequate agreement in
7 what was come up with.

8

9 CHAIRMAN DEMIENTIEFF: Ron, did you have
10 comment, I'm sorry I didn't....

11

12 MR. SAM: Yeah, thank you, Mr. Chairman,
13 Board members. Again, it's a deep sense of honor,
14 religion, superstition, just a way of life out there and
15 when we got that agreement with the State quite a few years
16 back on the Koyukon, it's (Native), it's something that you
17 don't talk about. You do not provide any prior information
18 because it's our belief that your just waiting for somebody
19 to pass away or you're just wishing for somebody to pass
20 away and is that is not something you talk about freely,
21 that's why we wanted all that prior information or prior
22 request deleted, it's totally against our beliefs and our
23 traditions and customs. It's deep rooted, I don't know if
24 I should even be talking about it at this time and I just
25 hope people will forgive me back home.

26

27 Thank you, Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: Gerald and then
30 Sandy and Walter.

31

32 MR. NICHOLIA: Yeah, thank you, Mitch, Mr.
33 Chairman. To answer Gary's question, is that I sit on the
34 Tanana/Rampart Mandate Advisory Committee as the vice
35 chairman and in the past two years I've been on there I
36 don't recollect any of this information coming before us as
37 an advisory committee or as a city council member or
38 working for the tribal council. This is like the first
39 time I'm seeing it.

40

41 CHAIRMAN DEMIENTIEFF: Sandy.

42

43 MR. RABINOWITCH: Thank you, Mr. Chairman.
44 Trying to give at least a partial response to Gary's
45 question. The Staff Committee actually worked on this over
46 a period of about three days trying to sort out the
47 differences and kind of find a pathway through this and I
48 think worked pretty hard to, as much as it could, take the
49 original Federal proposal and restructure it. So on the
50 one hand it looked more like the State regulation, we

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1 couldn't completely get there for a lot of reasons. And at
2 the same time, and importantly, pay attention to the
3 Regional Council recommendations, and as you hear several
4 people speak about naming the decedent. There were other
5 differences also.

6

7 So with that said, if one compares the
8 Staff Committee recommendation to the new State regulation,
9 I would suggest that in the Staff Committee recommendation
10 there's one instance where less where the decedent need not
11 be identified, and that's consistent with what the Regional
12 Councils asked the Board to do. Whereas in the State
13 regulation, I think, there's one instance where there is a
14 requirement for it, it's pretty twisty-turny to compare all
15 these. I've actually, so I could answer questions, typed
16 up a five-column chart just for myself to try to keep this
17 straight and it is a little bit challenging. But I think
18 the Staff Committee was trying to do what you're getting at,
19 whether we accomplished it or not, that's for you all to
20 decide. I hope that helps.

21

22 CHAIRMAN DEMIENTIEFF: Walt.

23

24 MR. SAMPSON: Thank you, Mr. Chairman.

25 Based on what's written on Page 4 from the Staff
26 recommendation, it says that the goal of the State [sic]
27 Committee were to craft a recommendation. I think if that
28 recommendation is coming from the Regional Council in
29 regards to the wording and how it should be worded, then
30 this Board ought to honor that request, and we heard it
31 from all the Regional Advisory Councils, the
32 recommendations in regards to how it should be worded.

33

34 Thank you.

35

36 CHAIRMAN DEMIENTIEFF: Yeah, I think from
37 my point of view that I certainly intend to vote for the
38 motion. And then I go back to some of the things that Gary
39 was talking about, because I was involved originally in the
40 State process when the original State regulation went into
41 effect and did, as Ronny mentioned, him and I and many
42 others worked very hard on the State regulatory process to
43 get that done. This remains a work in progress, I mean
44 this regulation -- the State regulation has evolved over
45 much work done by the advisory committee people and those
46 representatives in conjunction with the various boards
47 through the years, you know, as the board members change on
48 the Board of Game. You know, while I'm comfortable with
49 Mr. Cesar's motion, you know, I still don't rule out that
50 we're going to be maybe have to revisit this issue as we

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1 continue to fine tune the regulation. And if that becomes
2 necessary then I think if somebody brings a proposal before
3 us and we deal with it in that way, but right now I'm very
4 comfortable with Mr. Cesar's motion.

5
6 MR. CESAR: Mr. Chairman, I intend to
7 support my own motion. I agree with you, this is a work in
8 progress and we're trying our best to put together
9 something on a statewide basis that is very difficult, at
10 best, to do it and, like many actions we've taking in the
11 past, there will come forward questions and concerns that
12 we're going to have to address in the future and one of the
13 hallmarks of this program is that we're able to do that
14 when they come up. So I don't think that we're locked in
15 concrete on this, although it does set the standard for
16 now, but it will be adjusted as we go further into this
17 process.

18
19 Thank you.

20
21 CHAIRMAN DEMIENTIEFF: Any other comments?

22
23 MS. GOTTLIEB: Mr. Chair.

24
25 CHAIRMAN DEMIENTIEFF: Yes.

26
27 MS. GOTTLIEB: I do believe that this Board
28 take its responsibilities very seriously for continuing the
29 opportunity for subsistence uses which have been
30 acknowledged to be very important toward cultural identity
31 and cultural existence. And whatever the State efforts
32 were, I don't know that we were directly involved, but this
33 motion was trying to be as responsive as possible, as best
34 we can be to tend, sometimes, differing opinions, but very
35 specifically to the units of the Koyukon and Athabaskan
36 mentioned.

37
38 And I just wanted to make sure in our
39 proposal, I don't know if we have to say and the remainder
40 of Unit 20 in Part C there, so that we're clear we're not
41 omitting Unit 20, the rest of it, in anyway, but other than
42 that I'm prepared to support the motion.

43
44 CHAIRMAN DEMIENTIEFF: Okay. Any other
45 discussion. Yes, Keith.

46
47 MR. GOLTZ: I have a technical/legal
48 question. I'd like a brief break so I could talk with
49 Sandy and Gerald on it. It should just take a couple of
50 seconds.

00040

1 CHAIRMAN DEMIENTIEFF: Okay, go ahead,
2 we'll go ahead and stand down for a couple of minutes. In
3 the meantime we're not going to take a break, we'll just be
4 at ease on deliberations.

5
6 There was a request for us to explain the
7 monitors here and Tom has an explanation for the monitors,
8 but the reason I had a request to put them in is in case
9 there's like an NBA playoff game that comes up, I thought
10 we be able to just tune it right in.

11
12 (Laughter)

13
14 CHAIRMAN DEMIENTIEFF: Wouldn't want to
15 miss a game. Go ahead, Tom.

16
17 MR. BOYD: Mr. Chair, that was my response,
18 so I don't know. No, I think the intent here is to be more
19 user friendly for all the folks that are involved in the
20 meeting, both the Board, the Council Chairs, and the public
21 to be able to track with what's going on. You'll notice
22 that there have been presented highlights or key points for
23 the staff analysis and then we get to Board deliberation
24 and the Board adopts a motion we want to try to capture
25 that and keep it in front of everyone so that everyone is
26 sort of tracking where the meeting is going. You noticed
27 in previous meetings we just had one screen over to one
28 side and often not everyone in the meeting, particularly if
29 you have your back to it, can hear [sic] it. So if anyone
30 in the audience has comments on how we set this up and how
31 we can improve it, we'd certainly be welcomed to those
32 comments.

33
34 (Off record)

35
36 (On record)

37
38 CHAIRMAN DEMIENTIEFF: Okay, if we could
39 make our way to our seats, please. The Keith caucus has
40 completed its work and we'll call on Keith to give his
41 report.

42
43 MR. GOLTZ: The concern that was brought to
44 my attention is in D, which refers to Units 20(F), 21, 24
45 and 25. There may be individuals other than Koyukon
46 Gwitch'in and, if so, we've excluded them from the reach of
47 our regulations. My solution -- my suggestion is that in
48 C we have the general rule which would apply to Units 1
49 through 26 and then in D we set out the exception. And the
50 intent here is to avoid what at least looks like a

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1 violation of 804 where potentially we've excluded some
2 people. I don't know whether we have or haven't but by
3 changing we can assure ourselves that we haven't.

4

5 CHAIRMAN DEMIENTIEFF: Is there a motion to
6 amend?

7

8 MR. BISSON: Mr. Chair, I make a motion
9 that we amend the resolution as Keith has suggested which
10 would mean under provision C it would read in Units 1
11 through 26 and then under D it could read except in units
12 or it could say that in Units 20(F), 21, 24 and 25 and then
13 it would lay out the wording as is currently in there. So
14 again, under C it would say in Units 1 through 26 and under
15 D it would say in Units 20(F), 21, 24 and 25.

16

17 CHAIRMAN DEMIENTIEFF: Is there a second to
18 that motion?

19

20 MR. CESAR: I'll second that. And under
21 comments, Mr. Chairman, I view this as a friendly
22 amendment. We wanted to make this thing inclusive not
23 exclusive, so the clarification that Henri has, I think, is
24 in line with that.

25

26 CHAIRMAN DEMIENTIEFF: Yes, I'm going to
27 call on Della, if I could, real quick, she had a comment
28 that I think we need to get on the record.

29

30 MS. TRUMBLE: Thank you, Mr. Chair. I just
31 wanted to make some comments in listening to some of the
32 discussion and I heard again some of this through the
33 course of the discussion from the various chairs. When we
34 look at this regulation, and I don't know how anybody else
35 feels, but when someone passes away in our communities or
36 passes on, the last thing we think about is having to go
37 out find out whether I can go get fish or harvest a
38 caribou. Because what we naturally do and everybody does
39 after a funeral is a gathering to honor that person. And
40 to look at this and have to go through all this, and I just
41 don't agree with it. And to be real honest, whether State
42 or Federal regulation most people are not even going to
43 recognize it and do what we automatically do to provide for
44 a custom that all of us do naturally.

45

46 The other part of it when we're looking at
47 a statewide proposal, whether this is in reality a
48 statewide proposal, when we're adding specific regions and
49 regulations for these regions and it almost looks to be
50 region specific. Those are some of the comments I wanted

00042

1 to make.

2

3 CHAIRMAN DEMIENTIEFF: John.

4

5 MR. LITTLEFIELD: Thank you, Mr. Chair.
6 Again, the Southeast Regional Advisory Council did support
7 this with the addition of the words cultural, so that has
8 been deleted, so I guess I feel okay in saying that when I
9 look at what the Staff Committee recommendation that's been
10 presented here, I look at that, I could truthfully say that
11 we would oppose that. Because if you look at what was
12 presented to us on Page 1 that was what was presented to us
13 at our Regional Advisory Council and I defy you to find
14 hardly any words in there that meet what's in the Staff
15 Committee. It has morphed into something completely
16 different than we suggested. And like the previous speaker
17 said, we're talking about unit specific, which we would
18 have been loth in Southeast to comment on what was going in
19 in 21, 24 and 25. That's not our business, that's the
20 business of those units. So I think -- well, it's a good
21 idea if everybody supports this. We support the religious
22 -- we believe, again, that this should have come from the
23 bottom up.

24

25 We already have regulations in Unit 1
26 through 5 that fairly well cover this and have been working
27 well. You simply make a phone call to the land manager,
28 tell him that we're going to take 10 deer, he calls the
29 State, lets them know that this particular clan or whatever
30 will be taking 10 deer in this area or whatever and it's
31 done. It seems to work fairly well for us, so we didn't
32 see a problem it was broke. But, like I said, what we
33 looked at on Page 1 and what we're looking at on the
34 Interagency Staff Committee, two completely different
35 things.

36

37 CHAIRMAN DEMIENTIEFF: Judy.

38

39 MS. GOTTLIEB: Mr. Chair, I just had a
40 question. So if you're in Unit 20(F) or 21, 24, 25, so
41 then you would have the choice of which route to take; is
42 that correct? And does that create problems?

43

44 MR. GOLTZ: Well, I think so, I think you
45 would have a choice, but the general rule is more
46 restrictive than the exception. It basically has to do
47 with the reporting.

48

49 CHAIRMAN DEMIENTIEFF: I think we go back
50 to some of the comments that Ron made over here when he's

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1 talking about sometimes it's the scarcity of the resource.
2 And the time of year has a lot to do with it because you're
3 very limited in accessing certain areas. You know,
4 obviously, if the ice is soft and you can't cross the
5 river, you know, that pretty much eliminates that and it's
6 not gone out yet, so you can't take a boat across or
7 anything, you can't get a snowmachine, you don't want to
8 walk across it, so you have to go the a different area.
9 And when it's difficult hunting like that, I know at home
10 that, you know, we dispatch people in different directions.
11 I mean, that's just very common for us to do that because
12 you're all, at certain times of the year, limited on where
13 we can go in any direction, so you try to get as many
14 people out as you can in the hopes that somebody will
15 stumble into something. I think it's okay, the language.
16

17 Ron.

18

19 MR. SAM: Thank you, Mr. Chairman, that is
20 exactly what happened a couple of years ago. When I
21 mentioned scarcity I meant the migratory timing of these
22 animals and the Traditional Village Council of Allakaket
23 had requested to the State for an extension of the moose
24 hunting season, but then the ice came in and then we were
25 landlocked, so we tried to use all avenues and legal
26 avenues and, once again, I would like to reiterate our
27 feelings from prior requesting for harvesting of these
28 wildlife.
29

30

Thank you, Mr. Chair.

31

32 MR. EDWARDS: Mr. Chairman.

33

34 CHAIRMAN DEMIENTIEFF: Gary

35

36 MR. EDWARDS: Given some of the comment
37 being heard from the Council chairs, what are the
38 consequences if the Board would reject this proposal?
39 Given that we have the State regulation.

40

41 CHAIRMAN DEMIENTIEFF: Sandy.

42

43 MR. RABINOWITCH: I think there's a couple
44 of parts to an answer, and there may be other people that
45 would want to add to this.

46

47 CHAIRMAN DEMIENTIEFF: Sandy, if we can
48 just back down here a little. We do have a motion to amend
49 before us and we need to take care of that and we need to
50 limit our discussion to that motion to amend. So if we can

00044

1 deal with that and then you can raise your other issue on
2 the main motion.

3

4 Is there any more discussion on the
5 amendment?

6

7 (No audible responses)

8

9 CHAIRMAN DEMIENTIEFF: Hearing none, all
10 those in favor of the amendment, please signify by saying
11 -- by calling on Mr. Haynes. I'm sorry, Terry, go ahead.

12

13 MR. HAYNES: Mr, Chairman, Lance Nelson,
14 Department of Law, did have a comment to make on the
15 amendment.

16

17 CHAIRMAN DEMIENTIEFF: Go ahead.

18

19 MR. NELSON: Mr. Chairman, just by way of
20 probably a suggested friendly amendment is that you could
21 improve on the State regulations which don't refer to each
22 other and that's kind of an awkward situation, we're
23 interpreting in what way two regs are different. You might
24 consider putting in -- drafting language of not
25 withstanding C in the introduction to D there that would --
26 I mean, just as a drafting suggestion it would make the
27 whole thing more understandable, I think.

28

29 CHAIRMAN DEMIENTIEFF: Lance, I think we
30 deal with the amendment and I'm going to invite you to
31 participate because, you know, as already has been
32 expressed, we're going to have that discussion on the
33 overall main motion, but we need to dispose of this
34 amendment right now and then we can have that discussion,
35 but I'll invite you to participate in that as well.

36

37 Any more discussion on the amendment?

38

39 (No audible responses)

40

41 CHAIRMAN DEMIENTIEFF: All those in favor
42 of the amendment, please signify by saying aye.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN DEMIENTIEFF: Those opposed same
47 sign.

48

49 (No opposing responses)

50

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1 CHAIRMAN DEMIENTIEFF: Motion carries. We
2 now have the main motion before us as amended. Gary, if
3 you would raise your concerns now.

4
5 MR. EDWARDS: I guess I'd raise the same
6 question. Based upon what we've heard from many of the
7 Council chairs, which seemed to take exceptions to what we
8 are proposing to do, I'm just trying to understand what are
9 the consequences if we reject the proposal.

10
11 CHAIRMAN DEMIENTIEFF: Sandy.

12
13 MR. RABINOWITCH: As I said, I'd welcome
14 any additions to my comments. My answer to that question
15 would be that I would first refer the Board to Page 21 and
16 22, which is Appendix C, and suggest that these are the
17 regulations that are currently in place on a unit-by-unit
18 basis, so they would all just stay in place. Okay? Based
19 on Gary's question about what would happen if you didn't
20 support this.

21
22 The next think, I think, that would happen
23 would be when the State regulation, new State regulation,
24 goes into effect in July that that regulation would apply
25 everywhere in the state with two exceptions. The
26 exceptions are National Park Service parks and National
27 Park Service monuments. Okay? So that would be that.

28
29 And I think that's all I've got to offer.
30 I don't know if anyone else has something to add in or not.

31
32 CHAIRMAN DEMIENTIEFF: Further discussion.

33
34 MR. EDWARDS: Mr. Chair, since I asked the
35 question. It seems to me that my understanding is what we
36 were doing is taking this motion because it was the right
37 thing to do in respect for the importance of these
38 ceremonies and all, but if that's not what people want,
39 then I guess my question is, why are we doing it? And, I
40 guess, I'm certainly prepared to vote no if that is, in
41 fact, the case.

42
43 CHAIRMAN DEMIENTIEFF: Other discussion.

44
45 MS. GOTTLIEB: Mr. Chair.

46
47 CHAIRMAN DEMIENTIEFF: Yes.

48
49 MS. GOTTLIEB: I do think the comment made
50 by Mr. Nelson would help clarify that difference then

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1 between C and D, it sounds like that was useful. And I
2 guess with 10 Councils and often very different views and
3 customs, and we saw this when we were doing customary
4 trade, surely there isn't always one size fits all, and we
5 do respect those differences. And perhaps this process
6 could have started in a different way, but here we are with
7 the result of a lot of time and effort on the Councils'
8 part as well as on a great deal of staff part. And I think
9 the benefit Federal Subsistence Board having a regulation
10 which, as you all know, is subject to review next year, is
11 that it is part of the Federal program and responsive to
12 Federally qualified subsistence users. And so in my view
13 that would be a reason for us to continue with this
14 proposal.

15

16 CHAIRMAN DEMIENTIEFF: Again I reiterate
17 the point that I made earlier, that this is a work in
18 progress, you know, other Board have spoken to that. That
19 as we have the need to continue to fine tune this
20 regulation. You know, I'm certainly, as a Board member,
21 willing to do that as much as we have to in future meetings
22 to try to make it as close as to what our Council people
23 want. You know, we'll just take the time to do it as the
24 proposal comes before us. And, you know, I think I agree
25 with Judy's point that, you know, we responsively know that
26 this is an activity that happens and we need to have it on
27 our books. And if we need to fine tune it in the future,
28 I'm certainly willing to do it, and I think we all are,
29 because we don't want to be exclusive, we want to be
30 inclusive.

31

32 Further discussion.

33

34 (No audible responses)

35

36 CHAIRMAN DEMIENTIEFF: Hearing none, all
37 those in favor of the motion as amended, please signify by
38 saying aye.

39

40 ALL BUT MR. EDWARDS: Aye.

41

42 CHAIRMAN DEMIENTIEFF: Those opposed, same
43 sign.

44

45 MR. EDWARDS: Nay.

46

47 CHAIRMAN DEMIENTIEFF: Motion carries.
48 WP03-12, staff analysis.

49

50 MS. PETRIVELLI: Thank you, Mr. Chair. My

00047

1 name is Pat Petrivelli and I'm the anthropologist for the
2 Southcentral Region. Proposal WP03-012 can be found -- the
3 analysis can be found under Tab A, Page 33.

4

5 This proposal was submitted by the
6 Wrangell-St. Elias National Park Subsistence Resource
7 Commission and it requests allowing the taking of wildlife
8 for religious ceremonies which are part of funerary and
9 mortuary cycles from National Park Service lands in Units
10 11, 12, and 13(C). The Subsistence Resource Commission
11 proposed establishing this unit specific provision because
12 potlatches and mortuary celebrations are customary and
13 traditional uses of wildlife among Alaska Natives in these
14 units and where food and other items of value are shared
15 among attendees and current regulations do not allow the
16 taking of wildlife outside of designated seasons.

17

18 This was proposed as a unit specific
19 provision under the existing ceremonial regulations. The
20 regulatory history related to sharing mortuary and
21 ceremonial provision were presented in analysis of 01 and
22 the proposal as passed just now, which you just recently
23 passed in 01 would allow everything proposed by the
24 Subsistence Resource Commission. But if this unit specific
25 provision was passed as described in the proposal it would
26 have minimal impact on wildlife populations for all
27 qualified Federal subsistence users of the area and offer
28 an opportunity to take wildlife for uses, food and
29 traditional religious ceremonies, and it would add another
30 unit specific regulation.

31

32 And that concludes my presentation, Mr.
33 Chair.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. Summary
36 of written public comments.

37

38 MS. WILKINSON: Yes, Mr. Chairman. The
39 Wrangell-St. Elias National Park SRC supports the proposal
40 with modification to eliminate the requirement that the
41 individual taking the animals for this purpose possess a
42 valid Alaska hunting license. Specifically delete the
43 final sentence in Subsection 4, which currently reads
44 "However, harvesters between the ages 16 and 60 must
45 possess a valid Alaska hunting license." Such harvest
46 sometime occur on short notice and hunters might not have
47 a valid license at the time the hunt needs to occur.

48

49 The subsistence representatives of eight
50 Ahtna village support this proposal with modification to

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1 take out the license requirement and allow a phone call or
2 on weekends just to leave a message and allow the host
3 family to determine the number of animals to be taken, as
4 long as the moose or caribou population is healthy and
5 stable.

6

7 Ahtna, Incorporated supports the proposal
8 with modification to remove the license requirement, to
9 require only calling the appropriate Federal agency and
10 leaving a message before hunting and to allow the host
11 family or families to determine the number of ungulates to
12 be taken.

13

14 This proposal is more restrictive than what
15 the State regulations require. The State regulations only
16 require a phone call to the Department of Fish and Game to
17 state what species are to be taken. Under this proposal
18 when a death occurs on the weekend and the host family
19 hunts on the weekend they risk having their meat
20 confiscated. As long as the population is healthy and
21 stable the decision of how many animals should be left to
22 the family.

23

24 Many Ahtna families host a memorial
25 potlatch in conjunction with three or four families for two
26 or three deceased people and they need more than two
27 caribou or one moose.

28

29 The Alaska Chapter of the Sierra Club
30 supports this proposal with modification to require a
31 permit from the park superintendent. Wildlife taken should
32 be limited to species traditionally and customarily used
33 for these purposes.

34

35 And that concludes the written public
36 comment.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. We have
39 no request for public testimony at this time. Regional
40 Council recommendation.

41

42 MR. CHURCHILL: Yeah, our recommendation on
43 12 was we passed it with a number of amendments. And what
44 we deleted was spoken to, was under the first section, we
45 deleted everything after the nature of the ceremony. In
46 other words, the reporting of the species, number of
47 wildlife to be taken and the unit in which the harvest will
48 occur. We also added in that same paragraph in addition to
49 the person organizing, because we wanted it as broad based
50 as possible. We added the words clan and family. And we

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1 recognize that they would have a designee, but we wanted to
2 make sure that it was understood that any -- either an
3 organization or a clan or a person or their designee could
4 work with the Wrangell-St. Elias.

5
6 And then in Section 4 we deleted all the
7 language after -- there are no permit or harvest ticket
8 requirements under this provision, which resulted in,
9 however; harvesters between the ages of 16 and 60 must
10 possess a valid Alaska hunting license. That sentence was
11 deleted and we passed that on a 7-0 vote.

12
13 MR. THOMAS: (Indiscernible - away from
14 microphone)

15
16 MR. CHURCHILL: Sorry, Mr. Thomas, I could
17 go back through that if you wish. Probably a little bit
18 shorter than the first time. Okay.

19
20 CHAIRMAN DEMIENTIEFF: Staff Committee
21 recommendation.

22
23 MR. RABINOWITCH: Mr. Chairman, the Staff
24 Committee recommendation was to defer this proposal at this
25 time. And it is contrary to the Southcentral Regional
26 Council's recommendation, which was, as you just heard,
27 modify -- support with modifications.

28
29 I won't read though this full justification
30 on Page 31. I think the most key item is to point out that
31 when the Wrangell-St. Elias Subsistence Resource Commission
32 submitted this proposal it was prior to the time when the
33 statewide proposal that you just voted on was made public,
34 so they weren't aware of that. And the Staff Committee
35 believes that Proposal 1, that you just passed, will
36 satisfy many, and perhaps all, but at least many of the
37 concerns of that Commission. So by deferring it the
38 Commission, which will meet again in the fall, can be made
39 aware of the Board's action on Proposal Number 1, they can
40 review whether that satisfies their needs, or not, and, if
41 not, then through the deferral they can bring it back up
42 next year with specifics of what else they might like. If
43 they're happy with it then they can drop their proposal.

44
45 That ends my comments.

46
47 CHAIRMAN DEMIENTIEFF: Bob.

48
49 MR. CHURCHILL: Yeah, Mr. Chairman,
50 Southcentral would really prefer that this be voted on and

00050

1 hopefully passed. We were more than aware of the proposal
2 that was just passed on the statewide when we deliberated
3 this and we took an awful lot of local input on it. And we
4 fashioned this in a way that from the local community
5 trying to consider the cultural concerns upwards, and I
6 think this speaks to the heart of this process, that it
7 flows from the folks that felt they needed this up through
8 the system, through the RAC with a lot of public
9 participation. And I think some of the amendments we added
10 to this speak to local needs and so I'd really encourage
11 you to seriously consider passing this with the amendments
12 that we asked for on behalf of the people in our area. And
13 we were, again, we were more than aware that a statewide
14 might be passed. But we'd appreciate action from the Board
15 on it and support of the Board if at all possible.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.

18 Department comments.

19

20 MR. HAYNES: Mr. Chairman, the Department
21 supports the deferral of this proposal as recommended by
22 the Interagency Staff Committee. While the Department
23 could support implementation of a ceremonial harvest
24 regulation for National Park Service lands in Units 11, 12
25 and 13(C), we would want it to be consistent with the
26 statewide regulation that was adopted in Proposal Number 1.
27 We think that adoption of a unit specific proposal in this
28 instance would add to the confusion.

29

30 We also do not support deleting the hunting
31 license requirements as it's recommended in some of the
32 public comments on this proposal and in the Southcentral
33 Regional Advisory Council recommendation.

34

35 Thank you.

36

37 CHAIRMAN DEMIENTIEFF: Any other Regional
38 Council comment? Gerald.

39

40 MR. NICHOLIA: Yeah, Mitch, the Eastern
41 Interior Regional Advisory Council did deal with the
42 proposal and we did that and since I kind of knew you guys
43 were going to adopt Proposal 1, that's why we deferred to
44 Southcentral this proposal.

45

46 CHAIRMAN DEMIENTIEFF: I guess -- I was
47 trying to formulate my thoughts with regard to this. I
48 just -- this is a region specific proposal, it appears to
49 be -- you know, since it's dealing basically with
50 Southcentral. And I thought we just finished talking about

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1 the need to do that and the fact that we done it in the
2 past as we refer to Pages 21 and 22 in the previous
3 proposal where we done region specific proposals as a part
4 of fine tuning. And if I'm understanding the Southcentral
5 concerns, you know, they've done their homework and we're
6 fine tuning a regulation to accommodate a specific region
7 and I think that's the kind of thing that we've encouraged
8 in the past.

9

10 And the other thing is that is Southcentral
11 Regional Advisory Council recommendation, that is correct,
12 it is -- the Council voted in favor of that?

13

14 MR. CHURCHILL: Yes, we did, it was 7-0
15 vote, Mr. Chairman.

16

17 CHAIRMAN DEMIENTIEFF: Given that, Sandy,
18 I'm wondering if the Staff Committee went through the
19 criteria of how we can't turn down the Regional Advisory
20 Council recommendation, I would like to hear the arguments
21 if the Staff Committee went through them.

22

23 MR. RABINOWITCH: Mr. Chairman, I think the
24 Staff Committee did go through that and there's some
25 language in the justification about that on Page 31. But
26 I think the key most thing goes back to the proponent,
27 which was the Wrangell-St. Elias Subsistence Resource
28 Commission, that the Staff Committee focused particularly
29 on the proponent, okay? And, as I said earlier, in the
30 case the proponent wasn't aware of statewide Proposal
31 Number 1. After the deliberations on Number 1 and
32 understanding what it accomplishes, there was a belief that
33 it accomplishes much of what the proponent wanted.

34

35 As I said, maybe not everything, there's a
36 lot of ways to look at this. So we were going back to the
37 proponent, which is also established by ANILCA Title VIII,
38 I would remind the Board. So we were trying to find the
39 pathway where everybody had an opportunity to review what
40 happened and seek out what they wanted.

41

42 I'll stop there and see if that's clear or
43 if there's any follow-up questions.

44

45 MS. GOTTLIEB: Mr. Chair, unfortunately, of
46 course, we haven't had a chance to contact the Subsistence
47 Resource Commission to let them know of our 10 now old
48 decision on the statewide and see if that would, in fact,
49 cover what we believe most of their concerns. I understand
50 that some of that discussion probably expanded or

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1 contracted at RAC meeting, but my initial focus would be on
2 trying to find out the reaction from the SRC, which we
3 would plan to do in September then.

4

5 MR. EDWARDS: Mr. Chairman, I had a couple
6 of questions, maybe for Keith. In the Southcentral
7 proposal there is a couple of specific request and one had
8 to do with identifying where the residency had to be, I was
9 curious as to does that present some problems for the Board
10 in passing regulations that have these kind of specific
11 requirements. And then under their request not to require
12 a hunting license in order to do that; does that also alter
13 kind of our general approach to any of our regulations or
14 are neither one of those problematic?

15

16 MR. GOLTZ: I'm going to have to turn to
17 Bill on your second question. I think our regulations
18 generally provide for hunting license in other sections.

19

20 (Whispered conversation)

21

22 MR. GOLTZ: Okay, I'm just having my memory
23 confirmed, that's in Subpart A under -- a State hunting
24 license is required for subsistence take, so we'd just be
25 repeating that and Southcentral deletion is in a clean-up.

26

27 And your other question on the residency,
28 I'm not sure quite what you were referring to.

29

30 MR. EDWARDS: Well, it says that they must
31 have their primary residency in a National Park resident
32 zone community and have customary and traditional use for
33 the requested species in the requested hunt unit. That's
34 okay for both Parks and Preserves?

35

36 MS. GOTTLIEB: For the Park.

37

38 MR. GOLTZ: Yeah.

39

40 MR. RABINOWITCH: Mr. Chairman, if I might
41 jump in and try to assist. I believe Mr. Churchill's -- on
42 Page 30 and he's in the Southcentral Regional Advisory
43 Council box toward the bottom where it say harvesters must
44 have their primary residency -- am I in the right place?
45 Make sure of that before I go on. Do you want me to guide
46 you back to the page to make sure we're all on the.....

47

48 MR. CHURCHILL: The language I was
49 referring to was in the Board book. I'm going back between
50 my notes of our RAC meeting, so I appreciate your patience.

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1 MR. RABINOWITCH: Right, that's okay.

2

3 MR. CHURCHILL: The language we crossed out
4 was -- and the reason we did is it was redundant. I mean,
5 we didn't want to put I in for a number of reasons, but we
6 knew there was a license requirement. We dropped, however,
7 harvesters between the age of 16 and 60 must possess a
8 valid Alaska hunting license. It's in the law, we knew it
9 was required anyway, so why add it again. And that was why
10 we did that.

11

12 MR. RABINOWITCH: Okay. I was trying to
13 respond to the portion of your question about National
14 Parks Service residency requirement. I'm sorry, I've
15 confused you, Gary asked that question. My apologies.

16

17 MR. CHURCHILL: We both have gray hair,
18 it's understandable.

19

20 MR. RABINOWITCH: So do I and I wear it on
21 my chin here.

22

23 MR. EDWARDS: Yeah, that's that section I
24 was referring to.

25

26 MR. GOLTZ: Let's get off the hair subject.

27

28 (Laughter)

29

30 MR. RABINOWITCH: Mr. Chairman, if I could
31 respond to Gary's question and then I'll turn my mic off.
32 This language, I believe, is consistent with the National
33 Park Service language for national parks, but not national
34 preserves managed by the National Park Service.

35

36 CHAIRMAN DEMIENTIEFF: Keith, you had a
37 comment?

38

39 MR. GOLTZ: Yeah, I just wanted to point
40 out that 805(c) refers to Councils and not to the
41 proponents. That's in response to your question.

42

43 MS. GOTTLIEB: Mr. Chair.

44

45 CHAIRMAN DEMIENTIEFF: Yes.

46

47 MS. GOTTLIEB: One more question for the
48 Council. You do include in here the name of the decedent
49 and that seemed different from previous discussions we had,
50 so I was wondering if you could.....

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1 MR. CHURCHILL: Yeah, exactly. We had a
2 fair amount of testimony -- you know, this is again a local
3 community and the folks on the RAC and the people that
4 testified to it didn't feel that when they called the Park
5 Service and said this person has passed and it would be a
6 cultural barrier to that. It's a small community, folks
7 know. And the other thing that we had various testimony
8 from law enforcement that that would be very helpful to
9 them as well. That if there was an inquiry they could say
10 that this person had passed and they would probably be
11 hunting in this area. It seemed to facilitate and reduce
12 possible conflicts. That it was felt that it wouldn't be
13 a cultural barrier from the people that we spoke with.

14

15 CHAIRMAN DEMIENTIEFF: Terry.

16

17 MR. HAYNES: Thank you, Mr. Chairman. As
18 written this proposal would exclude from eligibility rural
19 residents who have received a 13.44 permit from the
20 National Park Service and I wonder if that was the intent;
21 if anyone knows if the Subsistence Resource Commission
22 intended to exclude those residents who are permitted to
23 hunt on National Park lands who live outside a resident
24 zone community.

25

26 CHAIRMAN DEMIENTIEFF: Sandy.

27

28 MR. RABINOWITCH: Mr. Chairman, I believe
29 that the answer to that would be no, but with your
30 permission I would like to ask Barbara Cellarius from
31 National Park Service, who's here in the audience and works
32 for the Commission perhaps if she might be able to add to
33 my answer or -- either correct it or add to it.

34

35 MS. CELLARIUS: Mr. Chairman, Barbara
36 Cellarius, Subsistence Coordinator for Wrangell-St. Elias
37 National Park. I believe that Sandy's interpretation is
38 correct, that was no intent to exclude people with 13.44
39 permits. It's meant to cover people who would be eligible
40 under NPS regulations to hunt in these areas.

41

42 CHAIRMAN DEMIENTIEFF: Did the RAC consider
43 that issue, Bob, do you know?

44

45 MR. CHURCHILL: Not to the best of my
46 memory.

47

48 CHAIRMAN DEMIENTIEFF: That would exclude
49 a non-resident from hunting, that's my understanding; is
50 that correct, Sandy?

00055

1 MR. RABINOWITCH: I'm sorry, could you
2 repeat the question?

3
4 CHAIRMAN DEMIENTIEFF: That would exclude
5 a non-resident from hunting for.....

6
7 MR. RABINOWITCH: No. And this is a fairly
8 technical question. It would exclude rural residents who
9 possess what we refer to as a 13.44 permit, it's a section
10 of the National Park Service regulations, Section 13.44.
11 And 13.44 permit is where has come to the Park Service and
12 in plain language has said, I have a family history of
13 hunting in this area and I'm here to prove it and when I
14 prove it to you give me a permit so I can go, you know,
15 undertake this activity. And that's what a 13.44 permit
16 does, it's a Park Service recognition that an individual
17 has a customary and traditional use in that Park Service
18 area. So it would exclude a resident, not a non-resident.

19
20 CHAIRMAN DEMIENTIEFF: Further discussion.

21
22 (No audible responses)

23
24 CHAIRMAN DEMIENTIEFF: Is there a motion?

25 We have no further discussion and we need a motion.

26
27 MS. GOTTLIEB: Mr. Chair, I'm not sure if
28 this is practical, but I guess I was speak to it better if
29 we, Park Service, attempt to contact the SRC maybe in the
30 next few hours and then take up where to try to go from
31 there as best we can.

32
33 MR. CESAR: Mr. Chairman, in view of the
34 confusion and questions, I think probably we should ask to
35 get some answer to, I move that we table this motion until
36 tomorrow afternoon. And I remind the Board a motion to
37 table is nondebatable, we vote up or down.

38
39 MS. GOTTLIEB: If I could second that
40 motion I would like to do that.

41
42 MR. CESAR: All for the question.

43
44 CHAIRMAN DEMIENTIEFF: Question has been
45 called for, all those in favor signify by saying aye.

46
47 IN UNISON: Aye.

48
49 CHAIRMAN DEMIENTIEFF: Those opposed same
50 sign.

00056

1 (No opposing responses)

2

3 CHAIRMAN DEMIENTIEFF: Okay, by
4 clarification I think -- and we've done this before in
5 other regions, Bob, to give you the opportunity and I will
6 count on Fish and Wildlife Service to consult with as many
7 of your members that you can get ahold of, gives the Park
8 Service the time to consult with the Resource Commission
9 and that's the sole intent of this. It's a tabling motion,
10 time specific, so we will reschedule it tomorrow afternoon
11 and give you this opportunity to get ahold of your RAC
12 members with the changes in the discussion.

13

14 MR. CHURCHILL: Thank you very much, I'll
15 be happy to do that and participate with anyone of the
16 Board that would like to also be involved.

17

18 CHAIRMAN DEMIENTIEFF: And where's your
19 coordinator? Okay, yeah. That will also be your charge to
20 get ahold of as many of your Resource Commission members as
21 possible. I know people are busy this time of year and I
22 think that's why you're here, isn't it, the chairman is
23 gone?

24

25 MR. CHURCHILL: Exactly right, he's chasing
26 red salmon.

27

28 CHAIRMAN DEMIENTIEFF: Yeah. I mean, so
29 that is that, but at least it gives you the opportunity to
30 consult and we can maybe find a way to move forward.

31

32 Given that, I was just about to use this
33 gavel and start bopping some heads before Niles came up
34 with a focus. But given that we're going to go ahead and
35 recess for lunch at this time before we get into the next
36 proposal. It's 11:54, we'll come back into session at 1:00
37 o'clock.

38

39 (Off record)

40

41 (On record)

42

43 CHAIRMAN DEMIENTIEFF: Okay. We'll call
44 the meeting back to order. We have Proposal Number 2
45 before us. And staff analysis. Pat.

46

47 MS. PETRIVELLI: Mr. Chair, my name is Pat
48 Petrivelli and I'm doing the proposal analysis for WP03-02.
49 And this analysis can be found under Tab A, Page 50. The
50 Office of Subsistence Management submitted this proposal to

00057

1 standardize the designated hunter regulations for all
2 units. Currently designated hunter provisions are allowed
3 a unit specific basis. This standardization would provide
4 uniform opportunities for subsistence users to harvest or
5 benefit from the harvest of ungulates in all areas of the
6 state.

7

8 Unit specific provisions are listed in
9 Appendix A and have been adopted for 21 hunts in 17
10 different units. Under the proposed regulation designated
11 hunting for ungulates would be recognized for all units and
12 prohibition of designated hunting would be through unit
13 specific provisions. In the Federal management program
14 ungulate means any species of hoofed mammal, including
15 deer, elk, caribou, moose, mountain goat, Dall sheep and
16 muskoxen.

17

18 The proposed general Federal hunter
19 designated hunter program has the following provisions:
20 Any Federally qualified subsistence user, the recipient,
21 may designate another Federally qualified subsistence user
22 to take ungulates on his or her behalf. The designated
23 hunter must obtain the designated hunter permit, may hunt
24 for any number of recipients, may not have more than two
25 harvest limits in his or her possession at any one time and
26 may not charge the recipient for his or her services in
27 taking ungulates or for the meat -- or any part of the
28 harvest ungulate.

29

30 In 1994 the first proposal for designated
31 hunting was submitted. The Board deferred these proposals
32 and directed staff to work with the Regional Council and
33 ADF&G to identify and return alternative harvest systems
34 statewide. This review resulted in the Designated Hunter
35 Task Force. At the 1995 Federal Subsistence Board meeting
36 the Board adopted the current designated hunter system for
37 the following reasons.

38

39 To provide a standardized approach allowing
40 any qualified subsistence user to designate someone to hunt
41 on his or her behalf and to establish a separate Federal
42 permitting system for the benefit of the hunter who would
43 need a valid permit that allowed possession of more than
44 one bag limit and also provide with harvest information.

45

46 Since then designated hunter permits have
47 been established for six deer hunts, six moose hunts, seven
48 caribou hunts and two sheep hunts. This past season two
49 special action dealt with moose and muskox. The State of
50 Alaska provides for transfer of harvest limits from one

00058

1 person to another though it's proxy hunting program. It
2 differs from the Federal designated hunter provisions in
3 the following ways.

4
5 It has statewide application and it applies
6 only to caribou, deer and moose. The proxy hunting system
7 is available only to residents that are blind, 70 percent
8 disabled or 65 years of age or older. Either the recipient
9 or the hunter may apply for authorization. And no person
10 may be a proxy hunter for more than one recipient at a
11 time.

12
13 For the Federal designated hunter program,
14 since it's been implemented a total of 2,106 designated
15 permits have been issued; 1,902 harvest have been reported
16 and the harvest data, shown on Tables 2 and 3 on Page 54.
17 On the page, Figure 1, shows the past participation in the
18 designated hunter program by yearly harvests. Two deer
19 hunts have the highest harvest annual levels, the deer
20 hunts in Units 1 through 5 and the Unit 8 deer hunt. All
21 other hunts have had less than 50 animals, in most cases
22 less than 25 animals harvested annually.

23
24 In looking at the numbers related to a
25 single season, for 2000-2001, data show that 387 designated
26 hunters harvested 408 animals. For these same hunts all
27 hunters all hunters harvested 15,519 animals. The largest
28 designated harvest 322 was for deer in Units 1 through 5.
29 This represents 3.1 percent of the 10,508 harvested in
30 these units.

31
32 On a statewide basis, findings from a study
33 done in various communities when they compared household
34 harvest within the community they documented that it's not
35 uncommon for about 30 percent of the household in a
36 community to produce 70 percent or more of the community's
37 wildfood harvest. The report went on to recommend
38 designated hunting or community harvest as being more
39 compatible with the customary harvest patterns of
40 particular rural harvest areas.

41
42 The effect of adopting this proposal,
43 currently there's 68 Federally regulated ungulate hunts
44 throughout the state and those are found in Table 4 on Page
45 56. Designated hunter provisions are available in 21 of
46 these hunts, adoption of this proposal would affect 47
47 hunts providing designating hunting for ungulates in all 26
48 units. Unit specific provisions can be retained in unit
49 that vary from the proposed general provisions, such as the
50 Unit 9(D) and 10 caribou hunts where there is a limit of

00059

1 four harvest in possession.

2

3 And with Proposal 15, which got added to
4 the consent agenda, and it was a proposal for -- but Unit
5 [sic] 15 had been adopted it could have been added. But
6 this and any future prohibition of designated hunting could
7 be adopted in unit specific provisions.

8

9 The designated hunter program places
10 several requirements on designated hunters. Designated
11 hunters apply for the permit and all hunters must have this
12 permit and their own hunting license, plus the hunting
13 license and any permit or harvest tickets of the person
14 they're hunting for in their possession. The recipient who
15 would have been issued the original registration permit
16 reports the harvest as required.

17

18 The designated hunter program is not
19 expected to cause any significant increase in participation
20 or delay reporting of harvest. The harvest by hunters
21 using designated hunting provisions in 2000 and 2001
22 represents 2.6 of harvest by all hunters. Extending the
23 designated hunting provisions to any hunts allowed by
24 subsistence regulations should not have a significant
25 impact upon these resources. This action would provide a
26 uniform opportunity to subsistence users to harvest or
27 benefit from the harvest of ungulates in all areas of the
28 state. And as observed in 1995 will facilitate the
29 customary and traditional use for sustenance, bartering and
30 the continuation of traditional ceremonies.

31

32 This concludes my presentation.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Written
35 public comments.

36

37 MS. B. ARMSTRONG: Thank you, Mr. Chair.
38 We have support with modification to require the person
39 designating another to hunt for him or her to demonstrate
40 the need for a designated hunter by Wrangell-St. Elias
41 National Park Subsistence Resource Commission.

42

43 We have support from the GASH Fish and Game
44 Advisory Committee, support from the Ahtna, Incorporated,
45 support from the eight Ahtna villages, support from
46 Aniakchak Subsistence Resource Commission and no
47 recommendation from Lake Clark Subsistence Resource
48 Commission.

49

50 Thank you, sir.

00060

1 CHAIRMAN DEMIENTIEFF: Thank you. We have
2 no request for public testimony at this time. Regional
3 Council recommendations. Della.

4
5 MS. TRUMBLE: Thank you, Mr. Chair.
6 Kodiak/Aleutians looked at this and it is stated in some of
7 the discussion, that in looking at 9(D) and 10 was caribou,
8 and using that as an example, we have ours listed as four
9 per designated hunters. And the reasoning behind it is the
10 cost of fuel, most our guys -- using King Cove as an
11 example, come to office and we might have three or four
12 hunters go pick up two to four of the designated hunter
13 permits. And they're traveling for two and a half hours to
14 Muskomee, five and an a half hours if they're going to the
15 Pavlof section. Of if you're coming from False Pass it's
16 10 hours to Pavlof and Sand Point, I think -- I believe
17 it's three hours to Pavlof. But need for this, we have a
18 lot of people -- women that have lost their husbands and
19 the distance and the cost it works better for us in our
20 region to keep it at the four.

21
22 And with regard to this, and you can look
23 at Kodiak at one time, they had the deer, I believe, at
24 four, however they changed it to two because of the time of
25 the harvest in the year and the weather being warm and the
26 possibility of spoilage. So taking those two into
27 consideration.

28
29 Thank you.

30
31 CHAIRMAN DEMIENTIEFF: Thank you. Pete.

32
33 MR. ABRAHAM: Bristol Bay Council voted
34 5-2, 2 absent to oppose the proposal for Bristol Bay
35 Region. The Council stated that we would like to see more
36 provisions by game management units in regards to taking of
37 wildlife by the designated hunter. The Council requests
38 the Board exempts the Bristol Bay Region from their
39 recommendations when we hold this meeting over here.

40
41 Thank you.

42
43 CHAIRMAN DEMIENTIEFF: Thank you. Yes,
44 Walter.

45
46 MR. SAMPSON: Thank you, Mr. Chairman,
47 members of the Board. The Northwest Arctic Regional
48 Advisory Council recommendation is to support the proposal.
49 The designated hunter provisions should not have a
50 significant impact on wildlife resources. However, if

00061

1 there's any conservation problems or issues in regards to
2 conservation then it's already in the books where you can
3 apply emergency closure if that should occur.

4
5 CHAIRMAN DEMIENTIEFF: Thank you. Ron.

6
7 MR. SAM: Thank you, Mr. Chairman. We
8 don't utilize this program that much, we would like to see
9 it on the books in case we need it and one other way that
10 we've been easing this problem is addressing the wanton
11 waste program -- I mean wanton waste regulations by having
12 the registered guides in our area provide -- fill out some
13 paperwork and provide meat for elders and stuff around
14 within our area to help prevent that wanton waste man
15 spoilage.

16
17 CHAIRMAN DEMIENTIEFF: Thank you, Ron.
18 John.

19
20 MR. LITTLEFIELD: Thank you, Mr. Chair, the
21 Southeast Regional Advisory Council supports this proposal.
22 At the present time designated hunter provisions in
23 Southeast Alaska cover deer hunting in all units and Unit
24 5. As implemented in the Southeast region these designated
25 hunts have served the need to meet important subsistence
26 needs in subsistence communities. In Southeast Alaska
27 subsistence high harvesters have traditionally met the
28 needs of subsistence households that are not able to
29 fulfill their subsistence needs though their own efforts.
30 These existing hunting provisions would allow a traditional
31 community hunters to do legally what they were doing before
32 designated hunter provisions were implemented. Designated
33 hunter reporting has been excellent and we are now getting
34 better information on actual harvest by harvesters.

35
36 The Southeast Regional Advisory Council
37 adopted the Staff Committee recommendation for this
38 proposal and favors the regulatory simplicity that a
39 statewide regulation would provide. If adopted by the
40 Federal Subsistence Board this proposal would authorize
41 designated hunter provisions for other ungulates in
42 Southeast Alaska, specifically moose in Units 1 and 3 and
43 goats in Units 4 and 5. Moose and goat are difficult to
44 take in Southeast Alaska and SERAC did not believe that
45 extending designated hunter provisions to these species
46 would result in serious management or conservation
47 problems.

48
49 SERAC notes that designated hunter
50 provisions are designed to meet subsistence needs, as such

00062

1 they are not manageable tools that should be used to
2 regulate ungulate harvest. Should unforeseen problems
3 arise these can be addressed through unit specific
4 regulations at a later date.

5

6 And also a comment was made similar to the
7 previous one that this was a top down proposal.

8

9 CHAIRMAN DEMIENTIEFF: Thank you. Bob.

10

11 MR. CHURCHILL: Yeah, the Southcentral RAC
12 supported this with a number of amendments. And
13 essentially what our amendments were is that we aligned it
14 with the State qualifications, that a person either be
15 blind, 70 percent disabled or 65 years of age or older.
16 This came out of a concern, the way it was written appeared
17 to us, and we had a number of folks speak to this, was the
18 way it was written anybody could hunt for anyone. And we
19 were concerned with this diminishing the number of people
20 that actually got out and actively hunt. It's been
21 consistent in subsistence communities where approximately
22 30 percent of the people take 70 percent of the game and we
23 recognized that, but we still amended that to put it in
24 line with the State.

25

26 The other amendment we passed, there was a
27 concern among the Advisory Council, particularly with women
28 who were pregnant and that came out of the language of
29 temporarily disabled. And probably just time and
30 cowardness, we didn't draft out a written definition of
31 temporarily disabled. But the gist of it, for us, was that
32 somebody that was physically incapacitated during the
33 hunting season that would preclude them for taking part in
34 that hunting season. We did discuss issues as far as
35 people being away from the community through other
36 employment and it was felt that was not a consideration,
37 that was a choice. But we supported it with a significant
38 number of amendments and essentially to align it with the
39 State program.

40

41 CHAIRMAN DEMIENTIEFF: Thank you. Other
42 comments? Harry.

43

44 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
45 Delta Regional Advisory Council recommends that these
46 provisions to be -- has been needed in Yukon-Kuskokwim
47 Delta for a long time, so they support it fully.

48

49 CHAIRMAN DEMIENTIEFF: Thank you. Grace.

50

00063

1 MS. CROSS: Seward Pen Regional Advisory
2 Council supports this proposal extending hunter provisions
3 should not have a significant impact on the wildlife
4 resources and would provide uniform opportunity to all
5 subsistence users statewide.

6
7 And in Southeast Alaska's recommendation it
8 changes ungulates to deer, moose or caribou. We have
9 muskox in our region and we believe muskoxen should be
10 included and we have sheep in our next door neighbor, so we
11 believe those animals should also be included.

12
13 Thank you.

14
15 CHAIRMAN DEMIENTIEFF: Thank you. Anybody
16 else? Gerald.

17
18 MR. NICHOLIA: Yeah, thank you, Mr.
19 Chairman, the Eastern Interior chose to defer because
20 there's certain conservation concerns, especially in the
21 Yukon Flats area. And other areas in Eastern Interior,
22 they're kind of in support of this, but we chose to defer
23 because just wanted to make sure you guys follow -- just
24 like in Tanana area they have this good State designated
25 hunter program for the elderly people, the Tanana elders,
26 so I like to see you guys follow that kind of example,
27 because it has a pretty good reporting system to it,
28 especially in the Koyukuk National Wildlife Refuge control
29 use area, they have a pretty good designated hunter program
30 there because I seen it.

31
32 Thank you.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. Oh, I'm
35 sorry, Bob.

36
37 MR. CHURCHILL: Yeah, just one comment. In
38 our area we had a fair amount of testimony to exclude goats
39 because it was felt it would have a negative impact on
40 people's ability, they just felt that if goats were
41 included it may severely limit the number of people having
42 an opportunity to harvest.

43
44 CHAIRMAN DEMIENTIEFF: Staff Committee
45 recommendation.

46
47 MR. RABINOWITCH: Staff Committee
48 recommendation is to adopt this proposal with modifications
49 that are consistent with the majority of the 10 Regional
50 Councils. The adoption would adopt the recommendation from

00064

1 the Bristol Bay Council as it applies to Units 9 and 17.
2 If it adopts a portion -- excuse me, I'm on Page 47 of your
3 book. Page 47 at the top. It would adopt a portion of the
4 Southcentral Council recommendation in regards to deer,
5 moose and caribou and it would reject that portion of the
6 Southcentral Council recommendation about eligibility for
7 the elderly or disabled.

8

9 And let me go on a little bit and explain
10 that. The next paragraph states the Staff Committee's
11 recommendation on the regulatory language, and I'll just
12 summarize three points, actually I think it's four. The
13 first is this would be for Units 1 through 8, 9(D), 10
14 through 16 and 18 through 26. The second major point is
15 that it would include deer, moose and caribou only. The
16 third point is that there is an allowance for unit by unit
17 exceptions whether they be an allowance for, for example
18 sheep or muskox that was just raised, or a prohibition
19 where you didn't want to have a designated hunter. And the
20 last of those four points is that the harvest limit would
21 be two on a statewide basis.

22

23 And let me get into the justification,
24 which will elaborate on some of these points. Six Councils
25 supported the proposal, two requested deferral, one opposed
26 any change at this time for their region and one
27 recommended limiting which ungulates would be included.
28 Some comments expressed concerns about potential
29 conservation problems for various species, especially those
30 that reproduce more slowly than other do. And as the staff
31 analysis explained, the term ungulates a list of species,
32 I won't reread that.

33

34 So in response to the proposal and the
35 Council recommendations the Staff Committee did the
36 following things. It deleted the term ungulates and
37 replaced it with deer, moose and caribou. This change
38 deletes elk, mountain goat, dall sheep and muskox and in
39 doing so is responsive to the expressed conservation
40 concerns, to some concerns that impact the resources from
41 the Southcentral Regional Advisory Council, which
42 specifically asked for these species. These species are
43 generally among the most abundant in localized areas where
44 they reside and reproduce more quickly than other
45 ungulates. No conservation concerns have been raised about
46 these three species.

47

48 Also the majority of the unit specific
49 designated hunter proposal already passed by this Board
50 have included these three species. The designated hunter

00065

1 regulations for these three species has been working
2 successfully as explained by the staff analysis and
3 existing specific regulations allowing designated hunters
4 for sheep and muskox would be retained.

5

6 Second point is maintaining the existing
7 criteria for whom can qualify to be a designated hunter is
8 an opposition, as I said, to the Southcentral Regional
9 Advisory Council's request to restrict eligibility for the
10 elderly, the disabled. The Staff Committee believes the
11 criteria approved by the Board in 1995 remains valid and
12 should be maintained for the statewide regulation. And
13 that establishing new criteria would appear to be
14 unnecessary, restricting the subsistence users at this
15 time.

16

17 Third point. Excluding the Bristol Bay
18 Region, Units 9(A, B, C and E) and Unit 17 from the
19 regulation is what that Council asked for. There's no
20 effect on other regions and the Bristol Bay Region, as with
21 all others, retains the option of submitting additional
22 proposals for designated hunters in the future. The
23 existing designated hunter provisions for their region
24 would remain in place.

25

26 And the forth and last is that retaining
27 the unit specific regulations that will allow more than two
28 harvest, for example, the four harvest limits in Unit 10
29 and 9(D) is consistent with the Kodiak/Aleutians Council's
30 request to defer the proposal because of their concerns
31 about maintaining their traditional activities.

32

33 So we tried very hard to take into account
34 all the Councils' specific recommendations and find a
35 pathway to accommodate them. I think we're close, we're
36 probably not quite perfect.

37

38 That's the end of my comments.

39

40 CHAIRMAN DEMIENTIEFF: You mean it's not a
41 perfect world. Department comments.

42

43 MR. HAYNES: Mr. Chairman, we have
44 extensive written comments on the original proposal on Page
45 67 of your meeting book. In the Staff Committee
46 recommendation some of these questions and concerns we have
47 are addressed, in other instances there are questions about
48 administration of a statewide program that haven't really
49 been addressed.

50

00066

1 Be that as it may, the Department supports
2 a deferral as recommended by the Kodiak/Aleutians and
3 Eastern Interior Regional Advisory Councils for reasons
4 stated by these two Councils and because of the diverse
5 comments made by Regional Councils generally on this
6 proposal. One important recommendation made by the
7 Department in our previous comments that has been addressed
8 in the Staff Committee recommendation involves limiting the
9 scope of the proposed statewide designated hunting
10 regulation to moose, caribou and deer, consistent with the
11 State's proxy hunting regulation. We acknowledge that this
12 did not apply to a few instances and in which proxy hunting
13 of sheep is provided for in Federal regulations already.

14
15 The Wrangell-St. Elias Subsistence Resource
16 Commission and the Southcentral Regional Advisory Council
17 also have recommended modifications they believe are
18 appropriate for their areas. These modifications merit
19 consideration by the Board. If the Board implements a
20 statewide regulation timely and accurate reporting will be
21 essentially so that its effects can be evaluated since the
22 potential impacts of a statewide regulation on existing
23 hunting practices are unknown. Even though Federally
24 designated hunting to date does not appear to have impacted
25 wildlife populations, the program has been controversial in
26 some rural communities.

27
28 Thank you.

29
30 CHAIRMAN DEMIENTIEFF: Any other Regional
31 Council comments?

32
33 (No audible responses)

34
35 CHAIRMAN DEMIENTIEFF: If not, we'll move
36 it on to the Board here. Any discussion by Board members?

37
38 MS. GOTTLIEB: Mr. Chair.

39
40 CHAIRMAN DEMIENTIEFF: Yes.

41
42 MS. GOTTLIEB: I just got a question for
43 Terry. On your very last comment, the program has been
44 controversial with some rural communities. I wonder if you
45 could explain that a little bit more, please.

46
47 MR. HAYNES: Mr. Chairman, Judy, we do know
48 that in a couple of communities in Southeast Alaska there
49 have been a very small number of people who have reportedly
50 harvested large numbers of deer under these provisions and

00067

1 it's lead to quite an exchange of correspondence in local
2 newspapers, letters to the editors. I think part of the
3 controversy surrounds people not understanding what is
4 provided for in regulation. Some people just perceiving
5 that one individual should not be shooting 30 or 40 deer.

6

7 CHAIRMAN DEMIENTIEFF: Additional
8 discussion.

9

10 MS. GOTTLIEB: Mr. Chair, for purposes of
11 discussion, I move that we accept the Interagency Staff
12 Committee recommendation.

13

14 CHAIRMAN DEMIENTIEFF: There's a motion, is
15 there a second?

16

17 MR. EDWARDS: Second.

18

19 CHAIRMAN DEMIENTIEFF: Moved and seconded.
20 Discussion on the motion.

21

22 (No audible responses)

23

24 CHAIRMAN DEMIENTIEFF: Then I guess from
25 some of the Regional Council recommendations, Grace, you
26 were talking in favor of, including muskox, in your area
27 and let me see, John, you wanted to add goat and what was
28 it?

29

30 MR. LITTLEFIELD: Mr. Chair, the existing
31 regulations do not have goat in there, but we could live
32 with this either way. Our existing regulations allow us to
33 do deer, adding the goat and the moose would have been okay
34 with us.

35

36 CHAIRMAN DEMIENTIEFF: Uh-huh. Well, the
37 moose would be in there, right, on the proposed -- you'd
38 have two out of three. Well, I for one, in this particular
39 case, and I don't always agree with Staff Committee. I
40 think they've done excellent diligence in -- you know, when
41 we have a blend of opinions from Regional Councils they're
42 in a difficult position and I think I can support the Staff
43 Committee's recommendation in this particular case. But I
44 just wanted to compliment the Staff Committee for doing
45 diligence to try to accommodate, you know, when we're
46 trying to put together a statewide regulation, to try to
47 accommodate the individual concerns of the different
48 Regional Advisory Councils, especially when we have the
49 diversity of opinions.

50

00068

1 So I think that they have done diligence in
2 terms of doing their job and I'm going to support this
3 proposal just because they have done that work and they
4 have done their homework in terms of accommodating the
5 concerns and well as some of the concerns of the State of
6 Alaska, even though, you know, they're not part of our
7 mandate, but certainly they, you know, were in that kind of
8 -- you know, we do cooperate with them. Nobody can get 100
9 percent, but we're trying to accommodate people's concerns
10 and I think they done as far as they can go. And I just
11 appreciate the work and intend to vote for the motion.

12

13 Further discussion. Yes.

14

15 MR. CESAR: In situations like this, I
16 think, when have divergent opinions I'm inclined to go for
17 deferral if deferral will lead us somewhere. If I think
18 that we defer and it comes back and it's something
19 different that will be added to improve it, make it
20 stronger. I'm kind of torn between the two at this point,
21 but I think I agree with you that the staff has done an
22 excellent job and they have reached out and tried to craft
23 something that is very difficult to craft to begin with and
24 I think for that reason I will support the motion as made
25 and would hope that if Bristol Bay and others after
26 reviewing, looking at it, would come back next year for
27 either inclusion or with further information which would
28 help us.

29

30 CHAIRMAN DEMIENTIEFF: And even though I
31 asked the question earlier, again, in moving -- if the
32 Northwest Region or Seward Pen or Southeast came back with
33 region specific proposals, you know, we can revisit those
34 on a case-by-case basis. And I'm certainly not unwilling
35 to do that. But, you know, as far as getting a regulation
36 that seems to work for most everybody at the current time,
37 again, I think we'd all be committed to revisiting those
38 issues if you raise them to make it region specific.

39

40 Further discussion. Yes, Bob.

41

42 MR. CHURCHILL: Just a clarification. I
43 recognize I'm one of the new folks on the block. This does
44 include the Kodiak concerns, the Kodiak RAC's concerns does
45 it not? I thought I heard that.

46

47 CHAIRMAN DEMIENTIEFF: Sandy.

48

49 MR. RABINOWITCH: Yes, it does, it leaves
50 in place the harvest limits that you currently have in

00069

1 Kodiak/Aleutians.

2

3 MR. CHURCHILL: Thank you very much.

4

5 MS. GOTTLIEB: And, Mr. Chair, perhaps one
6 more clarification, for those Councils who want a deferral
7 on this, I guess people in those areas would not
8 necessarily have to use this option if they didn't want to.
9 It would be in place but not necessarily one that would be
10 used.

11

12 CHAIRMAN DEMIENTIEFF: Well, yeah, I think
13 it's pretty clear that, you know, in terms of adding other
14 species in specific regions, if the regions that want a
15 deferral want to come back with a region specific proposal
16 for them, you know, we would equally visit those.

17

18 Della.

19

20 MS. TRUMBLE: When the Kodiak/Aleutians
21 deferred, just because of the reason of the different
22 harvest limits on that designated hunter.

23

24 CHAIRMAN DEMIENTIEFF: Gerald.

25

26 MR. NICHOLIA: Yeah, the Eastern Interior
27 had a main concern about this, because we're kind of -- the
28 Yukon Flats is where -- what kind of effect would this
29 thing have on the Yukon Flats moose rebuilding plan that
30 they go going now?

31

32 CHAIRMAN DEMIENTIEFF: Sandy.

33

34 MR. RABINOWITCH: To follow up on Gerald's
35 comment, the way that this regulation is written it also
36 would allow any Regional Council to come back to the Board
37 and request that the designated hunter not be allowed in
38 their units, plural, for a given specie. So if you --
39 well, from experience, you decide you have a problem you
40 could come back with that and say we want it so that it
41 would not be allowed to have designated hunter, say, for
42 moose in whatever regions. So you can ask to have an
43 allowance or ask to have it not allowed region by region.
44 I just want to make sure that that's in here, you can asked
45 to go either way.

46

47 CHAIRMAN DEMIENTIEFF: And you fully have
48 to understand the view of people on the Yukon Flats, given
49 the fact that they worked very hard for a number of years
50 trying to build their moose population up, I mean, those

00070

1 are real legitimate concerns and, you know, we can address
2 all those concerns.

3

4 Walther.

5

6 MR. SAMPSON: Thank you, Mr. Chair. I
7 think in regard to the statement you made early on on the
8 issue of regional specific, if the regions wish to give
9 additional proposals to other ungulates species then that
10 opportunity is there. In regards to what my cohort said to
11 my left here, I think that's something that the Northwest
12 Region also needs to take a look and see what we need to do
13 in regards to the various species. So with that, I think
14 we can deal with those very issues down the road.

15

16 Thank you.

17

18 CHAIRMAN DEMIENTIEFF: Any further
19 discussion.

20

21 MR. CESAR: Question.

22

23 CHAIRMAN DEMIENTIEFF: Question's been
24 called for. All those in favor of the motion, please
25 signify by saying aye.

26

27 IN UNISON: Aye.

28

29 CHAIRMAN DEMIENTIEFF: Those opposed same
30 sign.

31

32 (No opposing responses)

33

34 CHAIRMAN DEMIENTIEFF: Motion carries.

35

36 Page 139 in the book would be WP03-13,
37 which has been requested to be taken off the consent
38 agenda. Who's going to do the analysis here.

39

40 MR. ARDIZZONE: Mr. Chair, Board members,
41 my name is Chuck Ardizzzone, I will be presenting the staff
42 analysis for WP03-13 found in Tab C on Page 142.

43

44 WP03-13 was submitted by the Southcentral
45 Regional Advisory Council and requests Federal dates for
46 brown bear in Unit 11 be extended. This would align
47 Federal subsistence hunt dates with season dates approved
48 by Alaska Board of Game in March 2001, lengthening the
49 season by 35 days. State regulations apply to preserve
50 lands but not park lands, therefore, there's no State

00071

1 season for the park.

2

3 Federal public land comprise approximately
4 81 percent of Unit 11, there are a number of communities
5 that have customary and traditional use determinations for
6 brown bear in Unit 11. They can be found on Page 143.
7 Since most of Unit 11 became a national park in 1980
8 harvest has dropped from 30 to 40 bears per year to two to
9 12 bears per year. This has allowed the brown bear
10 population to remain stable. Currently there is not a
11 population estimate for brown bears in Unit 11. However,
12 McDonald considers the population to be relatively abundant
13 and well distributed. This is also the consensus of other
14 biologists, outfitters and local residents.

15

16 The effects of this proposal is that the
17 proposal would align Federal season with the current
18 State's harvest date lengthening the season by 35 days.
19 The proposed change would reduce confusion among Federal
20 subsistence hunters and would allow additional opportunity
21 for brown bear harvest. And State regulations do not apply
22 to Wrangell-St. Elias National Park. Currently the brown
23 bear population in Unit 11 is thought to be stable, healthy
24 and relatively abundant, therefore, the proposal should
25 have minimal impact on the brown bear population in Unit
26 11.

27

28 Mr. Chair, this concludes my presentation.

29

30 CHAIRMAN DEMIENTIEFF: Written public
31 comments.

32

33 MS. WILKINSON: Thank you, Mr. Chairman,
34 there are four. The Wrangell-St. Elias National Park
35 Subsistence Resource Commission, Ahtna, Incorporated and
36 the eight Ahtna villages all support this proposal. The
37 Sierra Club, Alaska Chapter wrote in opposition, stating
38 that this is a predator control proposal that conflicts
39 with ANILCA standards and the National Park Service
40 mission. It also conflicts with wildlife viewing and
41 personal safety interest of park and preserve visitors,
42 they're now able to view the bears during three summers
43 months when hunting is prohibited.

44

45 And that's all the comments, sir.

46

47 CHAIRMAN DEMIENTIEFF: Thank you. At this
48 time we have two requests for additional public testimony.
49 Jack Hession, is that how you say it? Hession?

50

00072

1 MR. HESSION: Hession.

2

3 CHAIRMAN DEMIENTIEFF: Okay, I'll get it
4 right yet.

5

6 MR. HESSION: Thank you, Mr. Chairman and
7 members of the Board for this chance to offer our views on
8 this. Proposal 13 would align the brown bear hunting
9 season in Wrangell-St. Elias National Park with State
10 regulations, in common with a number of other proposals.
11 This would increase the hunting season by 36 days and
12 reduce the present no hunting period by 36 days from 92 to
13 55 days, this amounts to a 40 percent reduction in the
14 current non-hunting period. This reduction conflicts with
15 the interests of citizens here and in other states for a
16 national park viewing experience, in this case, the
17 opportunity to visit one of our very finest national parks
18 for purpose of viewing brown bears during a period in which
19 these animals are not hunted and when the personal safety
20 of visitors is not at issue.

21

22 I believe the proposal also is in conflict
23 with ANILCA and National Park Service management mandates.
24 It is being made in the absence of a population estimate
25 for brown bears in Unit 11. We are told that the
26 population is "relatively abundant and well distributed."
27 Also that the population is "thought to be stable, healthy
28 and relatively abundant." These kind of informed guesses
29 and impressions are insufficient as a basis for managing
30 subsistence hunting of brown bears in the park as well as
31 the preserve. As you know, ANILCA mandates that brown
32 bears and other wildlife in the national park, all national
33 parks in Alaska, will be managed to maintain "natural and
34 healthy populations", emphasis on the word natural. Yet
35 there's no finding by the National Park Service that the
36 brown bear population in the park is in a natural and
37 healthy condition. In the absence of such a finding, and
38 by population estimate based on biological research, a
39 conservative management approach is clearly called for in
40 this instance.

41

42 In summary, Mr. Chairman, because the
43 proposal is in conflict with ANILCA and National Park
44 Service mandates, including the interests of non-
45 consumptive users, we respectfully urge the Board to reject
46 Proposal 13. Thank you.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Karen
49 Deatherage.

50

00073

1 MS. DEATHERAGE: Thank you, Chairman and
2 members of the Board for the opportunity to testify. I'm
3 Karen Deatherage representing Defenders of Wildlife and I
4 just have a broad statement that will include this proposal
5 as well as a couple of other bear proposals. Defenders
6 does believe that traditional subsistence users of public
7 lands is compatible with the management objectives for our
8 public lands, but we do have an issue with aligning current
9 Federal regulations with State regulation. Having attended
10 the Board of Game meeting for the last few years and
11 watched the progression of more and more liberal bag limits
12 and season times for predators, both bears and wolves, we
13 see that the State is pushing more and more towards the
14 maximum sustained yield principle that it operates on. We
15 don't believe that national lands operate under that
16 principle, in fact, they operate under the natural and
17 healthy ecosystem principle. And that these proposals to
18 increase and liberalize these bag limits are in conflict
19 with the principle that this Board operates under. So we
20 would like to ask that Proposal 13, 42 and 43 are all
21 rejected by this Board.

22

23 Thank you.

24

25 CHAIRMAN DEMIENTIEFF: Thank you. Regional
26 Council recommendations.

27

28 MR. CHURCHILL: Thank you, Mr. Chairman.
29 Yeah, the Southcentral Regional Advisory Council took a
30 fair amount of testimony from both Federal and State land
31 managers on this. And this area has been the custom and
32 tradition for brown bears to be used as a food source. And
33 the way it currently exists is there's a \$25 tag fee on
34 Federal lands, it's one bear, I believe, every year and due
35 to the anecdotal information which, I guess, some folks
36 don't feel is very valuable, but we felt was very valuable
37 from the folks that live there, that there population was
38 certainly abundant and that this would provide another
39 source of food and hunting opportunity for the people and
40 avoid confusion with conflicting State and Federal
41 regulations. The testimony we received on this was fully
42 in favor of adopting 13, there was no conservation issue
43 that we could find and we heard no testimony based on
44 methods, means and traditional hunting areas of user
45 conflicts, so we were squarely in favor. And as I remember
46 our vote it was a 7-0 vote in favor.

47

48 CHAIRMAN DEMIENTIEFF: Thank you, very
49 much. Yeah, Gerald.

50

00074

1 MR. NICHOLIA: Yeah, we were in support of
2 this proposal, Number 13, because Chistochina Caribou Herd,
3 we kind of aligned that with that at our meeting in Nenana
4 that -- these brown bears are the biggest predators on
5 earth. And if you like the big brown bears along with
6 caribou, along with moose, along with animals that these
7 brown bears prey on -- we got to limit these brown bears to
8 a certain point or they're going to exactly control the
9 whole area, just like all the wolves do in certain areas,
10 they're the worst predators. And if you want to have other
11 animals in that certain area you're going to have to have
12 -- kind of put a limit on the predators.

13
14 CHAIRMAN DEMIENTIEFF: Thank you. Della.

15
16 MS. TRUMBLE: Thank you, Mr. Chair. I just
17 kind of want to make a comment in respect to bears in
18 general. I know in 9(D) and 10 we've been asking for a
19 survey, as an example, for five years. We've been told
20 that population of bears was at 900. After five years we
21 finally, this last fall, was able -- I went to a meeting,
22 was able to look at a survey that was finally complete and
23 we've been saying that this was a cause of the decline --
24 as part of the cause in decline in our caribou. Now, when
25 we finally got that survey that survey showed that that
26 population was up to 1,640, it was almost double. And so
27 I think sometimes we keep saying there's a conservation
28 issue, you know, we need to listen to the people,
29 understanding there's way too many of these animals.

30
31 CHAIRMAN DEMIENTIEFF: Other Regional
32 Council recommendations.

33
34 (No audible responses)

35
36 CHAIRMAN DEMIENTIEFF: Hearing none, Staff
37 Committee.

38
39 MR. RABINOWITCH: Thank you, Mr. Chairman.
40 The Staff Committee recommendation is found on Page 140
41 and, in passing, I'll note that the original proposal is on
42 the facing page, Page number 141. Glancing down that you
43 will note that the intention of the proposal was to provide
44 for subsistence opportunity and there's no reference to
45 predator control in the proposal as it was submitted.

46
47 The recommendation of the Staff Committee,
48 then, is to adopt the proposal, consistent with the
49 recommendation of the Southcentral Regional Advisory
50 Council, the Eastern Interior Regional Council deferred on

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1 this question to the home Council, the Southcentral
2 Council. The regulation itself is provided in the middle
3 of the page and the key difference is that the resulting
4 season would be August 10th through June 15th. No other
5 provisions, the bag limit or the C&T provision, none of
6 those other elements are changed.

7

8 The justification for this action is that
9 the brown bear populations appear to be stable, healthy and
10 relatively abundant in Unit 11. Harvest permitted under
11 this regulation change would not adversely effect the
12 population, while they would allow for additional
13 opportunity for Federally qualified subsistence users and
14 would reduce confusion among hunters by aligning State and
15 Federal regulations.

16

17 Thank you.

18

19 CHAIRMAN DEMIENTIEFF: Thank you.
20 Department comments.

21

22 MR. HAYNES: Mr. Chairman, the Department
23 supports adoption of this proposal that would align the
24 Federal and State regulations for brown bear hunting in
25 Unit 11 and provide additional opportunity for Federally
26 qualified subsistence users. I might add, too, that the
27 staff analysis makes it very clear that brown bear harvest
28 had declined dramatically in Unit 11 in the past 20 plus
29 years. So providing some additional opportunity might
30 slight increase the harvest, but we wouldn't anticipate
31 that a lot more brown bear are going to be harvested by
32 providing this additional opportunity in Federal
33 regulations. But it is -- I think it is good to provide
34 that opportunity to subsistence users should they be out
35 hunting for other species and opportunistically encounter
36 brown bear, they should have the opportunity to harvest if
37 they're on Federal lands.

38

39 Thank you.

40

41 CHAIRMAN DEMIENTIEFF: Thank you. Any
42 other Regional Council comment?

43

44 (No audible responses)

45

46 CHAIRMAN DEMIENTIEFF: If not, we'll move
47 it on to Board discussion. Niles.

48

49 MR. CESAR: Mr. Chairman, I move that we
50 support the Staff Committee recommendation on Proposal 13.

00076

1 CHAIRMAN DEMIENTIEFF: We have a motion, is
2 there a second?

3

4 MR. BISSON: Second.

5

6 MR. CESAR: Mr. Chairman, I believe we will
7 be providing for further opportunity for the subsistence
8 user and I think that the reason I'm voting for this, the
9 issue of aligning ourselves with the State regulations is
10 on the face of it good, we'd like to do that if we can.
11 That, in my mind, is secondary to providing further
12 opportunity for subsistence users. The take has declined
13 and I believe there will not be a significant rise in the
14 harvesting of those animals. And to me predator control is
15 a different issue and I try to make my votes align with
16 subsistence and thoughts of providing further opportunity
17 and that's why I'm voting for this.

18

19 CHAIRMAN DEMIENTIEFF: Anybody else? Gary.

20

21 MR. EDWARDS: Mr. Chairman, I'd just like
22 to ask Judy, does the Park Service have any data that would
23 show that there would be increased conflicts between non-
24 consumptive users or tourists in this areas that you would
25 expect the bear to occur for these additional days?

26

27 MS. GOTTLIEB: Mr. Chair, Gary, I don't
28 believe we have the data. If there were safety concerns we
29 do have the authority to do closures, like we've done, for
30 example, around the Kantishna area in Denali. But at this
31 point the park is not worried about the natural and healthy
32 status of the bear population, nor at this point the safety
33 of any visitors who might be there during the hunting
34 season.

35

36 Mr. Chair.

37

38 CHAIRMAN DEMIENTIEFF: Yes.

39

40 MS. GOTTLIEB: If I might add, Wrangell
41 Subsistence Resource Commission did support this proposal
42 and we do believe that providing additional opportunity to
43 subsistence users -- I think the word compatibility was
44 used before, but actually really it is providing that
45 priority to subsistence users in this case that we're
46 concerned about. If conflicts do arise, either in
47 population levels or for safety then we'll certainly take
48 further actions.

49

50 CHAIRMAN DEMIENTIEFF: I, too, pretty much

00077

1 the same view that Niles has, we are providing an
2 additional opportunity for subsistence users and since
3 predator control was not in our management, I mean, I --
4 some people can look at it like that, but I don't that's
5 the way any of the Board members look at it, because it's
6 outside of our mandate. And it certainly within our
7 mandate to provide additional subsistence opportunity, so
8 again, I intend to support the proposal.

9

10 Any other comments?

11

12 (No audible responses)

13

14 UNIDENTIFIED VOICE: Question.

15

16 CHAIRMAN DEMIENTIEFF: Question has been
17 called for, all those in favor signify by saying aye.

18

19 IN UNISON: Aye.

20

21 CHAIRMAN DEMIENTIEFF: Those opposed same
22 sign.

23

24 (No opposing responses)

25

26 CHAIRMAN DEMIENTIEFF: Motion carries.

27

28 Okay, with that we move on to Proposal 14.

29 Staff analysis, please.

30

31 MR. ARDIZZONE: Mr. Chair, Board members,
32 once again my name is Chuck Ardizzone and I will presenting
33 the staff analysis for Proposal WP03-14 found in Tab C,
34 starting at Page 152.

35

36 The Federal Subsistence Board deferred this
37 proposal in May of 2000 [sic] as Proposals WP02-16. It was
38 submitted by the Copper River Native Association and
39 requests a change in the Unit 13 caribou late season from
40 October 21st to March 31st to December 1st through April
41 20th and a change in the harvest limit from two bulls to
42 two caribou.

43

44 Federal public lands comprise approximately
45 9.4 percent of the unit with 5.9 percent managed by the
46 National Park Service, 1.7 percent managed by the Bureau of
47 Land Management and 1.8 percent managed by the U.S. Forest
48 Service. It is important to know that there is very little
49 Federal public land in Unit 13 within the range of the
50 Nelchina Caribou Herd. These lands include areas along and

00078

1 near the Richardson Highway and Denali Highway managed by
2 BLM, which account for less than two percent of all of Unit
3 13. And a small parcel of the Wrangell-St. Elias National
4 Park, excuse me, National Preserve off the Tok Cutoff Road.
5

6 A large number of communities have
7 customary and traditional use determinations for caribou in
8 Unit 13, they can be found on Page 153. The most recent
9 regulatory action involving the Nelchina Caribou Herd
10 occurred in June 2002 when a special action request,
11 WSA02-02, was submitted by the Copper River Native
12 Association requesting a change in the fall caribou season
13 for Unit 13(B). The Federal Subsistence Board rejected
14 this special action based on their justification to defer
15 WP02-16 during their May 2002 meeting.

16
17 And for the results of population surveys
18 and composition counts were completed in the summer and
19 fall of 2002. The Board concluded that if new survey
20 information showed that the Nelchina herd had grown to meet
21 the minimum population object of 35,000 then additional
22 flexibility in the subsistence hunt may be warranted.

23
24
25 There is extensive biological data on the
26 Nelchina Caribou Herd, in the interest of brevity I will
27 only cover the recent information. The most recent count
28 estimate for the Nelchina herd is 34,380 animals in the
29 fall of 2002. Calf production in 2002 increased to 48:100
30 cows, a recent fall 2002 observed bull:cow ration was 31
31 bulls to 100 cows. In the 2000-2001 combined Federal
32 harvest in Unit 12 and 13, 273 animals were harvested.
33 During the 2001-2002 season the combined harvest was 499
34 animals. As of 1 May of this year the combined harvest was
35 350 animals.

36
37 Cow harvest averaged 49 percent of the
38 reported harvest between 1997 and 2001, an average of 159
39 per year. Most recently the cows represented 28 percent of
40 the reported 2000-2001 Federal subsistence harvest.

41
42 Effects of this proposal -- elimination of
43 the October, November season would reduce the Federal
44 subsistence harvest by an average of 25 percent and would
45 result in a net loss of 40 hunting days. If the season
46 were extended into April it would provide 20 additional
47 days of opportunity offsetting 20 of the 40 days lost by
48 eliminating the October and November harvest dates.
49 However, an April season that included a cow harvest would
50 be a potential conservation concern given that the

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1 migration back to the Eastern Talkeetna Mountains calving
2 grounds is traditional in April and pregnant cows often
3 lead the migrating groups and they are in the last stages
4 of pregnancy making them very vulnerable to disturbance
5 stresses and harvest.

6

7 With a past average Federal harvest of 159
8 cows annually, reinstating an either sex season could
9 result in an effective loss of 76 calves based on most
10 recent post rut cow ration of 48 calves to 100 cows.
11 Limiting the harvest to bulls only is a more conservative
12 alternative to protect the reproductive capacity of the
13 herd and promote continued population growth.

14

15 Currently the population of the Nelchina
16 herd is near the management object of a fall population of
17 35 to 40,000 animals, which could allow any sex caribou to
18 be harvested. During the fall Council meetings two
19 optional ways of dealing with this proposal was presented
20 to the Councils. The first option was to oppose the
21 proposal in its entirety, based on the fact that the
22 caribou herd was not -- has not met the minimum population
23 threshold of 35,000 animals. The second option presented
24 to the Councils was to support the proposal with
25 modification, thus allowing a very limited cow harvest of
26 30 animals. I will not go into detail at this time, but
27 the two options can be found on Pages 160 and 161 of your
28 materials.

29

30 After the Council meetings, at the Staff
31 Committee meeting, a new option was discussed. During the
32 meeting of Staff Committee members the Southcentral
33 Regional Chair discussed and developed the recommendation
34 that would be presented as the Staff Committee
35 recommendation.

36

37 Mr. Chair, this concludes my presentation.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. We have
40 summary of written public comments.

41

42 MS. WILKINSON: Mr. Chairman, there are
43 four. The Paxson Fish and Game Advisory Committee opposes
44 this proposal. The Committee does not support adding 20
45 days to the winter season nor the taking of cows at this
46 time. The present herd size does not justify additional
47 take or a spring cow hunt. There is more than adequate
48 opportunity to hunt subsistence caribou along the
49 Richardson and Denali Highways. Except in the year 2000,
50 the Tier II season has closed early during subsistence

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1 hunting, about four month of caribou season without urban
2 hunters present. This year will probably afford nearly two
3 months of caribou season without urban hunters present.

4

5 The Wrangell-St. Elias National Park
6 Subsistence Resource Commission opposes both the proposal
7 as written and the proposed modification labeled Option B,
8 due to conservation concerns for the caribou population at
9 this present time.

10

11 Ahtna, Incorporated and the subsistence
12 representatives of the eight Ahtna villages support Option
13 B by the Bureau of Land Management. The only 30 any
14 caribou winter hunt in Option B should be increased when
15 the Nelchina Caribou Herd has increased to a sustainable,
16 healthy population, which is the State management objective
17 of 35,000.

18

19 And that's all the written comments, sir.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. We have
22 no request for additional public testimony at this time.
23 Regional Council recommendations.

24

25 MR. CHURCHILL: Thank you, Mr. Chair. The
26 Southcentral Regional Advisory Council supported on a 6-1
27 vote the original proposal. The only concern that was
28 expressed by our Committee was if the cow harvest was, in
29 fact, invoked, would we be able to shut it down once the
30 number of cows that were harvested. Since that time our
31 chair has met and I think some actions have been taken that
32 will alleviate even that concern, so we stand forth square
33 behind it. In favor of it, I'm sorry.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. Gerald.

36

37 MR. NICHOLIA: Yeah, the Eastern Interior
38 opposes this proposal because of conservation concerns and
39 the fact that Unit 13 there's only a few spots that's
40 Federally controlled.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Staff
43 Committee

44

45 MR. BRELSFORD: Thank you, Mr. Chairman.
46 I think this is a new solution to a longstanding problem
47 that suggests when we keep trying all the way up through
48 the Staff Committee meeting sometimes the best solution
49 comes in the last inning. So the recommendation of the
50 Interagency Staff Committee is to adopt the proposal

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1 consistent with the Southcentral Regional Advisory Council
2 approach, but modifying it provide for in-season assessment
3 and in-season changes to the harvest limits for the winter
4 season if the fall Nelchina Caribou Herd population figures
5 warrant a change. This would result in rejection of
6 portions of the Southcentral and Eastern Interior Council's
7 recommendations.

8

9 I'm on Page 148. In the middle of that
10 page you'll see the resulting regulatory language. In the
11 first paragraph it reads two caribou by Federal
12 registration permit only. Only bulls may be taken during
13 the August 1st through September season. The next
14 paragraph establishes the in-season management authority,
15 it reads: during the winter season, October 21 through
16 March 31st, the sex of animals that may be taken will be
17 announced by the Glennallen Field Office Manager of the
18 Bureau of Land Management in consultation with the Alaska
19 Department of Fish and Game area biologist and the Chairs
20 of the Eastern Interior and Southcentral Regional Advisory
21 Council. Those are the additions to the regulatory
22 language under this proposal.

23

24 The justification starts with the
25 statement, this modified regulation provides for in-season
26 flexibility so that a limited cow caribou harvest
27 opportunity can be provided as soon as the population
28 conditions are appropriate. This action is consistent with
29 the conservation of a healthy Nelchina Caribou Herd and
30 will promote continued growth of that herd as it approaches
31 the population objective of 35,000 to 40,000 animals. If
32 the population figures show that the population has
33 achieved the minimum objective of 35,000 animals this fall,
34 then a limited cow harvest for the winter season can be
35 provided. The proposed action provides for continuation of
36 traditional subsistence harvest practices to the extent
37 consistent with herd recovery.

38

39 As I noted, this regulation does reject a
40 portion of the Southcentral Regional Advisory Council
41 recommendation, that part calling for a sixth winter season
42 cow harvest quota and reporting requirements because the
43 in-season population assessment might support a larger or
44 a smaller quota. This recommendation also differs from the
45 Eastern Interior Regional Advisory Council recommendation
46 which opposed any change because with appropriate in-season
47 population assessment results additional flexibility for
48 traditional subsistence harvest practices is warranted.

49

50 Thank you very much, Mr. Chair.

00082

1 CHAIRMAN DEMIENTIEFF: Thank you.

2 Department comments.

3

4 MR. HAYNES: Mr. Chairman, the Department's
5 comments from the original proposal are on Page 164 of your
6 meeting book. Speaking specifically to the Interagency
7 Staff Committee recommendation, the Department supports the
8 intent of this proposal as modified by the Staff Committee.
9 We continue to support a limited harvest of cows in the
10 Nelchina caribou hunt after the minimum population
11 objective of 35,000 caribou has been achieved. Department
12 staff will be conducting composition surveys later this
13 month and anticipates developing an updated Nelchina fall
14 population estimate by the end of October. We note that
15 the regulatory language, as modified by the Staff
16 Committee, does not state that the number of cow caribou
17 authorized for harvest in the winter season, should one be
18 established, may be limited. Although a establishing a
19 harvest quota is referenced in the justification and will
20 be an essentially management tool for this hunt if one
21 occurs that allows the harvest of cows.

22

23 And, Mr. Chairman, I would just add that
24 Steve Machida, the management coordinator for that area is
25 here today if you have biological questions or need
26 information that I can't provide for you.

27

28 CHAIRMAN DEMIENTIEFF: Thank you very much.
29 Is there any additional Regional Council comment at this
30 time?

31

32 (No audible responses)

33

34 CHAIRMAN DEMIENTIEFF: If not, we'll move
35 on to Board deliberation.

36

37 MR. EDWARDS: Mr. Chairman. Gerald, could
38 you elaborate a little bit more on your Council's
39 opposition to this proposal?

40

41 MR. NICHOLIA: Yeah. That biologist that
42 was there at our Nenana meeting stated that even if we're
43 adopting or rejecting this proposal, we got to look at this
44 map here is that only place you guys got control over in 13
45 is this wild scenic river on Gulkana and the part of
46 Denali. It wouldn't have no effect, really, on this -- on
47 the Nelchina because the State has more control of that and
48 plus the Wrangell-St. Elias person was there that said that
49 there was a conservation concern for these caribou. And
50 the Paxson Committee that actually lives there opposes this

00083

1 because of the same thing, the conservation concern. Did
2 I answer your question?

3

4 MR. EDWARDS: Yes. If I understand what
5 you said, your view is, is that the people who actually
6 live in this area, the subsistence users are opposed to it?

7

8 MR. NICHOLIA: We were going to defer this
9 to the Southcentral, but since we started talking about it,
10 we oppose it just for the conservation concern. And I
11 don't think the Eastern Interior speaks for the
12 Southcentral people. It was like a crossover proposal and
13 we just stated that. It's more State controlled land than
14 Federal controlled land, that was the main reason we
15 opposed it.

16

17 CHAIRMAN DEMIENTIEFF: Bob.

18

19 MR. CHURCHILL: Yeah. And in support of
20 what the Eastern Interior is saying, we have real
21 conservation concerns and that's why we tried to tie down
22 the reporting. We recognized that a very conservative
23 number of cows being harvested would not have a dramatic
24 impact, but we also realized that this hunting area is so
25 accessible that a large number could be taken very, very
26 quickly. That's why we put that piece in, so we both
27 shared, I think, a conservation concern and it appears to
28 have been addressed by the further amendment to this
29 proposal.

30

31 MS. GOTTLIEB: Mr. Chair.

32

33 CHAIRMAN DEMIENTIEFF: Yes, Judy.

34

35 MS. GOTTLIEB: Question, perhaps, for Terry
36 or others. If the survey is going to be done shortly, that
37 sounds good, but it sounded like the results may not be
38 available until the fall and so how will that work for the
39 August hunt?

40

41 MR. HAYNES: Mr. Chairman, Judy, there are
42 additional counts that occur in the fall months as well.
43 I didn't make that very clear in the comment, so that the
44 Department isn't just sitting on data collected in the
45 spring throughout the summer and into the fall, there's
46 additional biological information gathered early in the
47 fall. And that in combination with the information
48 gathered this spring leads to development of the new
49 population estimate.

50

00084

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. BISSON: Yes, Mr. Chairman, I'd like to
4 ask one of our staff biologists, Elijah, if you could
5 comment a little bit on Gerald's concerns?

6

7 MR. WATERS: Good afternoon, Mr. Chairman,
8 Board members. My name is Elijah Waters, I work for the
9 Bureau of Land Management in Glennallen. As I understand
10 Gerald's concerns it concerned the one biological concern
11 and I think the original comments from the Eastern Interior
12 was referring to the original proposal, which was to allow
13 -- the original proposal was to go back to an unlimited cow
14 harvest. Then the modified proposal was to go back to a
15 smaller cow harvest, of which the Bureau of Land Management
16 would monitor very closely. Well, the modified proposal by
17 the Interagency Staff Committee was to wait -- to keep the
18 early season bull only, just the way it is now and then if
19 the numbers were over that 35,000, then to allow a cow
20 harvest based on that. So the conservation concerns would
21 essentially be alleviated based on that.

22

23 The other concern was that there was very
24 little Federal land, and I'm not sure why that's a concern.
25 Does that help any?

26

27 MR. NICHOLIA: Why I just mentioned why
28 there was very little Federal land is that this Federal
29 Board and the Federal magistrates don't have no control on
30 State land.

31

32 MR. WATERS: That's right and, of course,
33 this would only apply to Federal land. The State would be
34 under Tier II. But the main concern that I see is the
35 conservation concern and, unfortunately, this season
36 straddles that critical number, you know, that timeframe,
37 as Terry Haynes pointed out, the number comes in at the end
38 of July -- I'm sorry at the end of October, which is
39 literally right between the fall season and the winter
40 season. The Interagency Staff Committee felt like that,
41 you know, waiting until that number comes because that
42 number -- that could feasibly be lower than 35,000, in
43 fact, well lower than 35,000 or it could feasibly be much
44 higher than 35,000 of which a cow harvest would certainly
45 be warranted. So we just felt like waiting until -- you
46 know, to allow the Federal land manager some in-season
47 flexibility on that. It's essentially what we do with
48 fisheries all the time, in-season management. So the
49 Federal land, I'm not quite how that affects -- that's not
50 going to change anything.

00085

1 Also just want to point out, too, how many
2 -- you know, how many people participate in that hunt from
3 the Federal side. We roughly give out about 2,500 permits
4 a year, out of which about -- that would be about 1,250
5 people because each person gets two permits. But in
6 reality, the harvest is much, much lower than that and it's
7 pretty consistent around 300 to 350 animals. So
8 regardless, you know, through all the highs and lows of the
9 Federal season that harvest has remained, you know, around
10 300 to 350 animals. And we felt like that's a strong
11 indicator that this is a true subsistence hunt, that the
12 people are only taking what they need. You know, that even
13 if it goes to cow or either sex, we don't feel like there's
14 going to be a significant impact, we don't feel like there
15 will an increase at all in the harvest, just possibly the
16 sex ratio would change.

17
18 CHAIRMAN DEMIENTIEFF: Any other
19 discussion? Gerald.

20
21 MR. NICHOLIA: Yeah, there was one of my
22 Council members had a concern about accessibility and since
23 it's State controlled land, the State is all people in the
24 state of Alaska could go there because they have -- it's
25 equal it's not compared to Federal and that's one of the --
26 as he said, somebody could come down from Barrow and go
27 hunting in that region because it's State controlled land.

28
29 MR. WATERS: Federal lands are not closed
30 to State users, so it's very true that anybody could hunt
31 that Federal land, any licensed State hunter could hunt
32 that land. It is a Tier II situation so, you know, that
33 person would have to have a Tier II caribou tag, but that's
34 a very popular hunting area for State and Federal users
35 because as anybody who is familiar with it knows, it is
36 right in the migration corridor. It's a very high use area
37 for Tier II, as well as Federal.

38
39 CHAIRMAN DEMIENTIEFF: Any other
40 discussion? Are we ready to take an action? Yes.

41
42 MR. BISSON: Mr. Chairman, I have a motion.
43 This is the third year that we've been asked to examine how
44 we conserve and manage this Nelchina Caribou Herd and we've
45 had a lot of close coordination. Our Glennallen field
46 office has had close coordination with ADF&G and we will
47 continue to consult with them, but we think that timely
48 action will better provide for traditional subsistence
49 harvest patterns in this area, including a limited cow
50 harvest, while promoting continued herd growth. Therefore,

00086

1 I move that we adopt the modified version of Proposal 14 as
2 recommended by the Staff Committee, based on the
3 justification provided in the Board book on Page 148.

4
5 CHAIRMAN DEMIENTIEFF: We have a motion, is
6 there a second?

7
8 MS. KESSLER: I second.

9
10 CHAIRMAN DEMIENTIEFF: Discussion on the
11 motion.

12
13 MS. GOTTLIEB: Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Yes.

16
17 MS. GOTTLIEB: I certainly agree with
18 Henri, this topic has been discussed for several years and
19 it's good to know that the populations are getting to or,
20 hopefully, the intended goals. And I think this is a good
21 solution for this season and can be reevaluated next year
22 then.

23
24 Thank you.

25
26 CHAIRMAN DEMIENTIEFF: Thank you. Also
27 with our in-season capabilities if there were huge numbers
28 of people going in and harvesting huge, I know we do have
29 the capability to put a screeching halt the that right
30 away. And I feel like our managers are enough aware of
31 what's going on there that would be able -- would come up
32 with that recommendation right away. Even though we have
33 conflict between the two Regional Councils, I just feel
34 like I have to support the Southcentral Regional Advisory
35 Council's recommendation as modified because I know we have
36 that capability of managing our resources.

37
38 UNIDENTIFIED VOICE: Question.

39
40 CHAIRMAN DEMIENTIEFF: Question's been
41 called for, all those in favor signify by saying aye.

42
43 IN UNISON: Aye.

44
45 CHAIRMAN DEMIENTIEFF: Those opposed same
46 sign.

47
48 (No opposing responses)

49
50 CHAIRMAN DEMIENTIEFF: Motion carries. I

00087

1 know it's hot in this room, I see heads bobbing for apples.
2 I think we're just going to take a short little break so
3 everybody can get moving around, get their blood
4 circulating.

5

6 (Off record)

7

8 (On record)

9

10 CHAIRMAN DEMIENTIEFF: We'll call the
11 meeting back to order. Looks like everybody's kind of woke
12 up, got over digesting their lunch or whatever, maybe we'll
13 be able to stay awake the rest of the afternoon.

14

15 Who's going to do the staff analysis?

16

17 MS. PETRIVELLI: Mr. Chair, I'll be
18 presenting Proposal 19 and my name is Pat Petrivelli.

19

20 CHAIRMAN DEMIENTIEFF: Right. Oh, wait,
21 before we get going. I got to tell you about a couple of
22 little dilemmas I ran into today. And I got in between two
23 Tlingits and one of them is on my left here making a motion
24 to table a proposal time specific to tomorrow afternoon,
25 and the other one is on my right, jumps up and gets in my
26 face and says according to parliamentary procedure that's
27 illegal. So whatever you do, don't get in between two
28 Tlingits.

29

30 Then the other thing I wanted to note is I
31 know that Ralph that chairs Southcentral has showed up but
32 I'm not allowing him at the table, I'm going to keep his
33 vice chairman because he just come back from fishing redds
34 and didn't us a cooler full so that we could at least fire
35 up a barby and have a little cook out, so I'm just not
36 going to allow him at the table until comes up with some
37 fish.

38

39 (Laughter)

40

41 CHAIRMAN DEMIENTIEFF: Anyway, I'm sorry,
42 go ahead.

43

44 MS. PETRIVELLI: Well, Mr. Chair, Proposal
45 WP03-19, the analysis can be found under Tab C on Page 182.
46 This proposal was submitted by Tom Carpenter of Cordova.
47 It would the requirement of residence for one year in
48 either Unit 6(A,B or C) prior to applying for a permit in
49 the Unit 6(C) moose hunt.

50

00088

1 The Federal subsistence management program
2 requires all hunters to possess a resident State of Alaska
3 hunting license which has this as a requirement that a
4 person has maintained a domicile in Alaska for the
5 preceding 12 consecutive months. The Federal subsistence
6 management program defines residents as any person who has
7 his or her primary permanent home for the previous 12
8 months within Alaska and whenever absent from this primary
9 permanent home has intention of returning to it.

10

11 Residents of 6(A, B and C) have a customary
12 and traditional use determination in moose in Unit 6(C).
13 There are no permanent communities in Units 6(A or B) and
14 Cordova is the only community in 6(C). The proposed
15 Federal regulation would be added to the unit specific
16 provisions for the Unit 6(C) drawing hunt for bull moose
17 and would read as follows: you must be a permanent
18 resident of either 6(A, B, or C) for one year prior to
19 application.

20

21 The proponent is requesting this local one
22 year durational residency requirement for applicants in
23 order to give Federal managers exact language to use for
24 qualifying participants in the 6(C) moose hunt and to
25 prevent transient people from moving into an area that is
26 known to have trophy animals, thus taking subsistence
27 opportunity from local residents.

28

29 In 6(C) Federal public lands make up 80
30 percent of the unit and they're managed by the Chugach
31 National Forest.

32

33 The specific change requested by this
34 proposal addresses the local durational residency
35 requirement. The proponent states that this language is
36 also used in qualifying individuals who want to hunt under
37 subsistence in different national parks around the state.
38 In current National Park Service regulations the definition
39 of resident is very similar to the Federal subsistence
40 management regulations. Mr. Carpenter may be referring to
41 an action proposed by the Wrangell-St. Elias National Park
42 Subsistence Resource Commission that would establish a
43 minimal residency requirement of one year for resident zone
44 communities. Also the Denali National Park Subsistence
45 Resource Commission has recommended a minimum residency
46 requirement of three years in Cantwell for hunting
47 eligibility.

48

49 As to this proposal, the moose hunt in 6(C)
50 presents a unique situation in the Federal subsistence

00089

1 management program in that it involves a transplanted
2 species that has been harvested through a drawing hunt for
3 the past 18 years. This proposal would create a
4 restriction upon participation in the drawing hunt, a
5 restriction calling a local durational residency
6 requirement in the qualifying area.

7

8 The current definition for a resident in
9 Federal regulations allows the identification of the
10 primary place of residency with a specific requirement of
11 residence for the past 12 months within Alaska, a
12 concession to the fact that rural Alaskans are highly
13 mobile, traveling for purposes of earning cash, health care
14 and education purposes. Adoption of this proposal would
15 place additional restrictions on subsistence users. While
16 the proponent stated that this proposal would prevent
17 transient people from moving to an area that is known to
18 have trophy animals, testimony was not presented about any
19 actual instance.

20

21 This concludes the analysis.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. Written
24 public comments.

25

26 MS. WILKINSON: Mr. Chairman, there were
27 none.

28

29 CHAIRMAN DEMIENTIEFF: Okay. We have no
30 request for additional public testimony at this time.

31 Regional Council recommendation.

32

33 MR. CHURCHILL: Mr. Chairman, the
34 Southcentral Regional Advisory Council discussed this in
35 great depth. We voted in favor of it, 7-0, recognizing
36 that this was more an advisory vote. We understood that it
37 was outside of our authority to actually create this. But
38 we felt that this was a unique situation, it was
39 geographically isolated and defined and we just felt that
40 this residency requirement would serve the subsistence
41 users well. And it was in that light that we all voted in
42 favor of it.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Are
45 there any other Regional Council recommendations?

46

47 (No audible responses)

48

49 CHAIRMAN DEMIENTIEFF: If not, Staff
50 Committee.

00090

1 MR. BRELSFORD: Thank you, Mr. Chairman.
2 The Staff Committee was advised that this proposal raises
3 significant legal questions and that this issue and several
4 related questions have been under review by the Solicitor's
5 office, so the Staff Committee motion is to defer this
6 proposal pending completion of that legal review.

7
8 Our justification is that the legal opinion
9 is likely to soon be available to the Board. If the
10 Solicitor's office concludes that the Board has no legal
11 authority to impose a local durational residence
12 requirement then this proposal will be administratively
13 rejected. If it is determined in the legal review that the
14 Board does have authority to impose such a residence
15 requirement, then the Board can consider the proposal at
16 the next appropriate time.

17
18 Thank you.

19
20 CHAIRMAN DEMIENTIEFF: Department comments.

21
22 MR. HAYNES: Mr. Chairman, the Department
23 supports deferral of this proposal as recommended by the
24 Staff Committee. We question whether the Federal Board has
25 the authority to impose durational residency requirements
26 beyond those already in place, and that is a subject that
27 is being addressed by your legal counsel. However, we do
28 agree that action should not be taken on this proposal
29 until the Solicitor's office has issued legal opinion on
30 the subject.

31
32 CHAIRMAN DEMIENTIEFF: Thank you. Any
33 other Regional Council comments? Go ahead, Bob.

34
35 MR. CHURCHILL: Based on our discussion, I
36 don't think Southcentral would disagree with taking that
37 cautious approach or, I guess, thoughtful approach. But
38 there was more than a little testimony about the concern in
39 certain areas, these were all on the road system, like
40 Cantwell, where -- I believe Cantwell was looking at a
41 three year residence requirement because of the ease and
42 movement of population and the impact it had on local game
43 populations, but I believe, going over the notes of the
44 Regional Advisory Council meeting, that we would support
45 taking that approach that's being suggested.

46
47 CHAIRMAN DEMIENTIEFF: Thank you. How far
48 out are we on a Solicitor's opinion?

49
50 MR. GOLTZ: I'm told that a draft has been

00091

1 prepared, I didn't prepare it, someone else in our office
2 did and it's being reviewed back in Washington right now.

3

4 CHAIRMAN DEMIENTIEFF: So it would be
5 fairly soon then?

6

7 MR. GOLTZ: It's being reviewed back in
8 Washington right now.

9

10 (Laughter)

11

12 CHAIRMAN DEMIENTIEFF: Well, I guess that,
13 you know, the season doesn't start until September 1 and if
14 we do get a Solicitor's opinion back timely, and I think we
15 know this because we'll probably have, what, one, two,
16 maybe three more workshops before the season starts and if
17 we do get a timely opinion, then I would just say that we
18 notice, you know, our work session and take it out of
19 cycle, you know, so we can get a determination done if we
20 do have the authority. That's all I'm saying, to be
21 responsive.

22

23 MS. GOTTLIEB: Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Yes.

26

27 MS. GOTTLIEB: I would appreciate the
28 Board's indulgence in a deferral because the issues are
29 very closely linked, as we mentioned, to requests that have
30 been made by two of the Subsistence Resource Commissions
31 and of interest of, at least, three, if not four or five
32 more of them. So consistency, I think, would be really
33 important and so it would be helpful to wait for this
34 opinion.

35

36 CHAIRMAN DEMIENTIEFF: Is that a motion?

37

38 MS. GOTTLIEB: And I'll move that we defer
39 decision on this proposal until we receive Solicitor's
40 opinion.

41

42 CHAIRMAN DEMIENTIEFF: Is there a second?

43

44 MS. KESSLER: Second.

45

46 CHAIRMAN DEMIENTIEFF: Discussion.

47

48 MR. CESAR: Mr. Chairman, I support the
49 deferral motion. You know, when Keith tells us managers
50 that it's been sent on to Washington for review, that

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1 throws a red flag up because we all know that, at least I
2 do, that review may take from anywhere from one day to two
3 years, so I think we're going to have to prod them
4 occasionally if they don't produce it, because oftentimes
5 we send stuff back there and the next time we see it is the
6 next election cycle.

7

8 Thank you.

9

10 MR. EDWARDS: Mr. Chairman, I'm also
11 prepared to vote in favor of the deferral, but I'm just
12 trying to understand exactly -- what was the question that
13 was asked, was it a general residency question or does the
14 residency have to do between rural and rural or is the
15 residency between nonrural and rural or does it cover all
16 of that?

17

18 MR. GOLTZ: I don't know if we have a copy
19 of the question as it was framed here. Obviously we can
20 restrict to local uses in an 804 situation, the question is
21 can you do it in the absence of an 804 situation. And
22 that's the question that's being reviewed generally, I
23 don't know the specifics of it were framed.

24

25 MR. EDWARDS: And I guess why I was asking
26 is because it does seem to be very different if you're
27 talking about a rural resident moving to another rural
28 resident or location as opposed to somebody that's nonrural
29 and moving to rural. And my guess is depending upon those
30 situations you might have differences of opinion as to
31 whether or not we should apply this kind of rationale.

32

33 MR. GOLTZ: I don't think that's the issue
34 as it's now framed.

35

36 CHAIRMAN DEMIENTIEFF: Walter.

37

38 MR. SAMPSON: Thank you, Mr. Chairman. As
39 the Chair, he's your legal counsel, so you can direct him
40 to bring that very draft or that opinion to the next
41 meeting for action.

42

43 MR. BISSON: Mr. Chairman.

44

45 CHAIRMAN DEMIENTIEFF: Yes.

46

47 MR. BISSON: Relative to reconsidering this
48 deferral, and I'm going to vote for the deferral as well,
49 prior to the actual season when they would be taking moose.
50 The question I have is when would these permits normally be

00093

1 issued? If the season opens in September when are they
2 going to start issuing permits. And what we really need to
3 thinking about, I think, is, you know, if we don't get a
4 decision back from Washington by a certain date then we're
5 going to proceed this year the way things are. Because if
6 you do it in the middle of while they're issuing permits
7 then you're going to create some confusion, I think, and we
8 have to be cautious about when we schedule the review of
9 it. If we find that we have the legal authority to
10 establish that residency requirement. Just a word of
11 caution.

12

13 CHAIRMAN DEMIENTIEFF: Yeah, I think I
14 understand that, thank you. But, you know, I'm just saying
15 that if we do get it timely, can get a regulation on the
16 book prior to all of this going on, then I think we try to
17 accommodate this. You know, they raised the issue and we
18 don't know if we have the authority, but if we get it
19 timely then we can accommodate it in one of our work
20 sessions.

21

22 Okay. Any more discussion on the motion?

23

24 MR. CESAR: Question.

25

26 CHAIRMAN DEMIENTIEFF: Been called for, all
27 those in favor signify by say aye.

28

29 IN UNISON: Aye.

30

31 CHAIRMAN DEMIENTIEFF: Those opposed same
32 sign.

33

34 (No opposing responses)

35

36 CHAIRMAN DEMIENTIEFF: Motion carries.

37

38 Proposal 20. Okay, staff analysis.

39

40 MS. PETRIVELLI: Mr. Chairman, Pat
41 Petrivelli again doing the analysis for Proposal 20. And
42 analysis can be found under Tab C, Page 192. Proposal 20
43 was submitted by Timothy O'Brien, a rural resident of
44 15(A). He requests that residents of the roadless areas of
45 Unit 15 be given a positive customary and traditional
46 determination for moose in Unit 15.

47

48 Almost all of the Federal lands in Unit 15
49 are those of the Kenai National Wildlife Refuge, 52.4
50 percent, less than 1 percent of the Federal lands are

00094

1 National Park Service and USGA Forest Service lands.

2

3 In 1991 the Federal subsistence management
4 program adopted regulations based upon existing the State
5 system. On the Kenai Peninsula, mainly Units 15 and 17,
6 the State recognized the non-road connected communities of
7 Nanwalek and Port Graham as having customary and
8 traditional use of moose in an area in the extreme
9 southwest of Unit 15(C). The road connected portion of the
10 Kenai Peninsula was determined by the State of Alaska to be
11 a non-subsistence area.

12

13 After an extensive Federal process
14 involving data gathering, public hearings and court
15 decision in 1996 the current positive determinations for
16 Unit 15 moose for Nanwalek, Ninilchik, Port Graham and
17 Seldovia were made. Decisions on the remaining species and
18 communities were deferred.

19

20 Proposal 20 asks for a customary and
21 traditional use determination for moose in Unit 15 by
22 residents of the roadless areas in Unit 15. However, the
23 Federal subsistence management program does not distinguish
24 among residents of road and roadless areas, it
25 distinguishes between rural and nonrural residents. This
26 analysis looked at use by all rural residents in Unit 15
27 and Unit 7 and Whittier in Unit 6, their use of moose.

28

29 A summary of the communities time depth,
30 population and ethnic composition can be found in Table 1
31 on Page 195. Table 1 also includes a number of households
32 in seasonally occupied housing units in each of these rural
33 community areas. The area affected by this proposal
34 involves the traditional territory of different Alaskan
35 Native culture, the Dena'ina and the Alutiiq. These areas
36 have been used by non-Native settlers since the late 1700s.
37 Non-Native settlers of the Peninsula began in the 18th
38 century with the Russians. The next major non-Native
39 settlement period began during the establishment of the
40 fish canneries and the Gold Rush era at the end of the 19th
41 century. This was followed by two waves of homesteading,
42 one in the Homer area beginning in 1915 and the second wave
43 occurring in the Sterling/Soldotna area following World War
44 II.

45 The family of Mr. O'Brien, the proponent,
46 was part of the post-World War II homesteading phase.
47 There are 142 rural residents in the Kenai Peninsula
48 Borough who are not included in the communities or census
49 designated places listed in Table 1. 108 reside in Unit 15
50 and 22 reside in Unit 7. The remaining 12 reside in areas

00095

1 on the west side of Cook Inlet.

2

3 ADF&G household surveys have been carried
4 out in 12 communities and areas on the Kenai Peninsula.
5 These are listed with the most representative studies used
6 in this analysis, along with the subsistence resource use
7 level in Table 2 on Page 198. Four technical papers
8 written from these were used along the with sources that
9 describe historical and prehistorical uses. Sources were
10 the "Archaeology of Cook Inlet" "The Ethnography of the
11 Tanaina" and Russian America statistical and ethnographical
12 information.

13

14 The only source of information about
15 residents in the roadless areas of Unit 15 was supplied by
16 the proponent himself. The proponent provided responses to
17 questionnaire based upon eight factors.

18

19 The ADF&G harvest ticket database is the
20 other major source of the information about past
21 participation in the harvest of moose. The limitation of
22 this data source is that for many small communities in
23 isolated household harvest data that may exist is lumped
24 with data for the community with the nearest post office,
25 which would be the case for residents of roadless areas.
26 The proponent, himself, while residing in a rural area has
27 a mailing address in Kenai.

28

29 In looking at the eight factors for
30 determining customary and traditional use, my presentation
31 will address factor 1, the nature of use of moose and
32 factor 4 where moose was harvested. Information relating
33 to the other six factors is contained in the written
34 analysis.

35

36 The past use of moose is documented by
37 archaeological and historical evidence. Table 3 on Page
38 199 shows the contemporary use of moose through available
39 data from the household moose surveys. The level of
40 household use in communities with a positive customary and
41 traditional use determination ranges from 25 percent to 56
42 percent of the households. In other communities under
43 consideration the percentage of households using moose
44 ranges from 35 percent to 68 percent.

45

46 While data is not available for residents
47 outside these communities or areas, Mr. O'Brien reported an
48 annual use of moose by his family since the early '50s. He
49 was born on his family homestead in 1950 and now lives in
50 a roadless area of the Moose Point Subdivision, north of

00096

1 Nikiski. The importance of the use of wild resources on
2 the Kenai Peninsula by non-Native homesteaders has been
3 recognized in the literature.

4
5 Moose hunting areas were mapped during
6 ADF&G household survey studies that are shown in Maps 3
7 through 10 and Map 11 shows moose use areas gathered as a
8 result of a 1994 Ninilchik Traditional Council survey. The
9 ADF&G harvest ticket and permit data for the years 1983
10 through 2000 provides recent use of information on the use
11 of Unit 15 by these communities. The permit data
12 corresponds fairly closely with the resource use mapping.

13
14 Mr. O'Brien stated that he and his family
15 harvested moose in Units 15(A) and 15(B). The permit data
16 by subunit in Table 6 also reflects the opportunistic
17 nature of customary and traditional practices where the
18 heaviest use is concentrated near the community, but
19 distance areas are used intermittently, a pattern noted by
20 the Southcentral Regional Council in 1995.

21
22 During the March 2003 Southcentral Regional
23 Advisory Council Bill Stockwell, Chairman of the Cooper
24 Landing Fish and Game Advisory Committee testified on this
25 proposal. He pointed out that permit data and use area
26 mapping showed significant use of 15(A and B) by the
27 residents of Cooper Landing. He also noted that the
28 analysis did not address the use of moose in Unit 15 by
29 other Unit 7 roadless area residents. He then informed the
30 Council that the Cooper Landing Fish and Game Advisory
31 Committee did not consider Cooper Landing a subsistence
32 community and did not recommend a positive customary and
33 traditional use determination of moose for residents of
34 Cooper Landing.

35
36 The effect of this proposal, no significant
37 impact is anticipated if Proposal 20 is adopted as written.
38 This action would recognize 108 additional users residing
39 in the roadless areas; however, as noted earlier, the
40 Federal subsistence management program does not distinguish
41 among residents of road and roadless areas, so recognition
42 of the remaining rural in Unit 15 would involve an
43 additional 2,713 residents in various communities in areas
44 that are all located in 15(C). Management abuse by these
45 residents maybe affected by the high number of seasonally
46 occupied housing units throughout the Kenai Peninsula.

47
48 This circumstance has been dealt with by
49 the Bureau of Land Management in the Glennallen area
50 through use of affidavits of permanent residency. Besides

00097

1 dealing with the residency issue, any increase of Federally
2 qualified users in Unit 15 will call for careful planning
3 in consultation with State managers.

4

5 This concludes my analysis.

6

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

9

10 MS. WILKINSON: Mr. Chairman, the Cooper
11 Landing Fish and Game Advisory Committee opposes Proposal
12 20. A piecemeal approach to C&T determinations for Kenai
13 Peninsula for fisheries or wildlife should be used. The
14 two ongoing Kenai Peninsula studies should be completed and
15 used for making these and other resource decisions. The
16 Cooper Landing Advisory Committee was told that new
17 fisheries proposal would not be accepted until these
18 studies were completed and we feel that should apply to
19 wildlife proposals as well. New C&T determinations should
20 be made by specific locations and only after the new rural
21 determinations are completed. Moose Point, if determined
22 rural, then could be considered for C&T determination for
23 Unit 15 moose.

24

25 CHAIRMAN DEMIENTIEFF: Thank you. We have
26 one request for additional public testimony at this time.
27 Debra Holle.

28

29 MS. HOLLE: Thank you, Mr. Chairman and
30 members of the Board. In deference to the most recent
31 comment at the end of -- coming from, I believe, the Cooper
32 Landing Advisory Council, it seems to me when I took a look
33 at the map, you know, of the areas that are currently
34 delineated as rural, that the area that Mr. O'Brien and
35 rural community up at the Bear Creek area on the north
36 shore of Tustumena Lake, which my personal testimony was
37 referring to, is already outside of the nonrural area. And
38 it seems to me that this should be a very non-threatening
39 move on the part of the Board to make a positive
40 determination for those that would qualify within this
41 area. There would just be a minor -- basically a one-word
42 change to Mr. O'Brien's proposal, and that would be
43 basically just swapping the word rural -- well, putting in
44 the word rural residents or rural area, whichever you
45 preferred, whatever would be more appropriate instead of
46 his term roadless area, which I have understood from what
47 I heard that term is just not really being used at this
48 time.

49

Therefore, I am requesting of the Board
50 that this customary and traditional -- because I was hoping

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1 that my testimony would assist you, it has -- I mean, it
2 describes additionally for you different record of use, by
3 myself and other families, in this rural area. To
4 basically reinforce what you already -- what's already been
5 done according to the map, we just need to have a more
6 specific determination made in order for, I guess, moose to
7 be allowed for us to take.

8

9 So I'm here to answer questions, if there's
10 anything that concerns you, but I would -- you know, I've
11 asked some questions and I have learned that, you know,
12 there's some interest in deferring because, you know, we
13 need to have more studying done. If it's more comfortable
14 for you, if you really feel that 15(C), the subunit, has
15 too many population density communities in it that might --
16 it seems practical to me to just take the entire unit and
17 treat it the same as other units had been treated across
18 the state for moose, all in one fell swoop, rather than
19 take it piecemeal. But it's my understanding that the
20 recent ISER document is under review of the individuals
21 that have the expertise in producing it and that could take
22 X-number of time, possibly years, and maybe we won't see
23 this thing considered by the Board for years.

24

25 And being that we're already outside of the
26 nonrural area, I think it's unreasonable to ask us to wait
27 that long. As I stated my age earlier, I won't repeat it,
28 I don't want to dwell on that topic, but if I'm going to
29 hope to have, you know, some time to enjoy my customary and
30 traditional way of living and using the resource and also
31 to teach my children, I have to allowed the opportunity to
32 do the things that you do and the way that you live. So if
33 you want to contribute to my good health and longevity, I'd
34 appreciate you making a slight change to this proposal and
35 make that positive determination for us in that rural area.

36

37 Thank you and I'm available for questions
38 if there are any.

39

40 MR. EDWARDS: Mr. Chairman, can I ask her
41 a question?

42

43 CHAIRMAN DEMIENTIEFF: Yes.

44

45 MR. EDWARDS: Ms. Holle, would you
46 elaborate, because it's my understanding that currently
47 where you live you can take moose under the State -- during
48 the State season, which follows 10 days after the
49 subsistence. People who are identified, you know, on their
50 subsistence, they're allowed to hunt. Can you talk about

00099

1 the impact of that or the difference that that makes?

2

3 MS. HOLLE: Thank you. I'll do my best to
4 say that there are permits that are applied for and, for
5 example, a family that would hope to draw a permit, they'd
6 really try to have every family member submit an
7 application in hopes that they might be drawn, so that they
8 could share. But the interest and the chances of folks who
9 actually are putting in their time there is greatly reduced
10 by the numbers of people that are involve in the hunting in
11 that area.

12

13 Does that -- I don't know if that's what
14 you were getting at. I'll stop there because you have your
15 ear elsewhere.

16

17 (Whispered conversation)

18

19 MS. HOLLE: Okay, yes. The answer is such
20 as I stated, the answer is basically the same as I just
21 stated. And so, yes, we -- you know, we do our best with
22 that, but I believe that it would -- as I said earlier, it
23 should not be -- I believe according to the Federal
24 Subsistence Management Plan that we're eligible and should
25 qualify and so it seems like the Board would want to make
26 this determination in a positive way.

27

28 MR. EDWARDS: If I understand what you
29 said, and I think Terry must have agreed with you, is that
30 the area that you live in and you want to hunt in, yes, you
31 can hunt during the State season but it is a permitted
32 season and, therefore, you have to compete with another
33 larger segment or -- yes or no?

34

35 MS. HOLLE: Yes, a portion of it and then
36 as you read the manual, like he was showing me, you can see
37 what my opportunity is, but it's according to the State and
38 I was coming here to speak to Federal Subsistence Board
39 management program and ask you to follow through what I
40 believe would assist those already outside the boundary of
41 the nonrural designated area. And that basically is it in
42 a nutshell. It seems reasonable to me and when I became
43 aware of Mr. O'Brien's proposal, I realized that I needed
44 to come and present the historical information that I have
45 and to help you guys out and ladies, gentlemen, to make
46 this positive determination so that we can move ahead with
47 our opportunities.

48

49 Are there any other questions?

50

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1 CHAIRMAN DEMIENTIEFF: There doesn't appear
2 to be. Thank you very much.

3

4 Regional Council recommendation, do we have
5 one? Yes, Bob.

6

7 MR. CHURCHILL: Thank you, Mr. Chair. Our
8 Council went over this in some detail and one of our
9 members, of course, is a long time resident of this area
10 and many of us both hunt and fish. We just felt there
11 simply wasn't enough information to support the C&T
12 finding, it seemed a little premature. The ISER report,
13 with all due respect, I think, will have some fairly tight
14 deadlines and we just felt it was more responsible in final
15 decision to wait until we had that information. We just
16 didn't want to piecemeal it.

17

18 We did put this on as a motion, it failed
19 with a 4-3 vote, it failed to get support. We also put a
20 motion to defer it until our next game meeting, that also
21 failed. We just felt there wasn't enough information and
22 I doubt that it would be any different decision today even
23 with the help we've had from our last speaker. So we just
24 felt that it was prudent to wait until we could take an
25 approach to a larger geographic area, that there was
26 opportunity within the existing seasons for folks to catch
27 a moose. So we took no action on this in the terms of --
28 we, in fact, failed to either defer or move it to our next
29 meeting.

30

31 CHAIRMAN DEMIENTIEFF: Thank you. Staff
32 Committee

33

34 MR. BRELSFORD: Thank you, Mr. Chairman.
35 The Staff Committee recommendation is found on Page 190.
36 The Staff Committee recommendation is to defer this
37 proposal. We reviewed a wide array of information in
38 analyzing the proposal, it included historic and
39 ethnographic reports, ADF&G Subsistence Division technical
40 papers, ADF&G harvest ticket reports and extensive public
41 testimony.

42

43 In view of the increasingly complex
44 allocational disputes on the Kenai Peninsula, the Staff
45 Committee had requested that the staff provide an analysis
46 of harvest patterns on a subunit basis, that is to identify
47 those communities with patterns concentrated in Subunit
48 15(A) as contrasted with 15(C) on the Peninsula. The
49 resulting analysis suggest that there are subsets of
50 communities having qualified use patterns in various

00101

1 subunits; however, the Southcentral Regional Advisory
2 Council declined to take action on the proposal out of
3 concern that the information on subunit patterns was not
4 complete and was not well understood among the affected
5 communities.

6
7 The Staff Committee recommendation to defer
8 action on this proposal is based on the concerns raised by
9 the Southcentral Council. More thorough discussion among
10 the affected communities is needed before adopting the
11 subunit approach to customary and traditional use
12 determinations and since Federal public lands remain open
13 to non-Federal qualified users the proponents are not
14 harmed by a deferral of action at this time.

15
16 Thank you.

17
18 CHAIRMAN DEMIENTIEFF: Thank you.
19 Department comments.

20
21 MR. HAYNES: Mr. Chairman, the Department
22 supports deferral as recommended by Interagency Staff
23 Committee. We believe this proposal is best addressed
24 after the current rural/nonrural determinations for the
25 Kenai Peninsula have been revisited. Additional work is
26 also needed on the eight factor analysis, as the
27 information presented does not clearly support making a
28 positive customary and traditional use determination for
29 some communities and does not adequately explain why some
30 communities that may have a customary and traditional use
31 of moose in Unit 15 were not fully addressed in the
32 analysis.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. Any
35 other Regional Council comment? Go ahead, Walter.
36

37 MR. SAMPSON: Thank you, Mr. Chairman.
38 Based on the information that's been provided by staff as
39 well as the State agency, and the recommendations that was
40 made by the Southcentral, also additional work that is
41 needed to the eight factor analysis criteria and additional
42 ongoing studies that is being done, I suggest that this
43 Board defer this proposal.

44
45 CHAIRMAN DEMIENTIEFF: Thank you. Board
46 discussion.

47
48 MR. CESAR: Mr. Chairman, I move that we
49 support the Staff Committee recommendation for deferral
50 articulated both by the State and by Staff Committee. I

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1 think that the ISER report will give us some more direction
2 and I think that we need to wait until we see that before
3 we make a decision on it. Also the notion that resident
4 will not be affected by deferral, I think, is important,
5 too.

6

7 Thank you.

8

9 CHAIRMAN DEMIENTIEFF: There's a motion, is
10 there a second?

11

12 MS. KESSLER: Second.

13

14 CHAIRMAN DEMIENTIEFF: Further discussion.

15

16 MS. GOTTLIEB: Mr. Chair, it just wasn't
17 clear if we were going to have staff pursue on a subunit
18 basis before the ISER report comes back or we'll wait for
19 the ISER report and then look at all aspects.

20

21 MR. BRELSFORD: Mr. Chairman.

22

23 CHAIRMAN DEMIENTIEFF: Yes.

24

25 MR. BRELSFORD: As far as the Staff
26 Committee recommendation, it is not specifically stated to
27 wait for the ISER report, our hope was that some of the
28 staff work that was done towards the end of the review
29 period would now be completed and laid before the
30 Southcentral Council in the upcoming season. I believe
31 that was the intention of the Staff Committee, not to wait
32 for conclusion of the rural determinations process.

33

34 CHAIRMAN DEMIENTIEFF: Well, I intend to
35 support the motion to defer. I think really the real
36 motivation that I have is, you know, we got a no action
37 from the Southcentral Regional Advisory Council, and that's
38 their area. So while I'm going to vote to defer, Debra, I
39 encourage you and others to work within the Council system
40 and try to get the recommendation at that level, because it
41 certainly does help build your case. We count on those
42 Council heavily to give us local input into our process and
43 with a no action, I have no choice but to defer.

44

45 Is there any further discussion? Gary.

46

47 MR. EDWARDS: Mr. Chairman, I will also
48 vote for the deferral, but in saying that I guess I'm not
49 necessarily convinced that the ISER report will give us
50 kind of the strategical approach that we are going to need

00103

1 to address both of these issues that Mr. O'Brien and Ms.
2 Holle raised. Hopefully it will, but I haven't been
3 convinced yet, I guess I'll just have to wait and see what
4 comes out of it, then we can go from there.

5
6 CHAIRMAN DEMIENTIEFF: Other discussion.

7
8 MR. CESAR: Question.

9
10 CHAIRMAN DEMIENTIEFF: Question has been
11 called for. All those in favor signify by saying aye.

12
13 IN UNISON: Aye.

14
15 CHAIRMAN DEMIENTIEFF: Those opposed same
16 sign.

17
18 (No opposing responses)

19
20 CHAIRMAN DEMIENTIEFF: Motion carries.

21
22 With that, that completes our work in
23 Southcentral. We now move onto Bristol Bay, I believe.
24 Proposal 24 and we'll let our staff get situation.

25
26 (Pause)

27
28 CHAIRMAN DEMIENTIEFF: Are we ready for
29 staff analysis? Okay, go ahead.

30
31 MR. FISHER: Thank you, Mr. Chairman. My
32 name is Dave Fisher, wildlife biologist for the Office of
33 Subsistence Management and I'll be presenting Proposal 24,
34 26 and 27, all Bristol Bay proposals for Region 4. The
35 analysis for this proposal is found in Tab E on Page 279.

36
37 This proposal was submitted by the Bristol
38 Bay Native Association and what it would do is provide for
39 a limited winter Federal moose season in a portion of
40 17(A), one antlered bull by Federal registration permit.
41 The season would be announced by the Togiak National Refuge
42 Manager sometime in December or January. And this proposal
43 replaces a Special Action that was supposedly to become
44 effective this last winter; however, it didn't materialize
45 because we didn't have snow conditions for adequate winter
46 travel, but the Special Action would have provided for a
47 limited winter moose season, too.

48
49 The current fall season is both a Federal
50 and a State season, it's one bull by State registration

00104

1 permit, August 25th through September 20th. The current
2 State winter season provides for a season of up to 14 days
3 to be announced by emergency action in December or January.
4 One antlered bull by State registration permit in a portion
5 of 17(A) and it's the same portion that we're talking about
6 with Proposal 24. Permits for the State hunt would be
7 available in Togiak and Dillingham.

8

9 The Federal public land, there's a map here
10 before you, and also on Page 284 shows the hunt area in
11 17(A), all the Federal lands here for the hunt area are
12 Togiak National Wildlife Refuge.

13

14 There never have been a lot of moose in
15 Unit 17(A) until recently. There was a season prior to
16 1980; however, the season was closed in 1980 due to a very
17 low population. So throughout 1980 and into the early '90s
18 there were not a lot of animals. In 1994, I think, the
19 estimate was 84; in 1998 the population jumped up to 430;
20 1999 we were a little over 500; 2002 we're up to around
21 650; and the recent estimate is a little over 700. So a
22 very good success story for moose in 17(A).

23

24 The season was closed for 16 years and, as
25 I stated earlier, the population started to increase and
26 there was a demand for a hunting season, so the refuge and
27 the Alaska Department of Fish and Game started a planning
28 process in 1996 and they came out with a draft management
29 plan. Three primary objectives of this plan was to
30 maintain a 17(A) moose population of around 300 animals,
31 provide for a fall season for bulls only when the
32 population exceeds 300. This has been accomplished, we
33 have a fall season. And provide for a limited winter
34 season when the population exceeds 600. This has also been
35 accomplished, we haven't had the season yet, but the
36 population is definitely there.

37

38 The harvest started in 1997 and Table 1 on
39 Page 288 shows results of the fall hunt for the past six
40 years. It's averaged per year around 42 local hunters and
41 one non-local hunter, that would be someone from outside of
42 17(A). Harvest has been 60 moose, 59 by local hunters and
43 one by the non-local hunter.

44

45 What this proposal would do, it would
46 replaced the Special Action with a permanent regulation,
47 provide for a to be announced winter season for a portion
48 of 17(A) in January and December. Part of the rationale
49 for the limited winter hunt area in 17(A) would allow for
50 the expansion of moose over into Unit 18, which is what

00105

1 17(A) used to be. Not very many moose in Unit 18. And
2 there have been some animals that have actually moved over
3 into 18, so hopefully the population will build in 18.

4

5 The one antlered bull was put in to help
6 avoid mistaken harvest to the cow versus and antlerless
7 bull during the winter. The proposal also calls for the
8 use of a Federal registration permit. The Federal
9 registration permit would only be applicable on Federal
10 public lands while the State registration permit, under the
11 State season, is good on all lands. Local residents who
12 want to hunt on State land would have to have a renewed
13 State registration permit. The State registration permit
14 would have no aircraft restriction like it does for the
15 fall hunt. The Federal registration permit also would have
16 no aircraft restrictions and Federal registration permits
17 would be made available to all residents with C&T to hunt
18 moose in 17(A).

19

20 So what we're looking at, possibly, here is
21 a two-permit system for a winter moose hunt in 17(A). This
22 could be confusing to local hunters. There is some
23 excellent habitat that exists adjacent to Togiak and Twin
24 Hills, which would only be opened to hunters with a State
25 registration permit. This could be confusing and could
26 cause some potential problems.

27

28 A two-permit system would require close
29 coordination between the Refuge and the Department of Fish
30 and Game for both opening and closing the season. Harvest
31 reporting would have to be very closely monitored by the
32 agency to prevent an overharvest. And we feel that the
33 successful hunter should have to report their harvest
34 within 24 hours after returning to [sic] the field to also
35 prevent an overharvest.

36

37 This proposal was deferred by the Regional
38 Council to allow a working group to come up with a
39 recommendation. And in talking to the Refuge here
40 yesterday, they are planning on getting the working group
41 together later on this summer to come up with a
42 recommendation. Three potential recommendations that could
43 arise would be, one, to close Federal public lands to non-
44 qualified users; the other one would be to maintain the use
45 of a Federal registration permit or to adopt the State
46 permit system.

47

48 That's all I have, Mr. Chairman, thank you
49 very much.

50

00106

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

3

4 MR. EDENSHAW: Mr. Chairman, Board members,
5 there weren't any written public comments.

6

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

10

11 MR. ABRAHAM: Mr. Chairman, Pete Abraham
12 from Bristol Bay. Our Council voted 4-0, with three
13 absent, to defer Proposal 24 until a working group can meet
14 and consider taking action modifying the proposal or
15 submitting critical management alternatives. The
16 management alternative from the working group may in the
17 form of submitting Special Action to close Federal lands to
18 non-subsistence users in Unit 17.

19

20 The Council felt that ADF&G should have
21 consulted the working group prior to submitting the
22 proposal to the Board of Game requesting winter moose
23 hunting in Unit 17(A).

24

25 That's all I got, Mr. Chairman .

26

27 CHAIRMAN DEMIENTIEFF: Thank you. Harry.

28

29 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
30 Regional Advisory Council recommends support with
31 modification, modified to allow 24 hours after hunt is
32 complete to report hunt to the State, 108 to 24 hours to
33 report harvest after they get back from the hunting trip.

34

35 CHAIRMAN DEMIENTIEFF: Staff Committee

36

37 DR. CHEN: Thank you, Mr. Chair. I'd like
38 to turn the Board's attention to Page 280, please. The
39 Staff Committee recommendation is to defer action on this
40 proposal. Our justification is as follows: the Staff
41 Committee concurs with the Bristol Bay Regional Advisory
42 Council recommendation to defer action. Although the
43 recent 2002 estimate of 652 animals exceeds the moose
44 population objectives for this unit, the Staff Committee
45 agrees with the Council that this proposal should be
46 reviewed by the Unit 17(A) Moose Planning Working Group
47 prior to action by the Federal Subsistence Board. The
48 Staff Committee supports this approach as it allows
49 participation in the management planning process for the
50 local users.

00107

1 That's all I have.

2

3 CHAIRMAN DEMIENTIEFF: Department.

4

5 MR. HAYNES: Mr. Chairman, the Department
6 supports the Interagency Staff Committee recommendation to
7 defer action on this proposal. We believe the winter moose
8 hunt in the affected part of 17(A) can be most equitably
9 and efficiently administered by State registration permit.
10 Implement a Federal registration permit is unnecessary and
11 might result in confusion for hunters. Some of the prime
12 moose habitat in Unit 17(A) is on State managed lands and
13 would not be opened to hunters using the proposed Federal
14 registration permit. We believe proposals the change the
15 regulations for this winter hunt should be deferred until
16 after a hunt actually takes place and evidence is available
17 that demonstrates a need for regulatory adjustments.

18

19 And we also fully the plans to convene a
20 meeting of the working group this summer to address this
21 issue.

22

23 CHAIRMAN DEMIENTIEFF: The State
24 participates, don't it?

25

26 MR. HAYNES: Yes, Mr. Chairman, we have.

27

28 CHAIRMAN DEMIENTIEFF: Okay. I was sure
29 you did, but I just wanted to get it on the record.

30

31 Additional Regional Council comments. Yes,
32 Walter.

33

34 MR. SAMPSON: Thank you, Mr. Chairman.
35 Based on the information that has been provided by the
36 staff here, as well as the Department it sounds like that
37 the Board should approve this, it's just going to create
38 some confusion, so rather than having to make that
39 confusion, take the recommendation of the Bristol Bay
40 Council to defer.

41

42 CHAIRMAN DEMIENTIEFF: Yes, Pete.

43

44 MR. ABRAHAM: Mr. Chairman, I don't think
45 there will be any confusion in that area there because it's
46 just such a small area and the corporation land and State
47 waters, State land defined areas there and the people in
48 that area knows those areas very well, which is the State
49 land and which is corporation land, so I don't think
50 there's any problem on that. Thank you very much.

00108

1 CHAIRMAN DEMIENTIEFF: Board discussion.
2 Let me just open it. I think I support the deferral and
3 the reason is I support it going back to the working group.
4 You go all around the state, the working group, and we've
5 solved some very thorny issues, you know, with the State,
6 with our people and particularly with the local people.
7 You know, go around, we could name all the successes we've
8 had and I think going back to the working group and getting
9 the recommendation from them is very key and very important
10 to us and it is a management tool that we have used to
11 great success. So that's basically why I support the
12 deferral.

13

14 Gary.

15

16 MR. EDWARDS: Mr. Chairman, I certainly
17 agree with your observations, I think this working group
18 has worked very hard to try to address the issues that
19 arise with harvest in this area. I know our folks on
20 thrombosis Refuge, as well as, I believe, the State
21 certainly has tried to get as broad a representation
22 throughout the region as we can. That hasn't necessarily
23 been as much as we would like, but I know that there's
24 certainly an effort and I would encourage people, users, in
25 that region to continue to try to work together to work
26 their way through that. And, based upon that, I would move
27 that we defer action on this proposal as recommended by the
28 Bristol Bay Regional Advisory Council, as well as the Staff
29 Committee.

30

31 CHAIRMAN DEMIENTIEFF: There's a motion, is
32 there a second?

33

34 MR. CESAR: Second.

35

36 CHAIRMAN DEMIENTIEFF: Moved and seconded.

37

38 MS. GOTTLIEB: Mr. Chair.

39

40 CHAIRMAN DEMIENTIEFF: Yes.

41

42 MS. GOTTLIEB: Just a question on the
43 timing of the meeting of the working group and then whether
44 that might play into one of our sessions sometime this
45 summer where perhaps if there is an amended proposal it
46 would be able to be enacted or at least discussed before
47 the hunting season started, but I didn't know if there's
48 a tentative date set for the meeting yet.

49

50 MR. FISHER: Maybe I can address that. The

00109

1 answer to your question is no, there hasn't been a date set
2 for the meeting. The meeting will probably be held this
3 summer after the fishing season, but it will be definitely
4 before the fall Council meeting because something needs to
5 be run before the Council.

6

7 MR. CESAR: Mr. Chairman, I support the
8 motion to defer and I note that this Proposal 24 was
9 forwarded by Bristol Bay Native Association in Dillingham
10 and, you know, I think that in future times it's just much
11 better if the local organization, whether it's Tanana
12 Chiefs or Bristol Bay or wherever, makes some outreach to
13 the Regional Advisory Councils and sit down and maybe some
14 of these things could be ironed out or vetted out more
15 fully before they get to the Board.

16

17 Thank you.

18

19 CHAIRMAN DEMIENTIEFF: How come you looked
20 at me when you said Tanana Chiefs?

21

22 (Laughter)

23

24 MR. CESAR: The only chief I know.

25

26 CHAIRMAN DEMIENTIEFF: Okay, any further
27 discussion?

28

29 (No audible responses)

30

31 CHAIRMAN DEMIENTIEFF: Hearing none, all
32 those in favor signify by saying aye.

33

34 IN UNISON: Aye.

35

36 CHAIRMAN DEMIENTIEFF: Those opposed same
37 sign.

38

39 (No opposing responses)

40

41 CHAIRMAN DEMIENTIEFF: Motion carries.
42 Proposal 26.

43

44 MR. FISHER: Thank you, Mr. Chairman.
45 Proposal 26, the analysis for this proposal can be found
46 under Tab E on Page 297. This proposal was submitted by
47 the Bristol Bay Native Association. And what this proposal
48 would do, it would increase the hunting harvest limit for
49 wolves in Unit 9 and Unit 17 from five wolves to no limit.
50 The current Federal season for Units 9 and 17 is five

00110

1 wolves, August 10th through April 30th. The current State
2 season for Units 9 and 17, this was recently changed by the
3 Board of Game at their March meeting, 10 wolves per day
4 August 10th through April 30th. One thing we should note
5 here is under the trapping regulations for both Unit 9 and
6 Unit 17, a firearm can be used to take wolves. And the
7 harvest limit for taking wolves under the trapping
8 regulations, there's no limit. One other thing we need to
9 note here, it's not permissible to take a free ranging
10 furbearer with a firearm using a trapping license on Park
11 Service lands.

12
13 The Federal public lands are shown on Page
14 302, it shows the locations of these lands and also the
15 different managing agencies. Federal regulations for
16 wolves in both these units were adopted back in 1990 from
17 existing State regs. The wolf population in both these
18 units is stable. Specific population data, however, is
19 lacking for wolves in both units and it hasn't been
20 collected. Most of this data is obtained through
21 observations by biologist during other wildlife surveys,
22 primarily moose, caribou and bear surveys. Trend
23 information is also picked up from hunters, local
24 residents, guides and trappers and additional information
25 is taken from the Fish and Game's annual trapper
26 questionnaire.

27
28 Most locals in both units feel that the
29 wolf population is increasing. The current estimate for
30 Unit 9 is somewhere between 245 and 450 wolves. Unit 17
31 population estimate is somewhere around 450 to 550.

32
33 During the early 1900s wolf furs were
34 obtained both by hunting and trapping and they were an
35 important means by which Bristol Bay residents traded or
36 picked up cash to acquire Western commodities. Prior to
37 the 1950s wolves were hunted and trapped for the pelts
38 which were sold to fur buyers for cash or kept for personal
39 use. By the mid-1980s commercial trapping had declined as
40 fur prices had declined, however, wolf pelts have, over the
41 years, maintained their value.

42
43 Tables 1 and 2 under the analysis provide
44 harvest records for wolves that have been both trapped and
45 hunted. This is a fair indication of what has been
46 harvested over the years. And it doesn't give us an exact
47 number of what's been harvested, so you can figure what you
48 see there, there's been some additional harvest because all
49 the harvest isn't reported.

50

00111

1 In talking this proposal over with
2 biologists, both from the Refuge and Fish and Game
3 biologists in Unit 9 and Unit 17, and also some local
4 residents, it was felt that very few hunters harvest the
5 current five wolves under the hunting harvest limit;
6 however, most of the wolves taken, some 70 to 75 percent,
7 are taken under trapping regulations.

8
9 What this proposal would do is it would
10 expand the current limit of five to no limit. It would
11 provide additional subsistence opportunity as fur prices
12 seem to be a little bit on the upswing. Trapping
13 regulations for both units have allowed the use of firearms
14 with no harvest limit since 1993 and apparently this hasn't
15 had an impact on the wolf population because the wolf
16 population is stable, as we all know.

17
18 Adoption of this proposal would make
19 Federal subsistence regulations more liberal than current
20 State registration, which could cause some confusion for
21 hunters, oftentimes it's difficult to know exactly where
22 you are in the field, whether you're on State land or
23 Federal land, so there could be some confusion there.
24 This proposal proposes a no limit where the current State
25 regulation is 10 wolves per day.

26
27 That's all I have, Mr. Chairman.

28
29 CHAIRMAN DEMIENTIEFF: Thank you. Written
30 public comment.

31
32 MR. EDENSHAW: Thank you, Mr. Chairman and
33 Board members. There were five written public comments.
34 There were two that supported the proposal. One is the
35 SRC, the Aniakchak SRC supported the no limit and the Lake
36 Clark SRC supported the increase from the current harvest
37 limit of five to 20. And there were three written public
38 comments this that opposed this proposal.

39
40 Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Thank you. We have,
43 I think, three requests at this time for public testimony.
44 Jack Hession, I think, was the first one that -- I think I
45 got them in order.

46
47 MR. HESSION: Thank you, Mr. Chairman and
48 members of the Board. I'm Jack Hession, I'm here on behalf
49 of the Alaska Chapter of Sierra Club and we certainly
50 appreciate this chance to share our views with you. This

00112

1 proposal is one of several that align proposed Federal
2 regulations with Fish and Game Department's regulations.
3 And for that reason -- let me see if I can put this in
4 context for you. By doing so there seems to be an
5 assumption that the lands to which these Federal
6 regulations would apply are similar in character and with
7 similar management objectives and principles.

8
9 That is not the case. If you look at the
10 Forest Service and BLM management arrangements, they tend
11 to defer to Alaska Department of Fish and Game management
12 regulations and overall approach. When you get to the Fish
13 and Wildlife Service you have a different mandate from
14 Congress, which is brief, conservation of fish and wildlife
15 population and habitats in their natural diversity. When
16 you get to the National Parks system units, especially the
17 national parks, you have even, I would say, a higher
18 mandate, which is to conserve wildlife in their natural and
19 healthy conditions. So to simply align Federal regs with
20 State regs tends to either downplay or suppress these
21 vitally important distinctions.

22
23 And I would suggest that as you take these
24 up that as you take these up that you keep these
25 differences in mind and try to evaluate the proposals in
26 the context of these different management principles and
27 congressional mandates.

28
29 In that context, 26, Proposal 26, is
30 clearly beyond the pale. I don't even think it's
31 consistent with Fish and Game management policies, but it
32 clearly is not compatible with either the Fish and Wildlife
33 Service's approach or the National Park Service's.
34 Therefore, I would suggest that this one ought to be
35 clearly evaluated in the overall scheme of things and I
36 believe it should be rejected.

37
38 I note that according to the Interagency
39 Staff Committee recommendation specific population data for
40 wolves in both units is absent or "is not sufficient at
41 this time to support the proposal." That being the case,
42 I don't see how you can go forward with it. And again, I
43 would urge you to take this matter back under consideration
44 and redo it thoroughly and in the meantime reject the
45 proposal.

46
47 Thank you.

48
49 CHAIRMAN DEMIENTIEFF: Thank you. Karen
50 Deatherage.

00113

1 MS. DEATHERAGE: Mr. Chair and members of
2 the Board, thanks again for letting me testify. I am here
3 on behalf of Defenders of Wildlife. For this proposal we
4 strongly oppose either, one, establishing a no limit or,
5 two, as I've seen in some of the recommendations, raising
6 the current limit from five to 10 wolves. Our reason for
7 this is twofold, justification and need. There's no
8 justification that we can see the increase wolf harvest in
9 these units at this time.

10
11 We looked at the Federal aid performance
12 reports and those reports indicate that for Unit 17, for
13 example, the objective is to maintain a population that can
14 sustain a harvest of 25 wolves. And legal harvest, that's
15 legal, have vastly exceeded these objectives with an
16 average of 73 wolves taken over the past five seasons. For
17 Unit 9, I'm sorry, for Unit 9. And there was a high of 105
18 wolves harvested in 1001-1002 [sic] season. And our
19 concern is that until there are new harvest objectives set
20 for these areas and accompanying surveys that this Board
21 should not be raising the limits in any way on wolf
22 harvest. We're concerned about overharvesting of wolves,
23 particularly in Unit 17.

24
25 While there have been some statements that
26 says that the population is stable, Unit 17 is one of the
27 few areas on the recent population grid from the Alaska
28 Department Fish and Game where they specifically said the
29 population is unknown. And so that strongly suggests that
30 the trapper questionnaire reports are chronically low and
31 that the opportunity to actually get out and view these
32 animals are limited and that they should be done before any
33 kind of increase is in place.

34
35 The second thing is the need. I've heard
36 several times that no one meets the five wolf limit at this
37 time and if that's the case, I don't really see that this
38 is a need for subsistence purposes. And until the five
39 wolf limit is met, that I don't think it's a time right now
40 to look at increasing that limit for any reason.

41
42 So, thank you.

43
44 CHAIRMAN DEMIENTIEFF: Thank you. Paul
45 Joslin.

46
47 MR. JOSLIN: Thank you, Mr. Chairman,
48 members of the Board. My name is Paul Joslin and I'm a
49 wildlife biologist representing the Alaska Wildlife
50 Alliance. And I guess as a biologist that's what's caused

00114

1 me to take somewhat of a deep look at this particular
2 question, this particular proposal. We've been provided
3 with data that extends back to '83 up to 2000 with respect
4 wolf harvest take and both for Game Management Unit 9 and
5 for 17. If we lump it all together and start to break it
6 down into major time units we see a trend going on here.
7 The wolf take, for example, in 9 from '86 to '90 was a
8 total of 178 wolves. By '91 to '95, the next five year
9 limit, we had jumped to 240. And then from '96 to 2000 we
10 were up to 371. You see where I'm going here.

11

12 If we take a look at Game Management Unit
13 17, the first five years it was 179; the second five years
14 it was 259 wolves that were taken; and the third five-year
15 period we're up to a whopping 403. If we pull ourselves
16 even further back and look statewide and just kind of see
17 what's been going over it, with the trend that's been
18 happening, over the past 25 years we've actually had 150
19 percent increase in taking of wolves statewide.

20

21 Now, this particular proposal comments on
22 the fact back in '94 the harvest take was reduced from 10
23 to five, implying somehow that maybe -- gee, maybe we
24 couldn't take enough wolves. But this harvest data
25 suggests that something else is going on and that we need
26 to be asking why. It's been raised a couple of times by
27 this Board today that there's really not been all that much
28 change in the value of the wolf pelt, it's remained fairly
29 high. So it's something else that's driving all this take.

30

31 If I look again at the broad picture, I
32 notice that the past 25 years we've increased ourselves,
33 you know, sort of like Pogo, I think we found the enemy and
34 it may be us. But we've increased our own numbers by about
35 50 percent. Now, that's not nearly as much as this wolf
36 increase take has occurred. We've increased the tools that
37 we use phenomenally. For example, between 1990 and '97 we
38 looked at the change in snowmachines. And it turns out
39 that statewide we increased over 300 percent in
40 snowmachines. Now, snowmachines are a tool for getting at
41 wolves. We have now machines that are exceedingly
42 reliable, very maneuverable, can outrun any wolf on any
43 flat.

44

45 There's a whole variety of other things,
46 too, that are contributing to this change in take. But I
47 guess if I were to sum up, it's to say, please take a hard
48 look at this proposal and as yourselves where are we going?
49 Is it time that maybe we did a whole lot more research to
50 what impact this is having on the populations out there.

00115

1 I don't think we really know at all. Like it's been made
2 very clear that we understand very little about the total
3 wolf population. There's guesses out there. That
4 relationship between the predator and prey, we're still
5 trying to pull it together.

6
7 I would recommend that you actually back
8 off, if anything, start to ask questions. Is this increase
9 something we really want? Ought we first to find out
10 what's going on with this increase in take? Why? Is it
11 harmful? Is it long-term future for our children out there
12 that subsist on that land going to be affected by these
13 decisions that we make today with respect to the wolf?

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Thank you. Regional
18 Council recommendation.

19

20 MR. ABRAHAM: Mr. Chairman, I'm sorry,
21 maybe I was dreaming, I don't know. Proposal 26, the
22 Council voted 5-0 to actually modify the staff
23 recommendation. The Council modified the proposal to
24 increase harvest limits to 10 wolves. OSM staff
25 recommendation is 20 wolves, the Council said the
26 conservation concern, information from locals have
27 concurred that the wolf population is healthy and abundant.

28

29 Yeah, that's it. Thank you.

30

31 CHAIRMAN DEMIENTIEFF: Thank you. Harry.

32

33 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
34 Delta Regional Advisory Council recommends support with the
35 modification from five to 10 wolves, August 10/April 30,
36 Unit 18 residents have C&T for wolf hunting in the Units 9
37 and 17.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. Staff
40 Committee.

41

42 DR. CHEN: Thank you, Mr. Chair. I'd like
43 to turn the Board's attention to Pages 298 and 299. While
44 the Staff Committee did agree on the need to increase
45 subsistence harvest opportunity for wolves, we did not
46 reach a consensus on a recommendation. The majority Staff
47 Committee recommendation is to adopt the proposal with
48 modification consistent with the recommendation of the
49 Yukon-Kuskokwim Delta Regional Advisory Council. The
50 modification will allow an increase in the harvest limit

00116

1 for hunting wolves in Units 9 and 17 from five wolves per
2 year to 10 wolves per year.

3

4 The justification for the majority
5 recommendation is as follows: although wolf populations in
6 both Units 9 and 17 are thought to be healthy, several are
7 increasing. Based on observations of local residents and
8 AF&G biologists specific population data for wolves in both
9 units on Federal lands is not sufficient at this time to
10 support the Bristol Bay Regional Advisory Council
11 recommendation. Given the case that a harvest number of 10
12 wolves per year was in effect from 1990 through 1994 with
13 no apparent adverse effects on the wolf population, the
14 return to a 10 wolf limit should not grossly impact the
15 current wolf population and can, thus, be supported at this
16 time.

17

18 Current harvest levels and information from
19 the local area managers suggests that the wolf harvest is
20 not likely to significant increase because very few local
21 residents harvest the present limit of five wolves per
22 year. Increasing the harvest limit to 10 wolves per year
23 would provide additional opportunities for subsistence
24 users.

25

26 The current harvest level suggests that
27 that there's not a demand for a substantial increase in the
28 wolf harvest limits. Based on State of Alaska comments at
29 the Council meeting in February and conversations with the
30 area biologist there's very few, if any, local residents
31 harvest the present limit of five wolves per year.

32

33 The minority Staff Committee recommendation
34 is to adopt the proposal consistent with the recommendation
35 of the Bristol Bay Regional Advisory Council and that is to
36 increase the harvest limit from five to 20 wolves. The
37 justification is as follows: the minority Staff Committee
38 recommendation to support the Bristol Bay Regional Advisory
39 Council on this proposal is based on information regarding
40 the wolf population in Units 9 and 17. The Bristol Bay
41 Council's modified proposal does not violate principles of
42 fish and wildlife conservation and is supported by
43 information considered by the Council at its February 28th,
44 2003 meeting. More data was presented to the Council to
45 indicate that a harvest limit of 20 will result in negative
46 impacts to wolves.

47

48 The staff analysis determined the wolf
49 populations in both units are healthy and increasing. This
50 is also corroborated by observations by area biologists and

00117

1 testimony by local residents. The staff analysis also
2 indicated that Federal subsistence trapping regulations for
3 both units have allowed the use of firearms, without
4 harvest limits since 1993, that such regulations have not
5 had any apparent impacts to the wolf population. The
6 Council's recommendation to liberalize wolf harvest is also
7 supported by recent actions by the Board of Game in which
8 they passed State regulations that would allow for
9 harvesting of 10 wolves per day for Units 9 and 17. These
10 were passed in November 2002.

11

12 That concludes my presentation.

13

14 CHAIRMAN DEMIENTIEFF: Thank you.

15 Department comments.

16

17 MR. HAYNES: Mr. Chairman, the Department
18 is neutral on this proposal. The majority Interagency
19 Staff Committee recommendation would increase the wolf
20 harvest limit by hunting on Federal public lands in Unit 9
21 and 17 from five to 10 wolves. At it's March 2003 meeting
22 the Alaska Board of Game considered a similar proposal from
23 the Bristol Bay Native Association and increased the
24 harvest limit in State regulations to 10 wolves per day, as
25 has been pointed out. Neither the State's more liberal bag
26 limit, nor the increase recommended in this proposal is
27 expected to substantially affect wolf harvest or create
28 conservation concerns regarding wolf management in Units 9
29 and 17.

30

31 Thank you.

32

33 CHAIRMAN DEMIENTIEFF: Additional Regional
34 Council comments.

35

36 (No audible responses)

37

38 CHAIRMAN DEMIENTIEFF: Board discussion.

39

40 MR. EDWARDS: Mr. Chairman, I'd like to ask
41 the State -- so in these two areas the State basically has
42 a 10 wolf per day?

43

44 MR. HAYNES: Effective July 1st, yes.

45

46 MR. EDWARDS: Starting this July 1st. And
47 what was the rationale that the State used in going to such
48 a large, potentially large harvest?

49

50 MR. HAYNES: I didn't attend that Board of

00118

1 Game meeting, so I can't characterize the discussion for
2 you. But I think, in part, there's no evidence that many
3 wolf harvesters were taking the current bag limit, but that
4 there may be occasions when an individual would have the
5 opportunity to take more if he was allowed to legally and
6 that there was a feeling that this would provide some
7 additional opportunity, but was not likely to result in
8 much increased harvest overall.

9
10 MR. EDWARDS: So it would seem to me, like,
11 on any given day a hunter might come across numerous wolves
12 and, therefore, would be able to take 10 that day and still
13 be able to go out and hunt a couple of weeks later.

14
15 MR. HAYNES: That's correct.

16
17 MR. EDWARDS: Mr. Chairman, I have one more
18 question for the two Councils. I'm just going to assume
19 that this increase in limit does result in an increase in
20 harvest, particularly the early part of the season. What
21 impact will that have on subsistence users who primarily
22 take wolves for their fur? Who will take them later in the
23 season, will that impact their ability to get the wolves
24 they want for subsistence purposes with prime pelts?

25
26 MR. ABRAHAM: Gary, the early part of
27 season is a question because of the poor conditions. And
28 the people over there in my area -- the winter is like my
29 wife, unpredictable.

30
31 (Laughter)

32
33 MR. ABRAHAM: But later on in the season
34 the snow is packed down and trade is better, that's when
35 the younger people start hunting the wolf over there. So
36 the early part of winter is always the question because of
37 the poor conditions.

38
39 Thank you.

40
41 MR. BISSON: Mr. Chairman, I have a
42 question.

43
44 CHAIRMAN DEMIENTIEFF: Go ahead.

45
46 MR. BISSON: First of all, it seems to me,
47 some folks have commented and I've heard some staff
48 discussion about this being an alignment of the Federal
49 requirement with the State. There's a huge difference
50 between 10 per day and 10 per year if we're talking about

00119

1 here on Federal lands. But the question I have is the
2 State requirement applies to both State and private and
3 Federal lands as well, correct? Or are some of these
4 Federal lands excluded from State regulation to protect the
5 wolves?

6

7 MR. HAYNES: I don't believe there are any
8 specific prohibitions right now, but there could be
9 harvesting by non-Federally qualified subsistence users,
10 could be a provision of Federal regulation. That is not
11 currently the case.

12

13 MR. BISSON: I guess my point is that if
14 somebody had a State permit and a Federal permit, you know,
15 I don't see how this permit of 10 per year compares to the
16 State requirements. I mean, why would they even want a
17 Federal permit if they're actively engage in collecting
18 wolves to sell or to use, you know, if they can get a State
19 permit and do 10 per day, why would they even want a
20 Federal permit?

21

22 MR. HAYNES: Mr. Chairman, I should qualify
23 my statement by saying there are National Park Service
24 lands in those units and so the State regulations would not
25 apply on the National Park Service lands and so there are
26 some Federal lands on which some State residents would not
27 be able to harvest wolves and use the 10 per day bag limit.

28

29 MR. BISSON: So this regulation doesn't
30 duplicate the state requirements, it would provide some
31 opportunity on the National Parks and is the same situation
32 are the refuges within this particular -- within these two
33 units as well, that the State regulations don't apply?

34

35 MR. HAYNES: Currently the State
36 regulations would apply to the refuge lands. I don't
37 believe there's a specific prohibition on non-Federally
38 qualified subsistence users on the refuge lands in this
39 area, but Park Service regulations are very specific.

40

41 MS. GOTTLIEB: Mr. Chair.

42

43 CHAIRMAN DEMIENTIEFF: Yes.

44

45 MS. GOTTLIEB: For Henri, the State
46 regulations apply on national preserve lands and then our
47 regulations could apply to national parks or monuments
48 where subsistence hunting is allowed.

49

50 CHAIRMAN DEMIENTIEFF: Any other

00120

1 discussion?

2

3 (No audible responses)

4

5 CHAIRMAN DEMIENTIEFF: Any other Regional
6 Council comment?

7

8 (No audible responses)

9

10 CHAIRMAN DEMIENTIEFF: Board?

11

12 MS. GOTTLIEB: Mr. Chair, I am hearing, and
13 I certainly heard at the two Regional Council discussion,
14 which I attended, that there are many personal observations
15 and experience that there are a good and healthy population
16 of wolves out there. Park Service is very cautious about
17 the idea of moving to high limits and we intend to follow-
18 up this year with studies and with monitoring based on the
19 changes made by the Board of Game and potentially by this
20 Board as well.

21

22 CHAIRMAN DEMIENTIEFF: Any other
23 discussion?

24

25 (No audible responses)

26

27 MR. EDWARDS: Are we ready for a motion?

28

29 CHAIRMAN DEMIENTIEFF: Yeah, I guess so.

30

31 MR. EDWARDS: We've heard a lot today both
32 about concerns with increased harvest, we've also heard
33 that we've got conflicts between, you know, State limits
34 and the limits that we are talking about imposing, whether
35 it's five or 10 or 20. It seems to me that the most
36 prudent thing to do is to go forward with the more liberal
37 approach that was brought up by one of the Regional
38 Councils to go with -- to increase it to 10 a day,
39 particularly given that if you have a trapping license that
40 you can have unlimited take during the trapping season.
41 With the trapping, which certainly would make as many
42 animals available as people feel they need for making there
43 subsistence needs.

44

45 And I guess I would move that we adopt
46 Proposal 26 as modified by the majority of the Staff
47 Committee and recommended by the Yukon-Kuskokwim Delta
48 Regional Advisory Council. This would increase the hunting
49 harvest limit for wolves in Unit 9 and 17 to 10 wolves.

50

00121

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

3

4 MS. KESSLER: Second.

5

6 CHAIRMAN DEMIENTIEFF: It's been moved and
7 seconded. I think -- I don't know you said something about
8 10 a day, it might have just been a slip of the tongue, but
9 the actual regulation proposal is for 10 a year.

10

11 MR. EDWARDS: Right, that's what I meant.

12

13 CHAIRMAN DEMIENTIEFF: Yeah, okay.

14

15 MR. EDWARDS: What did I say? Did I say 10
16 a day?

17

18 CHAIRMAN DEMIENTIEFF: Yeah.

19

20 MR. EDWARDS: I didn't mean that. Do you
21 need me to modify my -- I think in my motion I think I said
22 the right words, so.....

23

24 CHAIRMAN DEMIENTIEFF: Yeah, you did in
25 your motion and your early justification.

26

27 MR. CESAR: Mr. Chairman, it seems to me
28 like we're moving from five per year to 10 per year that
29 that is not a dramatic increase in light of the fact the
30 State has 10 per day. I mean, I just don't see that and,
31 you know, I think that, you know, even a limit of 20 per
32 year really kind of pales by comparison. But having said
33 that, I think that I support some increase and I think that
34 increasing it to 10 will allow us to look at this over the
35 next year and, if justified, we can come back and raise it
36 a little higher. So I will support the majority Staff
37 Committee.

38

39 MS. GOTTLIEB: Mr. Chair.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MS. GOTTLIEB: I would like to say also
44 that we would have a cautious approach to the increase to
45 10 and remind everybody that it is an annual regulation and
46 with some monitoring and, hopefully, better data next year,
47 and with the past history of harvest being relatively low,
48 I think we are comfortable with the increase to 10.

49

50 MR. CESAR: Question.

00122

1 CHAIRMAN DEMIENTIEFF: Question's been
2 called for, all those in favor signify by saying aye.

3
4 IN UNISON: Aye

5
6 CHAIRMAN DEMIENTIEFF: Those opposed same
7 sign.

8
9 (No opposing responses)

10
11 CHAIRMAN DEMIENTIEFF: Motion carries.

12
13 Proposal 27.

14
15 MR. FISHER: Mr. Chairman, the next
16 proposal is Number 27 found under Tab E on Page 311 and it
17 shouldn't be as difficult as the last one. This is
18 submitted by the Bristol Bay Native Association and this
19 would increase the trapping limit for beaver from 40 to no
20 limit per season for Units 9(B), 9(C), 9(E), Unit
21 9(Remainder) and Unit 17. The current Federal seasons are
22 outlined for you on Page 315. The current State trapping
23 season is for Units 9 and 17 is October 10th through March
24 31st, no limit and April 15th through May 31st where only
25 firearms may be used to take up to two beaver per day.

26
27 The Board of Game recently changed their
28 trapping season and also their limit. They changed their
29 season to start October 10th instead of November 10th and
30 the increased the 40 limit to no limit for the October 10th
31 through March 31st season.

32
33 Federal public lands are the same as in the
34 last proposal. Historically beavers have been a very
35 important furbearer in both units. They're very abundant
36 in both units, occur in all drainages and all most small
37 tributaries, so their population is increasing in both
38 units. They're found throughout both units. Their pelts,
39 over the years, have been used for clothing and ground
40 covers, bed covers, trading in commercial value; however,
41 in recent years trapping of these animals has declined due
42 to the decline in fur prices.

43
44 Harvest is oftentimes difficult to monitor.
45 A lot of the beavers harvested are harvested for food,
46 that's an important food resource, so a lot of the animals
47 that are harvested aren't sealed, so we don't have a real
48 good handle on what's being harvested. Both adjacent Units
49 18 and 19, which are adjacent to 17 currently have a no
50 harvest limit for trapping on Federal public lands.

00123

1 And what this proposal would do would
2 increase the harvest limit and this may provide some
3 additional subsistence opportunity, but until the fur
4 prices go up it probably won't materialize. If this
5 proposal is adopted Federal and State regulations would be
6 out of alignment and this could cause some confusion,
7 especially with the navigable waters issue, lakes, rivers
8 and streams in both these units. The Federal season
9 currently starts November 10th, while the State season
10 starts October 10th.

11
12 That's all I have.

13
14 CHAIRMAN DEMIENTIEFF: Thank you. Written
15 public comments.

16
17 MR. EDENSHAW: Thank you, Mr. Chairman,
18 Board members. There were three written public comments,
19 there were two in support of the proposal and there was one
20 that opposed.

21
22 Thank you.

23
24 CHAIRMAN DEMIENTIEFF: Thank you. We had
25 one request for public testimony at this time. Jack
26 Hession.

27
28 MR. HESSION: Thank you, Mr. Chairman,
29 members of the Board. We oppose this proposal as
30 incompatible with the standards set in law by Congress,
31 particularly with respect to national wildlife refuges and
32 national parks. Taking a no limit approach seems just
33 obviously incompatible with the mandates that I mentioned
34 earlier. And in the case of refuges this proposal would
35 even allow the use of firearms during certain periods in
36 the spring. I fail to see how this measure can be allowed
37 in national wildlife refuges and especially in national
38 parks. I know of no current regulation in the national
39 wildlife refuge where this kind of an approach would be
40 contemplated.

41
42 And I would urge before the Board takes
43 action on this that they consult with the Fish and Wildlife
44 Service and the National Park Service as to how,
45 conceivably, this proposed regulation would comply with the
46 national standards that I discussed earlier.

47
48 Could I, Mr. Chairman, I'm not going to be
49 able to stay for the full three days, with your permission
50 I'd like to skip ahead to Proposal 49, which also deals

00124

1 with beavers -- in the case of beavers in Wrangell-St.
2 Elias and Yukon-Charley. This is a similar proposal in
3 that it would align proposed Federal regulations with State
4 regulations. And then I see a direct conflict with
5 National Park Service standards, specifically six beavers
6 by firearms. Right now we have an existing Federal
7 regulation that prohibits the use of firearms for taking
8 beavers except, of course, a trapped beaver.

9
10 If the Board were to go ahead and adopt
11 Proposal 49 it would be overriding an existing National
12 Park Service regulation and I would urge you to be careful
13 about that inasmuch as -- and this is a very thoroughly
14 considered regulation by the Park Service. I recall
15 commenting on the proposed regulations at the time. And I
16 think in light of the earlier discussion we had, it would
17 be most inappropriate to so drastically and arbitrarily
18 overrule the National Park Service regulation on the use of
19 firearms for taking beaver.

20
21 I also note that by extending the season by
22 72, once again, that sets up a conflict with the interest
23 of non-consumptive users. And I believe unnecessarily so.
24 That concludes my remarks, Mr. Chairman, thank you very
25 much.

26
27 CHAIRMAN DEMIENTIEFF: Thank you. Regional
28 Council recommendation. Pete.
29

30 MR. ABRAHAM: The Council stated that the
31 current beaver harvest limit is not worth the effort to pay
32 for the hunters hunting or even pay trappers for trapping.
33 The price of the furs are low, and deters the hunters from
34 going out and hunting or trapping beavers. Not only that,
35 the beavers are damming in the streams and in the flats,
36 it's not just the Bristol Bay area, it's down in Y-K,
37 everywhere. The people used to harvest blackfish, they
38 cannot harvest blackfish anymore or even ling cods.
39 Actually the beavers are getting to be a literal nuisance
40 everywhere.

41
42 Thank you.

43
44 CHAIRMAN DEMIENTIEFF: Staff Committee
45

46 DR. CHEN: Thank you, Mr. Chair. The Staff
47 Committee recommendation is found on Page 312. Our
48 recommendation is to adopt the proposal as modified by the
49 Bristol Bay Regional Advisory Council with an additional
50 modification to begin the trapping harvest season on

00125

1 October 10th.

2

3 I'd like to summarize the key points of the
4 regulation. First of all, the subunit approach for Unit 9
5 would be dropped so the regulation would apply to Unit 9 in
6 its entirety. Trapping season would be changed to October
7 10th to March 31st and the harvest limit would be changed
8 to no limit. The firearm harvest season and limits would
9 remain the same. And the current restrictions on use of
10 firearms to harvest beaver under a trapping license on
11 National Park Service lands would be retained.

12

13 Our justification is as follows: the Staff
14 Committee modification of the Bristol Bay Regional Advisory
15 Council recommendation matches recent actions by the Board
16 of Game to modify the State beaver trapping season in Units
17 9 and 17. This would serve to align the State and Federal
18 seasons in these units which would result in less confusion
19 among rural residents and address unfortunate concerns that
20 would arise from such differences. Certification of the
21 current regulations and increasing the season length would
22 also provide additional opportunities to subsistence users.

23

24 Thank you.

25

26 CHAIRMAN DEMIENTIEFF: Okay. Department
27 comments.

28

29 MR. HAYNES: Thank you, Mr. Chairman. The
30 Department supports this proposal as modified by the
31 Interagency Staff Committee. At its March 2003 meeting,
32 the Board of Game lengthened the State beaver trapping
33 seasons in Units 9 and 17. Here's where I may have an
34 error, I put in my comments the season opened October 1st
35 and what we're hearing is that the recommendation is for
36 October 10th to align with the State season, so we may just
37 want to verify -- I may be wrong, somebody else may be
38 wrong, but.....

39

40 MR. FISHER: The 10th.

41

42 MR. HAYNES: Okay, if Dave says October
43 10th, I'll go with Dave, so my written comments have an
44 error. So the Board of Game lengthened the season to
45 October 10 to March 31 and liberalized the bag limit to no
46 limit. Only firearms may be used to take up to two beaver
47 per day during the period April 15 through May 31st.

48

49 If adopted, the proposal as modified by the
50 Staff Committee would align the State and Federal beaver

00126

1 trapping regulations in Units 9 and 17. This would provide
2 more harvest opportunity and reduce confusion for beaver
3 trappers in these units.

4

5 Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Thank you.

8 Additional Regional Council comment. Walter.

9

10 MR. SAMPSON: Thank you, Mr. Chairman.

11 Just for the information of the Board, the beaver within
12 the Northwest Region has been also on an increase number
13 and there's been some issues in regards to some of the fish
14 spawning areas being dammed and they're continuing to
15 increase, in fact, they're starting to migrate even further
16 west into the Kotzebue Sound area from the east side. So
17 I wanted to provide you with that information.

18

19 CHAIRMAN DEMIENTIEFF: Ronny.

20

21 MR. SAM: Thank you, Mr. Chairman. This

22 issue was brought up at our Aniak meeting, too, and the
23 Aniak residents and lower Western Interior Region had some
24 great concerns about the production of beaver and we
25 believe that numbers of no limit and use of firearms would
26 not create a conservation issue.

27

28 CHAIRMAN DEMIENTIEFF: Thank you. Any
29 other?

30

31 (No audible responses)

32

33 CHAIRMAN DEMIENTIEFF: We'll move on to
34 Board discussion. I, too, you know, just everywhere I go
35 where there are beaver you hear the same story. And it is
36 having a negative impact on access to other subsistence
37 resources. I know in Nenana, personally, that we have the
38 same problem, you know, fish can't get to the creeks where
39 we normally go to harvest them for subsistence purposes,
40 you know, they're just really limited on where they can go
41 because of the dams. So, you know, there is no
42 conservation problem.

43

44 Also by allowing shooting, it's consistent
45 with normal subsistence practices, because that's how it's
46 done. When they start to come out of the ice on the ice in
47 the springtime, you know, people go after them because
48 they're easy to get, you don't have to be digging holes and
49 things like that, you can just catch them out on the ice
50 and shoot them and then you got your meat right there. And

00127

1 so it is consistent. I only know -- all the years that I
2 know, you know, people have always incidentally harvested
3 beaver by shooting whether it's on the regulation books or
4 not. Not a whole bunch, but if you happen to catch one on
5 the bank, you know, and you're going in a boat, you know,
6 you didn't let the thing get away, I mean, you could eat
7 that. So we always did that whether or not it was in the
8 -- I know other people, too, whether it's in the
9 regulations or not. There's absolutely no conservation
10 problem at all and they're, in fact, causing conservation
11 problems, so I intend to support the Staff Committee
12 recommendation and the Bristol Bay Regional Advisory
13 Council recommendation.

14

15 MR. CESAR: Mr. Chairman, I move the
16 Interagency Staff Committee recommendation, which is
17 consistent with the Regional Advisory Council
18 recommendation.

19

20 CHAIRMAN DEMIENTIEFF: Is there a second to
21 that motion?

22

23 MR. BISSON: I second it.

24

25 CHAIRMAN DEMIENTIEFF: Okay.

26

27 MR. CESAR: Mr. Chairman, I intend to
28 support it, I do not see any conservation issue and I
29 always try to keep in mind that we're trying to increase the
30 availability of resources for subsistence and certainly
31 beaver have a place in the subsistence chain and I just
32 want to support that, I think it's consistent with our
33 mandate and I believe that aligning, where we can, and
34 those places that make sense with the State is also a good
35 thing to do.

36

37 MR. EDWARDS: Mr. Chairman, I'd to address
38 the issue that this is precedence setting on national
39 wildlife refuges. It's my understanding that we currently
40 have several units which we currently do not have limits on
41 beavers. Marine mammals have no limits, they can be taken
42 on refuge lands. Even the Endangered Species Act in Alaska
43 does not protect listed species. Several of the states in
44 Western States, which have no limits, let's say, on jack
45 rabbits, those also apply on national wildlife refuges.
46 And in a few weeks we are about to issue regulations for
47 subsistence harvest of migratory birds, which will occur
48 throughout refuge lands across the state, which there will
49 also be no limits on, so this certainly is not precedent
50 setting and, therefore, I'm prepared to vote in favor of

00128

1 it.

2

3 MS. KESSLER: Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Yes.

6

7 MS. KESSLER: I'd like just one little
8 clarification to boost my confidence here. When I read the
9 justification from Staff Committee I just thought it was
10 odd that it didn't really include reference to the
11 biological situation, so I just want to ask Dr. Chen to
12 verify that Staff Committee, in their opinion, there is no
13 conservation concerns associated with an unlimited harvest
14 of this population.

15

16 DR. CHEN: I guess, Dr. Kessler, in our
17 deliberations at the Staff Committee meeting we considered
18 the biological data on beavers and we concluded that there
19 is no conservation concern.

20

21 MS. KESSLER: Thank you.

22

23 CHAIRMAN DEMIENTIEFF: If I recall there
24 was a pretty substantial record built at the Regional
25 Council level that there's no biological issues.

26

27 Any further discussion?

28

29 MR. CESAR: Question.

30

31 CHAIRMAN DEMIENTIEFF: All those in favor
32 of the motion, please signify by saying aye.

33

34 IN UNISON: Aye.

35

36 CHAIRMAN DEMIENTIEFF: Those opposed same
37 sign.

38

39 (No opposing responses)

40

41 CHAIRMAN DEMIENTIEFF: Motion carries.
42 That completes our work in Bristol Bay. It's 4:40, I'm
43 just going to go ahead. We have dealt with exactly half of
44 the proposals, we got 12 done today, we have 12 more
45 tomorrow and the other issues we have on the plate for
46 tomorrow are informational type things or after the
47 conclusion of the business. So we're well ahead of
48 schedule, I'm just going to go ahead and call it a day and
49 see you at 8:30 in the morning.

50

00129

1 MR. CHURCHILL: Just for the record, I'd
2 really like to thank the Board for their patience of me
3 today and all the help from my fellow RAC members, it was
4 a real pleasure, thank you.

5

6 CHAIRMAN DEMIENTIEFF: Sure.

7

8 (Off record)

9

10 (TO BE CONTINUED)

