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FEDERAL SUBSISTENCE BOARD MEETING

7

8

MAY 21, 2003

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VOLUME II

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Millennium Hotel

13

Anchorage, Alaska

14

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 (Anchorage, Alaska - 5/21/2003)

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5 CHAIRMAN DEMIENTIEFF: Okay. We'll go
6 ahead and call the meeting to order. I believe, Mike, you
7 had some issues that we were going to open with on
8 non-agenda items?

9

10 MR. SMITH: Yeah. Thank you, Mr. Chairman.
11 Once again my name is Mike Smith, and I'm here today
12 representing Tanana Chiefs Conference.

13

14 And I'd like to just address the -- what is
15 called the draft Regulatory Coordination Protocol. That
16 was -- it was a small report stuck in the RAC books at the
17 last fall meetings. I've got copies here if you guys don't
18 have one currently available in front of you.

19

20 And I'd just like to express at this time
21 TCC's concerns in the direction that this particular
22 portion of the MOA is going. Tanana Chiefs is a little
23 concern that the -- what -- that the draft called for the
24 una -- the establishment of an additional board. We feel
25 that it unduly insulates subsistence considerations to the
26 full boards. We're a little concerned about the makeup of
27 the board, because with all due consideration, the draft
28 calls for a joint board, subsistence board to be
29 established with three members of the Federal Subsistence
30 Board and three members of the State Subsis -- or the State
31 Board of Game and Board of Fish. We're a little concerned
32 about the appointment of political appointees to a board
33 that will, we hope, will not become a default subsistence
34 board. While it talks about coordinating protocols and
35 issues surrounding subsistence and then making
36 recommendations to the full board, we don't really
37 necessarily see the need for an insulative layer between
38 the RACs, subsistence users, and the Federal Subsistence
39 Board. So we're just a little concerned about the makeup
40 of the board, the impact it might have on the ability of
41 the RACs to communicate effectively with the full Board and
42 additionally the makeup of the board, the proposed board.

43

44 With -- and that's just one thing we wanted
45 to touch on was just this draft regulatory protocol and its
46 current makeup and possibly even problems that may arise
47 with implementation. And that said, Mr. Chairman, I just
48 wanted to bring that attention to the Board.

49

50 CHAIRMAN DEMIENTIEFF: Mike, if we can hold

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1 on, I think this is worth exploring. Maybe we'll have Pete
2 Probasco sit next to you, so we can have a little dialogue
3 about it. I think your concerns are well expressed.

4

5 MR. PROBASCOS: Good morning, Mr. Chair,
6 Board members. Thank you. I appreciate your questions,
7 Mike, on this draft that we're currently working, and
8 specifically addressing the issue of this additional board
9 as you termed it.

10 Actually what we're looking at is a board
11 made up of -- not board, but members of the board from both
12 the Fisheries Board and the State Board and the Game Board
13 that will assist both respective entities dealing with the
14 workload of coordinating fishery and wildlife proposals.
15 They serve no function as far as making recommendations.
16 Their function is on how to best deal with work with both
17 respective entities, and producing the work that each board
18 requires when they address proposals, so they form no
19 decision-making purpose, with the exception of outlining
20 how to coordinate the workload that we're working on.....

21

22 CHAIRMAN DEMIENTIEFF: So basically.....

23

24 MR. PROBASCOS:Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF:there are
27 recommendations that are going to be coming from the group,
28 is that what you're saying?

29

30 MR. PROBASCOS: The recommendations are just
31 directing staff as they work on developing proposal
32 analysis and coordinating the workload, in developing the
33 work that the Boards require when they analyze regulatory
34 proposals.

35

36 CHAIRMAN DEMIENTIEFF: So you're --
37 basically it's an advisory group to the Interagency Staff
38 Committee, is that what you're saying?

39

40 MR. PROBASCOS: It's advisory group to the
41 staff on dealing with proposals. So for exam -- instance,
42 like this year, if this protocol was in place dealing with
43 the Yukon-Kuskokwim proposals, this group would look at
44 proposals that have joint interest both to the Federal and
45 State board, and look at ways that they could coordinate
46 staff dealing with the proposals, and providing data and
47 information for those proposals.

48

49 CHAIRMAN DEMIENTIEFF: The -- you know,
50 we've been hearing.....

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1 MR. PROBASCO: The other thing.....

2

3 CHAIRMAN DEMIENTIEFF:for some time
4 now, if I can just.....

5

6 MR. PROBASCO: Sure.

7

8 CHAIRMAN DEMIENTIEFF:just give you
9 another little food -- or pursaud (ph) or something you can
10 respond to, we've been hearing concern by RAC members of
11 things coming from the top down, and that these were not
12 dealing with the RAC proposals. And it's a serious concern
13 to me, because of our dependence on the RACs. So maybe if
14 you could also speak to that particular issue, because I
15 don't want to see another group of State and Federales, you
16 know, putting proposals on the table that may -- and, you
17 know, that the RACs have to respond to. We depend upon the
18 RACs, the strength of our system. We've said it over and
19 over again. But if you could speak to that as well, I'd
20 appreciate it.

21

22 MR. PROBASCO: Thank you, Mr. Chair, and
23 before I speak to that, I want -- also want to make it
24 clear that this is in draft form, and it will again go out
25 before the Regional Advisory Councils for their review this
26 fall. It is in draft form, and comments that have been
27 made will be sent back to the drafting team and another
28 draft will be forwarded. Before any of this has been
29 finalized, you, Mr. Chair, and your Board will review it,
30 and have your opportunity to edit and make changes
31 appropriate.

32

33 This process deals strictly with dealing
34 with coordination between the State and the Federal Board
35 on dealing with proposals with the goal of trying to keep
36 us to the best of our legal mandates coordinated in
37 management decisions. This does not take the place of any
38 of the process that's in place dealing with Regional
39 Advisory Councils and the Federal Board. All it is is --
40 you know how the workloads are, you know how we have
41 different issues that may run head-to-head between the
42 State and the Federal Government. This is just a means to
43 try to better coordinate dealing with regulatory proposals,
44 Mr. Chair.

45

46 CHAIRMAN DEMIENTIEFF: Thank you. Mike, do
47 you have follow-up?

48

49 MR. SMITH: Yeah, thank you, Mr. Chairman.
50 While we appreciate that we'll have the opportunity in the

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1 future to comment on this specific proposal, we're a little
2 concerned in the sense that, you know, the mandates of the
3 Federal Subsistence Boards and the mandates of the State
4 are completely different, and in some instances
5 dramatically so, and we have concerns right now with some
6 of the methodologies and information being used by the
7 Federal Government in regards some of the regulatory
8 schemes, and particularly in regard to fisheries on how the
9 State manages fisheries and the State (sic) manages
10 fisheries. We feel that the Feds have a much different
11 mandate that requires a much different approach to the
12 management of such things. So we're concerned that the
13 specific mandate of the Federal Subsistence Board, that is
14 conservation and subsistence, would somehow, and we feel in
15 the past has, kind of given way to, you know, the sustained
16 yield management scheme offered up by the State. And
17 we're concerned that that has gone a considerable ways
18 already, that we think we need -- the Federal Government
19 needs to pull back a little bit, and rethink their
20 management schemes in light of declining -- and
21 specifically in light of declining fisheries stock.

22

23 So that's, you know, that's pretty much our
24 concern, Mr. Chairman. Once again we appreciate the
25 opportunity that we'll be able to have -- offer comments on
26 this in the future, but we're still concerned about it, and
27 -- plus additionally the ability of Federal Staff and stuff
28 to coordinate and participate and pay for this type of
29 process.

30

31 Thank you, Mr. Chairman.

32

33 CHAIRMAN DEMIENTIEFF: Yeah. Pete, do we
34 have the opportunity for interested parties to participate
35 in the drafting of this? I mean, what kind of a group is
36 it that we have working on it?

37

38 MR. PROBASCO: Thank you, Mr. Chair. The
39 group that currently works on that is a member from both
40 the State and Federal Staff. In addition, we have to
41 Regional Advisory Council members that also work on this
42 protocol. Once a draft is completed, it is circulated not
43 only to the Councils, but it's circulated like we circulate
44 other issues, to a broad audience. We have our address
45 list. So again this second draft will again go out for
46 review in the same process.

47

48 CHAIRMAN DEMIENTIEFF: Okay. That's pretty
49 much standard operating procedure how we do things by --
50 our involvement is with the RACs. I mean, you know, to

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1 have -- make sure they're involved. So I think, Mike, as
2 far as Tanana Chiefs' concerns, get ahold of those RAC
3 members and I'm sure they're going to represent your views
4 as far as any, you know, work that may need to go on in the
5 drafting. We just want to make sure that we get a quality
6 product before us when it does come time. Okay. Oh, go
7 ahead.

8

9 MR. SMITH: Thank you, Mr. Chairman. I
10 appreciate it, Mr. Chairman. Certainly we want to help
11 facilitate the process to the best of all our ability. And
12 I'm not sure, you had mentioned about the availability of
13 interested people to participate in the process, and I
14 appreciate that comment as well.

15

16 Our concern those ends up being that we
17 participate in the process after the -- after it's been
18 developed already, and we end up having to respond to not
19 only our specific RACs, but to RACs around the State if we
20 want to -- if we felt deeply and strongly about some issue.
21 And concerning a step that hampers us in our ability to be
22 good advocates and -- but we'll certainly avail ourselves
23 of that opportunity.

24

25 But in regards to the participation of
26 interested people in the process, while we appreciate that
27 thought in regard to this specific matter, there are other
28 things going on as well that we would love to be able to
29 participate and would our help to the Board and Staff, and
30 specifically referring to the current effort being
31 undertaken by Federal Staff to determine the amounts
32 necessary for subsistence. We have heard some rumblings
33 through the grapevine about that process, and the
34 methodology being used there, and we're -- I believe we'll
35 probably end up having some deep concerns about that as
36 well. So we would just like to take this opportunity to
37 offer our help in developing that process, and working with
38 Staff to come up with what we feel would be adequate
39 subsistence needs tests.

40

41 Thank you, Mr. Chairman.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. Okay.
44 Go ahead, Walter.

45

46 MR. SAMPSON: Mr. Chairman, as a member of
47 RAC and not having the knowledge of the process that's
48 taken to come out with a draft document, I would have some
49 concerns in regards to the process that is taken. If the
50 Federal System had a mandate to deal with subsistence, then

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1 Federal has to deal with that system. If the Staff has
2 been influenced by others or other entity, then the
3 influence of the State system into the Federal system is
4 going to get in place. And on top of that, Mr. Chairman,
5 I think if we don't have an opportunity to comment on the
6 very issue on coming out with a so-called protocol, then I
7 would have some concerns. And this is just the beginning
8 of a process I'm sure of trying to bring in the State
9 system which has a whole different mentality, and I alone
10 would not have that concern. We'd have some other issues
11 and other people that would be concerned. And not only
12 that, as far as the membership from the RAC that's
13 involved. Was a directive from the other RAC members to
14 get involved through that process.

15

16 CHAIRMAN DEMIENTIEFF: Go ahead, Pete.

17

18 MR. PROBASCO: Mr. Chair, Mr. Sampson, the
19 protocols that MOA working group is developing, as the MOA
20 states, has at least two members that are assigned from the
21 Council Chairs. If the Council Chairs can't serve on that
22 protocol, then they assign individuals. So it's based on
23 interest by respective Regional Council Chairs or Council
24 members who would like to serve on these -- development of
25 these protocols. The members that served on the one that
26 we're discussing now, the Regulatory Coordination, is Mr.
27 John Hanson and Mr. Bill Thomas. And we're in the process
28 now of looking for a person to serve in Mr. Thompson (sic),
29 since he has stepped down from the Regional Southeast
30 Council. And then we'll have two members on that -- back
31 on that Council as we work through drafting the protocol.
32 And the other protocols also, and I don't have the
33 membership in front of me, but those protocols also have
34 Council membership on them. Mr. Chair. Mr. Sampson.

35

36 CHAIRMAN DEMIENTIEFF: Okay. Thank you
37 very much. With that, we'll call on Bill Thomas who's also
38 non-agenda items he wishes to discuss.

39

40 MR. THOMAS: Thank you, Mr. Chairman.
41 Wonders never cease. I just expanded my comments in
42 cursive as a result of the last presentation, but I'll do
43 that following what I had prepared earlier.

44

45 What I'm going to present to you is some
46 observations I made at the December -- the meeting of
47 December 2. And I put it together right away after I got
48 home. And there's an irony to this. The reason I didn't
49 submit it then, I didn't want to compromise my
50 opportunities for reappointment. So sensitive of me.

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1 You'll have to forgive me, because I wrote this as a member
2 of RAC, and so you can use your best judgment on rewording
3 it in your mind, because I didn't take the time to do that.

4

5 I have with me comments I feel compelled to
6 share with you. However reluctant, I feel this will result
7 in improved communication, understanding the process -- and
8 understanding the process guidance. These comments are
9 prompted due to present -- these comments are prompted to
10 present them at this time with respect to the arduous
11 effort of OSM and to -- for you to apply requirements FACA
12 as you determined to satisfy specific standards of the Act.
13 An observation from Region 1 is that a majority of the
14 recommendations from the RAC has gone down to defeat due to
15 political preferences rather than good science. It appears
16 that our Regional Advisory Council doesn't have penalty
17 (ph) at this forum with our level of local knowledge and
18 experience.

19

20 Title XIII is written with the intention of
21 this additional research of information, because the
22 research throughout them (ph) have resulted in the State
23 of Alaska losing subsistence management authority on public
24 lands and waters. When we first implemented ANILCA which
25 is 10 years after it was adopted by Congress, virtually all
26 of the documents furnished by the Department were negative
27 characterization of the subsistence community. Okay. You
28 -- and I want you to make sure you heard this. I said when
29 we first implemented this. This is some 11 years ago.
30 Some good progress has been made since then. I don't know
31 whether the attitude is still there, but their politicals,
32 of document has taken a turn around.

33

34 The difference between the State and
35 Federal acknowledgement of subsistence resources was
36 profound. Title XIII reflected an improved future for the
37 subsistence community. A general comment from that time
38 was the Department was hostile towards the subsistence
39 community. Since then a significant number of Department
40 employees terminated their employment with the State of
41 Alaska and assumed senior responsibilities in Federal
42 subsistence management. With that came a certain amount of
43 potential conflicts, a conflict of interest by the way of
44 some family working for the Department and members of the
45 same family working in senior positions with Federal
46 agencies that share influence with OSM. This is a very
47 unusual scenario in this process, and suspect I might add.

48

49 Some things to consider have been mentioned
50 at this forum almost every time we met. Subsistence

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1 gathering and needs dictate seasons, bag limits, methods
2 and means and gear type. Western science focuses on
3 regulating users and law enforcement, which in most cases
4 regulations criminalize subsistence gathering. If we in
5 fact are assuming responsibility for providing continued
6 opportunity for subsistence use as a priority as worded in
7 Section 801, we need to get serious about it, and recognize
8 and accept the responsibility, the responsible nature and
9 majority of subsistence users.

10

11 We know that there's an explanation for
12 this observation and assessment, but we don't believe it.

13

14 OSM and the Federal Board is hostage to
15 political guidance or stand a chance of compromising their
16 career. We understand that, and agree that this is an
17 unfortunate circumstance. It further impedes practical
18 stewardship, subsistence use of natural resources. Again
19 we felt compelled to bring these observations to your
20 attention.

21

22 The Board and OSM have made many gestures
23 to changing the configuration of the process. They appear
24 arbitrary at best. No specific scientific justifications
25 have been presented. This has gone on for so long it
26 appears -- it has the appearance of a locomotive out of
27 control. The most concerning factor is that it appears to
28 be deliberate in nature with an unexplained motive or
29 anticipated outcome.

30

31 We started this process as a team. That
32 seems to have been replaced with an adversary-like,
33 counterproductive effort. This makes the administration
34 and legislature delighted to have this occur. We don't
35 expect things to improve as long as this continues. We
36 just want to note it doesn't go unnoticed. We need a
37 sensitivity and cooperation from the Federal Subsistence
38 Management Board to portray the appearance to the
39 subsistence community that is friendly and supportive while
40 being responsible in providing continued opportunity as a
41 priority.

42

43 Now, I have here, we continue to pledge our
44 best representation of Title VIII and the subsistence
45 community as defined in 801. I should have probably
46 scratched that out.

47

48 But anyway, these were observations I made
49 in December. I will acknowledge the fact that I have seen
50 some changes made. I don't -- I don't know how much I

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1 understand about what I see. I hope I can believe them,
2 and I hope they are in the right direction. I come here
3 with a lot of doubts. And my observations historically
4 have been keen enough to hone in on intents and purposes of
5 different actions taken by different people. And they
6 always haven't been friendly to the provisions of Title
7 VIII. If you're friendly to Title VIII, you're friendly to
8 the subsistence community.
9

10 Excuse me. What I heard this morning was
11 new to me, although I was part of the work force on the MOA
12 work force. Okay. It mentioned that the -- that Federal
13 Board will provide some members, and the Department of Fish
14 and Game from the State was going to be also participating.
15 I would hope that the State would make some commitment to
16 subsistence management in whomever they have represented to
17 work in any agreement with the Federal Government. So far
18 we haven't got that.

19
20 Okay. And if the workload is getting as
21 great as it sounds, something needs -- this needs to be
22 reviewed. For the amount of work that -- we're building
23 more people into the process than the research we're trying
24 to manage, and that's not right. We need to take a look at
25 this. You know, you just keep creating layers and layers
26 of management. Look at all the happenings that's happened
27 to everybody but the RACs. The RACs are the only component
28 of this program that remains unchanged. The only thing
29 changed about the RACs are their operations manual went
30 from a three-page out to a pretty voluminous book to read
31 and keep up with. And nobody else has to do that. Nobody
32 has to -- nobody has to justify as much as the RACs do.
33 The RACs were -- they're created by statute in Title VIII.
34 And the reason the RACs are in place is because it's a
35 component that has never been considered by anybody else in
36 management.

37
38 I've been involved in this program for many
39 years, and many years during State management of the same
40 resources. And I've seen more bad happen than good. Lots
41 of people, but no resources.
42

43 Now, to add another layer for a Board to
44 essentially take over many of the duties of the RACs,
45 that's essentially what's happening, and that shouldn't --
46 that really needs to be reviewed. Another observation I
47 had, we got rid of the Chairs meeting, but now we're
48 creating a new board. See what I'm saying? The RACs seem
49 to be at a disadvantage. They seem to be struggling for
50 recognition, for acknowledgement as part of this process

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1 when in fact they are the process. This needs to be
2 reviewed, considered and changed.

3

4 In my experience working at the work force
5 on the MOA, all the concessions came from the Feds. The
6 State offers no concessions at all. None. They want
7 everything to come from the Feds.

8

9 The justification for this new Board right
10 now seems pretty lame. I don't recall discussing that to
11 my understanding while I was on there. I'm of the
12 impression that this occurred after I left that work force.
13 And I'm really curious as to what improvement of management
14 can be anticipated as a result of this board, this
15 additional board. I mean, take a look around here. It
16 won't be long, all of us will be on a board or a committee
17 of some kind, and this is a public meeting. Where's the
18 public? We're preaching to the choir, see. This is very
19 representative of what happens at RAC meetings. I'll get
20 into that with my other comments I have when we get to the
21 proposals.

22

23 But I would beg the Board to consider some
24 of the comments I offered. There -- I'm sure there's
25 disagreement with most of them, and that's fine. If they
26 find me in error of assessment, and that you feel that your
27 procedures, assessments and actions are better than what I
28 portrayed, God bless you. But, anyway I thank you for this
29 opportunity to comment at this part of the agenda.

30

31 Thank you, Mr. Chairman.

32

33 CHAIRMAN DEMIENTIEFF: Thank you.

34

35 MR. EDWARDS: Mr. Chairman, can we respond?

36

37 CHAIRMAN DEMIENTIEFF: Go ahead, Gary.

38

39 MR. EDWARDS: Mr. Thomas, I'd like to at
40 least respond to one of the comments you brought up since
41 I'm the one that probably signed off on all those positions
42 that you had some questions about. I'm trying to
43 understand whether you're suggesting that we ought to
44 practice discriminatory hiring practices, and when we
45 advertise jobs, we have a disclaimer on there that says, if
46 you've ever worked for the State of Alaska, do not apply.
47 From my perspective, as a result of the people we've been
48 able to hire, particularly in fisheries, they've been able
49 to provide this Board with an awful lot of expertise that
50 has certainly helped us do a better job and certainly on

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1 behalf of the subsistence users. So I guess I would take
2 exceptions to your concern that we hire too many State
3 people.

4

5 MR. THOMAS: Mr. Chairman, it wasn't that
6 I said you hired too many people from the State. What I'm
7 saying is that in several cases the hiring that occurred
8 involves people of the same family working for -- one for
9 the State, one for the Federal on the same program. This
10 would not be allowed any place else. That would be a
11 direct conflict of interest. And.....

12

13 MR. EDWARDS: Then I guess I would rephrase
14 my question. Then you think our application should say if
15 you have a spouse that works for the State of Alaska, do
16 not apply.

17

18 MR. THOMAS: No, just ask, do you have a
19 spouse that work for the States.

20

21 MR. EDWARDS: Right. Then we're going to
22 discriminate against those people is what you're
23 suggesting.

24

25 MR. THOMAS: I don't know if that's
26 discrimination, but it's a common practice in our society
27 in every level of society. I worked for the Federal
28 Government. I've seen those applications. I know what
29 they are. And I'm not agreeing with what you're saying.

30

31 CHAIRMAN DEMIENTIEFF: Okay. Thank you.
32 We've got a lot of work today, so let's go ahead and move
33 on with our agenda. Thank you very much, Bill. And for
34 the record I'll note that we have --Ralph has served his
35 one-day suspension for not bringing us any fish. And I'm
36 welcoming him back to the table now that his suspension is
37 over. And I also want to appreciate, Ralph, your sense of
38 humor for letting me have a little fun.

39

40 MR. LOHSE: Mr. Chair, I'd like to thank
41 you for letting me to sit back at the table, and I
42 apologize for not bringing any fish, because I didn't know
43 that you had a barbecue planned. If I'd have known you had
44 a barbecue planned, I'd have been more than happy to have
45 brought fish, and we could have set a barbecue grill up
46 here, and everybody could be eating Copper River red salmon
47 right now. But just in case some of you have missed your
48 Copper River red salmon, I work with a local custom
49 processor, and all you have to do is call my number and any
50 place Alaska Airlines flies, I can send you red salmon

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1 within 24 to 36 hours after any fishing period on the
2 Copper River Flats. And if you want to plan a barbecue
3 next year, we can work on it.

4

5 CHAIRMAN DEMIENTIEFF: Thank you anyway,
6 Ralph. Okay. With that we'll move on to a little bit more
7 serious business. Yukon-Kuskokwim, Region 5. We have one
8 proposal, Proposal No. 28. Staff analysis, please.

9

10 MR. DeMATTEO: Mr. Chair, Proposal 28 was
11 submitted by Willard Church of Quinhagak, and he requests
12 that there not be a trophy devaluation requirement for
13 subsistence brown bear transported or removed from the
14 Western Alaska Brown Bear Management Area.

15

16 Mr. Chair, the analysis for Proposal 28 you
17 can find under Tab F on page 326.

18

19 The proponent believes that the current
20 management area trophy development requirements is
21 disrespectful to the integrity of the hunt, is
22 disrespectful to the spirit of the bear and the hunter to
23 whom the bear has given its life to.

24

25 The current regulations can be found on
26 page 326, and the proposed regulations would delete the
27 language that reads at the time of sealing the Alaska
28 Department of Fish and Game representative shall remove and
29 retain the skin of the skull and front claws of the bear.
30 That language would be removed.

31

32 The brown bear harvest for food still
33 remain an important subsistence item, and is part of the
34 contemporary subsistence harvest pattern for many Yup'ik
35 communities in Units 18 and also 17(A). If this proposal
36 were adopted the intent of the proposal is to allow
37 subsistence hunters to send or remove their complete brown
38 bear hides from the management area without any trophy
39 devaluation.

40

41 This proposal would remove the federal
42 devaluation requirement, but not the State sealing
43 requirement. Sealing is required by the State for brown
44 bear hides before they can legally be sent from the area.
45 When a hunter has a brown bear taken under management area
46 regulations for sealing under State regulations, the Alaska
47 Department of Fish and Game requires that the skin of the
48 head and front claws are to be removed and kept by the
49 Department.

50

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1 Also, if this proposal were to be adopted,
2 this could create confusion and also some law enforcement
3 problems.

4
5 Also, in addition, the transportation of
6 brown bear parts between states and countries is subject to
7 both State and Federal permits. The Fish and Wildlife
8 Service requires that Alaska Department of Fish and Game
9 certification be a part of the Federal permit process.

10
11 Mr. Chair, the proponent stated at the
12 recent Yukon Delta -- I'm sorry, Yukon-Kuskokwim Council
13 meeting that when he originally submitted this proposal,
14 his intention was that it would only affect his immediate
15 area. He didn't realize it would have such far-reaching
16 ramifications, which is the total brown bear management
17 area, which is a substantial portion of the State.

18
19 And this completes the presentation. Thank
20 you.

21
22 CHAIRMAN DEMIENTIEFF: Written public
23 comments.

24
25 MR. NICK: Mr. Chair, there were five
26 written public comments, two for support, two oppose, and
27 one with no recommendation.

28
29 The Native Village of Quinhagak IRA Council
30 support Proposal 28 to delete the requirement to remove and
31 retain the skin of the skull and front claws of brown bear
32 before allowing subsistence hunters to remove them from the
33 management area.

34
35 Asa'carsarmiut Tribes of Alaska, based in
36 Mountain Village, supports the proposal. The
37 Asa'carsarmiut Tribes of Alaska agree that the claws at the
38 time of sealing, the ADF&G representative shall remove and
39 retain the skin of the skull and front claws of the bear
40 should be removed from the existing regulation, Unit 9(B),
41 part -- Unit 9(B) in part I think is what it's supposed to
42 be, 17, 18 and 19 in part, brown bear.

43
44 The Western Alaska Area Brown Bear
45 Management Area was created to increase the harvest of
46 brown bear from one bear every four years to one bear per
47 year, and to accommodate traditional subsistence use
48 patterns. Additionally, the required \$25 tag fee was removed
49 and replaced with a no-cost registration permit as long as
50 the bear skin was not removed from the management area. If

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1 the harvested bear is truly for subsistence uses, then
2 removal from -- removal of the claws and the skin of the
3 head does not reduce the value of the bear skin for
4 traditional sleeping mats or boat covers. There are
5 current regulations for those subsistence hunters who wish
6 to hunt bears for their true full value, which required \$25
7 tag and one bear every four years. This, Mr. Chairman, was
8 a comment from Yukon Delta National Wildlife Refuge.
9

10 Defenders of Wildlife of Alaska oppose the
11 proposal. There is concern about the impacts this proposal
12 would have on law enforcement efforts. In addition,
13 there's concern about the low reproductive rate of brown
14 bear and the need for a high degree of accuracy and
15 reliability of harvest information. For the sake of
16 continuity, harvest information, current sealing
17 requirements should remain in place.
18

19 Lake Clark Subsistence Resource Commission
20 commented that the SRA -- I'm sorry, SRC discussed Proposal
21 28, but made no recommendation because the proposed change
22 is to the brown bear hunt outside of Lake Clark National
23 Park and Preserve.
24

25 Mr. Chair, that's the extent of the
26 comments.
27

28 CHAIRMAN DEMIENTIEFF: Thank you very much.
29 We have no additional requests for public testimony at this
30 time. Regional Council recommendations.
31

32 MR. WILDE: Mr. Chairman, Federal
33 Subsistence Board, Yukon-Kuskokwim Regional Council
34 recommend -- proponent recommend to defer of this proposal,
35 and the time we make sure that everyone understand, we put
36 it on a teleconference in the Chevak meeting. And after
37 teleconference there was a motion and a second, and motion
38 to table 28 as recommended by the proponent.
39

40 CHAIRMAN DEMIENTIEFF: Thank you. Yes.
41

42 MR. ABRAHAM: Mr. Chairman, Pete Abraham,
43 Bristol Bay. Our Council stated they would like to see a
44 proposal coming through WABBMA working group. The Council
45 also concurred with the Staff recommendations. There was
46 a wide concern that there may be abuse by non-subsistence
47 user if a trophy devaluation is eliminated. Subsistence
48 users may also participate in sport hunt that would not
49 require them to seal brown bear if it's not taken outside
50 of the region.

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1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Ron.

4

5 MR. SAM: Thank you, Mr. Chair. We oppose
6 this Proposal 28, because for the most part all of our
7 harvest of brown bear are harvested in defense of life and
8 property, and we address this issue by turning it over to
9 a few guided hunts that we have in our area. That would be
10 handled under the general hunt and the State's -- ADF&G
11 provisions. So we're in opposition of this, because we do
12 not really rely on brown bear for subsistence purpose.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. That
17 concludes our Regional Council recommendations. Staff
18 Committee.

19

20 MR. BOS: Thank you, Mr. Chair. For the
21 record, my name is Greg Bos, Fish and Wildlife Service
22 Staff Committee member.

23

24 The Staff Committee recommendation can be
25 found at page 324 of your Board book. The recommendation
26 is to reject Proposal 28 as recommended by the Bristol Bay
27 and Western Interior Regional Advisory Councils. The
28 Yukon-Kuskokwim Delta Council recommended deferral.

29

30 The justification for the Staff Committee
31 recommendation is that the current Western Alaska Brown
32 Bear Management Area regulations allow subsistence users,
33 subsistence hunters to continue the traditional uses of
34 brown bears and brown bear skins. The intent of the trophy
35 devaluation requirement in the regulations is to prevent
36 hunters from taking bears for trophy purposes under the
37 more liberal subsistence seasons and harvest limits. There
38 is concern that if subsistence regulations allow for trophy
39 hunting, the brown bear harvest would increase, and an
40 increased brown bear harvest is a conservation concern in
41 the affected area.

42

43 Subsistence hunters who want to be able to
44 transport the complete skin of brown bears out of the
45 management area may do so by taking bears under non-
46 subsistence regulations. And as noted by the Bristol Bay
47 and Western Interior Regional Councils, the development of
48 proposals for changes to the subsistence brown bear
49 regulations in this area should involve the Brown Bear
50 Management Area Working Group.

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1 Rejection of this proposal at this time
2 would not preclude its future consideration on resubmittal,
3 which the Staff Committee believes is consistent with the
4 intent of the Yukon-Kuskokwim Delta Council's
5 recommendation to defer.

6
7 Thank you.

8
9 CHAIRMAN DEMIENTIEFF: Department comments.

10
11
12 MR. HAYNES: Mr. Chairman, the Department
13 supports the recommendations of the Bristol Bay and Western
14 Interior Regional Councils and the Interagency Staff
15 Committee to oppose this proposal.

16
17 Adopting this proposal could create serious
18 enforcement problems, and would require use of a Federal
19 permit that would apply only to Federal public lands in the
20 Western Alaska Brown Bear Management Area. Current Federal
21 and State regulations both require that any brown bear
22 taken by State subsistence registration permit in the
23 management area must be sealed prior to being removed from
24 the area. At the time of sealing, a Department of Fish and
25 Game representative destroys the trophy value by removing
26 and retaining the skin of the head and the front claws.
27 Hunters who dislike the provisions of the subsistence hunts
28 have the option of hunting brown bear under the State's
29 general regulations.

30
31 The Western Alaska Brown Bear Management
32 Area was implemented by the Alaska Board of Game to enable
33 subsistence hunters to harvest brown bears in a manner more
34 consistent with customary and traditional practices. A
35 working group comprised of local residents, native
36 organizations, and agency personnel met several times and
37 developed a plan that provided for a longer season, a more
38 liberal harvest limit, minimal sealing requirements, and
39 elimination of the \$25 tag fee. The trophy value
40 destruction provisions were included to discourage and
41 prevent abuse.

42
43 Goal 6, Part C of the plan stipulates that
44 the working group will meet to discuss the plan and/or
45 regulatory proposals before changes are made. Such a
46 meeting has not been held to discuss this proposal or to
47 consider any potential changes to the current regulation,
48 and we believe that would be the proper forum to consider
49 any possible changes to these regulations.

50

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1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Any other Regional
4 Council comments? Go ahead, Walt.

5

6 MR. SAMPSON: Thank you, Mr. Chairman,
7 members of the Board. Based on the information that's been
8 provided, I can see the reason why the recommendations are
9 being made to reject the proposal. In some cases where
10 there's relaxed regulations in regards to tag fees and
11 increases in hunt and stuff, by adopting this, you're
12 asking for some invitation into more problems in the
13 future. I think the recommendation to reject is
14 appropriate.

15

16 Thank you.

17

18 CHAIRMAN DEMIENTIEFF: Ron, you had a
19 comment?

20

21 MR. SAM: Thank you, Mr. Chair. Again, the
22 harvest in our area is mostly in defense of life and
23 property, and there is no trophy value considered. It's --
24 the hide, skull and everything is just left out in the
25 field, we just -- it's just there. We just take care of it,
26 because of, like I said, it's in defense of life and
27 property. There is no trophy value as far as our people
28 are concerned.

29

30 Thank you.

31

32 CHAIRMAN DEMIENTIEFF: Okay. With that
33 we'll go ahead and move on to Board discussion. And I'll
34 just start out.

35

36 I do intend to support the motion to
37 reject, or if there is a motion to reject, I would intend
38 to support it. And really the real reason behind that,
39 because it has no Regional Council support for one, and I
40 think Mr. Haynes's testimony with regard to working groups
41 and, you know, we've said it over and over and over again,
42 that when we've come to an issue, besides the RACs, which
43 have the first priority, working groups are the most
44 important development tool that we have to help us work
45 through thorny issues. And, you know, there's no RAC
46 support, one, and there's no working group discussion on
47 this matter, on the change. So those are the two things
48 that I really see that are critically flawed with the
49 proposal.

50

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1 MR. CESAR: Mr. Chairman, I move that we
2 accept the Staff Committee recommendation to reject this
3 proposal for the reasons that were articulated by Mr.
4 Haynes and yourself.

5
6 MR. BISSON: Second.

7
8 CHAIRMAN DEMIENTIEFF: It's been moved and
9 seconded. Discussion? Judy.

10
11 MS. GOTTLIEB: Mr. Chair, well, I agree
12 with Harry that when the proponent was called and put on
13 the teleconference, he just sort of didn't realize the
14 whole scope of what he was asking, and so I hope people
15 will through the RAC get back with the proponent, and offer
16 the opportunity to go work with the working group, because
17 there is a conservation issue in that are. People were
18 very concerned about possible take.

19
20 CHAIRMAN DEMIENTIEFF: Additional
21 discussion?

22
23 (No discussion)

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

27
28 IN UNISON: Aye.

29
30 CHAIRMAN DEMIENTIEFF: Those opposed, same
31 sign.

32
33 (No opposing votes.)

34
35 CHAIRMAN DEMIENTIEFF: Motion carries.
36 Thank you very much.

37
38 We'll be moving on to Western Interior, so
39 we'll allow Staff to -- or who's going to do -- this is
40 actually -- is 33 a -- it's in the Yukon-Kuskokwim area.
41 Is that where it -- We're not changing staff for this one?

42
43 MS. McCLENAHAN: Mr. Chairman, Proposal 33
44 was proposed by the Yukon-Kuskokwim Delta, but it lies
45 within the Western Interior Region.

46
47 CHAIRMAN DEMIENTIEFF: I just -- on my
48 agenda it has it listed under Western Interior, but go
49 ahead.
50

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1 MS. McCLENAHAN: Thank you, Mr. Chairman.
2 I'm Pat McClenahan, Staff anthropologist. I'll be
3 presenting Proposal WP03-33. The Staff analysis for
4 Proposal WP03-33 can be found at Tab F, beginning on page
5 363.

6
7 This proposal was submitted by Peter
8 Peterson of Mountain Village. It modifies Proposal
9 WP-02-31, which was deferred by the Federal Subsistence
10 Board in May of 2002.

11
12 This current amended proposal requests
13 expanding the existing positive customary and traditional
14 use determination for moose in the southern portion of Unit
15 21(E) to add the rural residents of Lower Yukon River
16 villages. The existing customary and traditional use
17 determination is Unit 21(E) moose, residents of Unit 21(E)
18 and residents of Russian Mission. The proposed Federal
19 Regulations are found on page 363. They would read: Unit
20 21(E) south of a line beginning at the eastern boundary of
21 Unit 21(E) near Tabernacle Mountain, extending easterly to
22 the junction of Piamuit Slough and Innoko Slough, and
23 southeasterly in a direction of Molly Mountain, to the
24 juncture of Units 21(E), 21(A) and 19(A). Residents of
25 Unit 21(e) and Unamequa (ph), Alakanuk, Emmonak, Kotlik,
26 Mountain Village, Toklik, Pitka's Point, St. Mary's,
27 including Andreafsky Townsite, Pilot's Station, Marshall,
28 Russian Mission, Scammon Bay, and Hooper Bay.

29
30 I'd like to point out here that at the
31 recent Yukon-Kuskokwim Delta Regional Advisory Council
32 meeting on March 6th and 7th, the Council brought to our
33 attention that the committee inadvertently left out the
34 community of Chevak from the proposal at the time it was
35 written at the October Committee meeting.

36
37 The remainder of the proposal would say
38 Unit 21(E) remainder, residents of 21(E) and residents of
39 Russian Mission.

40
41 Map 1 on page 364 shows the Federally
42 managed lands in Unit 21(E). Map 2 on page 366 shows the
43 proposed area located on federal lands in the southern
44 portions of Unit 21(E). The screen provides a pretty good
45 view of that proposal area. Included are a portion of
46 Yukon Delta National Wildlife Refuge and BLM-managed lands.
47 In the southern portion of Unit 21(E) that is the subject
48 of this proposal, approximately 71 percent of the lands are
49 under Federal management, 25 percent are Fish and Wildlife
50 Service-administered lands, 46 percent are Bureau of

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1 Managed land -- Bureau of Land Management-managed lands,
2 and 29 percent are administered by the State of Alaska or
3 are native corporation lands.

4

5 The existing c&t determination was adopted
6 from State regulations at the beginning of the Federal
7 subsistence program in 1990. Appendix 1, beginning on page
8 171, provides the regulatory history of requests to change
9 c&t determinations for moose in 21(E). Appendix 1 shows
10 the long history of requests for c&t in those -- in that
11 unit.

12

13 When WP02-31 was deferred last year, the
14 Federal Subsistence Board directed staff to work with
15 Western Interior and Yukon-Kuskokwim Delta Subsistence
16 Regional Advisory Councils to resolve this issue. At the
17 Federal Subsistence Board's direction, a workshop was
18 convened in October 2002. The amended proposal and this
19 analysis are direct outgrowths of that meeting. Workshop
20 participation reached a consensus on a recommendation for
21 a revised proposal that specifies this particular area and
22 these specific communities. The proponent then revised the
23 proposal accordingly.

24

25 With respect to factor 1, table 1 on page
26 368 provides information showing that the proposal
27 communities have relied on moose as an important
28 subsistence resource for a long period of time. The
29 proposal communities are made up predominantly of Yup'ik
30 speaking people who have historic roots in the lower Yukon
31 River region. Maps provided by Van Stone and Snow show
32 that these two groups -- I'm sorry, show that these groups
33 and the Diheetan (ph) used the proposal area in the 19th
34 century.

35

36 In regard to factor 4, table 3 on page 373
37 provides information on cumulative moose harvest from the
38 ADF&G harvest data base. According to report by
39 subsistence users, the subsistence moose harvest in the
40 region is very under-reported. Additionally, formal
41 harvest studies of moose and brown bear by Anderson,
42 Utermohle and Brown in 1998 and '99 also found that
43 established harvest ticket systems used to quantify harvest
44 of big game species, underestimated harvests in rural
45 communities in the middle Yukon and Koyukuk River region.

46

47 For those moose that were reported, the
48 tables provide the information that the southern portion of
49 Unit 21(E) is and has been a primary subsistence resource
50 use area for moose for the proposal communities for at

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1 least the past 20 years. Anthropologists believe that
2 while moose are a relative newcomer to the region, the
3 general hunting pattern and subsistence use area patterns
4 have remained relatively stable in the region since the
5 19th century with periodic shifts due to fluctuations in
6 the animal populations. Moose hunting in southern Unit
7 21(E) by the lower Yukon River communities now takes place
8 almost exclusively in the fall during September according
9 to ADF&G harvest records, and to reports of subsistence
10 users.

11

12 If adopted, the proposal will provide
13 residents of the proposal communities the opportunity to
14 hunt moose during Federal seasons on Federal lands within
15 the southern portion of Unit 21(E). The fall Federal moose
16 hunting season begins a few days before the State season in
17 that unit, providing Federally qualified subsistence
18 hunters an advantage on Federal lands.

19

20 I'd just like to remark that this analysis
21 is different from the analysis that you saw last year in
22 that it speaks specifically to the villages that were
23 recommended by the committee, and so in that respect, it's
24 not -- it may be considered not a full analysis of all of
25 the villages that may have hunted in this area over time.

26

27 That concludes my remarks.

28

29 CHAIRMAN DEMIENTIEFF: Thank you very much.
30 Written public comments.

31

32 MR. NICK: Mr. Chairman, there were two
33 written public comments, one in the Board book, and one was
34 probably overlooked.

35

36 Written comment was received from Mike
37 Moses of Asa'carsarmiut Tribes of Alaska in support of the
38 proposal. He has been hunting for moose above Russian
39 Mission with many residents of Mountain Village since
40 childhood. Those hunting grounds are very customary and
41 traditional to him. He does not believe the villages
42 listed in the proposal should be cut-off from hunting those
43 grounds. He respects the native people living in 21(E),
44 and their village corporation lands. However, other lands
45 should remain open to the villages listed. Further, there
46 should not be a different hunting season for some of the
47 villages that hunt the area. He remembers what his
48 grandparents told him and others about respecting the land
49 and animals that their culture has depended on for those
50 generations.

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1 The next comment is from Grayling, Anvik,
2 Shageluk, Holy Cross Local Fish and Game Advisory
3 Committee. This is not in your Board book. We'll make the
4 copy of this available to you later after we make copies.

5
6 This written comment is in support of the
7 proposal. After discussing and seeing the proposed
8 southern portion of the unit as well as hearing the
9 comments that Holy Cross residents generally do not hunt
10 the area, the advisory committee unanimously supported the
11 c&t working groups amended proposal 33. The presentation
12 of the proposal was a joint effort with TCC and AVCP
13 representatives.

14
15 Mr. Chair, those are the comments.

16
17 CHAIRMAN DEMIENTIEFF: Thank you. We have
18 no additional requests for public testimony at this time.
19 Regional Council recommendation.

20
21 MR. WILDE: Mr. Chairman, Federal
22 Subsistence Board, the Council recommends --
23 Yukon-Kuskokwim Delta Regional Advisory Council recommends
24 support with a modification, support the proposal as
25 modified by the Yukon-Kuskokwim Subsistence Regional
26 Advisory Council to add Chevak to the c&t request for the
27 fall season only. The Community of Chevak is inadvertently
28 left out of the proposal analysis as pointed out by the
29 Yukon-Kuskokwim Subsistence Advisory Council, testify at
30 Yukon-Kuskokwim Delta Subsistence Regional Advisory
31 Council, providing information, and several Chevak family
32 hunts in the proposed area with the hunters from Hooper Bay
33 and Scammon Bay during the fall hunt. So the Council move
34 and a second, and the motion to support and modify this
35 proposal.

36
37 CHAIRMAN DEMIENTIEFF: Thank you. Ron?

38
39 MR. SAM: Thank you, Mr. Chair. I am
40 surprised that this came up. We had a teleconference with
41 Staff Committee and our general consensus at that time, we
42 expected this proposal to be deferred, and there was
43 consensus between Y-K Delta, Western Interior and Holy
44 Cross, GASH area residents who serves on a council. We do
45 have a problem with this issue. There is some
46 constitutionality issues, because one of the points that
47 came out at our Aniak meeting was the fact that how do you
48 grant c&t rights to the whole village when only one
49 resident goes out there and utilize this area. And the
50 other problem was that their proposal stated that it was

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1 since time immemorial, that moose finally came in that area
2 in the last 100 years or so. So there's no real c&t
3 utilization, unless one or two people that had relatives
4 from GASH area, that know where the moose were. So with
5 that, and the teleconference we had with Staff Committee,
6 I would like to commend Staff Committee, too, for having us
7 on line and considering our recommendations. And I would
8 ask that the Federal Subsistence Board defer this proposal,
9 because at that time we requested a special meeting between
10 Western Interior and Y-K Delta.

11

12 Thank you, Mr. Chairman.

13

14 CHAIRMAN DEMIENTIEFF: Okay. Thank you,
15 very much. Grace.

16

17 MS. CROSS: Seward Penn did not take up
18 this proposal after we talked to a RAC member from St.
19 Michael. He had talked to people at St. Michael and
20 Stebbins, and they had determined that the area that is
21 referred to is beyond their traditional hunting grounds.
22 Thank you.

23

24 CHAIRMAN DEMIENTIEFF: Thank you. Staff
25 Committee.

26

27 MR. BOS: Thank you, Mr. Chair. The Staff
28 Committee recommendation can be found on page 360. As
29 you've heard, the Yukon-Kuskokwim council recommended
30 adoption with a modification to add Chevak, the Community
31 of Chevak, to the c&t determination, and the Western
32 Interior Council recommended -- or was opposed to the
33 proposal.

34

35 The Staff Committee is recommending
36 deferral, because -- well, primarily to encourage continued
37 dialogue between the Yukon-Kuskokwim Delta and Western
38 Interior Councils, and in addition with the -- with more
39 input from affected subsistence users in order to obtain
40 agreement on appropriate customary and traditional use
41 determination for moose in this area by residents of
42 adjoining units. Although both Councils have agreed on the
43 portion of 21(E) that is used by Unit 18 residents, there
44 is still disagreement regarding which communities in Unit
45 18 have had a customary and traditional pattern of use of
46 moose in that area.

47

48 In addition, the question of moose -- of
49 use of moose in the area some residents of Unit 19 has been
50 raised and should be considered.

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1 Residents of Unit 21(E) are concerned about
2 the potential adverse affects of the proposal on their
3 ability to obtain the moose that they heavily rely upon.
4 By the inclusion of not only the communities listed in the
5 proposal, but also with the potential expansion of Federal
6 eligibility to many additional out-of-unit residents that
7 may result from future proposals, local residents and some
8 Council members also may not fully understand the basis for
9 customary and traditional use determinations, nor the
10 practical effects of such determinations when considered in
11 conjunction with the over-lapping state regulations.

12
13 The Staff Committee believes that adoption
14 of the Yukon-Kuskokwim Delta Council recommendation or
15 rejection of the proposal as recommended by the Western
16 Interior Council at this time would be counterproductive to
17 the development of a long-term solution to this issue.
18 Staff committee recommends that the Councils renew their
19 efforts to find common ground, and that such efforts be
20 supported by the program. Thank you.

21
22 CHAIRMAN DEMIENTIEFF: Thank you.
23 Department comments?

24
25 MR. HAYNES: Mr. Chairman, the Department
26 supports the Interagency Staff Committee recommendation to
27 defer action on this proposal. We support the approach
28 taken in this analysis to focus on the southern part of
29 Unit 21(E) rather than on the entire subunit as was done
30 last year. However, evidence presented for some of the
31 communities proposed for inclusion in the c&t finding
32 either is very limited or indicates very low levels of
33 moose hunting in the area. The analysis does not explain
34 the rationale for concluding that the pattern of use in
35 communities with very low levels of hunting in the area
36 constitutes a customary and traditional use when compared
37 to other communities whose level of use in the southern
38 part of Unit 21(E) is much higher.

39
40 The Staff Committee justification for
41 deferring action on this proposal indicates that additional
42 communities, some of which are in Unite 19, should be
43 included in the c&t analysis. The list of communities
44 proposed for inclusion keeps growing, and underscores the
45 importance of a c&t analysis that carefully examines and
46 describes the different moose hunting pattern by
47 communities in the area. Only those communities whose
48 moose hunting patterns in the southern part of Unit 21(E)
49 generally exhibit the eight factors that exemplify a
50 customary and traditional pattern of use should be

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1 recommended for inclusion in the finding. We doubt that
2 all communities now being considered or proposed for
3 inclusion will meet that test, even though a few
4 individuals in some communities may have along-term pattern
5 of moose hunting in the area.

6

7 Given the sensitivity of this issue, and
8 the importance of developing a c&t finding that is clearly
9 supported by the evidence, the Department believes the
10 appropriate course is to defer action and encourage
11 continued discussion by the affected Regional Advisory
12 Councils.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Any
15 other Regional Council comment? Yes, Harry.

16

17 MR. WILDE: Mr. Chairman, I'm going to talk
18 not with Regional Council, with my experience as has been
19 hunting in that area. We have been try to work with people
20 in that area, because of our elders' leadership. They had
21 -- we had a law and regulation, it's not written in the
22 book, but it's written in the heart, never fight over
23 anything. Always share together with others. My people
24 down there, the people that I represent, they want to work
25 with the people of Russian Mission and those others that
26 who share that area for a long time. For as myself, I had
27 -- I never really lost sleeping, but I think a lot about
28 those people that in the Holy Cross area. I do have some
29 relatives and all, and elders who believe in sharing
30 subsistence in Holy Cross. One time that an old man,
31 elderly man came back in early, 55 years ago, first time I
32 go up there. One of the Demientieff, met him at a gas
33 station, he told me, Harry, why don't you come -- how come
34 you quit hunting around here? Well, I told him that I'm
35 sorry, the reason I quit hunting is the people whom I
36 represent, they could not able to hunt up here. So I think
37 there will be some people from Kuskokwim next round they
38 will be asking the same thing. So it's something that have
39 to be done. We need to do something in order to start not
40 ignore each other or not smiling at each other or looking
41 at each other. We need help from the Board I think how we
42 could deal with this problem. Thank you.

43

44 CHAIRMAN DEMIENTIEFF: Ron.

45

46 MR. SAM: Thank you, Mr. Chair. We had our
47 meeting down at Aniak. We specifically asked that we hold
48 our meeting at Aniak to address this issue. And most of --
49 all the residents of Aniak that did testify before us were
50 totally opposed to this proposal. And the reason that we

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1 asked for a special meeting between Y-K Delta and Western
2 Interior, which I thought was granted by Staff Committee,
3 was simply because that these working groups and what took
4 places, one or two members from each Council plus State
5 advisory committee members, just cannot resolve this issue.
6 So during that teleconference, Harry asked that I call
7 them. So I called him at that time and we agreed that the
8 only way to resolve this issue is to have a special meeting
9 to address this issue between Western Interior and Y-K
10 Delta, and I would ask again that you defer this proposal
11 until we have our special meeting. Thank you, Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: Not only before us,
14 you know, this issue has been raging for years even before
15 we were -- before State lost management. I mean, I
16 remember dealing with this issue I don't know how many
17 years ago when people first started going up there, and
18 people first started -- I mean, I guess although some
19 people may have, you know, have a long term -- some
20 individuals may have a long-term pattern of use, more
21 people didn't start going up there until came the high
22 horsepower boats, you know, and that's when it really be
23 -- that's when the issue came up, because then other people
24 started going up there. And then there was, you know,
25 conflicts and, you know, there was a little bit of, oh, I
26 don't know how to say it, trespassing type issues that came
27 up on people's allotments and things like that. And to the
28 credit of the people from the lower Yukon, you know, they
29 cleaned that up. They found out where and where they
30 shouldn't be. And, you know, so there's been some
31 cooperation through the years.

32

33 But I -- do you think that we need the
34 whole Regional Council to resolve this? I mean, a special
35 meeting?

36

37 One of the things we did when I first came
38 into the program, and I have real fond memories of, is we
39 had some particular thorny issues on the Kenai Peninsula.
40 And so we went to every community. We -- you know, I went
41 I think all but one of those hearings. And sat down and
42 took that, took the record before it came back to -- you
43 know, it came back to the Board for an action.

44

45 But there has to be some way to resolve the
46 issue. And I'm wondering, and I'm asking Harry and I'm
47 asking Ron, you know, to think if we can get before we go
48 -- if we go to a joint meeting, that would be fine, and we
49 could do that in the same location as a product of our
50 normal business. You guys can agree where the two regional

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1 councils, you can meet together and then you guys could do
2 your other normal business at the same time, so it's kind,
3 you know, it's kind of a cost-saving measure. You know,
4 you could meet together for this issue and then go in your
5 separate places. Maybe it might have to be here in
6 Anchorage or somewhere where we can get -- you know, then
7 you can go to your own meeting, do your normal business,
8 and, you know, Y-K can go do their normal business as a
9 normal practice.

10

11 But I think what I'm proposing is that we
12 get a representative from each council, along with our
13 staff, and maybe we could find a representative from the
14 Board, you know, going to different meetings, to just go to
15 every one of those communities and have a hearing. Let's
16 build a public record, you know, because there must be a
17 way to resolve it. Like I said, I know at least 20 years
18 this has been going on. And it had to do -- well, a large
19 part of it had to do as the Yukon fishery developed and the
20 big motors came in, you know. But if we could do that, and
21 so that each Council and the Board and our Staff have a --
22 you know, it doesn't have to be a big team, can go on a
23 fact-finding mission to all the communities that are
24 affected, and simply build the background for a joint
25 meeting between the two Councils. You know, I don't know
26 if that's an acceptable solution or plan of action for you,
27 but, you know, that's something that you would seriously
28 have to -- or, you know, we need to find some way to move
29 this issue, because it's been raging. And there's not --
30 it's not going to be an easy situation to resolve. It's
31 been going on for a long time. But anyway, that's just
32 something to think about and maybe we'll talk about that.
33 Niles.

34

35 MR. CESAR: Mr. Chairman, I think we need
36 to make a motion one way or another on this so that we can
37 discuss it at the Board level. It seems to me we're
38 getting into the mechanics of a deferral, and the resulting
39 action of that deferral. I think we need to bring the
40 motion to the table, so I'll make the motion that we accept
41 this Interagency Staff Committee recommendation to defer
42 action on this to allow the affected Regional Advisory
43 Councils to deal with it. And so if I can get a second on
44 that?

45

46 MR. BISSON: Second.

47

48 MR. CESAR: Then I would like to -- my
49 observation is that the mechanics of how that meeting take
50 place and where they take place and what villages need to

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1 come after a discussion with the two Board chairs, and they
2 send forward a plan for how that's going to play out.

3

4 CHAIRMAN DEMIENTIEFF: Yeah, I guess that
5 I'd certainly be willing to work with you both on coming up
6 with some kind of a way, but all I'm telling you is that on
7 the Kenai it worked, and we came up with a plan to deal
8 with it. But we had to go to every community, you know,
9 that's affected by the thing, and it was actually -- it was
10 mostly the Board and the -- and our Staff. We did it on
11 our own, but that's not what I'm proposing since, and I'm,
12 you know, talking about that, so, yeah, I do intend to
13 support the motion to defer, and maybe we can get together
14 on a break, Harry, you and Ron and I, and talk about this
15 and try to come up with some way to work it out
16 administratively. Ron.

17

18 MR. SAM: Thank you, Mr. Chair. After that
19 teleconference with Staff Committee, I did call Harry
20 personally, and we did agree on having a special meeting.
21 However, if a special meeting cannot be granted to resolve
22 this issue, I would then ask that both Alex Nick and Vince
23 Mathews, our coordinators, to pursue the avenue of having
24 a joint meeting, joint fall meeting here in Anchorage,
25 because what's within our personal call -- I mean, within
26 the personal call between Harry and I, we both agreed that
27 it could be here in Anchorage to find an impartial place,
28 that I think that this issue is strong enough that neither
29 one of our Councils would bend to -- or to satisfy the
30 other. We -- as far as Western Interior is concerned, we
31 are not budging on this issue until we have a joint
32 meeting. Thank you, Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Yeah, and I think,
35 you know, really -- the real reason that I'm talking about
36 having our normal meeting is because if we have a special
37 meeting with both entire councils, it's going to drive the
38 cost up, and I -- you know, you -- we can get together and
39 talk about location. It doesn't necessarily have to be
40 here in Anchorage. It could be any place that could
41 accommodate, because, you know, because that's quite a big
42 group of people, you know, but, you know, we'll get
43 together and talk, but, you know, let's talk also about
44 getting the hearings, you know, in those villages. Now, we
45 could do that with a small team. We don't necessarily have
46 to have, you know, we don't necessarily have to have a big
47 group, as long as both Councils are represented. We'll try
48 to get a representative from the Board to go to meetings,
49 and our Staff, you know. That would be a small team that
50 we could probably afford to, you know, move around to those

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1 communities. But let's build a good record so that when
2 you guys meet, you have all the information before you that
3 you need to come up with some kind of a recommendation,
4 because it's just been going on too long. We need to find
5 some way.

6 So anyway, is there any further discussion
7 on the motion? Yes.

8

9 MR. BISSON: Mr. Chairman, I just wanted to
10 say that I strongly agree with this motion. While the
11 Councils remain so sharp, the divisions between the
12 Councils on this issue, I think that we need to provide
13 them the time and the opportunity to try to sit down and
14 work it out, and I personally like the idea of having some
15 fact finding, fact gathering meetings out in the
16 communities, and then bringing folks together to deal with
17 those facts, and then try to come up with a compromise or
18 a solution to the problem. I think that's the right way to
19 go.

20

21 CHAIRMAN DEMIENTIEFF: Ron.

22

23 MR. SAM: I think the reason that we won't
24 budge as Western Interior is that how do you grant a whole
25 village or a whole slew of village c&t rights while only
26 one or two individuals out of that whole area use --
27 utilize this area. And that is the constitutionality that
28 I was talking about, that -- which is totally bothers
29 Western Interior Council members.

30

31 CHAIRMAN DEMIENTIEFF: Judy.

32

33 MS. GOTTLIEB: Mr. Chair, I would certainly
34 encourage that work or meetings be done between now and the
35 fall meeting, and hope that Chevak is going to be included
36 amongst the list of villages, because that was pretty
37 strongly stated, and I understand I think it was
38 inadvertently left out, but hope that will be looked at.

39

40 And certainly ron has a point that we've
41 all struggled with in how to do c&t's, and this might be an
42 opportunity to work with communities to either explain it
43 and/or get feedback on perhaps how to improve our methods.
44 Thank you.

45

46 CHAIRMAN DEMIENTIEFF: Okay.

47

48 UNIDENTIFIED VOICE: Question.

49

50 CHAIRMAN DEMIENTIEFF: The question's been

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1 called for. All those in favor signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN DEMIENTIEFF: Those opposed, same
6 sign.

7

8 (No opposing votes.)

9

10 CHAIRMAN DEMIENTIEFF: Motion carries.

11 Okay. Harry and Ron, we'll get together on a break here.

12 Go ahead, Greg, I'm sorry.

13

14 MR. BOS: Thank you, Mr. Chair. I just
15 want to point out that the communities listed in the
16 proposal were just Yukon River, lower Yukon River
17 communities primarily, and there are a number of
18 communities in the Kuskokwim drainage that feel they should
19 also be granted c&t in Unit 21(E), so when we develop a
20 joint meeting, and the participation of that, we should
21 include those people as well.

22

23 I'd also like to perhaps respond to what I
24 think Harry Wilde was saying about Federal lands being
25 closed to moose hunting, Federal lands in 21(E) being
26 closed to moose hunting to people from his area. Under
27 State regulations, all residents of Units 18 and other
28 adjoining units are able to hunt in 21(E) on Federal lands
29 under the Federal regulations. It is true that there's
30 some difference between the Federal and the State
31 regulations. The Federal season opens 15 days earlier than
32 the State regulation in August. But lower Yukon River
33 communities as well as Kuskokwim drainage communities are
34 able to hunt in 21(E) on federal lands beginning September
35 5. Thank you.

36

37 CHAIRMAN DEMIENTIEFF: Okay. I think we're
38 -- it's 10:00 o'clock now. I think we're going to take a
39 little short break here.

40

41 (Off record)

42

43 (On record)

44

45 CHAIRMAN DEMIENTIEFF: We'll call the
46 meeting back to order. Well, you guys, I hope you enjoyed
47 your nice long break, but we were trying to -- we were
48 working out some agreements between Western and Y-K on how
49 we could facilitate our process, so that's what took so
50 long. But, anyway, at least you guys got a nice long

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1 break. A good chance to visit.

2

3 But things being as they are, we've got to
4 get back to work here. We've got Proposal No. 38 before
5 us. Staff analysis.

6

7 MR. DeMATTEO: Mr. Chair, the analysis for
8 Proposal 38 is under tab G, on page 444. Proposal 38 was
9 submitted by the Western Interior Regional Council, and
10 this proposal would increase the existing Unit 24 wolf
11 hunting harvest limit from five to 10 wolves.

12

13 The existing Federal and State harvest
14 limits for wolves in Unit 24 are five wolves during the
15 August 10 through April 30 seasons, and this proposal would
16 not change the existing season, just the harvest limit.
17 The proposal's intent -- or the proponent's intent is to
18 increase opportunity for qualified users who want to
19 harvest additional wolves within the unit.

20

21 Rural residents of Units 6, 9, and Unimak
22 Island of Unit 10, residents of 11 through 13, the
23 residents of Chikaloon, and Units 16 through 26 have a
24 positive and customary and traditional use determination
25 for wolves in Unit 24.

26

27 For National Park Service lands, only
28 residents of the resident zone communities of Allakaket,
29 Alatna, Ambler, Anaktuvuk Pass, Bettles, and Evansville,
30 Hughes, Kobuk, Nuiqsut, Shungnak and Wiseman may hunt and
31 trap within the Gates of the Arctic National Park.

32

33 Results from recent aerial wolf surveys
34 conducted within the area back in 2000 reveal that the
35 population estimate for wolves is -- appears to be healthy.
36 The estimated annual total take of wolves within the unit
37 is approximately 140 wolves harvested each year. Through
38 preliminary discussions with area trappers, hunters,
39 Alaska Department of Fish and Game and Fish and Wildlife
40 Service staffs, the wolf population trend in Unit 24
41 appears to be stable, and in some areas within the unit, it
42 also appears to be increasing.

43

44 If this proposal were adopted, additional
45 harvest of wolves is not likely in most of Unit 24, because
46 rural subsistence users who hunt wolves in Unit 24 may
47 currently do so under trapping regulations. Most area
48 hunters have a trapping license, and so are able to harvest
49 an unlimited number of wolves during the shorter trapping
50 season. Most wolves are harvested during the trapping

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1 season due to the better fur conditions and better
2 transportation conditions.

3

4 This additional opportunity will have the
5 greatest impact in the Gates of the Arctic National Park
6 where hunting regulations are the primary means to harvest
7 wolves with a firearm. This additional opportunity within
8 the park may slightly increase wolf harvest within the park
9 boundary, but it is not likely to have much if any impact
10 on the over-all wolf population in 24.

11

12 The number of hunters eligible to hunt
13 within the park is also limited by the existing National
14 Park Service eligibility regulations that define the
15 resident zone communities.

16

17 Adopting this proposal would create a
18 difference between Federal and State regulations. However,
19 a proposal could be submitted to the Alaska Board of Game
20 for consideration to realign the regulations.

21

22 At the March 2003 meeting of the Western
23 Interior Council, the proponent amended the -- this
24 proposal, and it can be found at the bottom of page 446.
25 The amended proposal for wolf hunting in Unit 24 would
26 change the existing harvest limit from five to 15 wolves,
27 however, no more than five wolves may be taken prior to
28 November 1st, and again the season would remain the same.
29 Also, the proposed regulatory action as amended would also
30 mesh with the existing Unit 26 regulations for wolf
31 hunting.

32

33 Mr. Chair, I'll close with the note that
34 there's been a fair amount of cooperative effort in this
35 amendment, as stated at the bottom of 446, between the
36 Federal agencies, the Department of Fish and Game, and also
37 the proponent. Thank you.

38

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

41

42 MR. MATTHEW: Yes, Mr. Chairman, there were
43 three written public comments, two in opposition and one in
44 support.

45

46 The one in support came from Gates of the
47 Arctic National Park Subsistence Resource Commission. They
48 had an early draft of this proposal, and when they reviewed
49 it in November, they supported the proposal, because it
50 would allow a higher level of incidental take than

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1 currently provided, and would be consistent with the
2 existing regulations in the neighboring unit to the north,
3 Unit 26.

4

5 The two that are in opposition, I believe
6 they'll be testifying later, one is from the Defenders of
7 Wildlife. They oppose the proposal. The current wolf and
8 wolverine hunting regulations are adequate to provide for
9 subsistence needs in this unit where most fur bearers are
10 taken by trapping with no bag limit. State objectives here
11 are for sustained harvest of no more than 30 percent of the
12 wolf population, and these levels are probably reached or
13 exceeded.

14

15 The other letter of opposition was from the
16 Alaska Wildlife Alliance. They oppose it. Biologists have
17 not determined that the presence of wolves in Unit 24 is
18 having a major detrimental impact on ungulate populations.
19 Allowing for a harvest of 10 wolves per individual is
20 extremely liberal and would be out of line with State
21 regulations for the rest of the unit, which is for five
22 wolves.

23

24 Those are all the written public comments
25 that I'm aware of, Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. We have
28 no additional requests for public testimony at this time.
29 Regional Council recommendation. Ron.

30

31 MR. SAM: Yes, thank you, Mr. Chairman. We
32 did introduce it, because there is no limit as far as
33 trapping is concerned, and you did pass that Bristol Bay
34 request for 20 in -- 20 per year. We feel that -- we feel
35 that up to 15 wolves will not adversely affect the
36 population. And for the most part, most of our harvest
37 will be incidental, as if we go to the Gates of the Arctic
38 to hunt sheep, and then we could harvest a few of those.
39 Again it would be incidental, and very few people will take
40 advantage of this quota. Thank you.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Harry.

43

44 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
45 Delta Regional Council recommends support Western Interior
46 Regional Council recommendation.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Grace.

49

50 MS. CROSS: Seward Peninsula supported this

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1 increase of harvest. We feel that there is -- it won't
2 have any adverse impact on the wolf population, because
3 most of the hunters in that area can already harvest an
4 unlimited number of wolves under trapping regulations, and
5 there's concern for that at this point. Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Yes. And it's in
8 the written record, but I'll just note publicly, since
9 North Slope doesn't have a representative here, but they
10 also -- their recommendation is to support as well.

11

12 Okay. Staff Committee.

13

14 MR. BOS: Thank you, Mr. Chair. The Staff
15 committee recommendation can be found on page 442, and that
16 is to adopt Proposal 38 as modified by the Western Interior
17 Regional Advisory Council, which would increase the harvest
18 limit on wolves by hunting to 15 per season, with a
19 provision that no more than five may be taken prior to
20 November 1. This is different than the recommendations of
21 the other councils, that is the Seward Peninsula, North
22 Slope, and Yukon-Kuskokwim Delta Councils which recommended
23 supporting the original proposal for an increase to 10
24 wolves for the entire season.

25

26 Increasing the wolf hunting harvest limit
27 for Unit 24 to 15 wolves during the period November 1 to
28 April 30 would provide additional opportunity for
29 subsistence users to harvest wolves with a firearm on
30 National Park lands in Unit 24 when pelts are prime. The
31 number of hunters eligible to hunt within park lands is
32 limited by the National Park Service eligibility
33 regulations, so the additional opportunity provided by the
34 proposed change in the regulations should have little
35 impact on the health of the wolf population.

36

37 Although the Yukon -- as I've mentioned,
38 the Yukon-Kuskokwim Delta, Seward Peninsula and North Slope
39 Councils supported the original proposals -- the original
40 proposal to increase the harvest limit to 10 wolves for the
41 entire season, Staff Committee recommends adoption of the
42 modification recommended by the Western Interior Council,
43 which is home region for the majority of the subsistence
44 users affected by the proposal. Allowing the harvest of 15
45 wolves on National Park Service lands with a firearm under
46 hunting regulations during the trapping season, and that's
47 when wolves are most accessible, and the pelts are most
48 valuable, would have greater benefits to subsistence users
49 than a 10-wolf limit.

50

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1 That concludes the Staff Committee
2 recommendation, Mr. Chair. Thank you.

3

4 MS. CROSS: Mr. Chairman.

5

6 CHAIRMAN DEMIENTIEFF: Thank you. Yes.

7

8 MS. CROSS: Seward Pen was not aware of the
9 amended proposal, so I'm sure that we could have supported
10 that, too. Thank you.

11

12 CHAIRMAN DEMIENTIEFF: Department comments?

13

14 MR. HAYNES: Mr. Chairman, the Department
15 supports the proposal as modified by the Western Interior
16 Regional Advisory Council to authorize a harvest limit by
17 hunting of 15 wolves per year in Unit 24, no more than five
18 of which can be taken before November 1st.

19

20 This modification addresses the
21 Department's concern that additional wolf hunting
22 opportunity be provided when wolf pelt primeness is less
23 likely to be an issue. The wolf population in Unit 24 is
24 considered to be stable or increasing, and any additional
25 harvest that might occur under the modified regulation is
26 expected to be biologically sustainable.

27

28 I would also add that there would be one
29 difference in the existing Unit 26 regulations and the
30 proposed Unit 24 regulation in that in Unit 26 there is no
31 provision to limit the harvest prior to November 1st. The
32 over-all bag limit would be consistent with Unit 26, but
33 there is this provision in the Staff Committee
34 recommendation to allow a maximum of five wolves to be
35 harvested before November 1st.

36

37 CHAIRMAN DEMIENTIEFF: Thank you, very
38 much. Any additional Regional Council comment? Walter.

39

40 MR. SAMPSON: Thank you, Mr. Chairman,
41 members of the Board. Based on the reports that's been
42 given as well as ADF&G, it sounds like there's a little
43 impact on the population of the wolves, and also based on
44 what the Regional Advisory Councils for those Regional
45 Councils supporting it, certainly we will support that as
46 well.

47

48 CHAIRMAN DEMIENTIEFF: Thank you.
49 Additional comment. If not, we'll move on to Board -- oh,
50 Ron.

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1 MR. SAM: Thank you, Mr. Chair, just for
2 your information, the caribou migrated through our area, so
3 the wolves weren't eating dogs this year.

4
5 CHAIRMAN DEMIENTIEFF: Niles, you had
6 something?

7
8 MR. CESAR: Yes, Mr. Chairman. To discuss
9 it at the Board level, I think it would be appropriate for
10 me to make a motion to accept the Staff Committee
11 recommendation on Proposal 38 as modified.

12
13 MR. BISSON: Second it.

14
15 CHAIRMAN DEMIENTIEFF: It's been moved and
16 seconded. Discussion.

17
18 MR. CESAR: Mr. Chairman, I -- like --
19 well, let me start again. I believe that allowing or
20 providing for additional subsistence on this wolf
21 population is appropriate. It allows the subsistence users
22 to have more access, and I believe that I do not see a
23 conservation issue, and I think that we have the support of
24 the majority of the Regional Advisory Councils, or all of
25 them that are affected, and so it's my intent to vote for
26 this motion.

27
28 CHAIRMAN DEMIENTIEFF: Any other
29 discussion?

30
31 (No discussion)

32
33 CHAIRMAN DEMIENTIEFF: Hearing none, all
34 those in favor of the motion please signify by saying aye.

35
36 IN UNISON: Aye.

37
38 CHAIRMAN DEMIENTIEFF: Those opposed same
39 sign.

40
41 (No opposing votes.)

42
43 CHAIRMAN DEMIENTIEFF: Motion carries.
44 Okay.

45
46 I'm going to take these next, because we
47 have some items that are moved off the consent agenda, I'm
48 going to take them in numerical order, beginning with
49 Proposal 42. Procedurally as we begin with these items
50 that public members had requested to be pulled off the

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1 consent agenda, what we're going to do and how we're going
2 to deal with them is that we're going to give the public
3 that wants to testify on this issue, on the issues, issue
4 by issue, and then if they convince -- and really we're
5 struggling with this a little bit. That's why we've been
6 huddling up up here with legal counsel and all, and we're
7 okay with this. We're going to give the people who want to
8 testify the opportunity to testify on the issue, and then
9 the Board will decide simply whether or not we want to take
10 those matters up. So that will be the way we'll deal with
11 this. So that will take a Board action once we give the
12 people the opportunity to testify. And so that's
13 procedurally how we're going to deal with it, and, you
14 know, if the Board decides that we're going to go through
15 it, we'll go through the whole process. But this is how
16 we're going to deal with it, and like I said, we've been
17 huddling up with our regulation people and our attorney and
18 he says -- they say that, you know, this would be an
19 acceptable way to do it. But we do want to be fair and
20 give people the opportunity to testify on these issues,
21 and, you know, the public does need to be heard, so we're
22 going to give them the opportunity.

23

24 So with that, with regard to Proposal 42,
25 we'll call on Jack Hession first. And I understand, Jack,
26 that you want to testify on all, 42, 43.....

27

28 MR. HESSION: Yes, sir, Mr. Chairman.

29

30 CHAIRMAN DEMIENTIEFF:49.

31

32 MR. HESSION: And.....

33

34 CHAIRMAN DEMIENTIEFF: Is that correct?

35

36 MR. HESSION: Yes, sir, it is. Actually I
37 spoke yesterday about 49.

38

39 CHAIRMAN DEMIENTIEFF: Oh, yeah.

40

41 MR. HESSION: And today I'd just like to
42 talk about 42, 43, and 50. I'll be brief, because I
43 appreciate the opportunity here to comment on items that
44 were originally on the consent agenda.

45

46 Forty-two would extend the black bear
47 baiting season in the Yukon Flats National Wildlife Refuge.
48 It would open another window, August 1st to September 25th.
49 It would extend it. It is now between April 15th and June
50 the 30th. In other words, roughly a two-month additional

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1 period, leaving July as the sole month in the summer for
2 non-baiting of black bears.

3

4 As you may know, we are strongly opposed to
5 bear baiting as a practice on all Federal lands. In fact,
6 all lands in Alaska for that matter, but especially on
7 national parks, national preserves, national wildlife
8 refuges, and other highly important national interest
9 lands.

10

11 I did a little research on this issue, and
12 here's what I learned, Mr. Chairman. All 16 refuges in
13 Alaska are open to black bear baiting under State
14 regulations, but in the Lower 48 there are 14 refuges in 10
15 lower -- 10 states in the Lower 48, in which baiting is not
16 allowed. I don't know whether these states either allow or
17 disallow it, but in any event in the case of 14 refuges,
18 this practice is simply not allowed. That being -- reflect
19 the national opinion that this practice is not compatible
20 with national wildlife refuge standards. Currently there's
21 a bill before Congress called Don't Feed the Bears Act,
22 which would ban the practice on all Federal lands.

23

24 Here in Alaska, the Fish and Wildlife
25 Service has determined that hunting in general is
26 compatible with refuge purposes, but the Regional Office
27 has not done a compatibility determination for bear baiting
28 as a hunting method. However, there is some guidance here.
29 The Refuge Manual, U.S. Fish and Wildlife Service Refuge
30 Manual, is instructive on hunting in general. Let me quote
31 from the Refuge manual, hunting, quote, shall be planned,
32 supervised, conducted and evaluated in a manner that
33 promotes positive hunting values and hunter ethic such as
34 fair chase, sportsmanship, and quality experience, unquote.
35 Clearly under that definition, black bear baiting is
36 totally contrary to existing Fish and Wildlife Service
37 policy. And for that reason we oppose it, and we oppose
38 Proposal 42.

39

40 Forty-three is another copy of a State
41 regulation. It would extend the season for brown bear in
42 the southern Arctic National Wildlife Refuge, and along the
43 north side of the Yukon River in Yukon-Charley National
44 Rivers -- National Preserve, excuse me. Again, this is in
45 conflict with the interest of, particularly in the
46 preserve, with the interest of non-consumptive users, and
47 I don't see any justification for it.

48

49 I spoke yesterday about Proposal 49,
50 beaver, including the effect it would have on existing

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1 National Park Service regulations that ban the use of
2 firearms to take beaver.

3

4 And in the case of Proposal 50, the coyote
5 season -- sorry, the -- yes, the coyote season be
6 lengthened and the bag limit increased from two to 10. In
7 the case of -- interesting enough, in the case of a
8 National Park Service unit, the existing requirement that
9 only two coyotes may be taken prior to I think it's
10 sometime in September here. My notes are incomplete. That
11 would be dropped and these -- and the bag limit could be --
12 would apply throughout the season. Again a conflict here
13 with the interests of individual citizens, Alaskans and
14 others interested in a national park-slash-preserve viewing
15 experience.

16

17 And in conclusion, Mr. Chairman, yesterday
18 and today I've been critical of some of these proposals,
19 but I want to emphasize that the Sierra Club and I believe
20 many of my colleagues in the conservation movement, are not
21 either opposed to subsistence in any way or are so critical
22 of this process that we would give up on it, let me put it
23 that way. Just to remind the Board, that during the
24 consideration of the Alaska Lands Act, we were in alliance
25 with many of the local rural residents of Alaska, and, of
26 course, Title VIII is a fundamental part of the Alaska
27 Lands Act. In fact, I'll conclude on the note that without
28 the support of local rural residents for the protection of
29 habitat and the species that depend on that habitat, I
30 don't think the Alaska Lands Act would be the success, the
31 overwhelming success that it has turned out to be.

32

33 And on that note, I would urge you to
34 consider these comments as helpful in accomplishing the
35 intent of Congress in both Title VIII and over-all in the
36 Act itself. Again, Mr. Chairman, thank you very much for
37 allowing me to comment on these original consent agenda
38 items.

39

40 CHAIRMAN DEMIENTIEFF: Yes. Jack, I just
41 -- let me see, I'm sure I speak for the Board when I take
42 your last closing comments. We take your last closing
43 comments to heart. I mean, the fact that you're here, that
44 you're spending the time to study the process, and to
45 contribute to the process speaks volumes to us, and that
46 goes for every member of the public as well as those of you
47 that are representing organizations because while the RACs
48 are the backbone of our system, it's the public
49 participation, because very many of our proposals come from
50 public people, just general public. So we appreciate you

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1 taking the time to be here and to contribute your advice to
2 us.

3

4 Thank you.

5

6 MR. HESSION: Thank you, Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Karen, do you want
9 to do both of yours at once?

10

11 MS. DEATHERAGE: Yeah.

12

13 CHAIRMAN DEMIENTIEFF: Okay.

14

15 MS. DEATHERAGE: Yeah, that would be great.

16

17 CHAIRMAN DEMIENTIEFF: Okay.

18

19 MS. DEATHERAGE: Make sure I have the thing
20 on. Okay. My name is Karen Deatherage, and I'm here to
21 represent Defenders of Wildlife. And like the Sierra Club,
22 Defenders of Wildlife, and the conservation community are
23 appreciative of the opportunity to be here and participate
24 in this process. We have 450,000 members in North America.
25 We operate two offices in Alaska. This is the first time
26 I have personally participated in the Federal Subsistence
27 Board process.

28

29 On Proposal 42, Defenders of Wildlife is
30 also opposed to bear baiting, particularly on Federal
31 lands. We believe that Americans are opposed to this
32 process, and we're seeing -- or this methodology. We're
33 actually seeing something come out of that as Jack was
34 saying with Congressional action to ban bear baiting on
35 public lands throughout the United States. We also have
36 learned in a recent poll that Alaskans as a whole, or the
37 majority of Alaskans are opposed to bear baiting.

38

39 Defenders is very active in trying to
40 reduce conflicts between bears and wolves, or predators,
41 and the public, and we're very concerned about expanding
42 bear baiting because of this. We've seen -- we believe
43 that bear baiting habituates bears to human food. We've
44 seen this on the Kenai, and it's been very problematic in
45 the refuge there, because brown bears are -- the DLPs for
46 brown bears there are so high that no hunting actually
47 exists at this time. And brown bears are not allowed to be
48 baited at stations, but they do come to these stations that
49 are set up for black bears and become habituated to human
50 food.

00172

1 We also believe that -- that there's user
2 conflicts. I was at the Board of Game meeting, and there
3 were a number of people that visit national parks and
4 refuges that believe the quality of their experience there
5 is diminished when they come across bear baiting stations
6 on the trails. So there's some concern, growing concern
7 there.

8

9 We also -- Defenders of Wildlife has been
10 very active in the State of Alaska on fair chase methods,
11 and we do not believe that this is -- constitutes fair
12 chase, and we believe it's unsportsmanlike.

13

14 So for those reasons, we oppose the
15 extension of bear baiting that is requested in this
16 proposal.

17

18 Proposal 43, which extends the seasons for
19 brown bear hunting, and it's listed in the proposal that
20 the intent to do this is to be in alignment with the State
21 on their recent extension. I sat through several days, it
22 seemed like weeks, of deliberation at the Board of Game
23 meeting, and I can assure you that the intent for the vast
24 majority of the extensions of the seasons and the increased
25 bag limits is for the intensive game management philosophy
26 that the State is currently operating under, I-dot-E-dot,
27 predator control. And I urge this Board to not try to
28 continually align with the State with these season and bag
29 limits, because that is the intent of the Board of Game,
30 and I don't believe that's the intent of the -- of this
31 Board, to engage in any type of predator control on Federal
32 lands. And I see this as a thing that's going to be
33 continued, because I think with the current Board of Game
34 philosophy, that we're going to see more and more proposals
35 passed that are going to try to put a major dent in the
36 predator populations on state lands, and if we -- you know,
37 if this Board comes back and says, well, we want to be able
38 to give subsistence hunters as much opportunity at State,
39 then they're only following into that philosophy, so I'd
40 like you to take that into consideration when you look at
41 these proposals to increase and align with the State.

42

43 So thank you.

44

45 CHAIRMAN DEMIENTIEFF: Thank you very much.

46 Okay. I'm going to -- at this time going to call on our
47 counsel since, like I said, this is new turf for us to have
48 items taken off and now maybe put back on. I mean, we just
49 need -- procedurally, we as a Board need to understand the
50 process. So, Keith, if you could please explain it to us?

00173

1 MR. GOLTZ: Okay. The use of the consent
2 agenda is basically an administrative tool, and it's
3 purpose is to facilitate the resolution of questions where
4 everybody agrees, and it's really a recognition that
5 Federal law does not require us to drone on at taxpayer
6 expense on every single issue.

7
8 When the Board acts on a consent agenda, it
9 does so on the written record. You do it on your Board
10 book. If any one member decides that that record should be
11 supplemented, you can do it in one of three ways. Either
12 you can submit additional written materials, you can accept
13 testimony from the public as to why it should be removed
14 from the consent agenda, or you can remove it from the
15 consent agenda and then take testimony on the particular
16 issue.

17
18 And yesterday what we did is remove these
19 items from the consent agenda. Since only -- it takes only
20 one member to remove, it's going to take unanimous consent
21 to go back onto the consent agenda.

22
23 CHAIRMAN DEMIENTIEFF: Thank you. And I
24 think as Tom and I were talking, at our next work session,
25 it's going to be an item that we -- because we have a
26 procedures manual, and I think we need to formally adopt
27 it. But certainly it's clear to me that if we do get
28 unanimous consent to move those items back onto the consent
29 agenda, then they'll go back on. But procedurally we will
30 -- they will craft verbiage for us to, you know, look at
31 and adopt as our formal policy, because, like I say, it's
32 the first time it's ever happened, and, you know, so we
33 need to have an established policy. And I think while is
34 clear to me that this is entirely legal process if we
35 decide to move them back on. If we don't decide to move
36 them back on, then we will go through the normal process
37 for consideration. So with that, we'll take a motion with
38 regard to Proposal 42. We'll do them individually.

39
40 MR. EDWARDS: You're looking for a motion
41 to.....

42
43 CHAIRMAN DEMIENTIEFF: Put them back on the
44 consent agenda.

45
46 MR. EDWARDS: Mr. Chairman, I would so move
47 that Proposal 42 be taken off the consent agenda and
48 further discussed by the Board.

49
50 CHAIRMAN DEMIENTIEFF: You want it off?

00174

1 It's already off.

2

3 MR. EDWARDS: It's off?

4

5 CHAIRMAN DEMIENTIEFF: Yeah.

6

7 MR. EDWARDS: Then we're going to-- that
8 means we're going to discuss it, right?

9

10 CHAIRMAN DEMIENTIEFF: Right.

11

12 MR. EDWARDS: That's what I want.

13

14 CHAIRMAN DEMIENTIEFF: Okay. And 43, we'll
15 take -- is there any action on 43?

16

17 MR. CESAR: Mr. Chairman, I move that we
18 take Proposal 43, which is currently off the consent
19 agenda, and place it back on the consent agenda.

20

21 CHAIRMAN DEMIENTIEFF: Did I hear you make
22 that motion asking unanimous consent?

23

24 MR. CESAR: Well, yeah, and asking
25 unanimous consent. I was waiting for a second, so.....

26

27 CHAIRMAN DEMIENTIEFF: Okay. Is there a
28 second.

29

30 MR. BISSON: Second it.

31

32 CHAIRMAN DEMIENTIEFF: Okay. Is there any
33 objection from Board members with regard to Proposal 43?

34

35 (No objections)

36

37 CHAIRMAN DEMIENTIEFF: Hearing none, so
38 ordered. It's back on the consent agenda. Okay. Proposal
39 49. Go ahead.

40

41 MR. CESAR: Mr. Chairman, I move that we
42 take Proposal 49, which is currently off the consent
43 agenda, and place it back on the consent agenda and ask for
44 unanimous consent.

45

46 CHAIRMAN DEMIENTIEFF: Is there a second to
47 that motion.

48

49 MS. GOTTLIEB: Second it.

50

00175

1 CHAIRMAN DEMIENTIEFF: Is there any
2 objection to the motion.

3
4 (No objections)

5
6 CHAIRMAN DEMIENTIEFF: Hearing none, so
7 ordered. It's back on consent.

8
9 Proposal Number 50.

10
11 MR. CESAR: Mr. Chairman, I move that we
12 take Proposal 50, which is currently off the consent
13 agenda, and that we move it back onto the consent agenda,
14 and I ask unanimous consent.

15
16 CHAIRMAN DEMIENTIEFF: Is there a second to
17 that motion.

18
19 MS. GOTTLIEB: I'll second.

20
21 CHAIRMAN DEMIENTIEFF: Is there any
22 objection.

23
24 (No objections)

25
26 CHAIRMAN DEMIENTIEFF: Without objection,
27 so ordered. Okay.

28
29 Let me see. Let me just ask Jack and
30 Karen, your testimony with regard to 42 is already on the
31 record. Do you feel compelled for me to call you back up?

32
33 MR. HESSION: No, sir, thank you very much.

34
35 MS. DEATHERAGE: No thank you.

36
37 CHAIRMAN DEMIENTIEFF: Okay. Your
38 testimony with regard to 42 is on the record.

39
40 MS. DEATHERAGE: Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Okay. So it will be
43 included. Okay. With that we'll go to Staff analysis on
44 Proposal 42.

45
46 MR. DeMATTEO: Mr. Chair, the analysis for
47 Proposal 42 can be found under tab H on page 462. Proposal
48 42 was submitted by the Eastern Interior Regional Council,
49 and this requests the black bear regulations in Unit 25(D)
50 be aligned with State regulations. This would add a

00176

1 community harvest permit process and would allow black
2 bears to be baited from August 1st through September 25
3 within Unit 25(D).

4

5 On page 462 the proposed regulations for
6 Unit 25(D) black bear would add the language in regulation
7 that three bears by community permit would be allowed to be
8 harvested between July 1st and June 30th, and also would
9 add the language to the use of bait to hunt bears between
10 April 15th and June 30th, would add the language to that,
11 would state and between August 1st and September 25, that
12 baiting would be allowed for taking of black bears.

13

14 Residents of Unit 25(D) have a positive
15 customary and traditional use determination to harvest
16 black bear, Unit 25(D).

17

18 In March of 2002, the Alaska Board of Game
19 addressed proposals from the Yukon Flats Moose Management
20 Planning Committee requesting that a community harvest
21 permit hunt and a fall baiting season be established for
22 black bears in Unit 25(D). Both proposals were implemented
23 by the Alaska Board of Game.

24

25 Within State regulations, the regulations
26 that define the community harvest permit system, states
27 that community harvest permits may be issued to groups of
28 people for hunting big game in specific hunt areas
29 designated by the Board of Game. Permits are issued only
30 where the Board of Game has established a community harvest
31 hunt area, and are available only to Alaska residents.
32 This type of permit accommodates local hunting practices
33 and creates a group bag limit rather than an individual bag
34 limit. Hunters who sign up for community harvest permit
35 during a given regulatory year can also hunt for the same
36 species under the other regulatory -- regulations during
37 the same regulatory year covered by the community harvest
38 permit, except at specific circumstances. Other people can
39 hunt in a community harvest area, except that they will
40 have an individual bag limit. At present there are two
41 designated community harvest areas involving the
42 communities of Chalkyitsik and the Yukon Flats in Alaska.

43

44 The designated hunter approach may also
45 have applications for black bears, Unit 25(D). The
46 designated hunters approach enables one hunter to harvest
47 for one or more other Federally qualified subsistence users
48 who have the appropriate license, but who do not wish to
49 harvest for themselves or wish assistance with harvesting
50 their subsistence resources.

00177

1 The designated hunter option facilitates
2 the customary and traditional use of wildlife for
3 subsistence bartering and for continuation of traditional
4 ceremonies.

5
6 The community harvest permit approach and
7 fall baiting season for black bear in Unit 25(D) were
8 originally proposed by the -- to the Alaska Board of Game
9 by the Yukon Flats Moose Management Planning Committee to
10 provide increased hunting opportunity and increased harvest
11 of black bear.

12
13 Currently the black bear population within
14 Unit 25(D) is abundant.

15
16 The current harvest of black bear within
17 Unit 25(D) is estimated to be approximately 100 bears per
18 year. Black bear continue to be an important subsistence
19 resource to the residents of Unit 25(D).

20
21 Unit 25(D) includes the communities of
22 Stevens Village, Beaver, Birch Creek, Venetie, Fort Yukon,
23 Circle and Chalkyitsik.

24
25 The rationale and the intent for providing
26 a community harvest permit for black bear is to allow
27 communities and other groups to continue traditional
28 harvesting practices in which a relatively small number of
29 hunters harvest a relatively larger -- large portion of the
30 resources used by some groups of people.

31
32 The proposed regulation would recognize the
33 opportunity for groups to designate a hunt administrator
34 and to apply for a community harvest permit for black bear
35 in Unit 25(D). Under this system, individuals could
36 combine their individual harvest limits so that some
37 hunters can take a larger number of bear. This would also
38 establish a method to report black bears harvested under
39 the community harvest permit. The Alaska Department of
40 Fish and Game observed that a community harvest permit
41 system would accommodate local hunting patterns and improve
42 harvest reporting and also provide opportunity for
43 increased local involvement in harvest management.

44
45 The community harvest permit system would
46 allow people to combine bag limits so that most active
47 hunters can each take more than three black bear. People
48 could continue to hunt under the present harvest limit of
49 three bears per hunter, but a group of people would have
50 the option of applying for a community harvest permit.

00178

1 This community harvest permit approach and
2 fall baiting for black bear could result in a small
3 increase in the black bears harvested within Unit 25(D).
4 Proposal 42 is consistent with the recommendations of the
5 Yukon Flats Moose Management Plan. This plan emphasizes
6 that participation of local communities and management and
7 the need to improve harvest reporting.

8
9 The Community of Beaver has applied for and
10 has received the initial paperwork for a community harvest
11 permit for black bear. This process is still in
12 development. It would be helpful to formally recognize the
13 State's implementation of the new community harvest permit
14 system for black bear on Federal lands in Unit 25(D). A
15 state-managed community harvest permit system would be most
16 efficient administratively, would reduce confusion and
17 would facilitate communication and understanding. We've
18 seen other examples of this that work quite well, and that
19 the dual management of the 40-Mile Caribou Herd, and also
20 the moose population of the lower Koyukuk River.

21
22 Mr. Chair, I just want to finish with this
23 proposal, yes, in affect would align with State
24 regulations, but the intent of the proposal does meet the
25 traditional wishes of people of these communities where
26 they could pull their resources together so to speak, and
27 a few hunters could harvest for others. And that in itself
28 is a traditional practice.

29
30 And that's all I have, thank you.

31
32 CHAIRMAN DEMIENTIEFF: Thank you. Written
33 public comments?

34
35 MR. MIKE: Mr. Chair, there's one written
36 public comment received. The Sierra Club is opposed to
37 bear baiting on all Alaska lands, Federal, State and
38 private. If the proposal were adopted over objections of
39 the public, the Fish and Wildlife Service would be obliged
40 to examine it for compatibility with refuge purposes and
41 values.

42
43 Thank you, Mr. Chair.

44
45 CHAIRMAN DEMIENTIEFF: There are no
46 additional requests for public testimony. Regional Council
47 recommendation. Yes.

48
49 MR. SAM: Thank you, Mr. Chair. Western
50 Interior speaks in support of this proposal. As far as the

00179

1 bear baiting is concerned, I believe that we do have one or
2 two areas designated within the Kanuti Wildlife Refuge as
3 a site which is grand -- I believe was granted through
4 grandfather rights before the refuge was formed or named.
5 And as far as not allowing these practices within the
6 refuge or national park system, it's just that a lot of
7 these parks and wildlife refuges were formed after --
8 without us realizing that we'll be right in the middle of
9 refuges, and -- or it was in the park system, so -- which
10 turned out to be -- to work in our favor, but I think that
11 that's -- a lot of these bear baiting practices were
12 granted by -- through grandfather rights with the State
13 system.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Thank you. And it
18 is in the written record, although we don't have a
19 representative for the Eastern Interior here today, but I
20 will note for this record that the Eastern Interior
21 Regional Council supports the proposal and it's documented
22 on the written record.

23

24 Staff Committee.

25

26 MR. GOLTZ: Yeah.

27

28 CHAIRMAN DEMIENTIEFF: Keith.

29

30 MR. GOLTZ: Before we get too tangled up in
31 this compatibility issue, and, Gary, you may want to
32 address this, too, 15 of the 16 refuges have subsistence as
33 their purpose, so a traditional subsistence use is a
34 purpose of the refuge and therefore is inherently
35 compatible. I wouldn't spend too much time on that
36 question.

37

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

40

41 MR. BRELSFORD: Yes, Mr. Chairman, thank
42 you. The Staff Committee recommendation is to adopt the
43 proposal consistent with the recommendation of the Eastern
44 Interior Subsistence Regional Advisory Council. The
45 proposed regulation is identified on page 460 in the Board
46 book. The rationale for the Staff Committee recommendation
47 is that the intent of the Eastern Interior Council proposal
48 is to align State and Federal regulations. Community
49 harvest permits and the fall baiting season for black bear
50 should not have a significant impact on the black bear

00180

1 resource in Unit 25(D).

2

3 Recognizing the State-authorized black bear
4 community harvest permit system would provide additional
5 opportunity under Federal regulations. Participants in the
6 State community harvest permit system could take bears for
7 another participant in this community harvest permit
8 system.

9

10 Let me indicate that participants in a
11 community harvest actually share the community wide quota.
12 They are no limited to one individual bag limit as is
13 mistakenly said here. So it is a collective bag limit for
14 the entire community, and individuals may harvest towards
15 that total.

16

17 Concluding then, the intention is to
18 support the State's implementation of the new community
19 harvest permit system for black bear on Federal lands in
20 Unit 25(D). State administration of this permit would be
21 the most efficient, and would eliminate confusion. That
22 concludes our recommendation.

23

24 Thank you.

25

26 CHAIRMAN DEMIENTIEFF: Thank you.

27 Department comments.

28

29 MR. HAYNES: Thank you, Mr. Chairman. The
30 Department supports the Interagency Staff Committee
31 recommendation. The justification clarifies that the
32 intent of this proposal was to align the Federal and State
33 black bear regulations in Unit 25(D), and it -- the
34 proposal in modified form addresses comments the Department
35 made on the original proposal.

36

37 I would add that this is a proposal that
38 was initiated locally by people on the Yukon Flats who are
39 trying through various means to get more involved in
40 resource management. And they're very concerned about the
41 resources there. They're looking at ways of accommodating
42 traditional practices, providing more opportunities that
43 are consistent with those practices, and I think they've
44 made a good faith effort through the Eastern Interior
45 Regional Advisory Council to move in a positive direction.

46

47 Thank you.

48

49 CHAIRMAN DEMIENTIEFF: Any other Regional

50 Council comment? Ron.

00181

1 MR. SAM: Yes, Thank you, Mr. chair. Just
2 for the record, that was my personal comments and personal
3 feelings. It just wasn't discussed by Western Interior.
4 Just my personal observations.

5
6 CHAIRMAN DEMIENTIEFF: Thank you. Ralph
7 and then Walter.

8
9 MR. LOHSE: I'd like to echo what Ronald
10 said over there. This is not from the Southcentral
11 Regional Council. This is my own as Council Chair's
12 comments and observations.

13
14 What I see is we're dealing with a paradox
15 here like we do in many, many other times. And that
16 paradox is we're dealing with regulations that were written
17 for hunting and as it's practiced in the Lower 48. The
18 Refuge Manual that was just used as an example referred to
19 terms like sportsmanlike, ethics, fair chase, quality of
20 experience. These are sporting terms, they're not
21 subsistence terms. Subsistence terms we've talked about
22 with efficiency, the least effort expended for the most
23 that's brought back. And I'm not speaking in favor or bear
24 baiting or what my personal opinion of bear baiting is, but
25 it is a very efficient way for a person to get a bear for
26 food.

27
28 The current regulations in bear baiting
29 prohibit them bear buildings and near trails, which is some
30 of the objections that have been brought up, so if it was
31 done legally, these would not happen near trails or near
32 houses.

33
34 But the thing that we have to remember is
35 the park regulations and the refuge regulations were
36 written for parks and regulations in the Lower 48.

37
38 I just received this right here. It says
39 set up The Promise. Subsistence in Alaska's National
40 Parks. And that's the thing that has to be remembered is
41 that when we're dealing with refuges that were set up here
42 and parks in Alaska, we're dealing with a promise that
43 subsistence will continue. And if this is a valid
44 subsistence practice, and if this has no conservation
45 impacts on the animals involved, we have a responsibility
46 for the subsistence community to allow it. Whether we
47 personally feel that this is an ethical way or a way that
48 we would do it or not.

49
50 Thank you.

00182

1 CHAIRMAN DEMIENTIEFF: Walter.

2

3 MR. SAMPSON: Thank you, Mr. Chairman. I
4 also want to echo that these are my individual feelings
5 that I've been commenting on. As far as the proposal
6 itself is concerned, until Title VIII there are provisions
7 that allows for continued subsistence. And with the
8 information that's been provided to all of us, there's no
9 problems in regards to conservation issues, and I would
10 encourage the board to pass the proposal.

11

12 CHAIRMAN DEMIENTIEFF: We're ready for a
13 Board -- have we got a motion?

14

15 MR. EDWARDS: Mr. Chair, maybe before I --
16 it's unfortunate that Gerald's not here, but I guess I
17 would like to ask a question maybe of each Chair. I was
18 under the impression that particularly among the native
19 community that bear baiting, and when I use the term bear
20 baiting, I'm not referring to let's say shooting over a
21 caribou that had been killed or a moose had been killed, and
22 waiting for a bear to come, but the actual placement of,
23 you know, food and stuff to attract bears. It was my
24 understanding that that was not a normal practice, and, in
25 fact, in many areas it would be frowned upon. I do notice
26 that in our book here there is a testimony by Mr. Fleener
27 that, in fact, it is a traditional practice, but, you know,
28 my sense is, or my understanding was it was a traditional
29 practice by non-natives who went out to the rural community
30 and saw this as an easy way to take bears. And so I would
31 just be curious if we could go around and have each chair
32 talk about whether this is or is not a traditional
33 practice, particularly among the native community.

34

35 CHAIRMAN DEMIENTIEFF: I'll start that
36 edification for you. Yes, it is a traditional practice.
37 And I recall distinctly the first time that bear baiting
38 came up in -- at the State Board of Game, I was a staff for
39 the Department at the time, and I recall to this day,
40 because I think Sidney Huntington who put the comment out
41 on the record. He said, yeah, he said, I don't know. This
42 bear baiting, I don't know why we got to put this in
43 regulations. Indian bait bears. We use smoke houses and
44 fish racks and things like that. Brings them right in. So
45 it is -- that's -- a lot of times you don't have to go
46 anywhere to do it. It's just modified to this....

47

48 MR. EDWARDS: I guess I was trying to
49 clarify. I'm not sure that a fish rack is considered a
50 form of baiting under the State terminology. I think what

00183

1 we're referring to here is not taking advantage of those
2 types of things, but the actual effort of placing things
3 that would not normally be there with the purpose of
4 attracting a bear.

5
6 CHAIRMAN DEMIENTIEFF: Yeah, I guess, and
7 then the other thing is that they, you know, -- you get a
8 moose kill and those kind of things, and you commonly go
9 and check those as you're hunting them, and it just --
10 those are common things that people do. I mean, it's a
11 form of bear baiting. It's not what bear baiting is right
12 now to outsider, but it -- you know, those things work.
13 They really do work anyway. So with that we'll just go
14 around. Maybe, Walter, you....

15
16 MR. SAMPSON: Thank you, Mr. Chairman. I
17 certainly am glad to bring this to the table. The issue in
18 regards to bear baiting, that's a way of life. And I say
19 that, because in areas where hunting occurs, where
20 vegetation is thick, and as far bullets are concerned, you
21 know, people back then didn't have very much, so they
22 conserve. And in order to conserve their bullets, one way
23 of dealing with that, rather than going in and looking for
24 a bear inside a thick wood area, they bait the bear to
25 where they can catch or shoot the bear. Safety for -- is
26 one issue. And, two, that's the easiest means and practice
27 that Inupiats have to get their food. So it is part of the
28 practice that Inupiats have within the Northwest Region.
29 So it is certainly something that we use. Just because
30 somebody else propose it, doesn't mean that those primary
31 uses were never used by the Inupiats. There -- they were
32 there many years before the practices of other uses were in
33 place.

34
35 CHAIRMAN DEMIENTIEFF: Grace, do you have
36 a comment?

37
38 MS. CROSS: Yes, I do. It is a traditional
39 practice for bear baiting. And one of the reasons is
40 because unlike sports people, sports hunters, we don't have
41 that much equipment or money to go out and, you know, get
42 four-wheelers or to somehow chase the bear, so we have to
43 let the bear come to us at times. And he is right. We do
44 -- what we leave like we're out moose hunting, or what is
45 left there, you go and check on those. If there's a bear,
46 then you have the opportunity to get the bear, we do get
47 the bear. There are other fur bearing animals that we do
48 bait also, but I'm not going to into that. It will start
49 a whole new ball game. But anyway it is -- it's a common
50 practice.

00184

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Ron, did you have
4 additional comment?

5

6 MR. SAM: Thank you, Mr. Chair. While we
7 do not traditionally practice it, there is a strong
8 argument within our area that if these registered guides
9 are out there making money off of this, using this
10 practice, why can't we? And it's a practice that we kind
11 of frown upon, but getting back to what you mentioned about
12 Sidney, any time you harvest a moose or a caribou, you are
13 more or less a bear bait. It's more -- you take them just
14 because it's protection of your life and property.

15

16 Thank you, Mr. Chair.

17

18 CHAIRMAN DEMIENTIEFF: Harry, do you have
19 any comment with regard to Gary's question? Pete, do you?
20 Pete, do you have any comment with regard to Gary's
21 question?

22

23 MR. ABRAHAM: No.

24

25 CHAIRMAN DEMIENTIEFF: Della.

26

27 MS. TRUMBLE: I would have to say, yes, it
28 is, because of the efficiency and the effectiveness. But
29 I also in listening to this discussion find another form of
30 bear baiting so to speak that happens I know in a lot of
31 our communities, and that is to put fish in the back of
32 your car or truck so that bears do come into the community
33 and they're out by your house so you can watch.

34

35 CHAIRMAN DEMIENTIEFF: Ralph, do you have
36 additional comment?

37

38 MR. LOHSE: Yeah, I have a couple comments,
39 and I'm just thinking of the people from both the Coast and
40 from the Interior, and I'll try to -- you know, I can't
41 speak for the native population and say that this was a
42 traditional thing 100 years ago or 50 years ago, or 200
43 years ago, but I definitely do have native friends in both
44 Cordova and in the interior that do bait bears. The idea
45 of conserving bullets, I know a lot of the old timers that
46 I used to talk to, they hunted their bears in the dens.
47 They didn't even bother to use a bullet. They just crawled
48 in the den and killed the bear right here, you know, so we
49 don't kind of do that today.

50

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1 Subsistence is efficiency. It's efficiency
2 in using the resources you've got. It's efficiency in
3 using the natural resources that are around you.
4 Subsistence changes. We've talked about that in the past,
5 that maybe we didn't have moose in an area before, but
6 there's moose now. That the subsistence user is
7 opportunistic. He uses what's there and he uses it in the
8 most efficient manner. And if moose move into the area
9 where you didn't have moose, that's -- we've decided that
10 there's a customary and traditional for moose in Cordova,
11 when they didn't have moose until 50 years ago, you know.
12 So subsistence changes. Subsistence users learn. They
13 learn from their elders, they learn from the people around
14 them. And they change, and traditions change and practices
15 change, but the one thing, the one thing that defines it is
16 to use the natural resource in the most efficient manner,
17 to spend the least energy that's necessary to put the
18 resource on the table. And that's why a gillnet's better
19 than a rod and reel. And that's why we use a rifle instead
20 of, you know, a spear. Because we've changed.

21

22 CHAIRMAN DEMIENTIEFF: John, do you have a
23 comment?

24

25 MR. LITTLEFIELD: Thank you, Mr. Chair. I
26 will concur with all the other comments. It's -- baiting
27 is defined, by the way, in the book as any means or
28 material, excluding a scent lure, that is placed to attract
29 an animal by its sense of smell, so your smokehouse is by
30 the definition bait. And it's quite effective. I support
31 any customary and traditional methods that are used under
32 methods and means as -- I don't think I support poisons and
33 explosives, but just about anything else that is efficient
34 we've learned to use and we've adapted, and that's how we
35 take our gear. We use a rod and reel because it's easier
36 than hand-held line. So baiting is an effective method.
37 It's also customary long-term and I support it.

38

39 MR. EDWARDS: Mr. Chairman, I certainly
40 want to thank the Chairs for helping further my education
41 with regards to traditional practices.

42

43 Kind of before I turn off the mike here, I
44 did want to respond to some of the comments with regard to
45 national wildlife refuge and probably sort of echo what
46 Ralph said, you know, and I would agree that it was
47 accurately portrayed what our policy on refuges is for
48 hunting, but, you know, my sense is that it's hunting in
49 the general sense, and it's a national policy, and given
50 that these are the only 16 refuges out of our 540 that have

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1 subsistence take on, I think it was clear that those --
2 that policy really was more focusing on sport hunting.

3

4 And certainly up here the terminology fair
5 chase I think is an interesting term to try to -- it's
6 probably in the eyes of the beholder. Some would argue
7 that using decoys to bring ducks in, or a call to attract
8 a gobbler, a turkey to its certain death are not forms of
9 fair chase. And we certainly have other ways up. Ralph
10 mentioned taking of bears while they're in their dens. By
11 many standards, that wouldn't be considered fair chase or
12 us allowing the take of migratory birds using firearms
13 while they're on the ground would probably not be
14 considered by many as forms of fair chase, but certainly
15 they are a means of subsistence.

16

17 I think we do have to be care as we look at
18 those terms, particularly as they apply to our refuges in
19 Alaska.

20

21 And I guess in closing, we do have -- we do
22 allow bear baiting on all 16 refuges. ON the Kenai Refuge
23 which probably has more bear baiting than any, not all the
24 refuge is open to bear baiting, and it is all done by
25 permit only. And I know in recent conversations with our
26 refuge manager there, Robin West, does feel that it's
27 compatible with the primary purposes of that refuge.

28

29 CHAIRMAN DEMIENTIEFF: Is there a motion.

30

31 MR. CESAR: Mr. Chairman, I move that we
32 accept the Staff Committee's recommendation, which is to --
33 I move that we accept the Staff Committee recommendation.

34

35 CHAIRMAN DEMIENTIEFF: Is there a second.

36

37 MS. GOTTLIEB: Second.

38

39 CHAIRMAN DEMIENTIEFF: And I was just
40 thinking of another form of bear baiting. I mean -- and in
41 the early days at home, when she brought up spears, Indians
42 used Indians to bait bears, and I'm serious. They didn't
43 throw the spear at the bear. They would bait them, but the
44 bear against -- I mean the spear against the tree and bait
45 them and dare them to come at them, and then that's how
46 they'd them. So there's lots of different bear baiting
47 going on.

48

49 But, you know, on the other hand I don't
50 really necessarily support where bear baiting has evolved

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1 to. I mean, I don't support some of the forms of bear
2 baiting that goes on. Personally I'm talking about. But
3 I do know it is a long-established tradition among rural
4 subsistence users to bear bait. Maybe just some of the
5 forms that it's evolved to are not so very good, or I don't
6 agree with, but that's my personal opinion. But I do
7 intend to support the proposal for all of the reasons that
8 were stated prior to the motion.

9

10 Further discussion.

11

12 MS. GOTTLIEB: Mr. Chair, I think this was
13 another good example of a locally crafted suggestion and
14 solution and I think it was really valuable for each of the
15 Chairs to provide us with some background on this practice,
16 which is not well understood, and I think that was very
17 helpful, so thanks for taking the time to do that, too.

18

19 CHAIRMAN DEMIENTIEFF: Further discussion.

20

21 (No discussion)

22

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

25

26 IN UNISON: Aye.

27

28 CHAIRMAN DEMIENTIEFF: Those opposed same
29 sign.

30

31 (No opposing votes.)

32

33 CHAIRMAN DEMIENTIEFF: Motion carries.

34 Okay.

35

36 Just we're going to complete our work in
37 Eastern Interior with Proposal 47 this morning. And then
38 we're going to take a lunch break. We'll decide at that
39 time, then we're going to open up the afternoon session.
40 Something about, yeah, Unit 2 deer. I don't know. And --
41 but we'll complete the work in Southeast, and then after
42 that we'll go back to the one we deferred until today, the
43 Proposal No. 12. And then we'll go on with the rest of our
44 agenda after that. So that's our afternoon plan.

44

45 Okay. So Proposal 47.

46

47 MS. McCLENAHAN: Thank you, Mr. Chairman,
48 I'm pat McClenahan, Staff anthropologist. I'll be
49 presenting this analysis, which can be found at Tab H,
50 beginning on page 516.

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1 This proposal was submitted by the Eastern
2 Interior Subsistence Regional Advisory Council, and it
3 requests establishing a customary and traditional use
4 determination for the rural residents of Unit 20(E), Unit
5 12 north of Wrangell-St. Elias Preserve, Unit 20(D), Circle
6 and Central for moose in Unit 20(E). Existing and proposed
7 regulations can be found on page 516.

8

9 Currently there's no customary and
10 traditional use determination for Federally qualified users
11 for moose in Unit 20(E). This has been the case since the
12 beginning of the Federal Subsistence Program, and
13 publication of the first regulations in 1990. All rural
14 residents presently are qualified to hunt moose in Unit
15 20(E). Appendix A provides information about the history
16 of subpart D regulations for moose in this unit.

17

18 Appendix B provides a brief history of
19 moose populations in Units 12, 20(D) and 20(E), from the
20 1950s to the present. This record of fluctuations in the
21 moose population may help to explain the patterns of use
22 reflected in part in the harvest record discussed in factor
23 one.

24

25 The State currently also has opportunities
26 for both residents and nonresidents to hunt moose in Unit
27 20(E) during several open seasons, and by a variety of
28 permits.

29

30 Federal public lands in Unit 20(E) comprise
31 24 percent of the total land and include 40-Mile river
32 corridor administered by the Bureau of Land Management, and
33 a portion of the Yukon-Charley Rivers National Preserve,
34 which is administered by the Park Service. Maps 1 and 2
35 provide you with the location and extent of these lands.

36

37 The upper Tanana, Hahn and Gwitch'in, as
38 well as the Ahtna, are the traditional cultures represented
39 in the proposed communities.

40

41 Beginning with the era of the fur trade
42 followed by the discovery of gold, the military era and
43 road building, Europeans and then Euro-Americans came into
44 the area.

45

46 A summary of the proposal communities, time
47 depth, population, ethnic composition, and customary and
48 traditional use determinations can be found in Table 1 on
49 page 520. The varied cultural and social components of the
50 communities in this proposal along with the factors such as

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1 regulatory restrictions, limited access, and competing user
2 groups influence the nature and level of subsistence uses.

3

4

5 With respect to factor 1, for the
6 Athabaskan groups in the region, the two subsistence
7 resources utilized most were large land mammals and fish.
8 Historically for many caribou was the most important large
9 game animal particularly when they were migrating or
10 forming up in large herds. As caribou declined and moose
11 entered the area, moose became the most important
12 terrestrial mammal subsistence resource, and it remains so
13 today. There is less specific historic information about
14 the subsistence use of moose for the non-Alaska native
15 residents of this region.

16

17 With regard to factor 4, ADF&G household
18 surveys are available for the Unit 12 communities and Dot
19 Lake. Limited harvest data are available for Circle.
20 Household surveys have not been done in Big Delta, Delta
21 Junction, Gulkana, Dry Creek, Healy Lake and Central. The
22 ADF&G harvest ticket data base is the only other source of
23 information about participa -- past participation in the
24 harvest of Unit 20(E) moose for many of these communities.

25

26

27 Table 2 provides information from the ADF&G
28 harvest records that the communities of Chicken, Eagle,
29 Northway, Tanacross, Tetlin, Tok, Delta Junction, Dot Lake,
30 Central and Circle hunt or have hunted in Unit 20(E). The
31 records for Northway, Dot Lake, Tok, Chicken and Eagle go
32 back to 1983. And those for those other communities are
33 more recent. This probably is not a complete record of
34 use, however. The harvest records and reports from
35 National Park Service sources give no indication that the
36 residents of Unit 11 hunt moose in Unit 20(E).

37

38 Steve Braund reported the upper Tanana
39 individuals now living in Tanana, Dot Lake, Healy Lake,
40 Delta Junction and Fairbanks provided him with the
41 information that their lifetime subsistence use of moose
42 extends into Unit 20(E).

43

44 EsTablishment of a customary and
45 traditional use determination for the proposal communities
46 will identify the Federally qualified subsistence users of
47 moose on Federal lands in 20(E). Those currently -- I'm
48 sorry there currently are no restrictions to moose hunting
49 on Federal lands in that unit. If this proposal is set in
50 place, the unit will remain open to Alaska residents with

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1 the appropriate permit. That concludes my remarks.

2

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

5

6 MR. MIKE: Thank you, Mr. Chair. There
7 were two written public comments received, one in support
8 of the proposal and one opposing.

9

10 The Sierra Club of Alaska supports this
11 proposals, and it's consistent with Congressional intent of
12 ANILCA to limit subsistence to those local rural residents
13 who qualify as customary and traditional subsistence users.

14

15 Wrangell-St. Elias National Park
16 Subsistence Resource Commission opposes this proposal. It
17 does not directly affect the Wrangell-St. Elias National
18 Park and Preserve; however, it could potentially limit the
19 hunting opportunity of residents of the Park's resident
20 zone communities should the need to hunt in this area arise
21 in the future. Wrangell-St. Elias National Park
22 Subsistence Resource Commission opposes the proposal as
23 written, noting that there appears to be no compelling
24 reason to limit subsistence opportunity. Thank you, Mr.
25 Chair.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. We have
28 no request for additional public testimony at this time.
29 Regional Council recommendation.

30

31 Again, the representative is not here;
32 however, their actions is written on the record, and they
33 support with modification to add Mentasta Lake and to
34 include only Dot Lake and Healy Lake for Unit 20(D).

35

36 Staff Committee.

37

38 MR. BRELSFORD: Thank you, Mr. Chairman.
39 On this proposal, I'll be reading from a corrected Staff
40 Committee recommendation page. It's in the orange color.
41 It is page number 514. And for folks who don't have that,
42 I will make clear what the difference is from the pages
43 originally in the book.

44

45 So the Staff Committee recommendation is to
46 adopt this proposal with modification as recommended by the
47 Eastern Interior Subsistence Advisory Council with,
48 however, an additional modification to add Delta Junction.
49 So again we are consistent in part with the recommendation
50 of the Eastern Interior Subsistence Council, but differ in

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1 including the community of Delta Junction in the proposed
2 regulation.

3

4 As a result, the proposed regulation would
5 read: For moose, the customary and traditional
6 determination in Unit 20(E) would be residents of Unit
7 20(E), Unit 12 north of Wrangell-St. Elias National
8 Preserve, Unit 20(D), the entirety, as well as Mentasta
9 Lake, Circle and Central.

10

11 Our rationale was this: This proposal
12 establishes a Federal customary and traditional use
13 determination for moose in Unit 20(E). Under -- until the
14 present proposal, there was no determination and all rural
15 residents were eligible to hunt under the Federal
16 subsistence regulations. A wide array of information has
17 been reviewed in developing the proposed developing
18 determination, including historic and ethnographic reports,
19 ADF&G Subsistence Division technical papers for many
20 communities, ADF&G harvest ticket data, and public
21 testimony before the Eastern Interior Council. These data
22 sources have been critically considered, both for the
23 limitations on sample size, or on systematic
24 under-reporting and for their combined information.

25

26 For example, harvest ticket data for the
27 upper Tanana communities of Dot Lake and Healy Lake are
28 very likely to under-report actual practices, and these
29 data suggest very sporadic use and low levels of harvest in
30 Unit 20(E). However, testimony and personal knowledge of
31 the Eastern Interior Regional Council members shows that
32 this is an on-going area of use though at relatively low
33 levels.

34

35 For Mentasta Lake, the testimony of a
36 Southcentral Regional Advisory Council member from Mentasta
37 Lake was convincing in bringing the Council to recommend
38 inclusion of this community. The resulting determination
39 is also similar to existing determinations for caribou in
40 Unit 20(E) which reflects the fact that many of the same
41 hunting strategies are used for both species.

42

43 The Staff Committee proposed regulation
44 rejects that portion of the Eastern Interior Regional
45 Advisory Council recommendation that would have excluded
46 the Unit 20(D) communities of Delta Junction and
47 surrounding settlements. The Staff Committee found that
48 harvest ticket data show a qualifying pattern of use by
49 Delta Junction area residents with levels of use
50 comparable to other qualifying communities in Unit 20(D).

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1 In this respect the contrary portion of the Eastern
2 Interior Council recommendation is rejected as lacking
3 support by substantial evidence.

4

5 That concludes our recommendation, and I
6 thank you.

7

8 CHAIRMAN DEMIENTIEFF: Thank you very much.
9 Department.

10

11 MR. HAYNES: Mr. Chairman, the Department
12 supports the proposal as modified by the Eastern Interior
13 Regional Council to include Mentasta Lake in the proposed
14 c&t determination, and to exclude Unit 20(D) except for the
15 communities of Healy Lake and Dot Lake. This modified
16 proposal approved by unanimous vote of the Regional Council
17 is supported by the available evidence, but the finding
18 requested in the original proposal or in the proposal as
19 modified by the Interagency Staff Committee, is at best
20 inconclusive.

21

22 In making customary and traditional use
23 determinations, Federal regulations require that a
24 community or area must generally exhibit eight factors that
25 exemplify a customary and traditional pattern of use. We
26 do not believe this standard has been met for the Delta
27 Junction area where a very small percentage of the local
28 population, some of whom were military personnel stationed
29 at Fort Greely, reported hunting and harvesting moose in
30 Unit 20(E) during the period 1983 to 2000.

31

32 We went a little further and looked at the
33 available harvest ticket documentation between 1975 and
34 2002, and found that a total of 88 people from Delta
35 reported hunting moose in Unit 20(E). At least 12 of those
36 people were stationed at Fort Greely and were therefore
37 nonresidents of Alaska, resulting in only 76 eligible
38 subsistence users during 28 years of hunting, which is
39 fewer than three people per year who harvested, and less
40 than one-tenth of one percent of the area's population.
41 During that period 1975 to 2002, 15 moose were harvested by
42 those 88 hunters, 13 by Federally -- who would -- people
43 who would be Federally-qualified users.

44

45 Discussion of hunting and harvesting moose
46 in Unit 20(E), that is by use of Delta Junction use of Unit
47 20(E) is missing from the discussion of the eight factors.
48 For these reasons, we have concluded that the evidence
49 presented in the Staff analysis is insufficient to support
50 a finding that the greater Delta Junction area, which now

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1 is about 3500 people, has a customary and traditional use
2 of moose in Unit 20(E). and if a decision is made to
3 support the inclusion of the Delta Junction area, we would
4 request that there be some additional justification put on
5 the record so that we can understand how this extremely low
6 level of use represents a customary and traditional use
7 pattern by a community or an area. Thank you.

8

9 CHAIRMAN DEMIENTIEFF: Thank you. Any
10 other Regional Council comment?

11

12 As we advance to Board, let me just begin
13 the discussion. I whole heartily concur with the State's
14 recommendation with regard to Delta. Delta and Greely, you
15 know, they're putting in that missile site down there.
16 There's -- that's a whole thing, you know. My
17 recommendation to the Board, and that's all I can do is
18 recommend since I can't make a -- I can vote, but I can't,
19 you know, make a motion, is that we use the Eastern Council
20 RAC recommendation as the operative of when we get to the
21 motion stage, because that work has been completed. And I
22 -- that is a big concern I think is Greely and that impact
23 it's going to have. And so what I would recommend that we
24 do is deal with that separately, you know, when it comes
25 up, if somebody proposes it. Because this works already
26 been done and I agree with the work that's been done, and
27 I agree with the Regional Council recommendation. You
28 know, that's really clear to me anyway that that work's
29 been done, and this -- and those are bona fide things
30 anyway.

31

32 MR. EDWARDS: Mr. Chairman, but it's my
33 understanding that all folks in 20(D) do have C&T for
34 caribou in 20(E), so why would this be any different?

35

36 CHAIRMAN DEMIENTIEFF: Well, yeah, I mean,
37 I think, you know, that work's been done with regard to
38 caribou. But we have to do it with regard to moose. You
39 just -- you don't get it carte Blanche. Terry, I'm sorry.

40

41 MR. HAYNES: Mr. Chairman, Gary, the
42 Federal c&t findings for caribou date back to -- when the
43 State made c&t findings for caribou, they were made on a
44 herd basis. The Federal Board converted those findings to
45 findings on a Game Management Unit basis. The 40-Mile
46 Caribou Herd historically uses part of Unit 20(D) and
47 because of that history of the herd being in 20(D), that
48 was one factor that led to Delta Junction being found to
49 have a customary and traditional use. The use -- if there
50 is a customary and traditional use by Delta Junction

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1 residents of caribou in Unit 20(E), it's a winter pattern
2 of use. It's not during the fall season, so we would be
3 talking about a very different pattern of use of a wildlife
4 resource in Unit 20(E) at a different time of year.

5
6 MR. EDWARDS: But realistically, because of
7 the highway, isn't that where most of the hunting occurs in
8 20(E), and accessibility of 20(D)? I mean, you would just
9 assume that folks are going to take advantage of the
10 highway in order to hunt.

11
12 MR. HAYNES: Mr. Chairman, that's an
13 incredibly small percentage of the Delta Junction
14 population has a history of hunting in Unit 20(E), and we
15 have a hard time understanding how that meets the test of
16 becoming -- being a community pattern of use. We don't --
17 we acknowledge that a small number of people hunt moose in
18 20(E), just as a small number of people from other
19 communities drive 100 to 200 miles to hunt in another area.
20 The question is whether that constitutes a customary and
21 traditional pattern of use as defined by your rules.

22
23 MR. BISSON: Mr. Chairman, I agree with
24 where you are at this point. I'm not comfortable in voting
25 to add Delta Junction without some additional background,
26 some additional work being done to examine that case. I'm
27 very comfortable with the RAC recommendation, but to add
28 Delta Junction at this point given some of the conflicts,
29 some of the uncertainty I think would not be a wise thing
30 for us to do. And I don't know whether we simply vote on
31 the Regional Committee's recommendations or whether we
32 approve the Staff recommendation and defer the decision on
33 Delta until somebody comes and makes a case. Either way it
34 accomplishes the same thing, which is to defer a decision
35 on Delta Junction at this point.

36
37 CHAIRMAN DEMIENTIEFF: We can -- Keith.

38
39 MR. GOLTZ: Yeah, before we go too far down
40 this road, I have some comments on the law and the dramatic
41 differences between the Federal law and the State law. But
42 I think Taylor has some facts he'd like to present probably
43 first.

44
45 MR. BRELSFORD: Mr. Chairman, if I may.
46 The Staff Committee was confronted with a dilemma regarding
47 low levels of use among several communities, some of which
48 we are anxious to include by consensus, and another is in
49 dispute. So if you'll look with me at Table 2 on page 523,
50 I'd like to draw your attention to one of these

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1 comparisons. Looking three-quarters of the way down the
2 page, down the Table, you'll see the line for Delta
3 Junction, and in the next to right-hand column, you'll see
4 that Delta Junction residents took less than one percent of
5 their moose harvest in Unit 20(E). When we look further
6 down, second to the bottom line, for the Community of
7 Central, which is actually located in Unit 25, by consensus
8 one of the communities most likely to hunt in Unit 20(E),
9 the percentage on record of harvest in the unit under
10 question by the Community of Central is also less than one
11 percent. This was one of the fact issues that troubled us.

12
13 There was a suggestion that perhaps not all
14 eight factors had been examined in regard to the Delta
15 Junction use patterns, and I'd like to direct your
16 attention to page 527. In the middle of the page we've got
17 a couple of paragraphs treating a cluster of communities in
18 Unit 20(D). The second paragraph, beginning with the
19 reference to Steve Braund (ph) and Associates, final
20 sentence, these individuals now live in Tanana, Dot Lake,
21 Healy Lake, Delta Junction and Fairbanks. Braund
22 documented that their life-time subsistence use of moose
23 extends into Unit 20(E). It's another instance in which we
24 were trying to make complete use of available data, and we
25 found ourselves persuaded that parity required inclusion of
26 Delta rather than exclusion. I believe really the policy
27 matters are properly before the Board for discussion, but
28 I did want to insure that on some of these analytic fact
29 elements we had been complete in this deliberation. Thank
30 you.

31
32 MS. GOTTLIEB: Mr. Chair? I'm sorry,
33 Keith.

34
35 MR. GOLTZ: I'd like to jump in, because I
36 do have a huge investment in this issue. I just submitted
37 a 279-page brief to the Federal District Court, and one of
38 the things I told the court is that we are not doing what
39 it looks like we're prepared to do. So let me back up a
40 little bit, and I invite Lance to jump in on here if I
41 misstate the State system.

42
43 But the way I understand the State law and
44 regulations is this. In order to make a subsistence
45 allocation, you first do a c&t determination. Without that
46 determination, there is no allocation.

47
48 That's dramatically different from the
49 system. Under the Federal system, the one we're operating
50 under now in this unit, we start with the proposition that

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1 all rural residents are eligible to hunt throughout the
2 State. So if we have a no determination, for example, to
3 take an extreme, a rural resident of Southeast Alaska could
4 go up to Barrow and hunt. There's no legal restriction
5 against that. It doesn't happen. It's not a use pattern
6 that we encourage, it's not a use pattern that we see. But
7 our regulations do allow for it.

8

9 The next step under the Federal regulations
10 is to make a c&t determination. We have done that
11 throughout the State in many cases. But in over 90 percent
12 of our hunts, we either don't have a determination, or we
13 don't use it. We don't use our c&t determinations unless
14 we're placing a restriction on non-subsistence users.

15

16 Our first cut when we do do one is to
17 determine uses of an area, not users. We determine whether
18 or not a resource has been used in a particular area for
19 subsistence purposes. That determination is distinct from
20 the allocation. The determination itself does not make an
21 allocation. The allocation is made later. To parallel the
22 State, it would be in the Tier II, we call it the 804.

23

24 In the 804 process, we are in fact favoring
25 certain users. And to be blunt about it, that's usually
26 going to be natives, because they've been there longer, but
27 that's where we made the cut between recent military
28 personnel and long-term subsistence users. It's when we
29 make our allocation, it's when we make our 804
30 determination.

31

32 And one of the examples I used in other
33 contexts is that if the people of Aniak should decide all
34 to move to Bethel, and the Norwegian Brotherhood should
35 decide to put up a new hall in Aniak. Those people would
36 be in Tier I as long as they're rural residents. They
37 qualify in a use area. They probably would not qualify as
38 users, and if we were in an 804 situation, they would be
39 last in line. But that's a distinction we have made with
40 some force to the Federal District Court.

41

42 And it's why it's important to understand
43 that the State system is not the Federal system, and the
44 c&t is not central to our administration. We use it very
45 rarely.

46

47 CHAIRMAN DEMIENTIEFF: Well, let me just
48 back up here a second. In looking at Delta and Greely, I'm
49 not opposed by any stretch, you know, but I think we want
50 to have, you know, the Regional Council take a look at that

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1 issue separately. I mean, you know, it's not ruling them
2 out by any means, but I think it should just be looked at
3 closer.

4

5 MR. GOLTZ: I'm not even opposed to ruling
6 them out, but it seems to me that it should be done at the
7 proper time, when we make 804 allocations. Right now
8 everybody in the State can hunt in that area. Another one
9 of our arguments, to put a little -- every rural resident
10 of the State can hunt.

11

12 The way we explained it to the Federal
13 District Court is that the c&t determination is actually a
14 restriction on subsistence users. Now, I know my friend
15 Bill Thomas recognizes this, and some of the others do,
16 too. And some of them have raised the question, since it
17 is, since it narrows the base, why are we doing them at
18 all? And I can't -- I suppose we're doing them for two
19 reasons: One, because the state has quite forcefully said
20 they want us to do them. And the second is that it does
21 possibly provide some predictability for when we get around
22 to restricted allocations. But we can make the
23 allocations. In 90 percent of the case, we do make the
24 allocations without any relationship to the c&t. We simply
25 allocate.

26

27 In those cases, what we have been doing in
28 the 804 situation routinely is that we will say we're going
29 to exclude non-qualified subsistence users and by that we
30 mean people without c&t. We've done that in I think 28
31 hunts. Twenty-something. I don't remember. It's not a
32 common practice. It may be one we'd want to insert in this
33 case at a later time. But I think we have to be very, very
34 careful that we don't be exclusive at the c&t level.

35

36 To put -- another example I've used, if
37 somebody from New York comes in and puts in his year, he
38 still needs a State license, but he's rural. He qualifies.
39 This is a rural statute. How do we protect the long-term
40 users? We do that through the allocation. The long-term
41 users, that's where he gets his priority.

42

43 CHAIRMAN DEMIENTIEFF: Is anybody prepared
44 to make a motion here? I'm hungry.

45

46 MR. EDWARDS: Mr. Chairman, could maybe
47 Taylor restate what the actual Staff Committee
48 recommendation is, given sort of the confusion as to what
49 was written and what it is now.

50

00198

1 CHAIRMAN DEMIENTIEFF: Taylor.

2

3 MR. BRELSFORD: Mr. Chairman, yes, I'm
4 happy to do that. The Staff Committee recommends a c&t
5 finding that would include the residents of Unit 20(E),m
6 residents of Unit 12 north of Wrangell-St. Elias Preserve,
7 residents of Unit 20(D), Mentasta Lake, Circle and Central.
8 The one difference with the recommendation of the Eastern
9 Interior regional Council concerns Unit 20(D). The Staff
10 committee would include all of the communities in that
11 subunit, including Delta Junction. The Regional Council
12 would include only two named communities, those being Dot
13 Lake and Healy Lake in Unit 20(D). So the key distinction
14 has to do with the status of Delta Junction in between the
15 two recommendations. Thank you.

16

17 MR. BISSON: Mr. Chairman. Did the
18 Regional Committee consider Delta Junction? Did they have
19 this same information in front of them, and they came
20 forward without it?

21

22 MR. BRELSFORD: Mr. Chairman, the Regional
23 Advisory Committee did indeed have a full discussion on the
24 status of Delta Junction, and their judgment cut the other
25 way. But they had exactly the same information.

26

27 MS. GOTTLIEB: Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: Yes.

30

31 MS. GOTTLIEB: I mean, we're saying that
32 right now all rural users statewide, Federally-qualified
33 users, could participate.

34

35 MR. GOLTZ: Right now all rural residents.
36 There's no Federal qualification. Just rural residents.

37

38 MS. GOTTLIEB: Okay. All rural residents
39 would be qualified.

40

41 MR. GOLTZ: Right.

42

43 MS. GOTTLIEB: And this -- the customary
44 and traditional evaluation that was done on these specific
45 communities, the Council and the Staff Committee were in
46 agreement on all the c&t findings for these specific
47 communities with the exception of Delta Junction?

48

49 MR. BRELSFORD: Mr. Chairman, Ms. Gottlieb,
50 that is correct.

00199

1 MS. GOTTLIEB: But for the initial
2 determination of all rural residents, there was not a c&t
3 applied to all rural residents?

4
5 MR. BRELSFORD: If I may, Mr. Chairman,
6 this was a no determination status. It represents a lack
7 of positive finding. There were no facts -- no basis for
8 any determinations, so in the absence of a specific
9 determination, it is the policy of the Board that all rural
10 residents would remain able to use the resources in that
11 area.

12
13 MS. GOTTLIEB: Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Yes.

16
17 MS. GOTTLIEB: So then now that we've done
18 an analysis, there is some disagreement about the analysis
19 itself, and my worry relating to Delta Junction is the
20 possible large increases in population relating to the
21 military. So that's where my discomfort would be, and
22 perhaps that's where the State is also coming from, and
23 maybe this Board can think of a way to address that in
24 future evaluations or analysis.

25
26 MR. EDWARDS: Mr. Chairman, from our
27 perspective, I would prefer to recess for lunch and take
28 this up after lunch.

29
30 CHAIRMAN DEMIENTIEFF: I'm not that hungry.
31 You know, we're close. We've got a choice, you know. I
32 just don't see why we can't make a decision, you know.
33 We're not excluding anybody, you know, I think we're being
34 entirely -- I'd be more comfortable even if we had a Delta
35 resident propose.....

36
37 MS. GOTTLIEB: Right.

38
39 CHAIRMAN DEMIENTIEFF:you know,
40 something, some kind of review, you know, for it. And
41 quite frankly, you know, I'm willing to visit. And I
42 really would be more comfortable if we did involve the
43 appropriate Regional Council with regard to their decision.
44 You know, we're not excluding. We have already established
45 that on record. They're still eligible to go, because
46 there is no shortage. Okay. So we're not excluding
47 anybody. But when and how, you know, we include, or, you
48 know, consider the inclusion of Delta, then, you know, we
49 just -- we visit that as an isolated issue. We're not
50 excluding them from anything. We're (sic) not being

00200

1 excluded from any harvest. There's just issues out there,
2 and we need to look at them closer. But we do have a solid
3 Eastern Regional Council recommendation.

4

5 MR. EDWARDS: Well, I.....

6

7 CHAIRMAN DEMIENTIEFF: Yeah.

8

9 MR. EDWARDS: Is it in fact that we're not
10 excluding anybody, but if we're not including them, aren't
11 we excluding them? I mean, maybe I'm missing something.

12

13 CHAIRMAN DEMIENTIEFF: If there was a
14 resource shortage, yes. But there isn't, so they're still
15 eligible to go. Under State regs.

16

17 MR. EDWARDS: But if we accept the Eastern
18 Interior's proposal, that will not be the case, right?

19

20 MR. BRELSFORD: If I may, Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Sure.

23

24 MR. BRELSFORD: The current status of
25 federal lands in this area is that they are not closed, and
26 that people qualifying under State harvest regulations
27 would be able to hunt on both State and Federal lands. So
28 from that standpoint, the configuration of Federal c&t
29 determination in and of itself would not preclude
30 State-qualified users from hunting.

31

32 MR. EDWARDS: But it would preclude them
33 during a subsistence hunt.

34

35 MR. BRELSFORD: It would preclude their
36 hunting under Federal subsistence regulations. They would
37 be able to hunt in the same lands under the terms of State
38 regulations.

39

40 CHAIRMAN DEMIENTIEFF: Wini.

41

42 DR. KESSLER: Thank you, Mr. Chair. I'd
43 like to pose a question to Mr. Goltz just to make sure I'm
44 straight on this. It's fairly complicated. Is there a
45 situation that we would have legal difficulties about
46 excluding Delta Junction because in fact some of the c&t
47 has been found to apply to some of the people there? But
48 that said, we -- if we are to include Delta Junction
49 because of that reason, we do have options in further
50 actions down the road to make sure that that opportunity is

00201

1 restricted to the ones that are truly -- show those
2 patterns of use, and it would exclude the ones that, you
3 know, are problematical?

4

5 MR. GOLTZ: Right. Long-term.....

6

7 DR. KESSLER: Yeah.

8

9 MR. GOLTZ:patterns of use would be
10 an important factor, and maybe the primary factor in 804.

11

12 DR. KESSLER: Right.

13

14 MR. GOLTZ: I think one of the problems
15 we're having is that we've never truly implemented 804, so
16 we're a little bit unfamiliar. But that -- and that's
17 because we're been dealing primarily with abundance. If --
18 when we -- the resource gets more and more scarce, the 804
19 process will be more and more implemented. I would like to
20 see work done on it now before that happens. But the
21 structure of the statute is that the ones who have -- I'm
22 simplifying now, but basically it's the ones who have been
23 there longest, and who have been most dependent on the
24 resource, would be the last ones to be restricted. But we
25 do that under our Tier II, under the -- well, we -- what
26 the State calls Tier II, what we call 804. That's where we
27 make that cut.

28

29 MR. BISSON: Mr. Chairman.

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 MR. BISSON: I move that we adopt the
34 Regional Council recommendation as they modified it.

35

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

38

39 MS. GOTTLIEB: Second.

40

41 CHAIRMAN DEMIENTIEFF: Discussion.

42

43 MR. EDWARDS: Mr. Chairman, I'm -- I will
44 vote against the motion. I'm very concerned that we are
45 using data to exclude some communities while at the same
46 time, at least my understanding, what I was told, is that
47 we're also using that same data to include some people, and
48 it doesn't seem to add up. I guess I'm also a little
49 troubled that we seem to be using as part of this rationale
50 the concern of the increase in the military people who are

00202

1 there, men and women in uniform, and whom my guess is
2 didn't volunteer to go to Delta Junction, and I just -- I
3 think we're headed down the wrong road, so I'm prepared to
4 vote no.

5
6 CHAIRMAN DEMIENTIEFF: Again, I, you know,
7 believe there are qualified people there, but I think we do
8 have to find a way to, you know, to deal with it separate,
9 and it just needs further consideration from my point of
10 view. Like I said before, I'm not opposed, but I think we
11 have to take a careful look at, you know, where we're going
12 with that. And I know we've done it in the past in the
13 State system where, you know, where we've been real careful
14 about those determinations, and we've done it here where
15 we've been real careful about those determinations, and
16 like I said, it doesn't exclude them, it doesn't prevent
17 those qualified rural hunters under the current
18 arrangements to -- you know, it doesn't prevent them from
19 being able to harvest a resource, but I just would prefer
20 to take a look at it. I'd prefer to take a look at it in
21 conjunction with the Eastern Regional Council to find out,
22 you know, why it is that they wee not including Delta at
23 this time, that I don't know what the concerns are. Wini,
24 go ahead.

25
26 DR. KESSLER: Thank you, Mr. Chair. Having
27 received the clarification from Mr. Goltz, I'm -- I feel
28 compelled, I mean I have to vote a no as well. Again, what
29 I'm hearing on the legal advice here is that it is legally
30 problematical to exclude Delta Junction at this time,
31 because of the determination that there are the positive
32 findings for some of the people there. He's also offered
33 assurance that we have options available to us should
34 shortages develop to make sure that the people with the
35 long-term use are the ones that in fact have the access to
36 these resources. So I'm feeling obliged to vote that way.

37
38 CHAIRMAN DEMIENTIEFF: Niles.

39
40 MR. CESAR: Is that -- oh, I'm sorry, go
41 ahead.

42
43 CHAIRMAN DEMIENTIEFF: Go ahead.

44
45 MR. CESAR: Ms. Gottlieb, please.

46
47 MS. GOTTLIEB: Thank you, Niles. We just
48 had a lengthy discussion between the two councils in the
49 Y-K area and with Ron where we couldn't agree on
50 communities that would be included and we came up with a

00203

1 solution there of further discussion. So I wonder if we --
2 for the sake of that consistency that we pursue discussions
3 on Delta Junction as you say with the Council and with
4 others that might be interested as well, and see if we can
5 sort this out a little bit more.

6

7 CHAIRMAN DEMIENTIEFF: Niles.

8

9 MR. CESAR: Mr. Chairman, I'm concerned
10 also that we are moving in my estimation on a subject that
11 isn't fully vetted, and that we don't really have the
12 information necessary to make informed decisions, and we're
13 placing ourselves in a position of having to vote for
14 something or not vote for something, when I think maybe
15 what we should have done, and still can do, is to remand it
16 back to the Regional Council for further evaluation and
17 have it come forward.

18

19 CHAIRMAN DEMIENTIEFF: That's exactly what
20 I was going to, you know.....

21

22 MR. CESAR: And I.....

23

24 CHAIRMAN DEMIENTIEFF:make that
25 recommendation is to remand the Delta Junction part of it
26 back, the work's been done on the other part, back to the
27 Council. I mean, I was going to close with that, that was
28 my intention, if the.....

29

30 MR. CESAR: Well.....

31

32 CHAIRMAN DEMIENTIEFF:motion does
33 prevail.

34

35 MR. CESAR: Well, and I guess I'm speaking
36 against the motion. I guess my preference would be to
37 remand it, all of it back to the Council, and I think that
38 the way you do that is the maker withdraws his motion and
39 the section withdraws, and then substitute a motion to
40 defer, and I guess that would be my preference.

41

42 MR. EDWARDS: Mr. Chairman, I guess I would
43 agree with that. I think it's very unfortunate that our
44 Chair from the Eastern Council's not here to maybe address
45 some of these questions, to articulate, you know, whether
46 folks from Delta Junction were involved in this decision or
47 not. I don't know the answers to any of those. I don't
48 know why he's not here, but I do think it becomes
49 problematic.

50

00204

1 CHAIRMAN DEMIENTIEFF: Actually, you know,
2 in looking at it, since there is no shortage, and we're not
3 going to disenfranchise any users this year, I think Niles'
4 suggestion is actually better. Let's let them -- we're
5 always sending things back to the Councils, bring us a
6 complete thought, and that may be just exactly what we need
7 to do here, because we need to know exactly why they didn't
8 include Delta, and so I think Niles' suggestion is real
9 good.

10

11 MR. CESAR: Mr. Chairman, if I might, the
12 reason I think that it requires the maker to withdraw and
13 the second to withdraw, is because it's an active motion on
14 the floor and we have to deal with it one way or another,
15 unless we remove it.

16

17 CHAIRMAN DEMIENTIEFF: That's one way to
18 get it done.

19

20 MR. BISSON: Mr. Chairman, before -- and I
21 was the maker of the motion. Before I withdraw it, I guess
22 I, you know, for the record, you know, I think it points
23 out the significance of, you know, when the Council makes
24 a recommendation and questions like this comes before the
25 Board, and we don't have people here to help us sort
26 through it, it puts the Board in a very difficult position
27 to support the Council. I'm inclined to still make the
28 decision, but for the sake of resolving the issue today and
29 knowing that either way nobody loses anything at this
30 point, because those hunters still have a chance to go out
31 and use the resource, and we have time to resolve it prior
32 to the next season if in fact there were a scarcity next
33 year, I guess I would be more than willing to go ahead and
34 take my motion back.

35

36 MS. GOTTLIEB: And as the second, I will
37 second that withdrawal.

38

39 CHAIRMAN DEMIENTIEFF: Okay. We now have
40 no motion before us. Is there a motion that you're
41 prepared to make now on it?

42

43 MR. CESAR: I'm prepared to move that we
44 defer this motion and remand it back to the Regional
45 Advisory Council so it can be fully vetted and brought back
46 during their fall -- well, brought back at a later time.

47

48 CHAIRMAN DEMIENTIEFF: Is there a second to
49 that motion?

50

00205

1 MR. EDWARDS: Second.

2

3 CHAIRMAN DEMIENTIEFF: Okay. In the
4 transmittal letter we will make it explicit that we want
5 Delta looked at. Okay. That's the outstanding issue.
6 Okay?

7

8 MS. GOTTLIEB: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: And we can do that
11 in the transmittal.

12

13 MS. GOTTLIEB: Uh-huh.

14

15 CHAIRMAN DEMIENTIEFF: Yes, Judy.

16

17 MS. GOTTLIEB: And I think it will also be
18 important to emphasize that Staff will work with the State
19 on the specific concerns about the data relating to that
20 community.....

21

22 CHAIRMAN DEMIENTIEFF: Uh-huh.

23

24 MS. GOTTLIEB:and if necessary talk
25 with Southcentral RAC as well.

26

27 CHAIRMAN DEMIENTIEFF: Sure. Okay. Any
28 more discussion?

29

30 (No discussion)

31

32 CHAIRMAN DEMIENTIEFF: All those in favor
33 signify by saying aye.

34

35 IN UNISON: Aye.

36

37 CHAIRMAN DEMIENTIEFF: Those opposed, same
38 sign.

39

40 (No opposing votes.)

41

42 CHAIRMAN DEMIENTIEFF: Motion carries.
43 Okay. I apologize for keeping people here well into the
44 lunch. We'll probably -- it will probably be closer to
45 quarter to two by the time we actually get back here,
46 because it's -- now it's after 12:30, but I did want to
47 clear the plate for that Unit 2 thing. I don't know, so
48 we'll back. It will probably be quarter to two.

49

50 MR. BOYD: Quarter of two.

00206

1 CHAIRMAN DEMIENTIEFF: Yeah, 20 -- or,
2 yeah, 15 to two.

3

4 (Off record)

5

6 (On record)

7

8 (General conversation)

9

10 CHAIRMAN DEMIENTIEFF: Okay. We'll call
11 the meeting back to order. At this time we're moving into
12 Southeast, and it's WP03-05. Who's going to do the staff
13 analysis?

14

15 MR. JOHNSON: Mr. Chairman, due to the
16 complexity of this proposal, we're going to have three
17 presenters, if that's okay.

18

19 CHAIRMAN DEMIENTIEFF: I didn't think it
20 was very complex.

21

22 MR. JOHNSON: Thank you, Mr. Chairman,
23 Regional Council Chairs, and members of the Federal
24 Subsistence Board and Staff. My name is David R.K.
25 Johnson. I'm the Federal Subsistence Program coordinator
26 for the Forest Service on the Tongass National Forest. I
27 will be introducing WP03-05 with some of the background and
28 context for this proposal, and some of the issues
29 surrounding Unit 2 deer management. Jim Brainard, wildlife
30 biologist on the Petersburg Ranger District, is the lead
31 author, and he will be providing the complete analysis.
32 Dr. Robert Schroeder will provide clarification and
33 explanation on the portion of the analysis identified in
34 the appendix. We will try to answer any questions you may
35 have following the presentation. Information concerning
36 this proposal can be found under Tab J, beginning on page
37 615.

38

39 Wildlife Proposal WP03-05 was submitted by
40 the Craig Community Association and the Klawock
41 Cooperative Association, both of which are
42 Federally-recognized tribes located on Prince of Wales in
43 Unit 2.

44

45 The proposal requests that Federal public
46 lands in Unit 2 be closed to deer hunting except by
47 Federally-qualified users during the period August 1 to
48 September 1, and to reduce harvest limits from four bucks
49 to two bucks for non-Federally-qualified users. Similar
50 proposals associated with Unit 2 deer have come before this

00207

1 Board almost every year since 1997.

2

3 If you'll look at the map, you'll see that
4 Unit 2 is comprised of Prince of Wales and smaller adjacent
5 islands in the Alexander Archipelago. It is approximately
6 two million acres in size with most of the area comprised
7 of national forest lands. Most of the non-Federal lands
8 are comprised of Alaska native regional and village
9 corporation lands, and the acreage on that is approximately
10 280,000 acres.

11

12 In Unit 2 there have been numerous
13 alterations in deer habitat from timber harvest and road
14 building on both national forest lands and native
15 corporation lands. If you'll look at the following picture
16 that you see on your screen, the red-colored portions of
17 the map represent roads, the yellow portion represents
18 timber harvest areas, and also the white portion is the
19 mountainous area, and the green represents the forested
20 area.

21

22 Unit 2 also has a healthy population of two
23 major deer predators wolves and black bears.

24

25 Proponents of this proposal state they are
26 unable to get the deer they need due to increased
27 competition from nonrural hunters and an over-all decline
28 in the deer population in Unit 2.

29

30 The key points of this proposal are: One,
31 it would restrict non-subsistence hunters season and bag
32 limit. Secondly, it would improve subsistence hunting
33 opportunity. Three, it would reduce competition from
34 nonrural hunters during the period of August through the
35 1st of September, and it would also reduce over-all
36 nonrural deer harvest potential.

37

38 At the March 2003 Southeast Regional
39 Advisory Council meeting at Saxman, the Regional Advisory
40 Council was presented with an amended proposal from Craig
41 Community Association that would divide Unit 2 into two
42 subunits. 2(A) would consist of the core wildlife analysis
43 areas where most of the harvest occurs in Unit 2, and is
44 located in the central one-third of Prince of Wales. 2(B)
45 would be the remainder of Prince of Wales, including the
46 adjacent islands. The remaining portion of the proposal
47 did not change, which again was to close to
48 non-Federally-qualified users during the month of August to
49 September 1st, and reduce bag limit from four bucks to two.

50

00208

1 The Regional Council did not accept the CCA
2 amendment to divide Unit 2 into two subunits, but accepted
3 the original with a modification by the Regional Council to
4 restrict nonrural hunters only during the first 10 days of
5 the season, August 1 through 10.

6
7 Following the Regional Council action, the
8 Federal Staff conducted more intensive analyses on the
9 information that was presented to the Regional Council.
10 This was not new information, but information that was
11 requested by Staff Committee in a different format, taken
12 from other hunter harvest reports provided by ADF&G
13 Wildlife Conservation Division. And this is found in the
14 appendix, pages 644 to 662 in your books.

15
16 This additional presentation of the
17 existing data provides valuation information on where Unit
18 2 deer harvest is occurring the season by both
19 Federally-qualified and non-Federally-qualified users.
20 This helped considerably in identifying the boundaries for
21 this potential subunit division boundary presented in the
22 Craig Community Association amendment.

23
24 We also examined the possible effects of a
25 bag limit reduction on Ketchikan hunters, and possible
26 benefits to subsistence hunters, pages 665 to 667.

27
28 This year we also relied on four primary
29 sources of data: deer pellet survey data, hunter harvest
30 data from ADF&G mail-back harvest reports, house-to-house
31 survey data, and tribal government and community input, and
32 also observations by Forest Service field biologists with
33 personal knowledge of Prince of Wales deer issues. We're
34 fortunate that we actually have three wildlife biologists
35 here that have actually worked on Prince of Wales Island
36 either currently or in the past.

37
38 A number of people, Mr. Chairman, deserve
39 special thanks for the considerable amount of energy that
40 they've contributed to Unit 2 deer issues and analyses this
41 year and throughout the past years. I especially want to
42 thank the Council members of the Southeast RAC that have
43 been involved in numerous teleconferences and e-mails
44 associated with Unit 2 deer. Also to the Staff Committee
45 that scheduled an additional day this year to review just
46 Unit 2 deer and the analysis that was being presented. I
47 especially want to thank also Dr. Terry Haynes and Dr. Kim
48 Titus and their staffs with ADF&G Wildlife Conservation
49 Division for working very closely with Forest Service Staff
50 on various management issues and options for Unit 2 deer,

00209

1 sharing data and making construction suggestions. And
2 lastly to Mike Turek, Subsistence Division for further
3 review of information in the analysis taken from the Unit
4 2 deer study, Deer Hunting Patterns, Resource Populations
5 and Management Issues on Prince of Wales, commonly referred
6 to as the Blue Book.

7

8 This concludes my introduction and
9 background, Mr. Chairman. Mr. Brainard will now present
10 the analysis with some additional clarifications provided
11 by Dr. Schroeder.

12

13 CHAIRMAN DEMIENTIEFF: Go ahead.

14

15 MR. BRAINARD: Mr. Chairman, Board members,
16 RAC Chairs, my name is Jim Brainard. I'm the lead author
17 on Proposal WP03-05. I'm currently a Forest Service
18 wildlife biologist working in the Petersburg Ranger
19 District, but I have also worked on Prince of Wales at the
20 Throne Bay Ranger District.

21

22 My portion of this presentation will cover
23 the material found on page 623 to 641 in your book.

24

25 Primary deer winter habitat depends on the
26 quality and quantity of four old growth forests which
27 becomes critical during severe winters with heavy snowfall
28 when other habitats incapable of intercepting this snow,
29 such as clear cuts, fail to provide forage. Overall the
30 ability of this habitat is thought to be the most limiting
31 for deer in Southeast Alaska.

32

33 Habitat capability models shows that the
34 long term habitat capability for deer in Unit 2 is
35 declining due to harvest of productive old growth forests,
36 reduced value of clear cuts, and further reduction in
37 habitat sustainability of second-growth stands. Figure 2 on
38 page 629 shows how habitat values have changed below the
39 1500-foot elevation by wildlife analysis areas since 1954.

40

41 Figure 3 on page 630 shows how much habitat
42 has been harvested in each of these wildlife analysis
43 areas. Two of these areas have less than 60 percent of the
44 productive old growth and two have less than 70 percent of
45 the habitat remaining. All the rest of them on Unit 2 have
46 at least greater than 70 percent remaining. Unitwide,
47 there's approximately 88 percent of the 1954 productive old
48 growth still there.

49

50 Much of the 280,000 acres of private land

00210

1 have been logged. Continued timber harvest activities and
2 associated road development in coming years are expected to
3 cause a further habitat degradation as well as
4 fragmentation and isolation of deer winter habitat. This
5 may concentrate in fewer and smaller winter areas and make
6 them more susceptible to predation by wolves. Wolf
7 predation studies on Prince of Wales estimates that one
8 wolf will take 26 deer per year in this habitat.
9

10 Since the early 1980s the Alaska Department
11 of Fish and Game and the Forest Service have collected deer
12 pellet group data from selected field transects throughout
13 Southeast Alaska. This long-term monitoring effort was
14 designed to provide an indication of over-all deer
15 population trends in the region. More direct deer
16 population estimation techniques are difficult to apply
17 because of the bio-geographic characteristics of this
18 forest type.
19

20 Figure 4 on page 632 presents data from the
21 13 study areas on Prince of Wales where four or more years
22 of data had been collected. In general, pellet group
23 densities have decreased in Unit 2, and are low when
24 compared to other areas of Southeast Alaska where wolves
25 are not present and where timber harvest has been less.
26

27 Deer populations on Prince of Wales is
28 likely to decline over time due to the changes in habitat
29 capability. While we have no accurate population counts of
30 deer in Unit 2, at the present time deer pellet counts data
31 suggests that deer density are low, and that the -- on the
32 low end of a 20-year range. The Department of Fish and
33 Game believes, quote, that data no long -- that data do not
34 support the notion that deer in Game Unit 2 are in severe
35 decline and that serious conservation concerns exists, end
36 of quote.
37

38 Table 2, on page 633, presents the number
39 of deer harvested over the past 18 years based on voluntary
40 returns of hunter information by hunters. Harvests have
41 been variable over this period with two years that were
42 low, and that was 1984 and again in 1998. There is no
43 clear trend in this data showing general increase or
44 decrease in the number of deer taken in Unit 2. Hunter
45 success rates have remained fairly constant over this
46 period of time. Unit 2 residents appear to be more
47 successful than non-unit residents. Hunter check stations
48 were manned in 1999 and again in 2002. Most deer hunters
49 reported that they took very young deer and they took them
50 close to the road system.

00211

1 During the 19 -- excuse me. During the
2 2001 season, Alaska Department of Fish and Game reported
3 that deer harvest in Unit 2 was about seven percent higher
4 than the long-term average, but lower than the 2000 season.

5
6 Deer harvested from the central portion of
7 Prince of Wales have decreased by 10 percent, while the
8 northern Prince of Wales deer harvest has increased by 45
9 percent.

10
11 Ketchikan hunters were evenly distributed
12 in the central and northern portions of the island.
13 Ketchikan's share of the animals harvested was 29 percent,
14 about three percent higher than the past three-year
15 average.

16
17 Southern Prince of Wales has reported a
18 slight drop in the harvest of the last two consecutive
19 years.

20
21 In the past 18 years, the average number of
22 hunters have decreased around 10 percent. Between 30 and
23 40 percent of all hunters are nonresident -- nonrural
24 hunters. Subsistence users residing in Unit 1(A) and 3
25 comprise about six percent of the total hunters annually
26 harvesting deer from Unit 2.

27
28 The majority of deer harvested from Unit 2
29 occurs in the more heavily roaded portions of Prince of
30 Wales. Ten wildlife analysis areas have been identified as
31 the most heavily used in Unit 2. These are referred to as
32 the core use areas, and Dr. Schroeder will cover them in
33 more detail.

34
35 During the 2001 season, 342 antlerless deer
36 permits were issued for Unit 2. Eighty percent of these
37 reports were returned, and 67 females were harvested.
38 Similar results were recorded for 2002, 326 permits were
39 issued and 94 percent were returned. A similar number of
40 female deer were harvested.

41
42 The trend's ambiguous for Unit 2 deer
43 harvest. The total number of data -- of deer taken at the
44 -- and the number taken for subsistence purposes shows no
45 clear trend. The number of deer taken per hunter has
46 decreased slightly in recent years, but it does not seem
47 significant when compared to the other years.

48
49 Household surveys were conducted on Prince
50 of Wales communities and in Ketchikan in 1998, '99 and

00212

1 2000. Households of each community were chosen randomly
2 for interview. Overwhelmingly respondents in all study
3 communities reported over the past five years that it was
4 more difficult and took much more time and effort to
5 harvest deers than they -- the deer that they need.
6 Sixty-seven percent of the Ketchikan households agreed with
7 this statement. For survey years 1998 and 2000, greater
8 than 70 percent of Craig and 75 percent of Klawock
9 households believed that the deer population was declining.

10

11

12 Respondents from all Prince of Wales
13 communities believe that Ketchikan and non-island residents
14 were having a negative impact on their household hunting
15 success. Fifty-two percent of Craig, 69 percent of
16 Hydaburg and 62 percent of Klawock residents said their
17 community's needs were not be met. All households on
18 Prince of Wales told the interviewers that they had a high
19 or very high reliance on deer. Respondents believe it is
20 taking more time and effort to harvest deer on Prince of
21 Wales, and that the island's deer population is in decline.
22 No new surveys have been conducted since 2000.

23

24 Most deer are harvested during the month of
25 August and November. These two months account for 57
26 percent of the total harvest. Unit 2 residents take about
27 50 percent of their deer during this time. Residents of
28 Coffman Cove, Whale Pass and Thorne Bay hunt from mid
29 August to late October. Craig and Klawock residents prefer
30 to hunt in October and November. Hydaburg residents hunt
31 later in the season. Residents of Ketchikan prefer to hunt
32 in August, followed by mid October through late November.
33 the majority of deer harvested in Unit 2 occur in the
34 heavily roaded core area of Prince of Wales. The majority
35 of Ketchikan hunters ferry their vehicles to Hollis and the
36 use the road system for their harvest activities. The
37 average duration of Ketchikan hunters on a trip is 4.8
38 days.

39

40 Dr. Schroeder will now continue the
41 discussion of the core area and Proposal 5's appendix.

42

43 DR. SCHROEDER: Mr. Chairman, Board
44 members, Regional Council Chairs, I'll be briefly going
45 through material that begins on page 644 of your Board
46 books. This material was provided -- mainly provided to
47 the Regional Council in oral form or by reference. It was
48 worked up in this format for the Staff Committee
49 deliberations which took place April 17 to 22.

50

00213

1 There are basically six items here which
2 add to the discussion, we hope.

3
4 The first item is a table and chart showing
5 Ketchikan's deer harvest over time. On the flip side, on
6 page 646 are two graphs. These graph's are somewhat
7 interesting. On is we can see that over all Ketchikan's
8 experienced a decline in deer harvest since data were
9 collected. These data are from the mail-out surveys, by
10 the way. Over the last five years the absolute number of
11 deer that Ketchikan's been getting from Prince of Wales has
12 been on the upswing, and in the lower portion of -- the
13 lower graph, the percentage graph, we can see that
14 Ketchikan's dependence on Prince of Wales deer as opposed
15 to deer harvested in other areas has gone up from somewhere
16 around 40 percent in 1997 to over 60 percent of the deer
17 taken by Ketchikan residents come from Prince of Wales in
18 year 2001.

19
20 The second set of information is the
21 detailed harvest data from the Division of Wildlife
22 Conservation mail-out surveys, as well as from the Division
23 of Subsistence household surveys that have been conducted
24 in 12 Prince of Wales Island communities. Basically these
25 two data sources don't correspond really well. The
26 strength of the mail-out survey is that it's done every
27 year. The strength of the Division of Subsistence
28 household surveys are that they have a really high level of
29 accuracy. But we don't find that these harvest estimates
30 provide us -- that the -- they don't provide us with very
31 good trend data for individual communities on Prince of
32 Wales, mainly because of internal variability.

33
34 I would point to data for Craig, which is
35 found on 649, and point to two things there. The solid
36 bars represent the Division of Subsistence household
37 surveys. These show an apparent decline in deer harvest in
38 that community from 1997 to 1999, corroborating what the
39 Craig Community Association maintains in their proposal.

40
41 I'd also point out that we have a very poor
42 correspondence between the Division of Subsistence
43 household survey data, and the mail-out survey data which
44 for these communities is much less or very much less.

45
46 I'd also refer to similar data on page 654
47 for Klawock. Klawock shows a small decline, probably not
48 significantly significant over the '97 to '99 time period.
49 And again we see a great deal of variability in the
50 mail-out survey, which does not appear to track harvest for

00214

1 these two communities.

2

3 If we were to look at page 652, it presents
4 data for Hydaburg. Hydaburg basically doesn't participate
5 in the mail-out survey, so our data points for Hydaburg
6 would come from simply two years of Division of Subsistence
7 household surveys.

8

9 The next item identifies the core wildlife
10 analysis area following the Craig Community Association
11 amended -- suggested amendment to their proposal. Staff
12 looked at what sort of harvest, what the core area would
13 be, and what levels of deer harvest take place there.
14 Looking at page 662, the central bars represent the
15 wildlife analysis areas that comprise the core area in the
16 Craig Community Association proposal. These lump up deer
17 harvest over a five-year period. So, for example, one of
18 our wildlife analysis areas is 1422. From that wildlife
19 analysis area, about 3500 deer were taken during that
20 five-year time period.

21

22 The core area, wildlife analysis areas
23 provide most of the subsistence deer harvest on the island.
24 They comprise an area close to island communities where the
25 road network is dense, and where logging activity on native
26 corporation and Federal land has been particularly intense.
27 We also note that most of the controversy concerning
28 competition between subsistence and non-subsistence hunters
29 is focused on this area.

30

31 The next item is a copy of the suggested
32 amendments submitted by Craig Community Association. They
33 changed the boundaries of their original proposal, which
34 was -- which is before the board, called for a unit-wide
35 restrictions on non-subsistence harvesters of deer, and
36 throughout Unit 2. The amended proposal focuses on the
37 core area.

38

39 The fifth item on 664 and the following
40 memo, try to look at what the possible effect of a bag
41 limit or a harvest limit reduction might be both on the
42 hunters who would be restricted from harvesting, and the
43 possible effects on subsistence users. These data are
44 based on files provided by Division of Wildlife
45 Conservation from the mail-out data again. Now, we believe
46 that the mail-out data is a pretty accurate source of
47 information for Ketchikan hunters, because there's a
48 significant number of people who respond from that
49 community.

50

00215

1 In summary, overall a Unit 2 wide, two deer
2 bag limit restriction on Ketchikan hunters would
3 potentially add about nine percent to the subsistence take,
4 if we make the very large assumption that the deer that
5 were not harvested by Ketchikan hunters would be taken by
6 subsistence hunters. If a bag limit restriction applied
7 only to the core area and Ketchikan hunters didn't change
8 their behavior in some other way, this would potentially
9 add about six percent to the subsistence take.

10
11 Looking at the effect on Ketchikan hunters,
12 the Unit 2 wide harvest limit of two deer would potentially
13 affect about seven percent of Ketchikan hunters. Those
14 were the approximate number of Ketchikan hunters who have
15 -- who in the last year harvested more than two deer, or
16 harvested a third, fourth or Nth deer on Prince of Wales
17 Island. And it could result in a 17 percent decrease in
18 Ketchikan hunters' over-all deer harvest.

19
20 If a harvest limit was restricted only to
21 the core area, this would potentially affect an estimated
22 four percent of Ketchikan hunters. Again, that estimate
23 comes from the number of hunters 2001 who harvested a
24 third, fourth or Nth deer from the core area, and it could
25 result in an 11 percent decrease in Ketchikan hunters'
26 over-all deer harvest.

27
28 I'd just emphasize again that these are
29 best estimates based on mail-out survey data.

30
31 The detail follows in a three-page note on
32 page 665, 66 and 67.

33
34 Our final item is information on improved
35 access to Prince of Wales Island, a graph of the increased
36 ferry traffic to the island. The point here is that during
37 2002 the Inter-Island Ferry Authority greatly upped service
38 to Prince of Wales, and had about double the number of
39 trips that it had in the previous year, so we have a very
40 significant improvement in the ability of Ketchikan
41 residents or for that matter Prince of Wales residents to
42 get on and off the island.

43
44 Mr. Chairman, that concludes our
45 presentation.

46
47 CHAIRMAN DEMIENTIEFF: Summary of written
48 public comments.

49
50 DR. SCHROEDER: Mr. Chairman, we've

00216

1 received not quite as many public comments as last year,
2 but we do have a fair number to go through.

3

4 We have a comment from Jeffrey Trimmer in
5 Craig who has been a designated subsistence hunter, and who
6 believes that the deer population is very low. This is
7 someone who's out there a lot, and says that he hikes and
8 hunts, and it takes all season to get one buck. He
9 supports many people.

10

11 We have letters from the president of the
12 Klawock Cooperative Association, and president of Craig
13 Community Association, strongly supporting this proposal,
14 believing that if there is a decline in the subsistence
15 resource, then there should be a conservation effort put
16 forth. And what they're seeking, obviously, is to put a
17 limit on the season and amount of deer that nonrural
18 hunters take out of GMU 2.

19

20 Another letter from Craig, referring to
21 subsistence use of deer on the island, stating that over
22 the last several years I have not been able to meet my
23 family's needs. I cannot gather for my elders as I used to
24 be able to. We used to be considered a rich country for
25 what we have, and some say we still are, but we still can
26 be if we draw the line. Enough is enough.

27

28 Support from Klawock and Craig residents,
29 three members, writing on behalf of Klawock Cooperative
30 Association, noting that the deer population is in decline
31 for several years because of many factors. They point to
32 over-harvest of deer by off-island hunters, logging,
33 increased population pressure, human population, and
34 increased access. They support this proposal.

35

36 A letter from John Morris of Craig. The
37 deer population is not what it used to be. In other words,
38 the deer are harder to get year-after-year. He also points
39 to the ferry service Ketchikan, and depletion of deer. He
40 believes that rural residents depending on deer for food
41 are finding it harder to get their food.

42

43 Ken Holmes of Ketchikan opposes this. If
44 the deer or game population is low, then make rules for
45 all, not the chosen few. We are all to be treated equal
46 and as one with no discrimination.

47

48 Clyde Berry from Ketchikan opposes this
49 proposal. As you know from last year, we hunters from
50 Ketchikan are not going to sit still and let a few selfish

00217

1 Prince of Wales residents take away our rights to hunt on
2 public land.

3

4 Someone -- Mr. Schultz from Ward Cove
5 points to his long-term use of Prince of Wales for deer
6 hunting. He doesn't believe that people living in a
7 national forest should have preference over others of the
8 same nation.

9

10 Arthur Wilson of Ward Cove opposes. He's
11 a long-term hunter. He believes it would be unfair and
12 discriminatory to allow residents of Prince of Wales to
13 have different rules and regulations under which to harvest
14 game.

15

16 We have seven comments that simply say, I
17 oppose, mainly from Ketchikan residents.

18

19 A comment from Steve McLaren, let's keep
20 subsistence what it should be. It should be used for
21 subsistence only, and it should not penalize sport hunting
22 and fishing. Don't change the regulations on POW. This
23 would only be insult to injury after passing the new
24 subsistence regulations for steelhead on Prince of Wales.

25

26 From David Smith, I believe Ketchikan,
27 please vote these down. Allow all Alaskans to take their
28 sons and daughters out and have a fair shot at game.

29

30 And, Mr. Chairman, that concludes the
31 written comments we received.

32

33 CHAIRMAN DEMIENTIEFF: Thank you very much.

34 We have two requests for oral testimony at this time. I'd
35 call on Bill Thomas first.

36

37 MR. THOMAS: One moment, Mr. Chairman.

38

39 CHAIRMAN DEMIENTIEFF: Okay.

40

41 (Pause)

42

43 MR. THOMAS: I'm trying to use an old trick
44 of stalling until I get my breath.

45

46 Good afternoon, Mr. Chairman, distinguished
47 members of the Board, distinguished members of the Advisory
48 Council, distinguished members of the Department of Fish
49 and Game, Staff, respected members of the public and the
50 media. It's a lot of work for me to get up here after

00218

1 lunch.

2

3 My name is Bill Thomas, Sr. from Ketchikan.

4 I'm here today representing the organized villages of

5 Craig, Klawock and Kasaan on Prince of Wales Island. I'm

6 not an eligible user as per provisions of Title VIII of

7 ANILCA; however, I was born and raised in Game Management

8 Unit 2, and I'm quite qualified to present comments

9 regarding the welfare and status of wildlife with

10 emphasized respect to the deer population, and the neglect

11 of management it continues to experience. And I thank you

12 for this opportunity to comment.

13

14 I have to make reference to the information

15 that our good Staff just presented to you, and it brought

16 to my attention that this all the data, this is stuff

17 you're really looking for, but it's pretty hard to cook.

18 It's useless to freeze. And there's no need to can it. So

19 it really -- with reference to subsistence, the data here

20 is really moot. Moot.

21

22 I noticed in the Ketchikan Daily News that

23 people are being encouraged to present choreographed

24 impression with the Federal Subsistence Board that the deer

25 population on Prince of Wales Island is healthy stock in

26 terms of numbers. Such information is being printed in

27 newspapers with hypothetical data. Although a activists in

28 opposition are very versed and effective in working with

29 prepared scripts for the sake of making the impression that

30 larger numbers are actually participating. If nothing

31 else, it's an effective tactic to delay action on a

32 proposal. Delaying action is the same as no action. And

33 we spent a day and a half doing exactly that. When

34 confused and you don't want to be politically incorrect,

35 delay action.

36

37 These concerns according to Title VIII

38 should have been first presented to the appropriate RAC.

39 This being Federal management responsibility and a major

40 part of this management responsibility is by listening to

41 and giving serious credence and responsibility placed with

42 the expertise, experience and observations of the Southeast

43 Regional Advisory Council. This is not only how Title VIII

44 is written, it is why Title VIII is written.

45

46 To my knowledge, Title VIII doesn't

47 recognize a Staff Committee.

48

49 Title VIII is a protective umbrella

50 designed to meet the needs of the subsistence community as

00219

1 defined in Section 801. This came following years of
2 demonstrated hostile attitude from State of Alaska focused
3 on the subsistence community regarding responsible
4 subsistence management and to ensure a continued access to
5 subsistence gathering. They even went so far as to allow
6 fish and wildlife stocks to become so low that harvesting
7 was closed to the subsistence community. Major systems and
8 stock levels are still in peril as a result.

9

10 The real evidence suggests that the deer
11 population on Prince of Wales is more in peril than
12 healthy. I urge you to cooperate with the findings and
13 recommendations of the Southeast Regional Advisory Council
14 as specifically prescribed in Section .805 of Title VIII on
15 this proposal.

16

17 It's a shame that the word, evidence, is
18 ambiguous and this protocol as many words chosen to manage
19 important responsibilities of our inherent right to natural
20 resources. It's the foundation of our right to liberty, to
21 life, and pursuit of happiness.

22

23 Just last week I was driving from Craig to
24 the interisland ferry terminal which is the only road that
25 accesses the ferry terminal on the east side of Prince of
26 Wales Island. It runs almost through the center of Prince
27 of Wales from west to east. As I was driving I came across
28 a wolf just leaving the pavement on the roadway going up
29 into a muskeg, that was a first for me. It looked like it
30 had a pretty good breakfast. It was a big wolf. By the
31 same token I never saw a deer as in the past travels, when
32 it was typical to see one or more deer on the same road.
33 Some local residents shared the concern with me regarding
34 the ever increasing difficulty in harvesting subsistence
35 need for deer. To answer your reference for the continued
36 one doe per season, let me advise you that the subsistence
37 community know biology very well and harvest accordingly.
38 Subsistence users do not waste resources. As long as
39 antlered deer are available that's the preference of the
40 subsistence community.

41

42 The doe request was a contingency for
43 gatherers with limited opportunity and access. I ask you
44 to consider the observations of the residents of Prince of
45 Wales Island.

46

47 Members of the Staff Committee have never
48 spent time there, thus their data does not have a chance of
49 accuracy. Might I remind this body that you were given
50 this responsibility as the result of the State of Alaska

00220

1 not being in compliance, through the U.S. Congressional
2 mandate with respect to priority preference to those
3 identified rural areas. My observations suggest if this
4 body continues to be manipulated by the State of Alaska for
5 the sake of politics, my senses suggest to me a possibility
6 that you also can be deemed out of compliance.

7
8 Please work with and not against the
9 efforts of the vast qualified information brought to you
10 from communities throughout Alaska by the way of Regional
11 Advisory Councils. A preponderance of your knowledge
12 regarding critical importance and health of stocks came
13 from those RACs. Still, you continue to adjust that
14 knowledge, making it less significant of importance. I
15 urge you to please refer to the instructions of Sections
16 .801 and .805, and use the good information they give you.

17
18 Many cultures recognize access as a use to
19 natural resources as their inherent right and it is right
20 for them to do so. The indigenous peoples of Alaska with
21 reference to consumption to fish and wildlife and seasonal
22 vegetation have used these foods as their mainstay in their
23 way of life. The dietary needs do not disappear merely by
24 changing your location of residence. Their information for
25 the most part is a result of integrating the gathering and
26 the use of natural resources as if their life depends on
27 it. In most cases it does.

28
29 I now have to make some comment regarding
30 another -- we not only have a Staff Committee, we got a
31 majority and a minority. You know, it's growing. It's
32 kind of like not being used to eating muk-tuk.

33
34 Okay, just to read to you some of their --
35 from the Staff Committee majority, okay, this is taken out
36 of context, it's a quote: However, the unmet needs have
37 not been qualified and it's not clear that harvest of deer
38 by non-subsistence hunters is responsible and a significant
39 degree for the inability of subsistence users to take all
40 the deer they need. Now, what does that say, you know?

41 Who's going to determine what significant degree
42 is?

43
44 The Staff Committee majority believes that
45 regrowth in logged areas and associated difficult
46 conditions is the primary reason for recent declines and
47 hunter success. That could be true based on what I heard
48 from the people that manage trees. But there's no clear-
49 cut that they know. There's a difference between believing
50 and knowing.

00221

1 It says, because there's not substantial
2 evidence to indicate that such additional measures are
3 necessary to insure the needs are met. Who is going to
4 determine substantial evidence to make a determination?
5 Who can and how much they can harvest?

6
7 The Staff Committee majority believes an
8 effective long-lasting solution for the management of deer
9 on Prince of Wales Island can be best achieved through a
10 planning process already requested by the Board involving
11 the Southeast Regional Council, the management agencies and
12 effective stakeholders. This program has been in place for
13 over 10 years. The problem's been there for 30 years.
14 And, you know, we've had management in Alaska, management
15 is nothing -- well, maybe it is new, the title isn't new.
16 There should be data to provide us with the evidence now of
17 what happened. Okay, I'm not sure what the -- what a
18 planning process would be. You know, when -- if you got a
19 bucket that's leaking through the bottom, you don't put a
20 committee together to plan why the bucket's going empty,
21 you find some way to stop that from going down any further.
22 That doesn't take a plan, you act on it. We got so many
23 people now involved in what we call management and there's
24 no management occurring, no, we're making a lot of rules
25 and regulations, we're coming up with a lot of requirements
26 for more rules and regulations, but there's really no
27 management occurring.

28
29 So I would really, the proposal that's
30 before you is a good proposal. The people that are
31 responsible for that proposal are learned people. They do
32 something about whether you guys manage anything or not, if
33 they find that the population is in peril enough they will
34 react on their own to ensure the good viability and
35 survivability of that resource. They're not going to hunt
36 of fish to the last one's gone, like other user groups do.
37 The data that you're collecting now, that you're asking to
38 be collected to manage subsistence is more appropriately
39 applied to other user groups that take a larger percentage
40 of the resources that we're talking about.

41
42 So with that, thank you for your
43 indulgence, and I do urge you to support the recommendation
44 brought forth to you by the Southeast Regional Advisory
45 Council.

46
47 Thank you, Mr. Chairman.

48
49 CHAIRMAN DEMIENTIEFF: Thank you, Bill.
50 Appreciate it. Any questions.

00222

1 (No comments)

2

3 CHAIRMAN DEMIENTIEFF: Thank you. John
4 Morris.

5

6 MR. MORRIS: Good afternoon, Chairman,
7 Subsistence Board, Chairmans of the RAC, and all
8 representing agencies, as well as the public. That was
9 quite a statement and kind of a tough act to follow but
10 it's all true.

11

12 There is a concerning problem on Prince of
13 Wales Island with the deer hunting for subsistence users.
14 It's been an ongoing problem. I'm learning the process,
15 this is the process we have to go through that is set up by
16 the U.S. Government, we put proposals together and
17 hopefully they'll be heard and hopefully acted upon. And
18 I believe it's an unfortunate process but it's the process
19 we have to go through.

20

21 I represent the Craig Community Association
22 and also the residents of Prince of Wales that share my
23 concerns. You know, we asked for something to be done last
24 year and prior to that and nothing's ever been done. It's
25 not like that we want to be selfish and take other people's
26 opportunity away, it's not about that. It's about us, as
27 residents, us as users of that resource that depend on that
28 resource, we're finding it harder and harder every year to
29 meet our needs. I consider myself probably one of the best
30 hunters down there, you know, I limit out every year except
31 for last couple years, it's hard, it's really hard. And
32 what we ask isn't much, I believe. I mean there's windows
33 in there that I feel is sufficient for us to probably have
34 an impact to get started on meeting our needs down there.

35

36 If you could take those considerations, if
37 you'd take those proposals and consider them as that that
38 would be great. Not as anything else.

39

40 So it's harder. It's getting hard. With
41 the extensive road system that we have down there with the
42 amount of private land owners we have with the Native
43 Corporations, Prince of Wales is a unique -- I believe a
44 unique area. It's not set aside as a national Park like
45 Admiralty Island or parts of Baranof, there's some portions
46 of Prince of Wales that are, and I believe it's wide open,
47 the island is being extensively developed as well the
48 western islands off of Prince of Wales. And I believe it
49 gives you guys the opportunity to actually do something,
50 you know. Like Bill Thomas says, there's layers and layers

00223

1 of management that we jump through, you know, our proposals
2 get modified, our proposals get thrown out, our proposals
3 get deferred, whatever, you know, it's like our concerns.
4 So it -- I'm losing track here, I'm sorry.

5
6 I guess I just want our concerns to be
7 heard because it's not only Prince of Wales concerns, I
8 hear proposals, I hear concerns from other regions of the
9 state that should be looked at as well, you know. But
10 where I'm from is a place that in the next 10 years, it's
11 going to be depleted with the wildlife resource, if not
12 depleted it's going to be pretty had, pretty extinct.
13 There's proposals right now, there's big land exchange
14 negotiations going on behind -- I mean with the Federal
15 government and that will open up more lands for road
16 systems. I know Native shareholders are supposed to hunt
17 on Native corporation lands, but that's not it. I mean the
18 land holdings are so vast it's hard to -- it's hard to
19 regulate. And those -- those areas are wide open for deer,
20 easy access right off the road system, bingo, there it is.

21
22 So I just would like for you guys to
23 hopefully act on this and use ANILCA, Title VIII, whatever
24 way possible to address this concern, and I'll keep coming
25 back and coming back until it is. Guaranteed. I mean I'm
26 not trying to -- but this is the process we have to go
27 through so, thank you, that's all I have.

28
29 CHAIRMAN DEMIENTIEFF: Thank you, very
30 much. Appreciate your testimony and taking the time and
31 expense to travel up here to present for us, it's really
32 appreciated.

33
34 MR. LITTLEFIELD: Mr. Chair.

35
36 CHAIRMAN DEMIENTIEFF: Yes.

37
38 MR. LITTLEFIELD: Thank you, Mr. Chair.
39 John, I have a question for you. First of all, thanks for
40 your testimony, it's good to see you here. You're going to
41 see a proposal that's brought up -- probably brought up
42 that resembles your amended proposal. And when we were in
43 Saxman, the proposal that the RAC put forward was very
44 similar to your first proposal with the exception that we
45 drop the date back to the 10th. And I guess if you were
46 given your druthers, and I think you've answered this
47 before, could you state for the Board what your preference
48 would be. Would you prefer to have the proposal that was
49 supported by the Regional Advisory Council as your first
50 choice or second choice when compared to the suggested

00224

1 amendment that you've made?

2

3 MR. MORRIS: Let me try and understand
4 that, John. Thanks, Mr. Chairman. You're saying that if
5 I -- which one would I favor, the modified proposal by the
6 RAC or the original proposal that was submitted by the CCA?

7

8 MR. LITTLEFIELD: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes, go ahead, John.

11

12 MR. LITTLEFIELD: Mr. Chair. John. Do you
13 have a Board book with you, on Page 615, the original
14 proposal that was presented to us by the Craig and Klawock
15 called for four deer August 1st to December 31st. And then
16 that the Federal public lands would be closed to the taking
17 of deer from the 1st of August through September 1st.
18 Subsequent to that the Regional Advisory Council adopted
19 that with an amendment to change the second date, September
20 1st to August 10th.

21

22 MR. MORRIS: Uh-huh, August 10th, right.

23

24 MR. LITTLEFIELD: And that's what we
25 discussed at the Regional Advisory Council.

26

27 MR. MORRIS: Right.

28

29 MR. LITTLEFIELD: Now, you're going to see
30 the Interagency Staff Committee recommendation kind of
31 paralleling your suggested amendment by cutting the island
32 into units.

33

34 MR. MORRIS: Uh-huh.

35

36 MR. LITTLEFIELD: And also having only
37 partial closures and not using the reduction to two bucks
38 that you guys had suggested. Which is your preferred
39 method of all of those, one, two or three, if you could
40 comment?

41

42 MR. MORRIS: Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Go ahead.

45

46 MR. MORRIS: I prefer the original
47 proposal. I guess I prefer all of them as long as they're
48 addressing the concern, the needs, if our needs are being
49 met. I guess it would be if you guys acted upon one of
50 these proposals, whether it be modified or the original, I

00225

1 wouldn't have any objections but I would favor the original
2 proposal with the actual one month.

3

4 CHAIRMAN DEMIENTIEFF: No further
5 questions.

6

7 (No comments)

8

9 CHAIRMAN DEMIENTIEFF: Thank you, very
10 much, again. John, are you ready for the Regional Council
11 recommendation.

12

13 MR. BISSON: Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Yes.

16

17 MR. BISSON: If I could. My office
18 received a phone call from a Ketchikan resident who was not
19 able to come up and with your permission I'd like to ask
20 Taylor Brelsford to go ahead and summarize this person's
21 input to the Board.

22

23 CHAIRMAN DEMIENTIEFF: Go ahead, that's
24 fine.

25

26 MR. BRELSFORD: Thank you, Mr. Chairman.
27 This telephone call was from Mr. D.J.O'Brien. And I tried
28 to listen to the subsequent letters to see whether his
29 letter had actually been received and I don't believe those
30 comments were summarized by Dr. Schroeder.

31

32 The three points that he makes are these --
33 first of all his view is that there is no basis in the deer
34 population on Prince of Wales Island for any restriction on
35 non-island hunters. Secondly, that the doe harvest is a
36 major conservation problem and that should be the first
37 technique for improving population management. And
38 thirdly, that the core area proposed in the recent
39 revisions to proposals is still a major problem for
40 Ketchikan hunters. That if Ketchikan hunters are
41 restricted and have to travel outside of that core area,
42 those are some of the less productive harvest areas.

43

44 So those were the three points made by Mr.
45 D.J.O'Brien from Ketchikan. Thank you for the second to
46 add that to the record.

47

48 CHAIRMAN DEMIENTIEFF: Thank you.

49

50 MS. GOTTLIEB: Mr. Chair.

00226

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MS. GOTTLIEB: For the record I received a
4 similar phone call from Mr. O'Brien.

5

6 DR. KESSLER: Mr. Chair.

7

8 CHAIRMAN DEMIENTIEFF: Yes.

9

10 DR. KESSLER: For the record, I received a
11 phone call as well, and our office received a letter, and
12 I thought the letter would be available for the reading but
13 if it wasn't I have a copy of it.

14

15 We could either read the -- the letter
16 basically has the same points that Taylor conveyed but if
17 you'd like to read it I do have it.

18

19 CHAIRMAN DEMIENTIEFF: We'll go ahead and
20 get that letter and get it in the record, even if we need
21 to -- or whatever we need to do.

22

23 MR. EDWARDS: Well, if Niles agrees to make
24 it unanimous, we also received a -- we actually received
25 two letters and a phone call. I did try to call Mr.
26 O'Brien back and was unable to get a hold of him.

27

28 CHAIRMAN DEMIENTIEFF: How come I got left
29 out?

30

31 MR. BOYD: For the record, the Chair also
32 received a letter.

33

34 (Laughter)

35

36 CHAIRMAN DEMIENTIEFF: Well, why didn't the
37 Chair get it?

38

39 (Laughter)

40

41 CHAIRMAN DEMIENTIEFF: I want to put in a
42 complaint here.

43

44 We got the Regional Council recommendation.

45

46 MR. LITTLEFIELD: Thank you, Mr. Chair.
47 For the record I didn't receive anything.

48

49 (Laughter)

50

00227

1 MR. LITTLEFIELD: Testimony is going to be
2 rather long today. First I'd like to make sure that all
3 the Board as well as the audience is aware that there were
4 two pages missing from the book which is labeled Southeast
5 proposals that's on the table outside as well as in your
6 Board book. And those are two pages after 675, which we
7 have one and two. I don't know if those are available on
8 the outside table but I'd like to make sure that they are.
9 Does everybody have those -- they're Pages 1 and 2 and they
10 say omitted Pages A and B, insert after Page 675, and if
11 you don't have a copy of those, maybe I could ask our
12 regional coordinator to give you those because it's
13 pertinent to the discussion on this.

14
15 Mr. Chair, with your indulgence I'd like to
16 start first with some testimony that I gave to the
17 Interagency Staff Committee, which I would like to thank
18 for asking me to participate in the discussions U-2 deer.
19 I had a prepared statement that I read into their record
20 and I'd like to kind of paraphrase that for your benefit if
21 you haven't seen that.

22
23 For the record I stand completely behind
24 Southeast Alaska Regional Advisory Council Proposal WP03-05
25 as adopted in Ketchikan on 2/27/03. The language that we
26 adopted was, quote, Federal public lands are closed to the
27 taking of deer from August 1st to August 10th. Harvest
28 limit for deer on Federal public lands for hunters who are
29 not Federally-qualified subsistence users is two bucks.
30 And you can -- this language is on the executive summary
31 Page 615 of your Board book. The Interagency Staff
32 Committee majority recommendation, this is another one that
33 came up, it's on Page 617, and then the minority opinion is
34 going to be on 618, which recommends adopting the Regional
35 Advisory Council. So there's a bunch of them here and I
36 just want to make sure everybody's talking about the right
37 one.

38
39 As you well know the Southeast Alaska
40 Regional Advisory Council and the other Regional Councils
41 were delegated the following authority under ANILCA, Title
42 VIII, Section .805(a)(3)(a), "the review and evaluation of
43 proposals for regulations, policies, management plans and
44 other matters relating to subsistence uses of fish and
45 wildlife within the region."

46
47 Paragraphs B, C and D also grant additional
48 authority to the Regional Councils, but I'm only going to
49 talk about A for now.

50

00228

1 The language in Section A appears to very
2 clearly vest the authority to review and evaluate proposals
3 for regulation, policies to the Regional Advisory Councils.
4 Proposals that have not been reviewed are evaluated by the
5 Regional Advisory Councils would not appear to meet the
6 requirements of Title VIII. The Regional Advisory
7 Councils, of course, do not ultimately approve the
8 proposals for regulations but per Section .805 of ANILCA
9 they do need to review them and evaluate them first.

10
11 We have questioned why our previous
12 recommendations have been revised, amended or otherwise
13 changed by the Staff Committee before they were presented
14 to the Board for consideration. We've also protested that
15 Staff Committee and ADF&G get to add additional information
16 and the Regional Advisory Committee does not prior to being
17 presented to the Board. The Regional Advisory Committee is
18 given one chance to review a proposal during their
19 regularly scheduled meetings and only evidence presented
20 prior to our deliberations is considered.

21
22 SERAC desires that the recommendations on
23 proposals be submitted to the Federal Subsistence Board
24 exactly as they were adopted. In other words, we would
25 prefer that those come to you exactly as we adopt them.
26 Any changes in language adopted by the Regional Advisory
27 Council should be clearly separated and identified as Staff
28 Committee proposals that have not undergone SERAC review
29 and therefore are not supported by the RAC. The SERAC
30 desires that all future Staff recommendations on proposals
31 be presented to the RAC in a timely manner for proper
32 review and evaluation by the RAC at its regularly scheduled
33 meeting as required by Section .805 and also in the
34 regulations at Section 11(c)(3).

35
36 If the Staff Committee cannot present all
37 their suggestions at that time, they should defer that
38 action until the next regularly scheduled meeting.
39 Regulations can be revised and fine-tuned every year if
40 they need be. There is no need to try to foresee every
41 possible situation that may arise.

42
43 How did the Regional Advisory Committee
44 make its decision to support Proposal 5? The Regional
45 Advisory Committee has been using the following four
46 rationale when deliberating proposals to make the record
47 clear to the Federal Subsistence Board how we got to our
48 conclusion, and the transcripts will show that we use these
49 in every case where there was something dealing with fish,
50 at least, as far as I know we have, and those rationale

00229

1 that we've developed are.

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1. Conservation concerns. In other words, is the action that we're going to take as a Regional Advisory Council in accordance with the principles of conservation and wildlife management.

2. Substantial evidence. What supports the Council action. Since data is rarely conclusive, would a reasonable person reach the same conclusion given the same evidence.

3. The effect on subsistence users. Does our recommendation help meet subsistence users needs and does it support customary and traditional uses.

4. The effect on other users. Does the action affect other users. Do the recommendations have the least amount of effect on other users while still following ANILCA provisions.

As a rule we use those on everything except housekeeping matters. In other words, there was a couple OSM proposals we did not do that. But in every other case we've taken each of those points and developed the rationale and stated those in the transcripts.

On Proposal 5, under conservation the record is clear that most of the ologists consider the deer in U-2 to be stable or in a slight decline, and each of them was asked that. Just as clear as the belief by the ologists that the U-2 deer will definitely be declining in the future as prime deer habitat continues to disappear on POW. Nearly everyone agreed that deer were harder to find or see, but couldn't agree on why. It can't be said that because deer are harder to find and see that it's due solely to a decline in the deer. Therefore, SERAC made its decision on the rest of the merits of the proposal without considering this to be a serious conservation concern.

Substantial evidence. Prior to the

00230

1 Regional Advisory Council deliberations in Saxman, I had
2 asked Mr. Jim Ustasiewski, the Office of General Council,
3 Department of Agriculture from Juneau to explain to the
4 Council what substantial evidence meant and what we were
5 supposed to do in our deliberations. His response was that
6 substantial evidence is referenced in ANILCA had not been
7 tested by the courts, but that in other settings the courts
8 have said, "that substantial evidence means considering all
9 of the circumstances, all of the facts, enough evidence to
10 support a reasonable person in making that conclusion so
11 substantial evidence then is tied to this idea of
12 reasonableness."
13

14 The Regional Advisory Council supports
15 that definition and we use that. For Proposal No. 5 the
16 preponderance of testimony from the affected subsistence
17 users, the data from the household surveys, the pellet
18 studies and all the other evidence that was read to you by
19 the Staff just a minute ago, when taken together should be
20 interpreted by a reasonable person as substantial evidence
21 that the user's needs are not being met. And further that
22 they have not been able to meet their needs in a customary
23 and traditional manner.
24

25 The effect on subsistence users. The
26 effect on subsistence users is positive if we take this
27 action. It's a small step but it's necessary -- we find
28 that it's necessary to give meaningful preference to
29 subsistence. Nearly everyone on the Board as well as
30 people who are involved in this, realize that this is only
31 an incremental step in trying to meet the subsistence
32 user's needs. But we have before you John Morris from the
33 Council asking us to do something and they have for years,
34 and I think we were accused -- the Regional Advisory
35 Council was accused at that meeting of not doing anything
36 in behalf of the people of Hydaburg, we have been doing
37 those -- we've been submitting these proposals to the
38 Federal Subsistence Board but they feel like nothing's
39 getting done, and the unmet need is there.
40

41 We did not quantify what that need is but
42 clearly SERAC believes it is unmet at this time and has
43 been for years. No one expects that adopting Proposal 5 by
44 itself will resolve all the problems with U-2 deer.
45

46 Proposal No. 4 was on the consent agenda
47 and it was fully the understanding of the Council that
48 these taken together would help, but neither by themselves
49 was sufficient to provide the meaningful preference that's
50 required to meet these needs.

00231

1 The effect on other users. The effect on
2 users will be negative although we believe that it will be
3 a small negative. Non-subsistence users certainly have
4 alternative areas available to harvest deer and under State
5 regulations that's all that's required anyway. We found,
6 at this time in Unit 2 it is necessary to apply
7 restrictions to non-subsistence users in order to meet the
8 subsistence user's needs. At some time it may become
9 necessary to completely close Federal public lands to non-
10 subsistence users but we did not feel at this time that a
11 complete closure was necessary nor did anyone ask us to do
12 that.

13

14 So Mr. Chair, members of the Board I urge
15 you to support the SERAC proposal. SERAC has done the
16 legally required review and evaluation of this proposal and
17 if it does not solve the problem completely, it can be
18 addressed yearly until we've got all these needs met.
19 Something needs to be done right now to address the unmet
20 needs of the subsistence users of deer in Unit 2. We have
21 taken those steps we believe are necessary and the
22 remainder, of course, is in your hands.

23

24 Several of these -- I've been asked by
25 several people to review the Craig Community Association
26 proposal and when we were in Saxman, we did not do that
27 because it was presented to us on the 25th of February,
28 opening day of the meeting and our book had already been
29 printed and nowhere in there was there any discussion about
30 chopping the island into subunits. We felt that it was
31 possible that someone could use that to -- I ask the
32 Federal Subsistence Board to not take action on that
33 because we did not have timely public comment and
34 furthermore, during the testimony at least twice that I can
35 recall, residents of Hydaburg testified that they were not
36 in favor of cutting the island up. We asked several times
37 for Staff to present a map to us explaining exactly how
38 this island was going to be cut up because everybody was
39 drawing maps, say, oh, go to this map or whatever, and it
40 was just like asking you ladies and gentlemen to resolve
41 all of this data in your head in the next five minutes, you
42 can't do it. Cutting the island, Prince of Wales, into
43 pieces requires local input as well as a lot of thought,
44 you just don't just willy-nilly say let's follow this road
45 and keep to the right and you're okay. It needs to have
46 the people of Hydaburg involved in this. And that's why we
47 did not bring it up and that's why it's not before you, the
48 Craig Community Association amendment.

49

50 On Page 672 is the Regional Council

00232

1 recommendations in support of this proposal. In other
2 words, this previous testimony that I just gave was I
3 support all of this and there are five pages including the
4 two that were missing. I don't want to go through and read
5 all of these to you but basically I'm going to try to
6 paraphrase them if I can.

7

8 That we supported the proposal with one
9 modification, we changed that date of September 1st to
10 August 10th. And, John Morris testified that he wanted
11 September 1st, we heard lots of testimony that those dates
12 were really critical as you got up, right close to the
13 September 1st and the Council determined that, and I
14 believe the Craig Community Association, the proponents
15 were adequately made aware of what we intended to do and
16 didn't have a problem with it, we felt it was better to
17 drop that date back to the 10th. It gave a -- I think I
18 can give you a percentage here later and I will toward the
19 end of it.

20

21 And then on deer population, we did ask
22 every single ologist to give their best professional
23 opinion of what was happening to the deer, every one of
24 them, State, Federal and reluctantly some of them did give
25 it. Now no one knows why it's declining but everybody
26 believes there is some kind of a slight decline on the
27 island. They don't know whether the trees are too thick
28 and you can't see the deer but they're harder to see,
29 they're harder to find and they're harder to hunt. And the
30 data does have a slight decline. But like I said, we know
31 we're going to have a big decline in the future. The first
32 bad winter we're going to have super problems on Prince of
33 Wales as well as throughout Southeast Alaska because in the
34 Tongass Management Plan, identifies, I believe, around 20
35 communities that are not going to have the habitat
36 necessary to support the harvest that they currently have.
37 So this is a problem that's just going to be on the tip of
38 the iceberg that we're going to be viewing.

39

40 The Council decided, we concluded that
41 there was substantial evidence that the deer population was
42 in decline and this decline was likely to continue as
43 habitat changes proceeded.

44

45 In other words, I described what we used
46 for substantial evidence and when we took all of that
47 information together, this is how we made that decision.

48

49 Under subsistence needs. Part of that
50 Staff went over, there was quite a lot of information

00233

1 presented to us. I don't know if you've got all of that.
2 There was a blue book which was probably about an inch and
3 a half thick, there were various other subsistence needs,
4 and asking you to digest all that right now would be rather
5 hard. I'm hoping you've had this in advance and could look
6 at all of that. All of that information, when you take it
7 in the whole, all the deer poop counts and whatever else,
8 any other way you want to look at it, people saying are you
9 getting what you want, all led us to believe that
10 subsistence users weren't getting what they needed.

11
12 And on the Page 1 of 1, of the omitted
13 pages, the Council also concluded there was substantial
14 evidence that non-subsistence hunting was an important
15 factor in limiting subsistence users ability to meet their
16 subsistence needs for deer. In other words, we're talking
17 about the effect of the people from off of the island. And
18 we determined that there was substantial evidence that they
19 were likely to have an even greater effect in the future
20 and were already having an adverse effect on them.

21
22 And the Council also believes that to
23 provide a meaningful preference for subsistence users, that
24 the non-subsistence hunting pressure needs to be reduced.
25 And our proposal attempted to do that.

26
27 What you look at what meaningful preference
28 is, we first have a need -- we know that the needs were not
29 being met. We have an unmet need and we need to provide a
30 preference and that preference should be meaningful. The
31 closure that we recommended, 10 days, would provide only
32 about a three percent or 74 deer if they took all of them,
33 is the subsistence users got to use all of them. The bag
34 limit, two buck bag limit, when applied to the whole unit,
35 of area two, which is the whole island would yield about
36 another nine percent. And these figures came from Dr.
37 Schroeder's information. So we'd get about a 12 percent if
38 we would use the SERAC proposal, what we have recommended.

39
40 We are going to, if the consent agenda is
41 passed and adopted, and four is accepted, we are going to
42 get some kind of an increase on that, but that's basically
43 changing the hunting period of people. It's probably not
44 going to affect greatly how many deer are taken. It's
45 going to affect, by giving them a meaningful preference, an
46 earlier opening, they're going to have a little better
47 chance of getting those deer.

48
49 So roughly 12 percent will be in the SERAC
50 proposal.

00234

1 When you look at what Staff Committee has
2 recommended for 8/1 to 8/10, their core closure yields
3 about 1.75 percent, or 42 deer that we believe is going to
4 come, that's not meaningful folks in my opinion, 42 deer.
5 We're not taking a giant step out of this either at 283
6 deer that SERAC is recommending that will be available, but
7 it is a step in the right direction.

8

9 And I guess I'll leave it there and answer
10 any questions that you have. Mr. Chair.

11

12 CHAIRMAN DEMIENTIEFF: Any questions at
13 this time. Well, if there are questions that do come up
14 during the deliberation we'll be, you know, you're at the
15 table so we'll be able to ask you.

16

17 Staff Committee.

18

19 MR. THOMPSON: Well, Mr. Chairman, for the
20 record, I'm Ken Thompson. The Forest Service
21 representative to the Staff Committee and I'll be
22 presenting Staff Committee recommendations to you for the
23 remainder of the Southeast Alaska proposals.

24

25 For this one, the Staff Committee did not
26 reach consensus on a recommendation for Proposal 5. The
27 majority of the members recommending modifying the proposal
28 to close a core area of Unit 2, which you've heard about to
29 non-Federally qualified subsistence users August 1 to
30 August 10.

31

32 The minority of the Staff Committee
33 recommended adopting the recommendations of the Southeast
34 Regional Advisory Council, which would be to close Federal
35 public lands in all of Unit 2 to non-subsistence deer
36 hunting during the first 10 days of August and to restrict
37 the non-subsistence bag limit to two bucks throughout the
38 general hunt season.

39

40 The Staff Committee minority believes a
41 meaningful subsistence priority can only be achieved by
42 applying the additional restrictive measures recommended by
43 the Council. The minority further believes that although
44 the majority of the Staff Committee's recommendation would
45 result in some potential benefit to rural users, their
46 recommended action would not adequately address the
47 declines in deer harvest for Unit 2, nor provide a
48 meaningful opportunity for subsistence users on Prince of
49 Wales Island. Under criteria established in ANILCA,
50 Section .805(c), the Staff Committee minority believes

00235

1 insufficient justification has been provided to reject the
2 Southeast Alaska Regional Advisory Council recommendation.
3 The minority believes the evidence established in the
4 Council's justification to support their proposal is, in
5 fact, substantial. The Council recommendation does not
6 violate principles of fish and wildlife conservation, nor
7 is it detrimental to the satisfaction of subsistence needs.

8

9 The Council's proposal is supported by
10 ANILCA, Section .802 which authorizes the Secretary to
11 provide a subsistence priority and to restrict the taking
12 of fish and wildlife to continued such uses. The minority
13 believes substantial evidence exists to demonstrate that
14 most of Prince of Wales Island subsistence users are unable
15 to harvest enough deer to meet their subsistence needs with
16 a number of factors contributing to the problem. The deer
17 population on Prince of Wales is in decline and is expected
18 to continue declining in the future due to the effects of
19 large scale logging. Dense regrowth has made it much more
20 difficult and less productive to hunt in logged areas.
21 Competition from non-subsistence hunters appears to have
22 increased while harvest from some Prince of Wales Island
23 communities has declined in recent years. Economic
24 downturns have forced many island residents to rely more
25 and more on deer meat for their food.

26

27 Based on analysis of Department of Fish and
28 Game's year 2001 deer harvest data, a 10 day harvest
29 closure for non-rural hunters within the described core
30 geographic area of Unit 2 would potentially reduce non-
31 subsistence harvest by about 40 deer. I think the number
32 you've heard is 42 by the calculations. Making those 40
33 deer available to subsistence users to hunt adds to the
34 base of deer which they would, it would not necessarily
35 guarantee they would get 40 more deer. This would likely
36 not provide the meaningful subsistence preference. In
37 contrast, the Council's recommendation would potentially
38 add about 250 more deer being available for subsistence
39 users to hunt.

40

41 The Southeast Regional Council considered
42 the requirements of ANILCA, Section .815 and the effects of
43 their proposal on the number of deer harvested by non-
44 subsistence hunters. Data on deer harvested in Unit 2
45 indicate that less than seven percent of the non-Federally
46 qualified hunters harvest more than two deer per year.
47 With 65 percent harvesting no deer in 2001. 93 percent of
48 urban residents who hunt in Unit 2 would harvest the same
49 number of deer under regulations proposed by the Council as
50 they do under current regulations.

00236

1 The minority Staff Committee supports the
2 Council's recommendation to institute a more effective
3 reporting system that will provide better data on Unit 2
4 harvest.

5
6 That's the minority Staff Committee's
7 recommendation and justification.

8
9 Now, for the majority, again, the majority
10 of the Staff Committee four members out of six
11 recommendation -- or recommends is to modify the proposal
12 differently than the modification recommended by the
13 Regional Council. The modified recommended regulation by
14 the majority would read as follows:

15
16 Unit 2 deer. Four deer by Federal
17 registration permit only, August 1 through
18 December 31. However, no more than one
19 deer may be antlerless deer, antlerless
20 deer may be taken only during the period
21 of October 15 through December 31.
22 Federal public lands on Prince of Wales
23 Island north of the Hollis to Craig
24 Highway including Kasaan Peninsula and
25 south and east of a line consisting of the
26 creek flowing to the head of Sarheen Cove,
27 north along the Prince of Wales road and
28 east along the Naneklek Road are closed to
29 hunting of deer from August 1st to August
30 10, except by Federally-qualified
31 subsistence users.

32
33 With this additional data from last year
34 and more thorough analysis of this information, the
35 majority of the Staff Committee finds the long-term trend
36 of declining habitat condition and deer population in Unit
37 2 combined with the apparent increase in hunter
38 participation and competition has resulted in a small
39 decline in subsistence opportunity, especially in the most
40 road accessible portions of Prince of Wales Island.

41
42 The unmet needs of subsistence users have
43 not been quantified and it is not clear the harvest of deer
44 by non-subsistence hunters is responsible in a significant
45 degree for the inability of subsistence users to take all
46 the deer they need.

47
48 The Staff Committee majority believes that
49 dense regrowth in logged areas and associated difficult
50 hunting conditions is the primary reason for declines,

00237

1 recent declines in hunter success.

2

3 The majority supports an incremental, at
4 least, an initial incremental restriction on non-
5 subsistence deer hunters in the road accessible portions of
6 Prince of Wales Island where most subsistence hunting
7 occurs. A restriction in this core area of Unit 2 during
8 the first 10 days of the general hunt, that's August 1st
9 through the 10th, will result in fewer deer being harvested
10 by non-subsistence hunters, potentially providing more deer
11 for subsistence users to harvest and hunting conditions
12 which are less competitive. If combined with the earlier
13 July 24th opening for the Federal deer season considered in
14 Proposal 4, which is now on the consent agenda, a total of
15 17 days would be available exclusively to Federally-
16 qualified users in the core area at the beginning of the
17 hunting season.

18

19 In addition, existing Federal regulations
20 provide for harvest of antlerless deer during a part of the
21 season. Together, these regulations provide a meaningful
22 preference for Federally-qualified subsistence users.
23 These modified regulations would be consistent with
24 recognized principles of wildlife conservation.

25

26 Staff Committee majority does not recommend
27 applying the restriction to non-subsistence users in the
28 entirety of Unit 2 nor restricting non-subsistence bag
29 limits to two deer as recommended by the Southeast Regional
30 Council because there is not substantial evidence to
31 indicate that such additional measure are, in fact,
32 necessary to ensure subsistence needs are met.

33

34 The Staff Committee majority believes an
35 effective long-lasting solution for the management of deer
36 on Prince of Wales can best be achieved through a local
37 cooperative planning process, preparations for which are
38 now underway. Such a planning effort can address the
39 questions of subsistence needs. The extent to which those
40 needs are not being met. And management strategies to
41 satisfy those needs. The local planning process is
42 expected to develop management strategies that provide for
43 subsistence uses without unnecessarily restricting non-
44 subsistence users. Imposing unnecessary restrictions at
45 this time beyond those which the majority of the Staff
46 Committee recommends could prejudice the starting basis for
47 the planning process.

48

49 Lastly, the Staff Committee believes an
50 improved harvest reporting system through Federal

00238

1 permitting will be essential to provide information on hunt
2 and harvest statistics necessary for effective deer
3 management.

4

5 Thank you, Mr. Chairman, that's it.

6

7 CHAIRMAN DEMIENTIEFF: Thank you.
8 Department. For everybody's information, we're going to
9 get the Department report in and then we're going to take
10 a break before we begin deliberations.

11

12 MR. TITUS: Thank you, very much, Mr.
13 Chairman. Good afternoon everyone. My name is Kim Titus,
14 I'm the regional supervisor for the Division of Wildlife
15 Conservation for Southeast Alaska. I'd like to read into
16 the record the Department's position on this proposal.

17

18 Our position is neutral. The majority of
19 the Interagency Staff Committee recommendation proposes
20 establishing a 1 August to 10 August deer hunting season
21 only for Federally-qualified subsistence users on Federal
22 public lands in a defined core area in central Unit 2 on
23 Prince of Wales Island. This action would add 10 days to
24 the beginning of the season to those eight additional days
25 provided in the other sister proposal only for Federally-
26 qualified subsistence users throughout this area of Unit 2.
27 Thus, if both proposals are adopted, Federally-qualified
28 subsistence users would have exclusive access to Federal
29 public lands for two and a half weeks of additional hunting
30 opportunity.

31

32 The Department certainly understands that
33 this proposed approach is in part response to public
34 testimony presented to the Southeast Regional Advisory
35 Council about perceptions of deer populations and their
36 availability for harvest. The Department's household
37 survey data from Prince of Wales Island communities feel
38 that local hunters are spending more time hunting and they
39 are seeing fewer deer. Department biologists, including
40 myself previously informed the Regional Council that in
41 some areas of Prince of Wales Island deer populations are
42 declining and in other areas their numbers are probably
43 stable and in other areas the population may be increasing.
44 We need to certainly think about the fact that like most
45 wildlife populations this deer population is dynamic and
46 the island shouldn't be thought of as one uniformed
47 landscape for deer. It certainly is not. Thus, however,
48 there is a weak overall declining trend at this time, as
49 you've heard.

50

00239

1 Significant habitat changes due to the
2 regrowth from logging are expected to contribute to further
3 declines in deer populations into the future. However, the
4 proposed restrictions on non-Federally qualified users are
5 not well substantiated by conclusive data on the population
6 status of deer at this time.

7
8 We believe that the deer population can
9 sustain a harvest of male deer by all hunters throughout
10 the 2003 hunting season. We certainly urge the Forest
11 Service to join the Department in designing and conducting
12 more rigorous and scientifically credible population
13 monitoring programs that can help deer management on Prince
14 of Wales Island, and we certainly want to work with the
15 Southeast RAC and those users on Prince of Wales Island to
16 continue to gather their impressions and their experience
17 with working with deer on that island.

18
19 Because we expect deer populations to
20 decline over time and we have some examples of that, in
21 fact, from other islands in Southeast Alaska where deer
22 populations are exceedingly low and in fact there's little
23 or no hunting on those islands by any user groups at this
24 time. So we have that type of experience. And as a result
25 we believe a public planning process involving all interest
26 groups to develop and implement a long-term harvest
27 alternative is essential. These issues are going to do
28 nothing but become more acute over time.

29
30 As an interim measure the Department does
31 not object to the majority Staff Committee Interagency
32 Staff Committee recommendation to provide additional time
33 for Federally-qualified users at the beginning of the
34 season. However, the Department is concerned that the
35 general public and many Prince of Wales Island deer hunters
36 are unaware of the Staff Committee recommendation that
37 defines a core hunting area with differing regulations.
38 And Mr. Littlefield brought this out relative to some of
39 the dialogue that occurred at the RAC meeting and the
40 public process associated with that. We strongly urge
41 further commitment and timely progress in implementing a
42 public outreach and planning process as directed by the
43 Federal Subsistence Board last year. We, again, offer our
44 cooperation to ensure initiation of this planning effort as
45 soon as possible, and that was put forward in a way just a
46 few days ago from a letter from our Commissioner's office
47 to the Forest Supervisor and copied to many of you here.

48
49 Finally, the Department shares the goal of
50 improving harvest data for deer in Unit 2 and urges the

00240

1 Forest Service to carefully evaluate options that will
2 ensure public support as well as good data quality for the
3 proposed harvest management tracking system. We certainly
4 offer to discuss these topics further with the Forest
5 Service as we have done so in the past few years and with
6 the RAC and the participation we've had in those arena's to
7 find a workable solution that accommodates the Federally-
8 qualified users along with those hunters for which we're
9 responsible which includes all Alaskans and non-Alaskans
10 whenever possible.

11

12 Thank you.

13

14 CHAIRMAN DEMIENTIEFF: Okay, thank you.

15 With that we're going to take a little break before we
16 begin deliberations and, of course, will be available -- we
17 will allow, because of the high level of interest, you
18 know, everybody participate at the table here.

19

20 (Off record)

21

22 (On record)

23

24 CHAIRMAN DEMIENTIEFF: Okay, we'll call the
25 meeting back to order. At this point we will go to Board
26 deliberation on the proposal. I don't know if somebody's
27 willing to offer a motion at this point in time or if you
28 want to discuss it first.

29

30 Wini.

31

32 DR. KESSLER: I'm prepared to offer a
33 motion and if seconded then we could continue discussion.

34

35 CHAIRMAN DEMIENTIEFF: Right, yeah, then
36 we'd deliberate.

37

38 DR. KESSLER: Okay. I'm going to make a
39 motion to -- in favor of the modified proposal put forward
40 by the Staff Committee. And because this differs in
41 significant ways from the Council's recommendation, I do
42 wish to offer an explanation of the Forest Service's
43 recommendation here.

44

45 May I do that now or should I wait for a
46 second?

47

48 CHAIRMAN DEMIENTIEFF: I'll come right back
49 to you as soon as we get a second.

50

00241

1 DR. KESSLER: Okay.

2

3 CHAIRMAN DEMIENTIEFF: Is there a second.

4

5 MR. BISSON: Second it.

6

7 CHAIRMAN DEMIENTIEFF: Okay. Go ahead,
8 Wini.

9

10 DR. KESSLER: Thank you, Mr. Chair.

11 There's a substantial body of evidence here that
12 subsistence users on Prince of Wales Island are finding it
13 more difficult than before to harvest the deer that they
14 need for their subsistence use. Through hunter survey
15 information. Through numerous testimonies. Through the
16 extensive work done by the Council. All of these things
17 tell us that many subsistence hunters are seeing fewer deer
18 and they are less able to efficiently harvest these animals
19 and, therefore, meet their subsistence needs.

20

21 Along with these are reports of increased
22 activity in the most accessible portions of the island, the
23 roaded portions primarily. And intense competition from
24 non-local hunters in these, what's being called the core
25 areas.

26

27 These observations are certainly easy to
28 understand given the significant changes that have occurred
29 and continue to occur in the road accessible portions of
30 Prince of Wales Island. Such things as the growth and
31 human density, the paving of the road system, and other
32 developments, the daily ferry service that's now available
33 and so on.

34

35 In view of the substantial evidence that
36 intensified competition in key hunting areas, we find that
37 it's necessary and warranted to afford a meaningful
38 preference to Federally-qualified subsistence users.

39

40 The changes recommended by Staff Committee
41 we feel offer this meaningful preference. And, of course,
42 that is additive to the opportunities afforded by Proposal
43 4, which is on the consent agenda which adds a week at the
44 end of July for the exclusive access by subsistence users.

45

46 Our basis for supporting this
47 recommendation over that of the Southeast Advisory Council
48 involved a lack of substantial evidence that the proposed
49 restriction put forward in that proposal, it is necessary
50 and warranted. The proposal, that proposal, the Council's

00242

1 proposal would impose a unit-wide restriction of non-
2 Federally qualified users during the month of August and a
3 halving of the bag limit. Such a restriction would be
4 justifiable if there were substantial evidence that a
5 shortage exists in the supply of deer across Unit 2 and
6 that that shortage is preventing Federally-qualified
7 subsistence users from meeting their needs. We don't have
8 substantial evidence that that, in fact, is the case. The
9 population data we do have indicates that the deer
10 population is decreasing in some parts of the unit, but
11 it's stable or increasing in other portions, with overall
12 suggestions of a slight decline.

13

14 When you look at the total body of harvest-
15 related data, hunter surveys and so on, this overall is
16 inclusive as well, although we have extensive testimony and
17 evidence from subsistence users that they are less able to
18 harvest the deer they need.

19

20 We have substantial evidence that this
21 difficulty is caused by competition in the core area. We
22 do not have substantial evidence that a unit-wide shortage
23 of deer is a significant factor at this time.

24

25 And that said, our understanding about deer
26 habitat relationships and vegetation change occurring on
27 Prince of Wales post logging succession, those types of
28 things, leads us to expect an eventual decline in deer
29 productivity in the future. This is something that has
30 been consistent with our models and our research for some
31 time.

32

33 We will strive to address this trend in two
34 ways. By developing more effective methods to monitor the
35 population, especially in the core areas. And second, by
36 trying to implement a cooperative process by which
37 subsistence users and other affected people can examine the
38 total picture of the situation, the biological monitoring
39 needs, the increasing access, the habitat supply as well as
40 allocation issues, and together work toward solutions.

41

42 That's the basis for this recommendation.

43 Thank you.

44

45 CHAIRMAN DEMIENTIEFF: Thank you.

46 Discussion.

47

48 MR. EDWARDS: Mr. Chairman, I'll start out.
49 In many ways I find this kind of a very discouraging
50 discussion we have because it seems to me what the reality

00243

1 is is that we're sort of headed down a road of trying to
2 divide up and ever decreasing pie. Much like the physician
3 who finds himself treating the symptoms and not the disease
4 and we have a patient who we are simply trying to bandage
5 up who his terminally ill, and unfortunately we ultimately
6 get to the place where there's nothing left, maybe, to
7 divide up.

8

9 Yesterday, when Mr. Littlefield gave his
10 opening remarks and he talked about the Council's support
11 for adding Ketchikan as a rural community, it instantly
12 triggered my mind to this proposal and in knowing that that
13 was the case, what we would be doing today we'd be sitting
14 here having this same discussion but we wouldn't be talking
15 about restricting urban residents but we would talk about
16 restricting subsistence users and pitting basically
17 neighbor against neighbor. So that's not a very good
18 situation, really, under any light.

19

20 I'm not saying that I have a solution for
21 it and I'm certainly pleased that the State has offered,
22 you know, to work particularly directly with the Forest
23 Service and hopefully with others to try to address this
24 issue, not only in the short-term, but hopefully maybe even
25 in the long-term.

26

27 CHAIRMAN DEMIENTIEFF: Yeah, I, too, wanted
28 to speak to that and I'd just like to challenge the Forest
29 Service to spearhead an effort in cooperation with the
30 State. I mean we asked for that last year to get together
31 with the stakeholders, and try to craft, you know, as we
32 mention over and over again, it's a significant part of our
33 management tools. It is one of the big tools. So whatever
34 happens here with regard to Board action or inaction,
35 whatever, we need to have that done. And it's just got to
36 be done and the process has got to be started right away.
37 Because what we found out in other areas, in other issues
38 just as thorny as this one, that you get all those people
39 together and then they find out they're not that far apart
40 and then you craft a solution that works. So that has to
41 happen and it has to happen right away.

42

43 With regard to the motion, it's one I
44 cannot support. You know, we've got heavy documentation
45 that, you know, subsistence users are having trouble.
46 Everybody, you know, agrees with that. We've got a
47 biological problem. And I just don't think the Staff
48 Committee recommendation goes far enough.

49

50 I think we can, here, we've got a range of

00244

1 options that we can, maybe, work out a solution. Obviously
2 if the Staff Committee recommendation has a vote, but we've
3 got other great suggestions from the Regional Council, from
4 the community people, the minority report certainly, you
5 know, in supporting the Regional Council, and there's been
6 a lot of work going on. And I know all of you have, too,
7 since we've been here. And I think -- because I think we
8 need to take a stronger action I intend to vote against the
9 motion, and I'm willing to sit here and see if we can't
10 work some kind of a situation out and I don't think it
11 would take that much to do it that goes as far as meeting
12 some of the, you know, a little bit more difficult -- I
13 mean a little bit more consensus, you know, and it could be
14 done, I think, fairly quickly.

15

16 So I'm going to intend to vote against the
17 motion and hope that we can take this, you know, a little
18 bit farther using perhaps another one of the vehicles.

19

20 Anyway, that's it. Niles.

21

22 MR. CESAR: Yes, Mr. Chairman, I intend
23 also to vote against the motion for those very reasons as
24 well as the position of the RAC, which I thought was very
25 well articulated.

26

27 Although my first reaction is the minority
28 Staff Committee report, I'm not tied to that and I think
29 that we have options and there has been three or four that
30 have floated by me in the last few minutes, several, of
31 which I think would get us about to the same place with
32 maybe not as being as intrusive as the minority Staff
33 Committee report.

34

35 So would urge, Mr. Chairman, to have a vote
36 of the -- let's have an up or down vote on this so we can
37 get moving.

38

39 MR. BISSON: Mr. Chairman, before we go to
40 a vote, I guess I am open to having further discussions but
41 I would like to see us make a decision today. Any option
42 that moves towards deferment, I think, is going to leave me
43 to try to get us to make some kind of decision today.

44

45 And, you know, my concern with two of the
46 proposals has to do with setting the limit on numbers of
47 animals for the State -- basically the people that hunt
48 under the State authorities and, you know, I have not heard
49 any legal discussion about that particular issue and I'm
50 concerned about how -- what we decide here could result in

00245

1 additional legal ramifications, that, if perhaps we can
2 have a discussion about a compromise solution maybe we can
3 avoid that and still get the advantages in place for the
4 subsistence hunters so that they can be successful.

5
6 And it seems to me that in combination
7 with, you know, Proposal 4, a 17 day advantage at the start
8 of the hunting season is a significant move in the right
9 direction. Whether it goes far enough or not is something
10 we can talk about. But I think that that is a substantial
11 response to their concerns. It didn't exist before we
12 started talking about it.

13
14 MR. EDWARDS: Mr. Chairman, I share many of
15 Henry's concerns. I'm, too, concerned about us trying to
16 micro-manage the non-subsistence hunter. Whether we do or
17 do not have the legal authority, I just question whether
18 that's our role. I think that's the State's role. If they
19 want to propose those kinds of regulations in response to
20 things that we might do, and then we can reflect upon
21 those, I think that's certainly fine. But I don't think we
22 want to go down the road where we're trying to micro-manage
23 and determine how best to manage non-subsistence hunters,
24 other than our authorities that we have to close areas that
25 we have used certainly in the past.

26
27 CHAIRMAN DEMIENTIEFF: Yeah, I think Henry
28 I -- you know if that's all we do, you know, we're
29 scheduled to come back tomorrow anyway. If that's all we
30 do today I want to craft some kind of a decision, you know,
31 but we're scheduled for tomorrow morning anyway and it will
32 be rather a light morning. So that's what my hope is, too,
33 that we can craft something.

34
35 Keith.

36
37 MR. GOLTZ: It's at the Board's pleasure
38 whether you actually want a discussion of the, what you've
39 called micro-managing of the State's system or if you want
40 to just accept Gary's view that it doesn't really matter
41 what our legal authorities are, it's not wise to do so
42 anyway. If you accept that view we don't need any more
43 lawyers, if you do I can call a couple lawyers up here.

44
45 MR. BISSON: We can use fewer lawyers, I
46 would agree with that statement.

47
48 MR. GOLTZ: And I volunteer.

49
50 CHAIRMAN DEMIENTIEFF: I think I haven't

00246

1 heard any legal issues raised with regard to the vehicle
2 that we're using right now. I think that role would come
3 in, you know, an attorney's role would come in as we try to
4 -- if it fails and we try to come up with a compromise,
5 then certainly we're going to need advice of Counsel at
6 that time.

7

8 MS. GOTTLIEB: Mr. Chair.

9

10 CHAIRMAN DEMIENTIEFF: Yes.

11

12 MS. GOTTLIEB: I guess based on several of
13 the statements that we've heard previous to this, yes,
14 something needs to be done, we certainly agree, and I think
15 we're agreeing we want to do something today. These
16 concerns have been heard over many, many years and they
17 were heard again today, and I guess from my own viewpoint,
18 thinking back to last August where we had pretty lively
19 discussion on this, I think there has been substantial
20 progress in that. I think Forest Service has really dug in
21 and done quite a lot more analysis, the State has been a
22 very active participant and worked jointly with the Forest
23 Service to get us a lot better data than we had last year.
24 Last year there was not agreement on whether there was a
25 decline or not, this year I'm hearing, and I do believe
26 that there is agreement and that there is a slight decline
27 going on and it's much more clear that people are having,
28 not only a harder time obtaining their harvest, but I guess
29 more importantly for this Board that the opportunity that
30 we're providing has not been adequate.

31

32 And so I believe that what Proposal 4
33 offers, even though it is during sockeye season, it will
34 offer some time, some additional time for subsistence
35 users. I believe this proposal can offer more time. And
36 I think the State has extended a pretty big offer to work
37 with us much more than before, specifically not -- excuse
38 me, Bill, not on a planning process but on a harvest
39 monitoring or harvest monitoring plan, and I think that
40 will be useful also.

41

42 So I think we have made progress and we do
43 have opportunities to provide subsistence preference here
44 specifically on the timing.

45

46 CHAIRMAN DEMIENTIEFF: Okay. We've
47 discussed it -- let's just go with a roll call vote, Tom.

48

49 MR. BOYD: Mr. Edwards.

50

00247

1 MR. EDWARDS: Before I vote I'm trying to
2 understand the implications of voting one way or the other.
3 I'm assuming that if you get three yes votes then there's
4 no more discussion.

5
6 CHAIRMAN DEMIENTIEFF: If you get four yes
7 votes, it takes a majority to have the motion pass. If
8 it's three/three then it's a tie, and the motion fails and
9 then we go to another vehicle and try to craft a solution,
10 so that's what it is.

11
12 MR. BISSON: But if the question is what's
13 the intent, well, my intent if this fails is to propose a
14 different solution, not to let it sit out there.

15
16 MR. EDWARDS: I guess I just want to make
17 it clear that my vote now doesn't necessarily mean that I'm
18 necessarily opposed to what's being said or not opposed to
19 it but would like the opportunity to further discuss it.
20 So Niles you made the motion, right? Who made the motion?

21
22 MR. CESAR: No, I didn't make a motion.

23
24 MR. EDWARDS: Wini made the motion?

25
26 DR. KESSLER: I made the motion.

27
28 MR. EDWARDS: And her motion was to accept
29 the majority Staff recommendation?

30
31 DR. KESSLER: That's correct, yes.

32
33 CHAIRMAN DEMIENTIEFF: Right.

34
35 MS. GOTTLIEB: Mr. Chair.

36
37 CHAIRMAN DEMIENTIEFF: Yes.

38
39 MS. GOTTLIEB: Excuse me, Gary. I wonder
40 if we might hear some of these other options before we vote
41 on this, is that possible for discussion sake?

42
43 MR. CESAR: Well, you know it presents a
44 bit of a problem, I suppose. I mean I've been told I'm the
45 third best parliamentarian and, you know, maybe I should
46 check with the other two that are ahead of me, I don't
47 know.

48
49 CHAIRMAN DEMIENTIEFF: You know, basically
50 what will happen is if we do then we'd have to sit down --

00248

1 I mean if it does fail we'd have to -- and probably use the
2 Regional Council because that has failed, use the Regional
3 Council recommendation or the minority recommendation and
4 build off of that. You know, it's going to take a little
5 while so, you know, let's not kid ourselves.

6

7 MR. BISSON: Mr. Chair.

8

9 CHAIRMAN DEMIENTIEFF: Yes.

10

11 MR. BISSON: I would ask that we consider
12 asking the person who offered the motion to withdraw it
13 just as we did this morning in a similar situation and give
14 us time to talk about these other activities and, you know,
15 rather than vote and shoot it down and lose the option to
16 select this particular motion. If it were withdrawn then
17 we could discuss the full range of opportunities and if we
18 could reach agreement we could pick a motion we could all
19 agree on. If we vote this down, is it the assumption that
20 we couldn't reconsider her motion if we can't reach
21 agreement on a compromise?

22

23 CHAIRMAN DEMIENTIEFF: Well, yeah, I don't
24 know how this is going to work out. I wouldn't want that
25 to happen. I mean let's just vote this up or down and see
26 where we're at. If we get the votes to pass this motion
27 then we'll just move on to the rest of our agenda. If we
28 don't then we'll just find another way to get the concerns
29 out there.

30

31 MR. EDWARDS: With that said, Mr. Chairman,
32 I vote no.

33

34 MR. BOYD: Ms. Kessler.

35

36 DR. KESSLER: I vote yes. I believe that
37 this provides meaningful preference and responds directly
38 to what the evidence suggests is the cause of the problem.

39

40 MR. BOYD: Mr. Bisson.

41

42 MR. BISSON: I vote no only because I feel
43 we need to make the effort to come up with a compromise
44 solution that will work.

45

46 MR. BOYD: Ms. Gottlieb.

47

48 MS. GOTTLIEB: I'll vote no. I think this
49 is a good compromise and does provide some good
50 opportunities but I'm willing to listen to some other

00249

1 discussions knowing our system is not perfect.

2

3 MR. BOYD: Mr. Cesar.

4

5 MR. CESAR: No.

6

7 MR. BOYD: Mr. Chair.

8

9 CHAIRMAN DEMIENTIEFF: Yeah, I vote no
10 because I think what is going to happen, and one of the
11 real motivating factors for me is whatever we cobble
12 together here is going to bring the stakeholders to the
13 table, all the players because there'll be some kind of a
14 change. If we can get an action -- if we don't, if we just
15 vote to defer again it's going to send a strong signal that
16 we are making this happen, this stakeholder and agency
17 effort -- is going to start right away. And that's the
18 reason I'm voting no.

19

20 Okay, motion fails, five to one.

21

22 MR. CESAR: Mr. Chairman, if it's possible
23 I'd like to offer a new motion. And doing this with the
24 intent of bringing it to the floor and modifying it. I
25 think we have the minority Staff Committee report there and
26 it's not my intent to support that report in its present
27 form fully. But I want to bring it to the floor so that we
28 would have a vehicle so we could amend it and maybe
29 possibly we could work with that.

30

31 So that's my motion, to accept the minority
32 Staff Committee motion recommendation.

33

34 CHAIRMAN DEMIENTIEFF: Is there a second to
35 that motion?

36

37 MS. GOTTLIEB: Second.

38

39 CHAIRMAN DEMIENTIEFF: Okay.

40

41 MR. CESAR: Mr. Chairman, if I may, I would
42 like to propose an amendment to the minority Staff
43 Committee proposal. And for the changes, the first change
44 I would suggest is that we close the core section of Unit
45 2 to non-Federally qualified subsistence hunters from the
46 period from August 1st to October 1st, and that we
47 eliminate any bag restrictions.

48

49 So that, in effect, the effect of the
50 amendment and then the motion would be that in Unit 2, the

00250

1 core area would be closed to non-Federal subsistence
2 hunters until October 31st at which time it would reopen
3 and the bag limit would remain at four.

4

5 CHAIRMAN DEMIENTIEFF: You started out with
6 October 1st.

7

8 MR. CESAR: No, October 31st, I misspoke if
9 I said October 1st.

10

11 CHAIRMAN DEMIENTIEFF: Okay.

12

13 MR. CESAR: Let me clarify that again. The
14 core area would be closed to non-Federally qualified or
15 non-subsistence hunters from the beginning of the season
16 until October 31st at which time it would be open for
17 everybody and the bag limit would continue to be four.
18 That's my best shot at it.

19

20 MR. EDWARDS: Mr. Chairman, I'll support it
21 so we can continue discussion, I second that.

22

23 CHAIRMAN DEMIENTIEFF: Yeah. Niles, and
24 then after October 31st, for non-subsistence hunters it
25 would open up again and they would be allowed to take four
26 deer at that time?

27

28 MR. CESAR: There would be no adjustment of
29 the bag limits in either case.

30

31 CHAIRMAN DEMIENTIEFF: You got to use your
32 mike there.

33

34 MR. EDWARDS: Mr. Chairman.

35

36 CHAIRMAN DEMIENTIEFF: Yes.

37

38 MR. EDWARDS: For purposes of discussion,
39 I guess I'll address this question to the Staff. Earlier
40 on in our deliberations here we talked about what might or
41 might not happen depending upon these various scenarios,
42 whether we closed the core area, whether we closed it for
43 10 days or we closed the entire unit for 10 days or whether
44 we closed it for the whole month or whether we go to
45 restrict the non-residents to two days. And I guess I'm
46 just trying to understand the confidence that we have in
47 any of those predictions.

48

49 Certainly, you know, my belief is is that
50 just because there are more deer, less deer taken by one

00251

1 group doesn't necessarily mean that there is a
2 corresponding one-to-one increase by another group. I was
3 talking to some folks at break, and if I recall, you know,
4 several studies done on Easter in deer hunts have actually
5 found that a decrease in hunters does not necessarily
6 result in percentage increase of the remaining hunters just
7 because hunting deer in that heavy vegetation and often
8 times having more hunters in the field can actually
9 increase that.

10

11 Now, I've never been to Prince of Wales
12 Island so I don't know if there's any comparison to that.
13 But I'm just trying to understand what level of confidence
14 do we have in any of this that we are saying, I mean I
15 think you would intuitively say, if you reduce deer that
16 are going to be taken by one group, certainly there might
17 be more opportunity by another group but it but it doesn't
18 necessarily mean that there is going to be an increased
19 harvest.

20

21 So I just -- maybe you could elaborate
22 under all these kind of scenarios that we've been throwing
23 around as to what likely might take place.

24

25 CHAIRMAN DEMIENTIEFF: Go ahead.

26

27 MR. JOHNSON: Mr. Chairman. Gary, we
28 haven't actually modeled what that actual effect might be.
29 All we can say is what the opportunity would be based on
30 the numbers again found in the section 665 through Pages
31 667. And because we speak to where the deer are being
32 taken, by whom and when, and so all we can say is these
33 number of deer would be made available depending on what
34 kind of scenario you go with. Whether it's the core area
35 or all of Unit 2.

36

37 MR. EDWARDS: And just as a follow up.
38 Based upon your experience, is there any effect between the
39 number of hunters in the field and deer taken or is this a
40 unique situation because if you can't hunt on the roads
41 then most of it isn't really accessible so you really don't
42 get a lot of movement if you have more hunters in the
43 field?

44

45 MS. GOTTLIEB: Mr. Chair.

46

47 CHAIRMAN DEMIENTIEFF: Yes.

48

49 MS. GOTTLIEB: Could I ask, Niles, the RAC
50 was asking for a closure during August and now we're into

00252

1 October 31, so I was wondering where that came from?

2

3 MR. CESAR: What I think what I was trying
4 to craft was an ability to raise the numbers for the
5 subsistence hunters who believe that their time is being
6 infringed upon and if we looked at that period between the
7 1st and the 10th of August, there was some indication that
8 we were talking about 42 deer. And that was a number that
9 in my estimation did not make a significant difference and
10 that if I then projected that out to going to the end of
11 October, that we're taking the pressure off of a lot of the
12 initial buck hunt that you would normally see coming off
13 island onto the island and that the rut would primarily
14 have passed and a number of the bucks, at least, in theory
15 and I'm not a biologist, sorry, I shouldn't have said that, I
16 confused myself here, that in my estimation that the bucks
17 would be going off and would not be as close in and
18 available. So that would reduce that pressure also. and
19 I didn't want to tinker with the bag limit.

20

21 That was my rationale.

22

23 MR. BISSON: Mr. Chairman.

24

25 CHAIRMAN DEMIENTIEFF: Yes.

26

27 MR. BISSON: I guess I'm at a loss because
28 from my perception there's a huge difference between the
29 original proposal, which is a one month closure and what
30 Niles is proposing, which is a three month closure, which
31 has not been reviewed by the RAC, has not been reviewed by
32 anybody. You know, that's substantially different from
33 anything we've discussed. And that's a fairly significant
34 change. You know, I would question whether we could or
35 should go that far given the scope of the original
36 proposal.

37

38 CHAIRMAN DEMIENTIEFF: Go ahead.

39

40 MR. JOHNSON: Mr. Chairman, I just wanted
41 to respond to Gary's question before we lose that. First
42 of all harvest reporting is a key part of this proposal
43 that would need to be followed through with. And secondly
44 we would want to work with the State on modeling what kinds
45 of numbers we would be looking at that Gary raised the
46 question about.

47

48 CHAIRMAN DEMIENTIEFF: Wini.

49

50 DR. KESSLER: My understanding of why the

00253

1 regional proposal focused on the month of August was that
2 the data show on the, you know, when most of the hunters
3 are getting their deer, is the month of August and
4 November, okay. So it makes perfect sense, I think, from
5 that standpoint, if you're trying to reduce competition in
6 this core area you would focus in on August. The other two
7 months wouldn't really add much because the main pressure
8 is in August and November.

9

10 So it's making sense to me that we would
11 look at August but not that we would look at September and
12 October.

13

14 MR. CESAR: Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Yes.

17

18 MR. CESAR: Yeah, I think you're right. I
19 think that's what the data show. All I was trying to do
20 was relieve the pressure on one end and allow more
21 opportunity on the other end. Now, I would suggest that
22 tinkering with the actual bag limit has more significance
23 than adjusting the date. And the date is -- there is no
24 science behind the date that I pulled, I agree, I was just
25 trying to move it toward some compromise, which would be a
26 significant benefit to the subsistence person, but also
27 address the notion of competition on the highways. So if
28 there is, you know, it is simply my suggestion and feel
29 free, Wini.

30

31 DR. KESSLER: Can I offer an ologist
32 response that hopefully will be helpful. I think the
33 assumption that you're making is that for every deer not
34 taken by a non-subsistence hunter would be available for a
35 subsistence hunter to take. And that would assume then,
36 that would be based on a limited supply available to these
37 hunters. The problem we had with trying to justify a bag
38 reduction was that we do not have the evidence that that
39 shortage of supply exists. That Deer A, not taken by
40 Hunter A is going to be taken by Hunter B, we don't have
41 that. But we have a tremendous amount of evidence that the
42 ability of subsistence users to be successful is being
43 impaired by increased competition, particularly in the
44 areas where they have traditionally enjoyed the most
45 success and the most efficient harvest.

46

47 And so moving from an ologist more to, you
48 know, I guess logic here, common sense it seems much more
49 fruitful and logical to focus in on eliminating that
50 competition in those areas and those time periods that are

00254

1 most critical to subsistence users meeting their needs.

2

3 MR. CESAR: So, Mr. Chairman, if I might
4 then, are you then proposing a more restrictive -- or a
5 shorter closure, some alternate closure or are you
6 suggesting that the 10 day closure would satisfy the
7 subsistence needs?

8

9 DR. KESSLER: Was that a question for me,
10 Mr. Chair?

11

12 MR. CESAR: Yes.

13

14 DR. KESSLER: Okay, thank you. No, I'm not
15 -- I think what I'm focusing on here is the month of August
16 and that was part of the original proposal. It was a part
17 of the -- sorry, it wasn't part of the original proposal,
18 but it's come up -- it has, it was a part, okay, and it was
19 a part that couldn't be justified in the sense of it
20 responded directly to what seems to be the problem here,
21 the cause of the problem, which is this intense
22 competition.

23

24 The other side of the proposal having to do
25 with bag limits supposed that there was a population cause
26 and we didn't have evidence for that.

27

28 The data show that it is the entire month
29 of August in which subsistence users are heavily taking,
30 you know, meeting their needs during that month. So if you
31 were to consider the month of August that would be
32 sensible, I think, and justifiable.

33

34 MR. CESAR: Well, everything I suggest is
35 sensible.

36

37 (Laughter)

38

39 MR. CESAR: I don't think you'd find
40 anybody that would disagree with that or else I'd shoot
41 them. I'm not tied to a date, obviously. I mean I just
42 wanted to get it on the floor because I thought that was a
43 way that we could deal with it by -- if it's August, I
44 guess my initial reaction is that the subsistence user
45 wanted a longer period than simply August. See, what they
46 say in here is coupled with other things so and so if you
47 uncouple this, then you have to look at it and say, okay,
48 we're not doing this but maybe we should, in fact, lengthen
49 it, September.

50

00255

1 I mean I don't know. I'm just laying it
2 out there. I want to find something that we can vote on so
3 we can have some progress to demonstrate to the RAC that we
4 actually took this serious.

5
6 CHAIRMAN DEMIENTIEFF: That we're
7 responding to the conservation concerns, you know, for
8 whatever period we do, we're providing an enhanced
9 opportunity for the subsistence users and it gives us a
10 point to start from. We have to keep in mind that we get
11 our working group together, that, you know, this is a one
12 year step basically.

13
14 Now, I don't know about the length. I
15 could understand maybe August and September. And that's
16 the way I thought it was going to go but somehow he wanted
17 to go to Halloween. But that's an interim step, it's a
18 conservation step and it provides a good opportunity for
19 subsistence users and it, you know, sends a message that
20 we're willing to work with them and it sends a message to
21 the people, non-subsistence users that we need to work
22 together. We can't be sitting around beating up on each
23 other. I think it's a good solution, but if you wanted to
24 shorten it up.

25
26 MR. EDWARDS: Mr. Chairman, correct me if
27 I'm wrong, but I believe the actions that we took on a
28 consensus on the proposal before this actually has the
29 season starting at July 24th, which means then if you go to
30 the August 10th, what that means actually is that there
31 will be 17 days of non-competitive days available to hunt,
32 whether it's in the core area or the whole island. So I
33 think we need to look at it in the context of what we've
34 already passed. We're not talking about an October 1st,
35 we're actually starting on July 24th, unless I'm
36 misunderstanding something.

37
38 MR. BISSON: Mr. Chairman, you know, to
39 follow that up, if you went from July 24th until the 1st of
40 September, you'd actually have a 38 day non-competitive
41 season and the difference, I think, as Niles brought up,
42 the concept of going -- using the core concept which was
43 raised by the Staff Committee as opposed to what the
44 original presenters came up with. And the question I would
45 have is if you combine that, if you had a closure until the
46 1st of September in the core area and you did not reduce
47 the buck limit, which means that you would have a situation
48 where non-Federal hunters could hunt outside the core area
49 during this time period, so they would have a summer
50 opportunity to do some hunting, and then the subsistence

00256

1 users would have 38 days to hunt non-competitively in the
2 areas that are most important to them.

3

4 It seems to me that would be a pretty
5 reasonable compromise.

6

7 CHAIRMAN DEMIENTIEFF: And also I think the
8 advantage of that, too, one of the things is it does
9 resolve the issue for this year basically. And then we
10 mandate the working group, when State and Forest Service
11 get that together, that working group, to address the
12 conservation concerns down the line.

13

14 MR. BISSON: In light of that, you know,
15 without voting on this present motion, I think to
16 effectuate something like that, all you would have to do is
17 go back to the Interagency Staff Committee recommendation
18 and extend their dates from August 1st to September 1st.
19 That's the only thing you would have to do, the only
20 adjustment you would have to make in any of these to
21 conform with what I just described.

22

23 CHAIRMAN DEMIENTIEFF: Well, actually the
24 only thing we'd have to do is either amend the amendment to
25 shorten it up and it would effectually do the same thing
26 because he's not changing the bag limits, you see, so we've
27 already got a vehicle, because he specified he wasn't
28 changing the bag limits.

29

30 MR. EDWARDS: Mr. Chairman, I don't want to
31 speak for the RAC and they certainly don't want me to speak
32 for them probably, but the one thing that I was very
33 pleased to see in their deliberations was an attempt not to
34 impact, particularly, the youth in Ketchikan, who,
35 apparently this is kind of the only window that they might
36 be able to hunt. And I think that was one of the things
37 that they considered in their August 10th date. And I
38 think that was a big step on their behalf. And so I guess
39 I'd like to hear from the RAC about how that potentially
40 would impact something that they were actually trying to
41 avoid.

42

43 CHAIRMAN DEMIENTIEFF: John, do you have
44 comment?

45

46 MR. LITTLEFIELD: Thank you, Mr. Chair.
47 Yes, we did discuss that at great length. There was quite
48 a bit of testimony about -- or not testimony, but
49 discussion, not too much testimony from Ketchikan residents
50 but discussion in the RAC about the effect on other users.

00257

1 We did have a couple people testify that that was a very
2 important time for them to take their families out and bond
3 and whatever, so we did consider that in our -- that the
4 whole month of September may not be -- excuse me, the whole
5 month of August may not be obtainable.

6
7 If I could comment a little bit on some of
8 these other things that have come up. I've heard the legal
9 part that was asked. We did ask our legal counsel at the
10 meeting, as well as Tom Boyd to come forward and discuss
11 the legal ramifications and whether it was within your
12 authority to set the limit at two bucks, three bucks, four
13 bucks, whatever, and we were advised that it was within
14 your authority to do that because you could close or take
15 anything in between that. Now, that may be different at
16 this meeting and you may get different advice, but that was
17 our advice and why we went forward with our decision.

18
19 I heard a couple things here under
20 discussion, meaningful opportunity and substantial
21 progress. I don't think those appear anywhere in ANILCA.
22 Those are not -- its meaningful preference, I think, which
23 I believe is strengthened by the court case, what that
24 meaningful preference is.

25
26 So when we went through all of those, I
27 have to remind you that we specifically avoided the core
28 area. We never talked about that because of the problems
29 of Hydaburg and the amendment and the motion that's on the
30 floor now talks about core area, it doesn't specifically
31 say what it is but it's talking about in the core area. So
32 the RAC, of course, would have problems with that because
33 we believe that's an issue best discussed between Hydaburg,
34 Port Protection, Port Baker and Craig and Kasaan, they need
35 to get together and decide what those units are, not us,
36 and not you. I don't believe that. You can do that but I
37 don't think you should do that.

38
39 What you're talking about has merit. We
40 could go on this -- if we left it at four bucks, you could
41 go along and say you can't hunt until November 15th -- time
42 up? Okay.

43
44 Okay, we can say you can't hunt until
45 November 15th and all the Ketchikan users would come on the
46 ferry on the 15th and just go hog wild and get all the same
47 amount of deer in the remaining season. So you have to
48 look at all of these things, that's why I think our limit
49 was a little better. Nobody gets a third of a deer, a
50 fourth of a deer. Many of the people will not be affected

00258

1 by what we did. There's only a few of the really good
2 hunters that get over two deer. So we weighed all of those
3 things.

4

5 I would urge you to be careful on the core
6 area because we have conflicting views within the unit and
7 we have not got consensus from the communities. So that's
8 kind of a sticking point for us.

9

10 CHAIRMAN DEMIENTIEFF: I think, John, I
11 think the thing is that it's an interim measure, it's not -
12 - this is not a no solution. We have to keep that in mind.
13 We have a problem. Subsistence people have a problem
14 getting their resource and, you know, we're not even
15 addressing the conservation concern, but we're leaving that
16 for the working group, and we're not proposing this as a
17 final solution. We're counting on all you guys when you
18 get together to craft out a long-term solution, that's what
19 we're counting on. But we're trying to be responsive to
20 the subsistence user, and that's basically the first step
21 that we're trying to do.

22

23 Okay.

24

25 We have a lot of other issues out there but
26 I'm counting on the working group to be able to, you know,
27 to work that out.

28

29 MR. LITTLEFIELD: Thank you, Mr. Chair. By
30 that rationale, I see nothing wrong with accepting the
31 Regional Advisory Council proposal as an interim one year
32 proposal and refer this to the working group which we've
33 asked for since Hoonah. The Regional Advisory Council at
34 our Hoonah meeting in 2002 recommended that this take place
35 under the auspices of the RAC, that we get this
36 subcommittee formed, a FACA subcommittee and proceed and
37 take care of this. We're still here today.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. Terry.

40

41 MR. HAYNES: Mr. Chairman, before you come
42 to a vote on this issue we'd like to have the opportunity
43 to offer some comments, so whenever the appropriate time
44 would be.

45

46 CHAIRMAN DEMIENTIEFF: Go ahead, right now
47 is good.

48

49 MR. HAYNES: Thank you, Mr. Chairman. I'll
50 make a couple of comments and then both Kim and Lance may

00259

1 have additional comments to make.

2

3 We have concerns about a new proposal being
4 on the table right now that, particularly one that, even
5 though you might characterize it as an interim proposal, we
6 are concerned that once it becomes a regulation and then if
7 the decision -- or conclusion is made later on that the
8 action you take today isn't really necessary, that it may
9 go too far, if a proposal is submitted to reduce the time
10 of this closure that can be construed as a restriction on
11 subsistence uses. It's very difficult in the Federal
12 process to have an interim measure that is very restrictive
13 and then attempt to retract that measure to something less
14 restrictive because there may be people who consider it a
15 restriction on subsistence uses.

16

17 So we have a concern about that.

18

19 And we also have a concern about what the
20 effects of too restrictive of an approach here may have on
21 this scoping process. Certainly it will be a wake up call
22 to the public. But unless there's a perception that the
23 whole gamut of options may be available to address deer
24 management issues on Prince of Wales Island, there could be
25 some skepticism among some users to participate fully in
26 the process.

27

28 With that, I'll let Kim offer some
29 additional comments.

30

31 MR. TITUS: Thank you very much. This is
32 Kim Titus. One of the telling things for me about the
33 potential impact or change is, first of all, I don't think
34 we know what it will be relative to how those Ketchikan
35 hunters will change their patterns. They can do two
36 things. One, they're going to hunt somewhere else, which
37 a certain percentage will do. And to me one of the more
38 telling graphs is on Page 640 of your book. It shows the
39 patterns upwards of basically 70 percent of the deer
40 harvest, depending on how you count the numbers would be
41 changed in terms of those hunting patterns if August,
42 September and October were closed in Unit 2 or core Unit 2.

43

44 I guess one of the other aspects that, so,
45 you know, we don't think it's unnecess -- it's not
46 necessary to restrict three months of non-Federally
47 qualified users hunting time.

48

49 One of the other aspects is if this core
50 area concept moves forward, the Board should recognize that

00260

1 there are other roaded areas, especially on north Prince of
2 Wales Island and I would suspect that the communities of
3 Wale Pass and perhaps Coffman Cove and whether they're in
4 and out of this core area, they would have a lot of
5 negative feedback on this because, in fact, if the core
6 area were adopted, the Ketchikan hunters would go conduct
7 their alpine hunts in other places. So I think the
8 movement patterns of Ketchikan hunters relative to this
9 kind of a regulation are basically completely unknown. We
10 don't know what those hunters are going to do.

11

12 So those are my comments relative to this.

13

14 MR. EDWARDS: Can I ask him a question?

15

16 CHAIRMAN DEMIENTIEFF: Did you have a
17 comment?

18

19 MR. EDWARDS: Can I ask him a question?

20

21 CHAIRMAN DEMIENTIEFF: Go ahead.

22

23 MR. EDWARDS: Ken, it almost sounds like
24 what you're saying by your last statement was that if
25 you're going to do a closure it made more sense to do the
26 whole unit as opposed to a subset of it?

27

28 MR. TITUS: I'm not sure how you deal with
29 that. I would not -- I would not support the whole unit
30 because there are other islands such as Heceta Island that
31 have pretty good deer populations that I don't see any
32 reason to restrict, that are one of the outside islands.
33 So I don't have any good reason why you should restrict
34 non-Federally qualified users from hunting other parts of
35 Unit 2. So it's more complex as Mr. Littlefield has said
36 about getting community and more understanding of the
37 hunting patterns and what the Federally and non-Federally
38 qualified users desire relative to these kind of mix and
39 match regulation setting process.

40

41 CHAIRMAN DEMIENTIEFF: The other option as
42 pointed out, is that we can sunset this regulation, that it
43 expires at the end of the season. I'm just looking for an
44 interim measure, that's all.

45

46 Ralph, I think then -- oh, Lance -- let's
47 the State finish up first, okay, Ralph?

48

49 MR. LOHSE: Yes.

50

00261

1 MR. NELSON: Mr. Chairman, thank you. I
2 don't want to waste much of your time especially because it
3 sounds like you're not headed toward a bag limit imposition
4 for non-Federal hunting. That would cause us legal
5 problems and probably result in a lot of wrangling. But it
6 would also, and maybe more importantly it would cause us
7 all kinds of administrative problems in how we administer
8 our State subsistence statute and that the Board has found
9 -- made a finding that four deer are legally required,
10 reasonably necessary to meet State subsistence uses, and
11 that would put us in the position of effectively being
12 unable to deliver reasonable opportunity under the State
13 subsistence statute and create a real crises for us in a
14 situation like this.

15
16 And we probably won't agree about, you
17 know, what exactly the extent of your legal authority is.
18 We have reasons for and concerns about that. I'm not
19 hearing -- I'm not seeing any legal authority issues in
20 what you're proposing right now. And I don't mean to
21 create a controversy when there isn't one, but in the back
22 of my mind, of course, there's all the alternatives, if you
23 go to a bag limit that creates a real severe problem for us
24 because we think it gets into -- it's much more intrusive
25 into the State's traditional authority as established by
26 the Supreme court cases to manage fish and game in their
27 state and also the court case that says if you're going to
28 preempt then it has to be real clear and expressed
29 statement, and so we think we have some argument there.

30
31 And I'm pleased that right now, anyway,
32 you're not headed toward bag limits.

33
34 I understand at the same time the sentiment
35 behind the bag limit and by the Southeast RAC and others
36 who would suggest that because I think the intent there is
37 a good one and they don't want to restrict non-Federal
38 subsistence hunters any more than they have to and they
39 probably view a reduced bag limit as less of an imposition
40 than a closure like you're talking about here.

41
42 Administratively and legally, though, that
43 causes us real problems.

44
45 Even an extended closure like the one you
46 were talking about, if you're talking about a three month
47 closure, that would present the same kind of problems for
48 us with providing reasonable opportunity for State
49 subsistence hunters as we're required to by statute if you
50 take, you know, three-quarters of the season basically and

00262

1 take that away, then the State Board of Game will be left
2 with the dilemma of are we providing reasonable opportunity
3 given the Federal restrictions and it would be -- it would
4 create a real problem and administrative headache for us.

5
6 Thank you.

7
8 CHAIRMAN DEMIENTIEFF: Ralph, did you have
9 something?

10
11 MR. LOHSE: Yeah, I'd like to say
12 something, both as a RAC Chair and as a deer hunter. And
13 I'll start as a RAC Chair.

14
15 It's kind of interesting to me because I
16 see what the Southeastern RAC did on this one and I really
17 think they did their homework and I think they did it well.
18 They presented a proposal that was very moderate, extremely
19 moderate, in fact, much more moderate than -- and now I'm
20 speaking as a deer hunter, much more moderate than some of
21 the modifications that I've heard. As a deer hunter, what
22 the Fish and Game said is true, if one area is closed,
23 you're going to go to another area. If it's closed for a
24 certain amount of time you're going to put more effort in
25 after that time is over.

26
27 The least effect that the Southeastern RAC
28 proposed was their effect of a bag limit reduction, and yet
29 that's the most politically volatile one. That will
30 probably have very little effect on the amount of deer that
31 are taken because there are very few people who are going
32 to -- from outside the area who are going to take more than
33 two deer, your own records show that.

34
35 But a closure of time, I don't know what
36 it's like down in Southeastern, I know when we hunt in the
37 Prince William Sound area, we're pretty possessive. If
38 somebody else has got a boat in the same bay or even on the
39 other side of the mountain we go someplace else. The thing
40 as a subsistence hunter, what everybody seems to want more
41 than anything else is the opportunity to go out and go
42 hunting and be out there by themselves. I know with the
43 people that I hunt, if another party happens to come into
44 the valley we move over to a different valley, we're not
45 going to hunt the same valley as somebody else. And maybe
46 it's a little bit more crowded down there.

47
48 But, to me, you know, their proposal, they
49 were asking for 10 days and they were asking for a bag
50 limit reduction that didn't make any difference. They were

00263

1 asking for 10 days out of the season on the whole area,
2 which basically then administratively you don't have to sit
3 and worry about lines or anything like that.

4

5 I think they did their homework well. And
6 if you don't want to do the bag limit, the first part of
7 their proposal is much more moderate than a lot of the
8 other parts that I've heard so far.

9

10 And I'll just shut my mouth now.

11

12 CHAIRMAN DEMIENTIEFF: Any more discussion
13 on the amendment.

14

15 MS. GOTTLIEB: Mr. Chair.

16

17 CHAIRMAN DEMIENTIEFF: Yes.

18

19 MS. GOTTLIEB: I think these discussions,
20 I mean once again, point to the need, not only for more
21 specific data and updating the information that we do have,
22 the household surveys, the harvest assessments, the harvest
23 trends and hunting patterns. But also, I mean we would
24 appreciate, the Board would like, I think, regular perhaps
25 reporting on this soon to be hopefully formed joint
26 committee that will explore s

1 asking for 10 days out of the season on the whole area, which
2 basically then administratively you don't have to sit and worry
3 about lines or anything like that.

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6 don't want to do the bag limit, the first part of their proposal
7 is much more moderate than a lot of the other parts that I've
8 heard so far.

9
10 And I'll just shut my mouth now.

11
12 CHAIRMAN DEMIENTIEFF: on the any more discussion
13 amendment.

14
15 MS. GOTTLIEB: Mr. Chair.

16
17 CHAIRMAN DEMIENTIEFF: Yes.

18
19 MS. GOTTLIEB: I think these discussions, I mean
20 once again, point to the need, not only for more specific data
21 and updating the information that we do have,
22 the household surveys, the harvest assessments, the harvest
23 trends and hunting patterns. But also, I mean we would
24 appreciate, the Board would like, I think, regular perhaps
25 reporting on this soon to be hopefully formed joint committee
26 that will explore some of these problems more thoroughly, Forest
27 Service, State, RAC and also keep updating or evaluating how this
28 issue is going. So I think a schedule would be very helpful for
29 all of us.

30
31 CHAIRMAN DEMIENTIEFF: I guess I'm getting more
32 and more inclined to just go along with the Regional Council
33 recommendation with the idea that we put a one year -- that we
34 sunset it.

35
36 MS. GOTTLIEB: Their recommendation on time
37 limits.

38
39 CHAIRMAN DEMIENTIEFF: Yeah, I mean go
40 against the amendment and just put a -- amend the Regional
41 Council recommendation to sunset it while the planning
42 process works. Because I can see the logic in that.

43
44 MR. BISSON: Mr. Chairman.

45
46 CHAIRMAN DEMIENTIEFF: Yes.

47
48 MR. BISSON: You know, I guess as the RAC Chair
49 from Southcentral just stated, you know, I think it's a
50 reasonable position that the Southeast Council has taken,

1 and the most significant part of it is 10 days in August, you
2 combine that with the seven days or whatever it was in July, and
3 that provides them a significant advantage.

4
5 But relative to the, you know, the two bucks
6 limit, I mean if they're not taking four now, if they're only
7 taking two, then what's the purpose of reducing it? You know,
8 that somebody might take four bucks in the future? I mean why do
9 we have to restrict it to two
10 bucks, if nobody's taking more than two bucks now anyway, what's
11 the problem?

12
13 And so my inclination would be to support the
14 Southeast Regional Council recommendation without the two buck
15 restriction, which is, again, another modification.

16
17
18 CHAIRMAN DEMIENTIEFF: takeOkay, well, let's
19 a vote on this.....

20
21 MR. CESAR: Let's hear from our lawyer.

22
23 CHAIRMAN DEMIENTIEFF: Keith.

24
25 MR. GOLTZ: I think if we're going to talk about
26 the two buck restriction we ought to sharpen the legal dialogue a
27 little bit and I should pull up the Office of General Counsel, this
28 is Forest Service lands and
29 they're the ones who spoke to the RAC and maybe we can
30 sharpen our dialogue with the State, too.

31
32 CHAIRMAN DEMIENTIEFF: Okay, I think we're going
33 to -- while there's a little bit of work that needs to be
34 done, I think we're going to take it up in the morning, the vote,
35 because it's obvious we're running out of time here today and
36 people are tired. I've got a couple other things that we've got
37 to do right now in the last few
38 minutes before 5:00. Ralph is leaving. So if nobody
39 objects to that we'll just take up the issue in the morning.

40
41 42

43 44

45 46

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Is that fine?

(No comments)

CHAIRMAN DEMIENTIEFF: Okay. Well, we're going to
alter the agenda here again. We've got 03-12 and Ralph has to go
fishing so we need to go ahead and resolve that right now. We've
already gone through the process so whoever, Judy or.....

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MS. GOTTLIEB: I can take it.

CHAIRMAN DEMIENTIEFF: Go ahead.

MS. GOTTLIEB: Mr. Chair, and to the Chair of Southcentral, just wanted to let you know that your vice-Chair did a really good job yesterday in presenting the RAC's discussions and recommendations. And it had been my request that we take the time and table that proposal until today so that our Park Staff would have time to call our SRC members just to double check with them. As this Board relies on the RACs, we, in the Park Service also rely on our members of our Subsistence Resource Commissions.

So I move today that we defer Proposal 12. We passed Proposal 1 yesterday which accomplishes much of what the proponent, which was the Wrangells SRC requested in the original proposal.

In yesterday's discussion we explored and perhaps found some drafting errors that would have disenfranchised some of the users, specifically some of the 13.44 permit holders and some of those who use National Park Service Preserves. These need much more careful review so that appropriate fixes can be worked out.

The proponent, because of Proposal 1 and the new State regs will have lawful opportunity to take wildlife out of season for funerary and mortuary ceremonies like everyone else in the state, that is, they will not be denied opportunity. So if we defer action on this it's not a denial. It makes sense.

So if you'll let us have the SRC discuss the issue in the fall and they will, of course, be in touch with the Southcentral RAC how they may like to further that proposal, so we may hear about it again in December if they so desire.

So my motion is to defer Proposal 12.

CHAIRMAN DEMIENTIEFF: Is there a second.

MR. BISSON: I'll second.

CHAIRMAN DEMIENTIEFF: It's been moved and seconded. Ralph, do you guys have comment on that, you guys had a chance to.....

MR. LOHSE: I do have a few comments on it.

1 I'll try to keep them brief, which is pretty hard for me to do.
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4 I went back and I reread all of the testimony
5 that we had on one and 12. And while I don't think that our
6 Council will object to this, I know this is not in line with what
7 we had in mind. Our Council felt that a statewide proposal was a
8 one shoe fits all and as one of our Council members said, you
9 know, we don't want to put our religion on somebody else but we
10 also don't want theirs on us.
11

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13 The big problem we had as a Council was a
14 cultural thing, and the cultural thing, and I think it needs to
15 be brought out and explained again. And that was the idea that in
16 a society of the Athabascans up where I live you don't say ahead
17 of time what you're going to go out and do, you don't say that
18 you're going to go out and kill an animal, animals give
19 themselves to you. And consequently the -- a big objection to this
20 whole one was that you had to say ahead of time the species and
21 the number of animals that you were going to take. That was the
22 biggest objection that we had.
23

24
25 As a Council member, I find it, I won't say --
26 well, I'll just say I find it questionable that instead of
27 going to poll the rest of the Council we went to poll the
28 proposers of the proposal, and I kind of thought that the Council
29 was the step right before the Board. And to me
30 the question would be, is the Council comfortable with deferring,
31 not are the proposers comfortable with deferring.
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35 Now, personally I have no objection to
36 deferring. I have no objection to passing and I have no objection
37 to failing on this one here. I feel that the proposal that's on
38 the table with No.1 will meet the needs but I see that even in
39 that proposal, you recognized that one shoe doesn't fit all. You
40 took the Koyukons and the Gwitch'ins and you gave them a special
41 proposal but you didn't give it to the Athabascans in the Copper
42 River Basin. And maybe it was because we weren't here to put that
43 forward that strongly, that's what we had attempted to do in No.
44 12. The one issue that we pointed out in No. 12 and the issue
45 that we were stressing was the idea that you don't -- you know,
46 in that culture, like one of them said
47 in our testimony, it's taboo. You don't say ahead of time, I'm
48 going to go out and get two moose for a funerary potlatch, or
49 I'm going to go out and shoot four caribou. You say, I'm going
50 to go hunting. And what gives itself to

1 you is what you bring. And from that standpoint you recognize that one shoe
2 doesn't fit all.

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4 I think it's imperative then that you take that principle farther and do
5 like we suggested, which is to say, make region-specific proposals that recognize the
6 differences in the culture in the different regions. And with
7 that, we'd have no objection at all. And from that standpoint
8 I'll leave it up to you what you want to do on this one here.
9 It's your ball game now.

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CHAIRMAN DEMIENTIEFF: Yeah, well, we can go
back. That's the whole idea of deferring so we can go back to
the Councils and get some further input and
cooperation and commissions.

MR. EDWARDS: Question.

CHAIRMAN DEMIENTIEFF: Question's ~~been~~
called. those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same
sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.
Ralph, you know, I know you're going to be leaving, we got some
letters of appreciation and stuff that we're going to be awarding
but we're going to do it tomorrow for your work on the Customary
Trade Task Force, but there's a whole -
most of them aren't here and it's going to get mailed to them
anyway, so just so you know you can expect that. So thank you
for your help.

We're going to close today with Walter, who's
also going to be leaving and he's got a couple of non-agenda
items, so just a presentation he needs to make, so we'll
listen to that.

Go ahead, Walter.

MR. SAMPSON: Thank you, Mr. Chairman. Members of the
Board. This certainly has been a good
learning process for me sitting in a first Federal Board meeting like this and I'm
hoping sometime down the road I'll continue to be a part of the
process. Very interesting.

1 And several items I' d like to address.
2 First of all during the last spring RAC meeting in Kotzebue
3 several issues were raised. First of all, the caribou migration
4 pattern within the Northwest region which basically runs through
5 the monument from the south heading
6 north or caribou herd moving from the north heading south.
7 The migration pattern is certainly being altered by other user
8 groups. What I' m talking about is transporters dropping off
9 hunters up into some of the areas such as the hills where caribou
10 migrates down. What they're doing is dropping hunters off into
11 different sections of the hills
12 so they're altering to where the caribous are heading, further
13 east, away from areas where the local folks are doing their
14 hunting.

15
16 That's one concern.
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18 The other is the transporters also affecting
19 the moose population within the Buckland drainage
20 area. Buckland/Candle area. It's something that certainly
21 concerns the user groups within Buckland, as well as
22 Deering. It's something that I think this Board needs to be looking
23 at and needs to be concerned about.
24

25 And the other issue is in regards to the radio-
26 collaring of caribou especially within the Seward/Penn area.
27 What' s happening is that there is people that are using the
28 radio-collared caribou to find the herd and using that as a
29 mechanism to hunt caribou. And I think
30 it's something that we all need to be concerned about. This can
31 also be viewed as a first day airborne. I think it's something
32 that we all need to look into and find out exactly what's
33 happening.
34

35 Lastly, the Park Service had started a
36 process to develop what you call a commercial services plan which
37 will help user conflict issues with the hopes that the Federal
38 agencies and the State will do the same to help the resources
39 within the area. Willie Goodwin is working
40 on that and he can expound on that. Willie if you may,
41 take the podium, please and expound on that a little bit more if
42 you want to.
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44 CHAIRMAN DEMIENTIEFF: whatWe' II give him -
45 time is it?
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48 49 MR. SAMPSON: It will take just a few
50 minutes, Mr. Chair.

 CHAIRMAN DEMIENTIEFF: Go ahead, Willie,

1 we'll go ahead.

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3 MR. SAMPSON: He can also expound on our that will
4 resolution be before you. Thank you, Mr.
5 Chairman.

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7 MR. GOODWIN: Mr. Chairman. Members of the Board.
8 My name is Willie Goodwin and I'm the special assistant to the
9 Superintendent of Western Arctic Park lands. And one of the tasks
10 that I was hired to do was to develop a commercial services plan
11 within the Park lands in Northwest Alaska. It will address all of
12 the user groups that come into the Parks and hopefully come up
13 with a
14 solution that will address their concerns, also the concerns of
15 the local area residents that affect subsistence activities.

16

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18 So right now we're doing the scoping with the
19 villages in the region, not all of them but we're getting to
20 most of the areas where the Parks are located,
21 and I intend to have a hearing here in Anchorage, in Nome and to
22 get views from those areas. We certainly want to hear from the
23 other user groups that concentrate out of Anchorage, the hunters,
24 the sporthunters, et cetera, so hopefully the plan will address
25 all of these issues and come up with a solution that will benefit
26 all of the users in the Park in our area.

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Thank you.

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CHAIRMAN DEMIENTIEFF: Thank you.

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And Mr. Chairman, I would like to be here tomorrow, however, I have a family emergency that I have to tend to. I've been sitting here for the last two days even though I had a family emergency, it's time that I leave, so I'm going to have to head out and take care of things.

So I want to thank you for allowing me to

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 speak before you.

 Thank you.

 CHAIRMAN DEMIENTIEFF: Yeah, Walter, thank you
for your fine contributions. We shall, at this time, recess
until 8:30 in the morning.

 MR. LOHSE: Mr. Chair, I would sure like to thank
you for your patience with me for coming late and leaving early
and Copper River salmon will be available on Saturday.

 (PROCEEDINGS TO BE CONTINUED)

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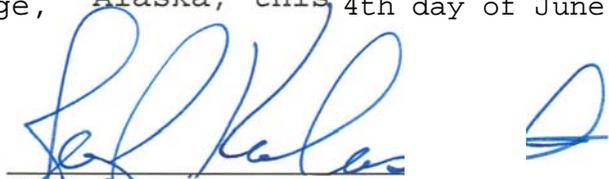
I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

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

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

DATED at Anchorage, Alaska, this 4th day of June 2003.



Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 11/11/2004