FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME I

EGAN CONVENTION CENTER
ANCHORAGE, ALASKA

MAY 3, 2005
8:30 o'clock a.m.

BOARD MEMBERS:

Mitch Demientieff, Chairman
Judy Gottlieb, National Park Service
Paul Roehl, BIA
George Oviatt, Bureau of Land Management
Wini Kessler, Forest Service
Todd Logan, U.S. Fish and Wildlife Service
Wayne Regelin, Alaska Department of Fish and Game
Keith Goltz, Solicitor

Recorded and transcribed by:
Computer Matrix Court Reporters, LLC
3522 West 27th Avenue
Anchorage, AK 99517
907-243-0668
jpk@gci.net
CHAIRMAN DEMIENTIEFF: If we could make our way to our chairs, we're going to make introductions here.

(On record)

CHAIRMAN DEMIENTIEFF: Okay, my name is Mitch Demientieff and I happen to have been sentenced, it seems like for life, to Chair this Board. No, actually it's one of the funniest things I really get to do, I really enjoy it. But we're going to go around the table here and introduce ourselves, and we'll start with Judy and just go around.

MS. GOTTLIEB: Judy Gottlieb, National Park Service.

MR. ROEHL: Paul Roehl, BIA.

MR. OVIATT: George Oviatt, Bureau of Land Management.

MS. KESSLER: Wini Kessler, Forest Service.

CHAIRMAN DEMIENTIEFF: Sue.

MS. ENTSMINGER: Thank you. My name is Sue Entsminger, I'm with the Eastern Interior Regional Advisory Council.

MR. LOHSE: Ralph Lohse, Chair of the Southcentral Advisory Council.

MR. REAKOFF: Jack Reakoff, Vice Chair of the Western Interior Council.

MS. CROSS: Grace Cross, Chair of Seward Penn.

CHAIRMAN DEMIENTIEFF: Terry.

MR. HAYNES: Terry Haynes, Wildlife Conservation Division, Department of Fish and Game.
MS. SEE: Marianne See, Department of Fish and Game.

MR. NELSON: Lance Nelson with the State Attorney's General Office. And with me is assistant attorney general, Steven Dougherty who's recently rejoined our office.

MR. LITTLEFIELD: Thank you, Mr. Chair. Good morning. John Littlefield, Chair of Southeast Alaska Regional Advisory Committee.

MR. WILDE: Harry Wilde, Yukon-Kuskokwim Delta Subsistence Regional Council Chair.

MR. STONEY: Raymond Stoney from Northwest RAC committee member.

MR. O'HARA: Dan O'Hara, Chair of Bristol Bay.

MR. TUTIAKOFF: Vince Tutiakoff, Kodiak/Aleutians Chair.

MR. REGELIN: Wayne Regelin, Alaska Department of Fish and Game.

MR. LOGAN: Todd Logan with the U.S. Fish and Wildlife Service.

MR. GOLTZ: Keith Goltz, Solicitor's Office.


CHAIRMAN DEMIENTIEFF: As usual, par for the course, I forgot to call the meeting to order, so we will do that. Sometimes as we get started we're a little sluggish getting started. We're here deliberating proposals for the game regulations for the upcoming seasons. As time goes on we often discuss some of the things that have happened. You'll notice that even though like in a lot of functions I wear full regalia, I don't normally wear anything like this but we lost, at home, we lost a very prominent skinsewer, and my wife made this beaded necklace for me, actually just last night, and I chose to wear it today, so we will have a fast gavel so I can get back to her funeral. No, I'm just joking about that, we will do diligence. I'll
We want to express our deep appreciation, and Grace, having a had a personal loss in the Gambell incident. So there's so many people that we lose, people think that subsistence is easy but we lose so many people involved in that, in the practice, just so many people through the years I know that we have lost that were engaged in subsistence activities and it's a real tragedy out there. And we understand the loss that they have.

Also many of you have heard of John Hanson being in the hospital. I talked with Harry this morning and got a little bit of an update on that and he's been so active through the years in so many different forums and I was reminding Harry that it seems like I've worked with him just about as long as I've worked with Harry, which is longer than any of us care to admit, but we're also very mindful of him.

Bill Thomas, of course, from Southeast, he's home recovering right now. And so we're very glad that he's home and the place where he wants to be in and also want to wish him a speedy recovery.

We will be, as I said, addressing the -- they always prepare me a speech and I can never work well from a speech, I just use the notes and kind of make up my own words. It's kind of like when I go out hunting, I always make up the regulations as I need them.

(laughter)

Depending on what -- that's a joke.

(Laughter)

CHAIRMAN DEMIENTIEFF: We will be doing subsistence hunting regulations and we will have an update on Unit 2 deer. And then we will be discussing in public issues that maybe Regional Council Chairs might want advanced.

The proposals that we have received, we actually have nine proposals, but I understand the State has a statement that we will allow to be made with regard to Proposal 20, and it may be actually only eight proposals that we have to deliberate that are not on the consent agenda.
And, of course, the consent agenda, and Tom will go over those, those can be pulled by any Board member at any time. We do the consent agenda at the end of the meeting so if there are concerns that anybody might have, basically it's reserved for Board members only that can pull those items off of there. But, again, it shows the spirit of cooperation, the hard work that the RACs have put in, the Staff, the State to get these items on the consent agenda. So I just want to compliment everybody for doing that diligence to get these -- the bulk of our proposals on the consent agenda.

We have, as I made the comment in our January meeting, all of us Board members have the criteria for going against a Regional Council recommendation, and so I've asked everybody to prepare your arguments framed around those issues. We can adopt, reject or modify Council recommendations and I know the Board will do diligence as far as making clear what direction that you want to go.

Tomorrow we have a couple of our employees that are up for some pretty strong Federal employee awards, including this one right here, and Helen Armstrong in the back who have been long time employees so we may leave a little bit early for lunch tomorrow because I know my wife and I plan on being there and have planned and we actually made Carl buy us tickets to get in there.

We will be receiving comments at the start every day on non-agenda items. Those of you who wish to testify on specific proposals, the cards are available out at the front table and you need to fill them out and they will make sure that we get them in here. So that's at the table right outside the door.

The other thing that has been brought to my attention and I did talk with several of the Council Chairs who have expressed some concern about the change in the seating arrangement with the State representative being at the front table. I just want to assure people that the roles have not changed. It's not like the State is going to have a vote on this. If we had the room at the front table, we'd have all of the RAC Chairs sitting up here. But I just want to assure everybody that the State role has not changed one bit, and that's not a belittling thing, and I talked to Wayne about that. I just want to assure the RAC Chairs that the strength of our program is with you, you are the ones that we depend
upon to bring us the issues and your opinions on them. And that has not changed one little bit. You are the strength of our program and we will continue to rely on you. So those of you who may feel uncomfortable with the seating arrangement, don't worry about it, we have not changed anything. And thanks to you, each and every one of you and your RACs and all the hard work that you do, that's still where we get our guidance.

And we do have before us, we have all the criteria that we need that will let you know that we are very, very mindful of that.

But the fact of the matter is, is we have, in addition to the strength of the RACs and all your hard work, we have worked very hard with the State and just everybody involved in the complicated life of fish and game management in Alaska. And so that's basically it. I don't understand why the change was made but please feel comfortable with it, it doesn't worry me one little bit to tell you the truth because I know where the power of this program is and it's right there, right there. That's the power of the program and the hard work that you do. So I just want to remind people of that, don't think that anything has changed. So keep up that good work.

With that, you have the agenda in front of you, are there any changes or additions to the agenda?

(No comments)

CHAIRMAN DEMIENTIEFF: If none, we'll go ahead and move on. Keeping in mind that all somebody has to do, if they need to be accommodated or whatever, we always try to be flexible in terms of trying to accommodate people.

We have no requests for public comment on non-agenda items. But we will have that opportunity open at the beginning of each day of our meeting so if there are people that want to comment they can.

Hang on a minute.

(Pause)

CHAIRMAN DEMIENTIEFF: Sorry about that, I just wanted to make sure, we have no request for consent agenda items at this time, public testimony. So
we will move on.

Tom will go over the consent agenda items.

Ralph, you have opening comments also, can I go through this first?

REPORTER: Ralph.

MR. LOHSE: I want to ask a question when you have time.

CHAIRMAN DEMIENIEFF: What?

MR. LOHSE: I'd just like to ask a question when you have time.

CHAIRMAN DEMIENIEFF: Go ahead.

MR. LOHSE: Is there any time period in this when we can talk on things that we can -- you said something at the start of the meeting we'd have a chance to talk on non-agenda items and I'd like to have an opportunity to talk on the BLM land transfer that's being talked about in our area sometime this morning.

CHAIRMAN DEMIENIEFF: Okay, Ralph. I will call on you shortly.

As usual, in our effort in the last few years to become more inclusive, we will give Regional Council representatives the opportunity to speak.

So I'm just going to have Tom go through the consent agenda items and then I'll come right back to you, Ralph.

MR. LOHSE: Thank you, muchly.

MR. BOYD: Thank you, Mr. Chair. The following proposals are on the consent agenda.

For Southcentral Region, we have Wildlife Proposals 05-05.

I should back up, the page number is III in your books and I won't read the details, I'll just read the numbers.
So for Southcentral Region we have Wildlife Proposal 05-05, 05-06, 05-08, and 05-09.

For Bristol Bay 05-10.

For Western Interior 05-12 and 05-13.

For Seward Peninsula 05-14(a), 05-15 and -5-16.

For Northwest Arctic 05-17.

Statewide Proposals 05-02.

Southeast 05-04.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you, Tom. We will make one slight correction to the agenda and that is that those of you who have it in front of you, they're also available out front, too, aren't they, if you don't have it?

MR. BOYD: Yes.

CHAIRMAN DEMIENTIEFF: It says adoption of consent agenda items. We usually leave that to the end of the meeting where we actually do the motion to adopt. So there will not be a motion to adopt. That gives Board members the opportunity to pull off consent agenda items. So even though it says it it's just a little typo and we will do it after we deliberate the non-consent agenda items.

Also I understand the State has comments with regards to Proposal 20.

MR. HAYNES: Mr. Chairman, thank you. Yes, although the Department would certainly prefer to have different action taken on Proposal 20 than is being recommended, the proposal as it now stands will provide additional wolf hunting opportunity and so we're not going to oppose this proposal at this time. We just preferred that it line up with the seasons in the adjoining areas, line up with the State seasons and minimize confusion and potential problems for hunters who might be at the wrong place at the wrong time.

But given that situation, we're not going
to stand in the way of this proposal moving forward.

CHAIRMAN DEMIENTIEFF: Thank you. So
Proposal 20 has been added to the consent agenda.

With that, Ralph, I understand you have
opening comments. Please.

MR. LOHSE: Mr. Chair, I don't know if
this is the time to bring it up. But I was just going to
comment a little bit on the BLM's, I guess I better put
my glasses on so that I can read it in the proper way,
the BLM's East Alaska Resource Management Plan.

I know how much time you guys have spent
discussing caribou hunting in Unit 13, and the caribou
hunting that is a big part of the subsistence take in
Units 11 and 13, in fact, if I remember right it's about
80 percent of the game that is taken is taken on that
little chunk of BLM land up along the Pipeline Corridor
and up in the Tango Lakes area, that area there.

And we kind of got sideswiped a little
bit at our last meeting. We got presented with the plan
and find out that the comment period is over by the end
of July. And so the BLM has, as one of the options, is
basically to transfer all of that land that you guys have
been dealing with as far as proposals is concerned over
to the State, and we'd have liked to have had an
opportunity to had a chance in a regular subsistence
meeting put it on the agenda and addressed it and given
our comments directly to the BLM.

I'm under the impression now that it is
going forward as scheduled, which means that it will be
done by the end of July. Our subsistence Regional
Subsistence Council will not have an opportunity to
officially comment on something that has the biggest
affect in our whole area as far as subsistence users are
concerned, and we'll probably have to try to come up with
a meeting in the middle of summer but all of you know
what that's like when you're dealing with subsistence
users who are out commercial fishing or doing other
activities that make it pretty hard to get together at
that time period.

And we just would like to, at this point
in time, say that if subsistence is a Federal priority,
then in that land transfer the subsistence needs need to
have -- need to carry a lot of weight on that transfer.
Because that transfer has the potential basically to
cchange the whole subsistence activities in Unit 13 and
11.

And that will change your job, it will be
a lot easier because you won't have many regulations
applying to a controversial subject to deal with, but it
will definitely affect the people that live up there.
And I would like at this point in time to just state to
the BLM that I sure wish that the comment period could be
extended so that we could have an official fall meeting
and let people know. Every subsistence user that I've
talked to up in the area that finds out that this is
going on, is basically shocked and doesn't know what to
do about it, it's kind of overwhelming. I notice that
there's been some hearings scheduled. Most of them are
time periods that a lot of people aren't going to make,
myself included.

It would be -- I, again, would like to
ask the BLM to make sure and consider the needs of the
subsistence community when you start thinking of a land
transfer like that.

Thank you.

CHAIRMAN DEMIENTIEFF: Yes, George.

MR. OVIATT: BLM certainly recognizes the
sensitivity of subsistence issues. And one of the
alternatives which we were asked to have as part of our
plan was a request by the Governor to look at lifting
withdrawals on the Pipeline.

Subsistence is a key issue in our East
Alaska Management Plan and we're certainly going to work
with the communities in order to do what we can in
protecting that right.

Our alternative, preferred alternative is
not lifting the withdrawals on that Pipeline.

Our State Director felt that we could not
extend the time that you had requested, into the fall, it
begins to have impacts on our analysis as we had done
that, but it was taken seriously, the consideration was
taken seriously. We do have, and Taylor is passing it
out, our newsletter which is announcing the comment
period for our draft from those comments. We will then
do further analysis and prepare a final, and in the end
there'll be a comment period even after that before our
Record of Decision is made.

CHAIRMAN DEMIENTIEFF: Thank you, Keith.

MR. GOLTZ: I'm a little disturbed by the
implications of I think what you just said. Are you
telling us that under the State system subsistence needs
could not be met?

MR. LOHSE: Definitely I'm not telling
you that it couldn't be met, I'm just telling you that
the preferred alternative of the subsistence users that
are up in that area is the current Federal system on that
land.

The State subsistence could meet the
needs except under State Constitutional law there's no
way that the State can give preference to local residents
that way.

Now, one of the things that's up for
grabs is some of the proposals that are in front of the
State right now that would actually do that. So we don't
know what the final outcome on that's going to be. But
I'm not saying it couldn't, I just know that from talking
to local subsistence users they prefer the system as it
is.

CHAIRMAN DEMIENTIEFF: Okay. Now, that
everybody's had their say maybe we can go to work, uh,
not that you haven't been working. Obviously just from
tracking the conversations that points at all of you have
brought up, it's obvious to me that people have done
their homework with regard to this issue. And even
though it's an Agency action we just appreciate the
comments because it does, as Ralph so eloquently pointed
out, have broader implications to subsistence uses, which
is, of course, our concern.

So thank you, all of you, for clearing
the air and thank you for also working together to try to
promote more understanding with regard to the issue of
the transfers.

With that, we're going to move on to the
Southcentral Region. We'll just allow Staff to get up
here.

We're ready for Staff analysis.
MR. ARDIZZONE: Good morning, Mr. Chair.

My name is Chuck Ardizzone. I'll be presenting Proposal WP05-07 this morning, and it can be found on Page 32 of your Board book.

Proposal WP05-07 was submitted by the Ninilchik Traditional Council and requests that the moose harvest season in Unit 15 be changed from August 10th through September 20th to August 20th through September 30th. The proponent believes these dates are more in line with traditional subsistence activities and will relive the spirit and tradition of the hunt. The proponent also stated, historically, hunts were postponed until later in the year following the processing of salmon. When harvesting moose later in the year there's a better opportunity for the meat to be properly cared for and preserved so there will be less wasting of the harvest. Through the changing climatic conditions, the late summer and early fall temperatures on the Kenai Peninsula have been increasingly hot and dry. The proponent believes this makes it difficult to locate an animal and process it efficiently enough to ensure there is no unnecessary waste.

On Page 33 there's a map of the area and I will skip right over to regulatory history.

This regulation has a very long regulatory history which can be found on Pages 34 and 35. The current regulation was adopted by the Board in May 2001, and provides a total of 10 days priority to Federally-qualified subsistence users before the State's general season starts.

In 2003 WP04-87 was submitted requesting that the moose season for Unit 15(A) remainder be shortened by 10 days to August 20th through September 20th, from August 10th to September 20th. This proposal was not adopted by the Board at its May 2004 meeting.

I'll go over a little bit of biological background and harvest information.

ADF&G's population goal for moose in Unit 15(A) is 3,600 animals with a sex ratio of 15 bulls to 100 cows. The Kenai National Wildlife Refuge has established a minimum of 25 bulls per 100 cows for most of the Refuge lands with the exception of the Skilak Loop Wildlife Management Area where a 40 bulls per 100 cows management objective was set. The last reported aerial
moose survey in 2003 for this area excluding the Skilak Loop Wildlife Management Area revealed a bull/cow ratio of 24 bulls per 100 cows and a calf/cow ratio of 26 calves per 100 cows. Calves composed 18 percent of the moose observed. The 2003 fall sex and age composition survey had a total of 716 moose observed.

The last census conducted for Unit 15(A) was in March 2001. The estimated moose population at that time was 2,069 animals. The current moose population in 15(A) is not considered stable, the population has been declining as the habitat matures.

In 2000 and 2002 there were no moose harvested in Unit 15(A) under the Federal Subsistence Program permits, and in 2001 and 2003 one moose were harvested in the first 10 days of the season by Federal permit. That can be seen, or at least in Table 3 there's a summary of harvest for the different units. Table 3 also represents mainly harvest in the early part of the season before the State season opens.

The State management objectives for the Central Kenai Peninsula, Unit 15(B) west are to maintain a population of moose with a bull/cow ratio of 15 per 100 and to allow a maximum opportunity to participate in hunting in Unit 15(B) west.

The State's management objectives for Unit 15(B) east are to maintain a population of moose with a bull/cow ratio of 40 bulls per 100 cows and to provide an opportunity to harvest a large antlered bull. In 2001 a census of 650 square miles of suitable moose habitat estimated a moose population of approximately 958 animals. Because the consensus was conducted in February after most bulls shed their antlers, composition by sex was not determined. However it was estimated that calves comprised 20 percent of the population. This estimated population is a slight decrease from 1990 when there was an estimate of 1,042 animals.

Reported harvest by Federal registration permits in Unit 15 has averaged approximately one moose per year between 1996 and 2003. A total of 13 moose were harvested with 10 of them being taken in the first 10 days of the season.

The State's management objectives for Unit 15(C) are to maintain a population of 3,000 moose and to maintain a minimum post-hunting sex ratio of 15.
bulls per 100 cows. A census was conducted during late
winter in 1992 under optimal snow conditions, the census
of the low land portion of Unit 15(C) produced a
population estimate of 2,079 moose. A composition survey
was completed for Unit 15(C) for 1999 and in 2000. In
1999 578 moose were classified with a ratio of 18 calves
per 100 cows and 27 bulls per 100 cows. Federal harvest
in 15(C) has averaged approximately two moose per year.
Between 1996 and 2003 a total of 18 moose were harvested
with 12 of them being taken within the first 10 days of
the season.

Some current events involving the
species. At the March 2005 Southcentral Regional Council
meeting there was testimony that individuals do not
believe that there would be any immediate conservation
concerns to the Unit 15 moose population if a longer
subsistence harvest season were allowed because the
Federal harvest has been relatively small.

There was also testimony that the State
already allows a drawing permit hunt for moose in Unit
15(B) from September 26th through October 15th and that
Federally-qualified subsistence users should be provided
the same opportunity to harvest moose later in the
season.

As expressed by several individuals who
live in Unit 15 that there should be a minimal increase
in the harvest if the seasons are extended as most
individuals have already harvested a moose by that time
of year. They also felt that the road accessibility to
good moose habitat was minimal which should help minimize
any increase in moose harvest.

The effects of this proposal. If this
proposal were adopted, it would align the starting dates
for the Federal subsistence season with the State’s
general moose season for Unit 15. This could cause
conflicts between different user groups.

The proposal would eliminate the early
season priority granted to Federal subsistence users in
Unit 15, thus eliminating the early season advantage that
subsistence users have over those participating in the
general moose season managed by the State. However, the
early season Federal priority would be replaced by a 10
day extension of the season for Federally-qualified
hunters.
According to the Ninth Circuit guidance in the Ninilchik Decision would be necessary for the Board before adopting this proposal to determine on the record whether or not this 10 day extension would provide a meaningful use preference for subsistence hunters.

Another important consideration is that if this proposal is adopted, the hunt would be extended into the moose rutting period and the normal rutting behavior may be disrupted because large amounts of the hunt area are road accessible, a hunt that extends during the rut when it is easier to harvest bull moose could attract a large number of hunters. This large number of hunters in the field could disrupt the rutting behavior of large number of bulls which could have adverse effects of the overall moose population.

A late September season which the proposal calls for would make bulls extremely vulnerable to calling and the subsequent harvest could reduce the number of breeding bulls compromising the success and increasing bull/cow ratios realized under the spike-fork 50 three or more brow tine regulations.

That concludes my presentation. Are there any questions.

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

MR. MIKE: Thank you, Mr. Chair. Donald Mike, Southcentral Regional Council coordinator. You'll find your public comments on Page 31. We received three public comments in support of the proposal.

Teague Vanek of Ninilchik supports the proposal stating that moose hunting before August 20 is definitely not in keeping with our Alaskan lifestyle. Not only are most of us busy fishing or working at other summertime endeavors, but the weather is not right. Extending the season later instead of starting early makes sense. In mid August, moose antlers are still in velvet and are far from their full size, making it harder to find legal size moose. State regulations provides for late season hunts in many areas covered by this proposal. The Subsistence Board should adopt Proposal WP05-07 to allow for a late hunting season instead of the current early season.

Norbert Miller of Ninilchik supports the
1 proposal stating I would like to let you know that I
2 support Proposition WP05-07 regarding the change in
3 subsistence hunting dates, taking 10 days off the
4 beginning of the season and adding them to the end. From
5 perspectives of personal available time and "huntability"
6 this is an improvement over the existing season.
7
8 Steve Vanek of Ninilchik supports the
9 proposal stating that WP05-07 by the Ninilchik Tribal
10 Council. I have subsistence hunted in August for moose
11 on Federal lands in Unit 15 since the Feds took over
12 management on Federal lands. The August 10th to August
13 20th period does not work well at all. It is too hot and
14 sometimes too dry, like this past year. It is not a good
15 time of the year to hunt on Federal lands where no
16 transportation other than horses is allowed. To pack
17 meat out on foot takes several days. That makes it
18 difficult to keep meat from spoiling. I strongly urge
19 you to change the subsistence dates as to what Ninilchik
20 Tribal Council proposes.
21
22 And we also received one late comment
23 from an individual from the Kenai Peninsula that did not
24 make the book and I'll submit it as part of the record,
25 but he opposes Proposal 05-07.
26
27 To: Statewide Federal Subsistence
28 Council.
29
30 I am writing this letter to be accepted
31 as testimony for the upcoming Federal Subsistence Meeting
32 to be held in Anchorage on May 3-5. I am voicing
33 opposition to a subsistence proposal approve by the
34 Southcentral RAC to provide an extended subsistence moose
35 hunt in GMU Units 15(A), 15(B) and 15(C). The proposed
36 season would run August 10 through August 20 and
37 September 26 through October 15 on all Federal land of
38 the Kenai Peninsula except the Skilak Loop area. As a
39 local moose hunter from the Kenai/Soldotna area I oppose
40 this hunt for the following reasons:
41
42 This hunt would be provided for residents
43 of the subsistence areas of Ninilchik,
44 Seldovia, Port Graham and Nanwalek.
45 These areas either reside in or are
46 adjacent to GMU 15(C), which already has
47 the highest density of moose on the
48 Peninsula. By virtue of their proximity
49 to this moose population they already
50 have an advantage of harvest success.
Under this proposal they would be able, and most likely, want to hunt the road accessible area near Kenai and Soldotna on the Kenai National Wildlife Refuge. Those of us that live in the Kenai area and depend on our local moose population, would greatly resent others from hunting our area with these types of priority advantages.

The late season of September 26 through October 15 would catch the animals when they are most vulnerable during their fall rutting period. It doesn't make any sense to harvest these animals when they are the least edible and desirable. This is the biggest single reason why the established season currently ends September 20th.

I am not against subsistence hunts for people with needs, however, this does not seem to be the case in this instance. This is simply another encroachment by governing subsistence agencies to create and establish a hunt for the sake of having one. It can, however, have lasting detrimental effects on our local Kenai/Soldotna moose populations while leaving populations in the mostly non-Federal areas of 15(C) protected. This does not make any sense for anyone involved and will create hard feelings amongst neighboring Peninsula communities. I would strongly urge you to reject this proposal.

Thank you for the opportunity to provide testimony on this issue.

Sincerely,

Dwight Kramer
47083 Belmont Ct.
Kenai, AK 99611
(907) 283-1054

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. At this time we have three requests for public testimony. Darrel Williams.

MR. WILLIAMS: Good morning. My name is
Darrel Williams, I’m with the Ninilchik Traditional Council. We’re the State and Federally-recognized tribe in Ninilchik.

We would like to see this proposal go through and we would not like to see it deferred until later. After reading over some of the comments and stuff that was presented here, some information that might be useful to kind of help the Board make some decisions on this.

Specifically what we’re looking at is Unit 15(C) that’s within the tribal boundaries. We have 600 tribal members. And when you look at the harvest ratios from 2003, there was one moose harvested for 42 hunters and that makes it really tough for us to meet our subsistence needs. Part of that problem, and I think why the ratios are so low is that there’s other subsistence priorities that are going on during this subsistence moose season and that’s fishing. And the village of Ninilchik and a lot of the folks there, they depend on the fish to help get them through the winter and be able to meet their needs. We have an educational fishery, the Federal halibut fishery, all of those things apply.

We would like to see the season, the Federal subsistence season be available early and late after the season. It would provide a better opportunity for people to be able to hunt and try to harvest meat for subsistence needs.

There was another issue I’d read about access into different areas, field access to Federal land to exercise the Federal permit. In Ninilchik where we live in 15(C), the corporation lands border the Federal lands on the east side. So essentially for the folks who are working with the tribe and trying to meet their subsistence needs, they can essentially drive to Federal lands to be able to actually go and hunt, which is a very good option for them to be able to exercise.

Another issue that’s been a problem and I think that another reason why the ratio of hunters has been so low, actually getting Federal permits, is that, it’s very difficult for a lot of the people who truly need to use a subsistence permit to try to provide for themselves, it’s not always easy for them to make a trip from Soldotna -- or from Ninilchik to Soldotna, obtain a permit and be able to go and exercise it. We’ve tried in the past, we even have contacted the Refuge and suggested
that maybe we could help them issue permits for some of
the elderly folks who would like to do that and it wasn't
an option, it wasn't something that they were willing to
-- willing or could help us with.

So we would not like to see this
defered, we'd like to see it go through. We would like
to see the early subsistence season and the late
subsistence season be implemented so people can utilize
this the best they can. I believe from the information
that's provided here, essentially the moose populations
have been stable since the 1980s. There is natural
succession of the forests and stuff down there. And in
the event that there's been fires every year down there,
I think that there is going to be adequate habitat in
those areas to support the population for this hunt. And
I think that would also sustain the bull/cow ratios that
seems to be a point of concern to help the management
folks be able to meet their needs.

That's about it.

CHAIRMAN DEMIENTIEFF: Thank you. Any
questions.
(No comments)
CHAIRMAN DEMIENTIEFF: Thank you very
much.
MR. WILLIAMS: Okay.
CHAIRMAN DEMIENTIEFF: Ivan Encelewski. I
hope I did that justice. I'm blessed with the name of
Demientieff which looks a lot tougher when you look at it
on paper.
MR. ENCELEWSKI: Thank you. My name is
Ivan Encelewski, Executive Director of the Ninilchik
Village Tribe and lifelong resident of Ninilchik. I
testify today in support of Wildlife Proposal 05-07.
Furthermore, I strongly oppose the Interagency Staff
Committee recommendation to defer this proposal.

As an adamant supporter of subsistence
hunting and fishing, I believe it is incumbent upon the
Federal Subsistence Board to adopt this proposal, which
was approved by the Southcentral Alaska Regional Council
with modification.
As you know, Title VIII of the Alaska National Interest Land Conservation Act requires that the Secretary of Interior and the Secretary of Agriculture implement a joint program to grant preference for subsistence use of fish and wildlife resources on public lands in Alaska unless the state of Alaska enacts and implements laws of general applicability that are consistent with ANILCA. Clearly the State has failed to meet these requirements under Title VIII of ANILCA, henceforth the Federal takeover on the Federal lands years ago.

The Interagency Staff Committee to defer this proposal seems contrary to ANILCA by suggestion that they have conservation concerns for a legitimate proposal that was approved with modification by the Regional Council. It appears that the subsistence preference may not be the priority. If conservation concerns were an issue, it would make the most sense to limit non-subsistence hunts in order to live up to the obligation of Section .804 of ANILCA.

Moose hunting season as currently provided from August 10th to 20th also does not even come close to adequately addressing the subsistence needs. Due to the time of year, the lack of access to Federal lands and the current conflict with other customary and traditional activities. With a membership of over 600 in the Ninilchik Tribe and the resource management of over 64,000 acres of our aboriginal land, I've only heard of one moose taken on this -- in our area on this Federal subsistence hunt as currently provided from August 10th to 20th. We have very little access to Federal lands and contrary to some people's belief, we do not generally travel to Soldotna and other further areas to subsistence hunt. The traveling to other areas for hunting is primarily done by sportsmen not by subsistence users.

The assertion that Unit 15(A) and (B) may be inundated with a super influx of hunters would simply not be true.

In addition, the Regional Council has already addressed the issues of conservation and concluded that these concerns were not a problem due to the very limited Federal harvest and a State moose season that is already in place for the proposed hunting dates.

I'd also like to touch on a few other mistruths that seem to be swelling around our proposal.
Moose taken from September 26th to October 16th are just as edible any time. The assertion that animals taken during this time are least edible and desirable is not factual. The State season which currently runs through September 20th already includes much of the time when bulls are in rut. The fall rutting period does not taint or hamper the meat as some may indicate. State and Federal governments do not outlaw all hunting of animals when they may be in the rut. As an example with caribou hunting, many bulls are taken during this time and some believe that the meat is just fine with others complaining about the taste. It should be up to the hunter. And as an example, in the taking of moose or caribou, the meat is required to be salvaged. Unlike caribou or other animals, moose do not have this tendency towards a stronger tasting meat during rutting times. I believe the issue of desirable meat should also be left up to the user and should leave the Board out of regulating the taste of subsistence meat as Alaska Natives, some find our consumption of moose, heart, kidneys, headcheese, whale blubber, et cetera repugnant. However, I, would, again, stress the Federal Subsistence Board to stray from the regulation of the taste of subsistence meat.

I would also like to broach the subject of resentment of hunters. Ninilchik is one of the most viable resources in the world for hunting and fishing. The Kenai Peninsula sees thousands of tourists and visitors who come for halibut, salmon, clams, and game. In addition hundreds of hunters from around the state come to our area to hunt for moose. To those who reside in Ninilchik resent Anchorage, Kenai residents who hunt in Ninilchik, some may, although resentment is not an issue that this Board should be addressing as well. What I feel the Board needs to address is the subsistence needs of the rural communities and the application of Federal law, as outlined in ANILCA.

In closing, the Federal Subsistence Board should trust the Regional Councils and should be rest assured that the review of conservation concerns is adequate. I conclude that the proponent of this proposal, Ninilchik Traditional Council, only requested a shift in the season and not an additional season. Because simply requesting additional time may have seemed out of the realm of possibilities and may have hurt all the rural needs by not getting the necessary change that we desperately need. The Traditional Council strongly supports the Regional Council's modification of this
The Staff analysis and recommendation to defer this proposal, I believe, fails in certain respects. They conclude that the State, which the Regional Council matched in their modification is only an inaccessible portion of subunit 15(B). The majority of the subsistence hunt for moose from August 10th to 20th has currently provided is conducted in inaccessible areas and as noted previously we don't subsistence -- users don't have a tendency to travel further distances to Soldotna and other areas to hunt for our game.

The Staff Committee also did not provide actual numbers of the moose harvested under the current program because they're insufficient to the moose population and maybe hinder the decision. Hundreds of moose are killed each year by automobile accidents and yet subsistence hunters cannot obtain adequate hunting rights that the Federal has mandated.

I respectfully call on this Board to approve WP05-07, and I thank you for this opportunity to testify.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions. Keith.

MR. GOLTZ: Yes. I'd like to clarify the record on the issue of travel. When you say that the Ninilchik hunters don't travel, do you mean they don't travel to 15(A)?

MR. ENCELEWSKI: We don't -- I mean it's not that we don't have transportation, but predominately users in Ninilchik and our people don't, you know, drive, you know, 50 miles or 60 miles, you know, to other areas that they're unfamiliar with and haven't or subsistence hunted in their life. We have had some individuals, you know, that have tried to hunt but, you know, it's very difficult for subsistence users. Subsistence users are generally the users that know, are familiar with the land, familiar with the animals and it's difficult to go to an area, you know, that you're not familiar with or don't understand where all the Federal lands are that you haven't, you know, grown up and, you know, as part of the tribe we have a resource management agreement with our corporation and we have a program, GIS information and it's made very clear to the user on, you know, where the lands are, where Federal lands are, State lands and that...
kind of stuff. But it's not that they can't travel or
don't have transportation to travel but it's the majority
of them aren't going to take the opportunity and some
have tried but it's been very, very difficult to go
somewhere that you're not familiar with of a longer
distance to subsistence hunt for moose. And so I guess
that's kind of where the majority of the people feel is
that it's not that they can't travel, it's just that
they, you know, it makes it difficult to hunt in an area
that they're unfamiliar with and further away from their
home.

MR. GOLTZ: So is it fair to say that the
pattern of use is concentrated on 15(C)?

MR. ENCELEWSKI: Predominately, I think
the pattern of use definitely because the preference is
for only the rural communities like Seldovia, Port
Graham, Ninilichik and our users are predominately
familiar with our area and it makes it very, very
difficult, like I say, to have our users who have lived
there, a majority of the people have lived there a long
time in Ninilichik to go hunt in other areas. And so,
yeah, I would say that there's definitely a pattern of
generally only, you know, hunting in familiar terms, I
guess, or familiar areas. And, you know, it's not to say
that they're aren't somebody or a few people or some
people that may. But I just believe and feel
wholeheartedly that there's not going to be a huge influx
of people, you know, using that, or moving to -- or going
up to areas, such as 15(A) and (B) from 15(C) where they
have to reside.

MR. GOLTZ: So the familiar area is
15(C)?

MR. ENCELEWSKI: Yeah.

CHAIRMAN DEMIENTIEFF: Any other
questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very,
very much.

MR. ENCELEWSKI: Thank you.

CHAIRMAN DEMIENTIEFF: Richard
Encelewski. Am I getting better? No, oh, okay.
MR. ENCELEWSKI: Chairman Demientieff and Federal Subsistence Board, my name is Richard Encelewski. I'm also associated with the Ninilchik Tribal Council. I am the president and the chairman. Also, for your information, I am on the Southcentral Regional Advisory Council. So I was in on the deliberations of this proposal. And I have no written or planned testimony, but I wanted mainly to be here to answer questions, and I wanted to make just a few statements that the Regional Advisory Committee, we debated this and very thoroughly what I thought.

And big the issue was, you know, getting inundated with too many hunters, especially the 15(A) area. As Ivan had stated, you know, this hunt is for subsistence, it's limited to Seldovia, Port Graham and Ninilchik residents, predominately we hunt the 15(C) area. Even if we were to hunt 15(A) and (B), which I'm sure there will be some hunting, we feel strongly that it would not impact the overall harvest tremendously. And looking at all the conservation issues, we feel very strong that there's not a problem. And if it was to become a problem, I mean, we're reasonable people, we have our own moose program that we manage for Ninilchik Native Association. We run a program for the profit board and we manage all the land in Ninilchik for their resource management. We issue the permits for hunting, we control access, we monitor it, we ensure -- we try to enforce good game practices, et cetera. So we want this to continue for generations to generations and we don't want to just exploit it.

I'm not going to go on about anything else but I adamantly feel that there's not a problem with this proposal and overharvest of the resource. And I would encourage you to support and pass this proposal. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions. Keith.

MR. GOLTZ: Under your management program, do you keep track of the numbers of moose taken?

MR. ENCELEWSKI: Yes, Keith, we not only keep track of them but we have everyone fill in where they got the moose, location, the age. We've even got into, Darrel Williams is our resource manager who testified earlier, he actually takes jaws and hoofs and
tests the condition of the moose, which I found pretty
interesting. You could tell where they live, et cetera,
and so we're trying to build some databases to try and
substantiate the moose population, the health in our
area.

MR. GOLTZ: Can you give us some idea,
the extent of the harvest and where it's located?

MR. ENCELEWSKI: On the Federal
subsistence harvest, as stated earlier, is very minimal.
The land is very hard to access. In fact, I'm glad you
brought that up because Darrel stated that you could
drive to it, well, that's -- you can get close to it, you
cannot drive to the Federal area in 15(C), you get fairly
close and then you got to hike in, and that's the way it
should be, it's a subsistence hunt. We don't have a
problem, there's no other Federal land.

The harvest in the Ninilchik area, I
believe, a few years ago was, on the Native land was
right in the neighborhood of 30 or 40 moose and it has
dropped since then considerably.

I'd have to check with Darrel actually on
our lands what it was, but last year it's been down quite
a bit.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any
other questions.

(No comments)

CHAIRMAN DEMIENTIEFF: As we begin
deliberations, and since you are a RAC member, your
Chairman can call upon you. We try to be inclusive in
terms of when we get to the point of deliberations. So
if there are thing that come up, you can speak to your
Chairman and, you know, if he chooses to, we will allow
you to come back and answer questions, so thank you very
much for your testimony.

MR. ENCELEWSKI: Okay, thank you very
much.

CHAIRMAN DEMIENTIEFF: Michelle Steik.
You can correct me if I mispronounce your name, everybody
else does.
MS. STEIK: My name is Michelle Steik.

(Laughter)

MS. STEIK: That's all right, we all get that in Ninilchik. Most people can't even pronounce Ninilchik, so.....

(Laughter)

MS. STEIK: I am here to support Proposal 05-07. I am a member of the Board of Directors for the Ninilchik Traditional Council. I am also a member of the Ninilchik Village Tribe and I was born and raised in Ninilchik. My father, my grandmother, we go back many, many generations in the area.

First of all, I'd like to speak to the Interagency deferral recommendation. I believe that the Interagency group not having time is not our problem, that's the Interagency's, you know, issue. Their proposal to defer, you know, made me think, you know, if i went to my boss and said, oh, well, you can't make a decision because I can't get all the facts together, well, that's not valid.

Second of all, the idea that there would be significant additional harvest, I don't feel is valid either, as has been spoken to before by the previous testimony.

This later season hunt is much more in line with our subsistence traditions in our area. As stated in written testimony hunting earlier is not as smart as hunting later. You need cooler weather for hunts. You know since I was a little girl and have gone out hunting with my father, we don't go hunting until it starts to frost. It's not cool enough for the meat to keep. There's less waste because the meat doesn't have to be cut quite so much off because it's getting warm and you have to go out and cut and cut and cut off of it. If it's cool it stays well and is -- you don't have to waste quite so much meat. We always have traditionally hunted later, even in the regular harvest season. We hunt later in the season. Which is why we wanted to submit this proposal to have the hunt later in the season it's more in line with subsistence traditional use.

The argument that meat would be less palatable is not valid. The idea that a moose in rut
doesn't taste good. I don't know who decided that, but apparently they didn't learn to hunt the way we learned to hunt. Often times moose are in rut before the end of the regular season and they're taken and it's how you prepare your meat, it's how you make your kill. It has everything to do with the way your kill is done and prepared. We've taken moose in rut before and never had a problem with them being less palatable. So I have no idea where that came from. Apparently they don't know how to hunt.

Other things that I'd like to speak to. The disruption of the rut I don't feel is valid. Many bulls, as I said, are already in rut before the regular season ends and there doesn't seem to be a problem with that.

I also don't think it's a valid argument that other hunters would be upset about encroachment on their area or user conflict argument. Ninilchik endures, as was stated before, thousands of world-wide hunters and fishers in our area all summer long. They're already in our area. Come Memorial Day weekend, Ninilchik grows to be the fourth largest city in the state because of the influx of people down there fishing. Do you see us, you know, blocking the road and screaming and carrying on, no, you know, I don't understand how other people would be upset about, you know, what four or five people going to a different area, there's not going to be that many as was spoken to earlier.

I also wanted to talk about my feeling that we must be given the opportunity to hunt. And as was asked before, how many hunters will be going up to that area, I'm sure there will be a few. I don't think there'll be many. However, the fact remains that we should be given this opportunity to hunt, whether or not we have to travel or not, because it is in line with ANILCA, the Federal law and it's what's most in line with our subsistence and traditional use.

Any questions.

CHAIRMAN DEMIENTIEFF: Keith.

MR. GOLTZ: Under ANILCA, need is not the standard, the standard is customary and traditional use. Can you sum up briefly for the record what the customary and traditionally moose is of Ninilchik?
MS. STEIK: The traditional and customary use of moose, eating. We would be eating them.

MR. GOLTZ: Thank you.

MS. STEIK: Thank you. Actually there is subsistence use of other parts of the moose as well. I know of several tribal members who use the skins. We did an educational hunt last year with a group of our tribal children and I believe -- Darrel managed the hunt but I believe they -- didn't you guys use pretty much everything?

MR. WILLIAMS: Yeah.

MS. STEIK: They found a use for everything. Hides, skin, everything, intestines were washed and used for sausage preparation. I mean it varies, you know, family to family. Some families -- I know my father doesn't care for liver, heart or brain, but he has relatives who do and so they go to them.

MR. GOLTZ: Well, that was an inartful question. I'm concerned about the seasonality of use. When is it customary and traditional to go moose hunting?

MS. STEIK: The way I have been brought up and taught from my family is that we go after the frost. We don't have big coolers to store our meat in. The meat has to be kept cool while it's hanging so that the meat can cool off and you can process it. And if the temperatures are very warm the meat begins to rot and you end up wasting a lot of the meat which is why we go after the frost.

Am I answering your question at all here?

MR. GOLTZ: Yes, you are.

MS. STEIK: Okay, thank you.

MR. GOLTZ: But I'm going to have to impose a bureaucratic question. Since we're probably not going to frame our regulation in terms of frost and I know the frost date is variable, but can you, for the record, give us some indication of when, in what month you would customary and traditionally go moose hunting?

MS. STEIK: Towards the -- generally, just not picking a date it would be probably the last 10
days of the regular hunt is when my family goes.

MR. GOLTZ: So you're talking September.....

MS. STEIK: 10th to the 20th.

MR. GOLTZ: Okay.

MS. STEIK: And that's why we, you know, really recommend that this priority or whatever, subsistence hunt, or whatever, we don't see the point of it being early in the year, earlier than the regular hunt, it should be later. Or as the advisory council recommended, both. My family will be going later.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I was just going to ask, and thanks everybody for your testimony, would the people from Ninilchik also participate in the State hunt seasons and is that land more accessible?

MS. STEIK: Yeah. I would say, yeah, we all participate in the State hunt as well. And, again, you know, in my family, even on the State hunt we don't go until late in the season.

CHAIRMAN DEMIENTIEFF: Any other questions. Ralph.

MR. LOHSE: Mr. Chair. In response to Keith's questions from the speaker, I'd like to ask a question myself. Currently, you say that your preferred time for hunting is from the 10th of September until the 20th of September, that's currently under regulations. If you -- I think what Keith was actually asking is if you had your choice when you would hunt or if you were hunting traditionally, when would you hunt?

MS. STEIK: Oh, if we were hunting traditionally we wouldn't be going by the White man's day calendar, we'd be going by the frost first of all. Second of all, so, picking a date is difficult. We would prefer a hunt that's later, you know, later, just later, you know, when it's freezing, when the ground's frozen. You know, as for what date, there's all kinds of Staff here, I'm sure they could give you a recommendation on
when the ground is frozen in Ninilchik.

MR. LOHSE: Thank you. I think you brought out what Keith was asking and what I wanted to get on the record. From a subsistence standpoint, where you don't have walk-in coolers or you don't have access to the lockers in town and everything else, you'd prefer to get your meat when it's cold enough that you can hang your meat and you're not having to worry about it spoiling so the later the better.

MS. STEIK: Excellent. Exactly.

MR. LOHSE: Thank you.

MS. STEIK: Thank you.

CHAIRMAN DEMIENTIEFF: Yeah, I think Keith's point in his discussion was also well taken in understanding that that frost date is variable from year to year and I know I heard Keith mention that.

MS. STEIK: And it is variable, however, you know, to have it 10 days early makes absolutely no sense. There is no way it's going to freeze that early. And if it does, great, but it's -- I don't think that that's going to happen.

CHAIRMAN DEMIENTIEFF: Okay, thank you. Any more questions.

(No comments)

CHAIRMAN DEMIENTIEFF: If you could please shut off your mike because that completes the public testimony. Thank you very much.

MS. STEIK: Thank you.

CHAIRMAN DEMIENTIEFF: Appreciate all of your comments. If style points counted, which of course they don't, they'd win the argument just based on their beautiful tribal coats. I had to compliment them earlier before the meeting started, I just noticed them. I think it's part of my wife's training of me finally getting housebroken, and she gets me to notice things that I don't normally pay attention to.

Regional Council recommendation.
MR. LOHSE: Thank you, Mr. Chair. As you
noticed our Regional Council supported unanimously the
proposal as modified to extend the season at the end.
And for those that wish to continue the season that they
had to begin with.

We, like it was stated before, we went
over and over and over this proposal. Some of the issues
that were brought up and some of the issues that I would
like to speak to real quick, we'll look at the Staff
thing on the effects of the proposal.

One of the things that keeps coming up is
the road accessibility. It says in one statement, it
says, large amounts of the hunt area is road accessible,
at the same time when we did our studying and looking at
it we found out that very little of it was road
accessible. There are no ATVs allowed off the road, so
there's limited road access.

We looked at moose cow -- bull/cow ratios
and in one of the areas they're looking at, 25 to 100 but
they come up with 24 to 100. I don't know I can't count
that close when I start counting wild animals. I can't
count the legs fast enough to divide by four to come out
with that ratio, it just doesn't work very good.

Conflict between other hunters. It's
really interesting that we worry about the fact that they
might take an extra moose or two and at the same time we
have moose hunting season going on during the same time
period. So we couldn't see where that was a problem.

The fact that you need to, like it says
here, in accordance with the Ninth Circuit guidance of
the Ninilchik Decision, it's necessary for the Board,
before adopting this proposal, to determine on the
record, whether or not this 10 day extension would
provide a meaningful use preference for subsistence
hunters, and yet time after time after time after time
the subsistence hunters say that this is what their
preference is. So I don't see how you have to determine
whether there is a preference when they state that that's
their preference.

The other one that I'm going to speak to,
I was really surprised to see it on here, we went through
it in our meeting, the idea that the meat is non-
palatable during the rut. I hope I never see that on
another analysis because there's been testimony to that.
That is a, for lack of anything better, I'll say that could possibly be a cultural bias, it could be any kind of bias. Like was pointed out today, an awful lot of the sport hunts are actually planned during the rut, and, in fact, if you go down in the Lower 48 many of them are planned during the rut because it makes the animal more accessible. If I never see that one again I'll be real happy because that one's been thrown up time and time again.

I think that this hunt is -- the big problem is the what if factor again. What if. What happens if they take too many. What if. You know, it only takes one year, they're not going to wipe the moose out in one year and if there is a problem bring it back. I don't think, from all of the testimony we had that there's a lot of accessibility, and I don't think there's going to be a fear of a large number of animals being taken. It was talked about, you know, how many have been taken under the Federal hunt so far, and we look at it and we see with 33 moose -- 34 moose have been taken, and in the area that they worry about, the Federal hunters have taken two in eight years. If they would double their take it's not going to have much impact.

So with that I'm going to say that our Council supported the recommendation unanimously and I could not see anybody on our Council supporting deferring it.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. PROBASCO: For the record my name is Pete Probasco. I serve as the Chair for the Staff Committee. A little difference in procedures here. The Staff Committee felt that it would be more expedient if I were to read each Staff Committee comment into the record and then if I can't answer the questions my colleagues will save the day and provide the right answers.

As stated by some of the public as well as Mr. Lohse, the Staff Committee is recommending deferring action on the proposal and the Southcentral Regional Advisory Council's recommendations.

Our very detailed comments are on Page 30. Staff Committee has conservation concerns with the
Southcentral Regional Advisory Council's recommendation. The number of Ninilchik hunters expected to hunt during the additional three week season recommended by the Council likely will reduce bull/cow ratios in some areas below levels necessary to ensure the first estrus breeding of the cows.

The areas with good road access, particularly in Unit 15(A) could experience significant additional harvest.

First estrus breeding is important for good over winter survival, the following years calves and recruitment to the population. The information on expected hunter numbers was not available to the Council when it developed its recommendation.

Additionally, although, the proponent had not requested additional hunting time, only a shift in the season dates, the Council recommended an additional three week season. The Council did not provide any information to indicate that the existing Federal season length is insufficient to provide for Ninilchik's needs for moose. The primary basis for the Council's recommendation was to match the season dates of an existing State late season limited drawing hunt in Unit 15(B). The State hunt occurs in only an inaccessible portion of Subunit of 15(B). Applying those dates to all Federal lands in Unit 15 would have much greater potential effects than if the recommendation were limited to the same area as the State hunt.

The season dates recommended by the Council were not evaluated in a proposal analysis and were not available for public review. Rather than recommend rejection, the Staff Committee recommends deferral of the proposal in order that the Council can consider more complete information on the potential affects of its recommendation and the public can have an opportunity to comment on the season recommended by the Council as well as other alternatives, which with less adverse impacts that may be identified. This proposal, the season dates recommended by the Council and other alternatives could be discussed at the Council's fall meeting and the proposal or some modification of proposal could be considered in next year's regulatory cycle with full public involvement.

Mr. Chair.
CHAIRMAN DEMIENTIEFF: Thank you. Of course, you'll be available if there are questions that come up.

Department comments.

MR. HAYNES: Mr. Chairman, I'd like to ask Jeff Sellinger, who is our area biologist from Soldotna to come up and present the Department's comments.

CHAIRMAN DEMIENTIEFF: I'm sorry, wait, Todd, you had a question of Pete, you get up there to the table.

(Laughter)

MR. LOGAN: Thank you. I certainly am sympathetic to the testimony that's been given so far, particularly by the residents of Ninilchik but we do have a number of concerns about the proposal. I am a little confused about the harvest data from Ninilchik overall, and I guess the question I have for you Pete, or other Staff, is what indications are there that Ninilchik hunters are having difficulty harvesting moose? Has the overall harvest over time gone down or what's the situation with that.

MR. PROBASCO: Mr. Chair. Mr. Logan. I will ask Greg here to assist with the answer to that.

Mr. Chair.

MR. BOS: Thank you, Mr. Chair. My name is Greg Bos with the Staff Committee. The information that we had available at the Staff Committee discussion was based on harvest reports by Ninilchik hunters for the years 1999 through 2002 which was the most recent years where we had complete harvest information. That indicated an average of about 40 moose taken by about 180 moose hunters from Ninilchik. Most of those moose were reported on the State harvest ticket, relatively few under Federal harvest permits, subsistence permits.

The Staff recommendation, I think, would give us an opportunity to obtain more recent harvest information as it becomes available, as well as to look back in time a little further to see how the opportunities to continue subsistence uses may have been affected for Ninilchik hunters. And also to look at
alternatives that would have less adverse impacts on the moose population, particularly the bull/cow ratios which are at the present time right at the management objective for the Kenai National Wildlife Refuge.

CHAIRMAN DEMIENTIEFF: Thank you. Does that answer your question?

MR. LOGAN: Yeah, thank you.

CHAIRMAN DEMIENTIEFF: Okay. Jeff, I'm sorry I didn't catch your last name, I'm terrible at names.

MR. SELLINGER: That would be Sellinger, Mr. Chairman. Mr. Chairman. Members of the Board.

Thank you for the opportunity to testify in front of you today. This is my first experience in front of your Board here so please bear with me. I'll probably read comments just to expedite things a little bit and then we'll show a few slides after I finish reading some comments into the record. Some of this information has been covered already but we would just like to reiterate some of the points that have already been made.

We do not -- the Department of Fish and Game does not support the proposal or the proposal as modified by the Southcentral Regional Advisory Council. The original proposal would shift hunting effort into the period that moose are in the rut which could have unintended but adverse impacts on the moose populations in Unit 15. The proposal, as modified by the Southcentral Regional Advisory Council would also provide additional hunting opportunity not requested in the original proposal, and, if adopted, could magnify the types of adverse impacts and conservation issues and concerns to the Department that are described in our comments.

Moose in Unit 15 begin rutting in mid- to late September getting into the major breeding portion and peaks out in the first week of October. And as adopted or as proposed, the proposal would be potentially impacting the rutting behavior and disrupted if the hunt extends into this period. Additional hunting pressure during the rut would potentially impact future subsistence and recreational hunters in this unit if it had negative consequences on breeding. Most of the Unit 15(B) is currently closed to a general season, is only limited participation to hunt with antler restrictions is
allowed. Bulls utilize the greatest portion of their body reserved in fat and protein during the rut, which leaves them more vulnerable to overwinter mortality and if they are subjected to additional hunting pressure while in the rut this could be magnified.

The Department has other biological concerns for GMU 15 moose populations if the modified proposal were adopted.

The State currently holds five limited drawing hunts that have been mentioned earlier and issues a total of 50 permits for these late season hunts. These are restricted to a relatively remote area in Unit 15(B) east. During the past five years, 1999 through 2003 an average of 36 hunters participated annually in these hunts and harvested an average of 10 bulls per year.

Hunters are restricted to harvesting a bull with a 50-inch antler spread or three or more brow tines on at least one side. Spike or fork antler bulls are not legal under conditions of the permit and there is no general season for moose in the permit area as there is in the remainder of Unit 15.

As modified by the Southcentral Regional Council, this proposal would allow moose hunting on all Federal public lands in Unit 15 and allow for the hunting of spike-forked 50-inch or three brow tine moose during the peak of rut. The potential for a relatively large number of hunters to be pursuing moose at this critical time is not recommended. Large areas of Federal public land in Unit 15(A) are accessible by highway vehicle and already receive high hunting pressure during the general season. The spiked-fork 50-inch or three brow tine regulation has been successful on the Kenai Peninsula primarily because some of the legal bulls actually do make it through the hunting season. Exposing these animals to additional hunting pressure especially during the peak of rut when they are the most vulnerable would likely depress bull/cow ratios to a point where all hunting opportunities would have to be reduced.

Another concern for hunting over large areas during the peak of rut is the potential for disrupting the mating process. Cows are only receptive to mating for a short period of time. If disturbed during this critical period, cows may not breed during their first estrus cycle. And it has been documented that survival of calves conceived during the late estrus.
breeding is very low compared to those conceived during first estrus breeding.

The moose populations in 15(A) is declining and should not be open to additional harvest opportunities at this time. The latest available data from November of 2003 revealed that a bull/cow ratio of 23 per 100 cows, however, the composition surveys are conducted in the best available habitat and the bull/cow ratio for the entire unit is probably lower.

Current management objectives for 15(A), (B) and (C) are for post-hunt bull/cow ratios of at least 20 per 100. In the past, prior, I've been on the Kenai Peninsula now since 2002 as the area biologists and the numbers stated earlier of the 15 as a general rule, for 15(A), (B), and (C) were the previous objectives as the new moose reports become available, we will put those up to 20 which is pretty much the standard for most of the state. So thus the bull/cow ratio in Unit 15(A) is near the minimum objective, and an additional bull harvest is not recommended at this time.

The moose population in Unit 15(B) currently is believed to be relatively stable, maybe declining slightly. The most recent composition surveys were conducted in November of '96 and revealed a bull/cow ratio of 33 bulls to 100 cows. Incidental flights throughout the area since then suggests that current bull/cow ratios are adequate, at least, in the more remote portion of the unit identified as 15(B) east.

The current moose population in Unit 15(C) is estimated at 2,500 to 3,450 moose and that's from a 2002 census and is believed to be stable to slightly increasing, however, the latest bull/cow ratios which was obtained in 2001 showed a bull/cow ratio of only 19 per 100 which would be below the minimum of 20 per 100. An additional harvest pressure on bulls would likely drive this ratio down even further.

For all these reasons, the Department, again, recommends that the Federal Subsistence Board does not adopt this proposal or the proposal as modified by the Southcentral Regional Advisory Council.

And if I could get a few slides real quick, I only have a -- I have a couple that I'll show very quickly. This pretty much outlines the area we're talking about. The big border on the left in red is Unit
to the right of that is Unit 7. The yellow indicates
the approximate border of the Kenai National Wildlife
Refuge, which is the Federal lands that are under
consideration here. The black outlined area now
highlighted in green is the current area where the late
season permit hunts occur known as 15(B) east. You also
notice up in 15(A) the dark black lines that are
highlighted there are pretty much the road accessible
portions of the unit. One road is known as Mystery Creek
Road and it hits the Sterling Highway and heads pretty
much along the western bank of the mountain range there
and goes all the way up to Chickaloon Flats. The other
one in the central portion of the unit is the Swanson
River and Swan Lake Roads on the Kenai National Wildlife
Refuge. And then in the Northeastern, or excuse me, the
Northwestern portion, the road ends but there's a really
well utilized four-wheeler trail that runs right up along
most of the Refuge lands there.

In addition to that, just east, and it's
not indicated on the map because they're four-wheeler
trails and it's pretty much a spider web of trails that
lead out of Ninilchik, which is down at the central
portion -- just about midway down the map and they go
into the Caribou Hills and there's -- I'd say there's an
extensive trail system there and a lot of those trails do
run right up to the edge of the Refuge there.

This is just, again, the population data
I was telling you about, just showing graphically,
bull/cow ratios, 23, 33, and 19 respectfully for 15(A),
(B), and (C). The most recent census data.

And then the permit hunt information for
the five permits that occur in the area known as 15(B)
east.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Keith.

MR. GOLTZ: I have a couple of questions
but I'd like to start with a point that may seem minor to
you but is major to us. I notice that your comments are
directed to the proposal. The Board doesn't react to the
proposal, it reacts to the Regional Advisory Councils.
And it's important to understand that those Councils are
the engine that drives the system. If you're going to
understand why the Federal Board does what it does, you
have to understand the Council. And I know it's your
first time here but I just wanted to make that point. You talk in your comments about high hunting pressure especially in 15(A), what's the cause of that pressure?

MR. SELLINGER: Through the Chairman. Is it Goltz?

MR. GOLTZ: Goltz.

MR. SELLINGER: Goltz, I'm sorry.

MR. GOLTZ: It's all right.

MR. SELLINGER: I apologize.

MR. GOLTZ: It's not the first time.

MR. SELLINGER: Okay. I think it's just the road -- the relative accessibility of the area being able to access it, a lot of that country by highway vehicle.

MR. GOLTZ: Have you had a chance to look at -- I assume you have had a chance to look at the Staff analysis?

In there we have a couple charts, on Page 37 we have the subsistence harvest and on the next page, 38, we have the recreational harvest. We've only had two subsistence moose in the last eight years so I'm wondering where this pressure, this hunting pressure is coming from? What kind of hunters?

MR. SELLINGER: Through the Chairman. Yes, I mean I think it's coming from a couple of places. I think a lot or some of the people who are eligible to hunt under the Federal subsistence season currently are harvesting moose under the general State seasons currently in place to some extent. And I believe there also is just an influx of hunters from, you know, the Anchorage bowl, from the local -- there's approximately 50,000 residents on the Kenai Peninsula as a whole. 15(A) without getting into too much detail, the last significant habitat event on the Kenai Peninsula as far as producing moose habitat occurred in 1969 and the burn is kind of centralized right around 15(A), so that was a very productive area for moose populations for a number of years. It has since outlived that and the habitat has
matured and it is not as productive anymore as it once was.

MR. GOLTZ: So given this situation is the State doing anything to limit the number of hunters to take this pressure off?

MR. SELLINGER: Through the Chairman again. As I -- if I go back even a little further, prior to that '69 burn, before that really took off, moose populations and bull/cow ratios were depressed significantly, they were down into the single digits throughout most of Unit 15. Since spiked-fork 50 was put into place in the mid-1980s we have seen those bull/cow ratios increase.

Currently we are at that, we believe right around the 23 per 100 in Unit 15(A), that's in most of the best habitat and we think that that is adequate but we do not want to see that decline further.

MR. GOLTZ: Well, that's interesting. Now, my question is is the State doing anything to limit the number of hunters to take the pressure off this population?

MR. SELLINGER: What we have in place currently is our seasons ending on September 20th, that way we believe that the moose population can proceed with the rut and produce enough animals to allow the hunting under the current conditions.

We do not think that hunting is the major force in driving the population throughout most of the Peninsula. There's habitat concerns.

If the direct question is, is the State doing anything currently to limit the current hunting that's occurring on the Kenai, the answer would be no, we think that it can sustain the current pressure that we are experiencing at this time, but we do not want to see pressure increase significantly. And by having an antler restricted hunt, we limit the number of animals that are available to harvest.

MR. GOLTZ: So you're not limiting the number of hunters, but you're opposing a subsistence hunt; is that the position of the State?

MR. HAYNES: Mr. Chairman, if I might?
CHAIRMAN DEMIENTIEFF: Terry.

MR. HAYNES: The State regulations do, in fact, provide some restrictions on hunters because we do have drawing permit hunts in some areas. We have the antler restrictions and those have worked well. And in conjunction with having the season dates close at a particular time, that helps to protect the moose population.

I would also like to respond to your question, Mr. Goltz, our comments do address both the proposal and the Regional Council position because both have the effect of providing hunting opportunity in the rut. The original proposal, during the short part of the rut, the Regional Council recommendation farther into the rut, so I believe our comments to address both the original proposal and the Regional Council position.

MS. GOTTLIEB: Mr. Chair.

MR. GOLTZ: Well, your.....

MS. GOTTLIEB: Go ahead.

CHAIRMAN DEMIENTIEFF: Keith.

MR. GOLTZ: .....comments do, in fact, address the RAC's recommendation but they start out with do not support the proposal. And what I'm trying to say is the reaction of the Board is to the recommendation, not to the proposal.

But I'd like to continue this line of questioning if I can? I'm not sure, unless somebody.....

CHAIRMAN DEMIENTIEFF: I'm sorry?

MR. GOLTZ: I can come back to it.

CHAIRMAN DEMIENTIEFF: Yeah, with that, I think we will.....

MS. GOTTLIEB: One more question.

CHAIRMAN DEMIENTIEFF: .....invite -- or move on to Board discussion, basically that's where we're heading anyway. Jeff, I'd like you to invite you to stay there in case there are questions that come up. And I also want to thank you to point out that I'm not the only
one that abuses name, it makes me feel better.

(Laughter)

CHAIRMAN DEMIENTIEFF: Okay, with that I think Judy and then Paul.

MS. GOTTLIEB: Thank you, Mr. Chair. And maybe Terry or Jeff, I'm looking at the State hunting regs and maybe I'm not quite reading them right on Page 78, but it does look like some of the hunts do extend further into the fall than we've been talking about. So maybe you can explain that please.

MR. SELLINGER: Yes, through the Chairman. Member Gottlieb. Which hunts in particular were you considering, we do have a number of permit hunts in the 15(B) east and then there is another permit hunt known as DM-522, which occurs as -- the regulations you are looking at it should be October 20th through November 20th, that has been changed at the last Board meeting though to November 10th through -- or October 10th through November 10th.

We do have a limited number of hunts. Those are under a drawing permit system, where we limit, again, for the late season portion, we limit that to 50 permittees and that's what one of the charts I was showing you was, that of those 50 permittees on an average, over the last five years, 36 people per year have participated in that hunt but there is no general season in that area. So the only moose hunting that occurs is either through the Federal Subsistence Program or the late season -- or the permit hunt system. And under the permit system, it's only the 50-inch bulls or three brow tine bulls and the spiked-forks are not included in that hunt.

MS. GOTTLIEB: Thanks. But it does go into the late fall or into October?

MR. SELLINGER: Correct. Five hunts in that area. The hunt -- the season dates are September 26th through October 15th.

CHAIRMAN DEMIENTIEFF: Paul.

MR. ROEHL: Thank you, Mitch. And that brings up my question. You mentioned a few times that the State is really concerned about the impact of the
breeding stock on the recruitment ratios, if you will,
yet, you allow these late hunts which are in the rutting
season and that borders on hypocrisy.

MR. SELLINGER: Yes, through the Chairman.
Is it Mr. Roehl -- Member Roehl.

MR. ROEHL: (Nods affirmatively)

Mr. SELLINGER: Okay, thank you. Those
hunts have been occurring, I believe they were generated
in the early or mid-70s is when that hunt -- mid to late
'70s is when those hunts were initiated. They have been
occurring since that time, it seems to be working as far
as overall moose management on the Kenai.

The reason that, I believe, it has
continued to work is there's a couple factors. One, is
there's no general season there and there's a very
limited regulated hunt for a limited number of people to
access that area, which large portions of it are
difficult to access. Most people who go in there and get
into that unit where those hunts do occur, go in by
horseback. There's very limited lake areas to land in
there with aircraft. There are a few lakes that kind of
hit the periphery of that hunt area. You have the coast
of Tustumena Lake and Skilak Lake that touch on the edges
of a couple of the hunt areas. Most of the good hunting
is up on the bench land, so you have to access that by
horseback. Again, only about 10 animals are being taken
out of there.

You know, I'll stop there.

CHAIRMAN DEMIENTIEFF: Okay. Todd, and
then Wayne.

MR. LOGAN: Thank you, Mr. Chairman.
This proposal almost exclusively affects the Kenai
National Wildlife Refuge and we do have Refuge Manager
Robin West here today, and I have several questions for
him, if I may.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. LOGAN: Robin, I guess the first
question I have for you, is, can you explain a little
more clearly the Refuge goals for bull and cow ratios and
where they stand today?
MR. WEST: The Refuge, I think it was stated earlier in the Staff comments has a general goal of 25 bulls per 100 cows and 40 bulls per 100 cows in some special areas. Overall, we're generally at or below those numbers. And overall on the Kenai National Wildlife Refuge we have a stable to declining moose population.

MR. LOGAN: Then, I guess, as a second question for you, Robin, is so what effects then do you see that this proposal having on the moose population and also on both subsistence and non-subsistence users if this recommendation is adopted?

MR. WEST: Well, I guess I'd like to step back just for a second and I'll answer the question. First, I'm very sympathetic to the desire to hunt later in the year. And I think that trying to understand the Staff Committee recommendation for deferral to -- I need to personally apologize for not being more active with the RAC on this particular recommendation. We saw the proposal in question come in that had for a, you know, no additional hunting time was proposed, it was taking 10 days off the early part of the season to hunt a little later instead of starting August 10th, to go ahead and start August 20th, and then instead of ending on September 20th, end September 30th, I believe that the Department's recommendation and the Refuge recommendation and the Staff Committee's recommendation on the proposal was oppose because of overall concern on conservation and interfering with the rut.

And so I was a little perplexed when we saw the recommendation from the RAC come forward that actually has a three week peak rut season in addition to that, clearly in my mind, the recommendation should have been opposed for conservation reasons.

However, you know, my apology is because we were not involved in that process and we should have been there, we saw the original proposal, and I kind of equate it to a flashing yellow light, you know, with meeting our conservation objectives where the recommendation that came out is more of a red light. Indeed there's some uncertainty on how much participation there might be but in principle, looking at hunting during the rut, even a relatively few number of hunters can disrupt quite a bit of hunting activity or rutting activity and I believe as was spoken to earlier cows are only receptive for perhaps 24 hours and if the bulls that
have those harems formed are taken or disrupted and the
cows aren't bred then it's approximately a month before
they're receptive again and when they're bred at that
point in time then the cows are born late -- or the
calves are born late, excuse me, and go into the winter
in weak condition and it can be very, very measurable
effects on calf survival.

And just as a matter of management over
time, we can look at our own Federal subsistence
regulations and see that these kinds of hunts are
extremely rare. I don't believe they occur anywhere else
in the Federal subsistence scheme in Southcentral or
Interior Alaska. I did notice a few in Southeast and I
don't know their history. But we have real concerns
about hunting during the rut. And so I guess the
proposal or the recommendation for deferment recognizes
that Staff didn't participate in the process as much as
we should have and that's our fault, and I certainly
would recommend that that's what we do is that we do
defer and work with the Regional Advisory Council on
looking at what the need is for additional opportunity or
preference. And if it's determined there is additional
need for opportunity or preference then look and see how
that might be offered. And in a condition where we have
a very heavily hunted moose population that's generally
in decline.

And in fact, again, looking at what we
see elsewhere around the state, there are late seasons,
post-rut that are, you know, split seasons that have been
entertained and successfully implemented elsewhere, and
so perhaps something like that would make more sense here
too, is an early season and then a post-rut season. But
I don't want to go there, necessarily, but, you know,
certainly there's other options and that's what I would
invite the Board to entertain now, is that we take a
longer look at this.

Thank you, very much.

CHAIRMAN DEMIENTIEFF: Mr. Regelin, and
then Keith.

MR. REGELIN: Thank you, Mr. Chairman.
I'd like to make a few comments.

I think that we shouldn't get hung up on
the late seasons that the State has in 15(B) east. You
have to realize that they've been in existence for 40
years and we have those seasons or that special hunt up
to provide a quality hunting experience with high
expectation of taking a large bull. It's limited to 50
hunters a year, about 40 go in a huge area and we harvest
about 10 moose a year. And nobody can get in there
without going in by horses. There might be an aerial
access, but it's primarily going in either with a very
long walk or with horses. And I don't think that that
has anything to do with areas that accessible by road and
they shouldn't be, you know, considered the same thing.

I think you have to realize that under
State rules and regulations, most of the Kenai is a non-
subsistence area, so our Board doesn't go to extreme
lengths or does not provide opportunities for subsistence
hunts in this area. But, in fact, in the Ninilchik area
the data show that the vast, vast majority of moose that
are harvested are taken in the State season and
everybody's eligible to take them there. But I guess I
took exception to the idea that expressing a conservation
concern about hunting during the peak of the rut on a
highly accessible road area, you know, we're being
hypocrites because we're concerned about that.

That's just -- you know, I'm not going to
be afraid to express conservation concerns because
somebody makes a false accusation.

CHAIRMAN DEMIENTIEFF: Thank you. Any
other discussion, go ahead.

MR. ROEHL: Yeah, I didn't actually call
you a hypocrite Mr., I didn't get your last name, I said
the allegations of allowing late hunts border on
hypocrisy.

You know, anybody that's hunted moose
knows that moose aren't sedentary, unlike some of us,
they actually migrate from place to place and so the
moose that you harvest in these special access areas
where people who are well to do enough can afford a horse
or an airplane can hunt these special moose -- this moose
in this area. So that's my rebuttal.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Keith.

MR. GOLTZ: I'd like to clarify your
testimony concerning just the conservation concerns. As
I listen to you you seem to be assuming that everything else would stay in place. Would you have the same conservation concerns if we took off all these other hunts and just stuck with the subsistence hunt?

MR. WEST: I think that, you know, there's a diversity of options you could manage moose by on the Kenai and the basic principles right now of managing for spiked-fork bulls and not hunting any significant way during the rut allow maximum opportunity.

Clearly in the past there have been opportunities to take antlerless moose that are no longer there primarily because of changes in habitat and road kills, several hundred moose are killed on the roads each year. There's all kinds of models you could put together.

But with that said, hunting during the rut and disrupting the rut and causing additional second estrus calves to be produced is just basically bad conservation and ends up in wasted moose.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Thank you. Thanks, Robin, for coming here today. Maybe a little bit of a follow up to Keith. I mean you said that this is a heavily hunted moose population and in decline and yet the subsistence take has not been that high. I guess maybe one thing we'll grapple with later is that people from , you know, are no doubt are hunting under State system now, if we were to change the Federal system, it may not make any difference in the number of moose taken.

But my other question had to do with a comment that was also made earlier about the difficulty of people in obtaining the permit from the Soldotna office, and I wondered whether it might be possible to explore other options or other locations. I mean you have offices in Homer, perhaps, which would be a little bit closer to Ninilchik that people might be able to get permits.

MR. WEST: Yeah, to my knowledge we also issue permits in Homer so, you know, it's a 45 minute drive one way or the other to Soldotna or Homer to get a permit.
CHAIRMAN DEMIENTIEFF: Ralph.

MR. LOHSE: Thank you, Mr. Chair. Well, this is the same kind of things we ran into when we were doing it at the RAC meeting and I've just got a couple comments or a couple questions.

One of the things we've heard right now is that hunting isn't the major force driving the moose populations down on the Kenai Peninsula. That we don't need to limit the amount of hunters hunting because the antler restrictions are sufficient to provide for the moose. Now, it's been added to that, as long as it's closed during the breeding season. My question would be, do moose under 50-inches breed with much success or not or do we have to have the few that are left over 50-inches? And the other question is how long does it take for the bulls that are on the edge of the harem to take over if the boss bull is shot? And I don't think it takes very long from what I've seen.

The other one that's gotten me that we've gone back and forth and we say it doesn't really apply here but it applied in our discussion when we did it as a RAC. Because of, and I'll use the word, appearances, but because of also the way we viewed hunter opportunity, if there's other hunter opportunity going on, now we heard today that a relatively few number of hunters can disrupt the breeding operation if they take place during the breeding season, yet, we've heard that for 40 years we've had a hunt that takes place during the breeding season and hasn't had any disruption. That to me, and we can say it relatively few numbers, 35 hunters, 37 hunters, 38 hunters, well-heeled enough to get in there, be able to cover the country and everything else but they don't disrupt the breeding, but a relatively few number of hunters can disrupt the breeding in other places. And we have no idea how many hunters we're even -- you know, how many hunters are going to take place in this. We have our usual assumption that if something like this happens, we're going to have a disastrous number of hunters taking part in this Federal hunt. And yet my biggest objection to a lot of the Federal hunts that we've ended up working to set up is nobody participates.

I can remember some other hunts in Unit 48 -- in Southcentral that we worked to get because it was important to people to have and then in the end the amount of people that took part in it and the amount of animals taken in it were negligible, but we always sit
there with the what if factor, the fear of what could happen and we look at the worst case scenario. Like I've said before and like the members of the Ninilchik Council said, if it turns out there is a worst case scenario and more people go than it can handle, number 1, they're not going to take that many in one year, we can always revisit, we can always rewrite a regulation.

But in the meantime, all of these kind of conflicts is what came before us. Just like the conflict on the road, today, I've just now heard that it's really road accessible but when we had our meeting and we talked to people that were there, we found out that the road accessibility really isn't that accessible.

How do you deal with that? Where do you find, you know, is this going to have a conservation impact of great enough magnitude that we can't try it? And if we do try it, what's the worst case scenario, that we have to come back and revisit it and change our minds?

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any other discussion. Todd.

MR. LOGAN: Well, Mr. Chairman, I think this discussion has been very helpful to me and others and I, in no way want to, in any way try to cut off discussions, but I am prepared to make a motion when you feel it's appropriate.

CHAIRMAN DEMIENTIEFF: I think everybody's basically had their comments. But before you make a motion, let me just point out the fact that once we get to the motion it's the Board members that are the ones that are going to discuss, however, Board members are free to call upon other people as discussion progresses, but it must be a Board member that does call upon somebody if they want additional information.

Go ahead, Todd, we're ready for a motion.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, go ahead, Jack.

MR. REAKOFF: I'd like to make a couple comments before you go into deliberation.
CHAIRMAN DEMIENTIEFF: Go ahead.

MR. REAKOFF: I've listened to this deliberation and the State's stated that a post-hunt, or a post-rut hunt would be palatable for subsistence, I distinctly disagree with that. The post-October bull moose hunt, those moose are no good to eat, and so we've had this discussion in our region for December moose they're not palatable, they're beat up, bruised, protein deficient, and so I don't agree with that as an alternative to this proposal.

I begin hunting moose when the flies quit laying eggs on the meat and that's usually on the 10th or the 15th of September, I don't know about this country. That's a huge consideration is cool weather as to keeping meat and so forth.

I felt that I should interject those into this deliberation because those have bearing on this proposal and I appreciate your work here.

CHAIRMAN DEMIENTIEFF: Thank you. Todd.

MR. LOGAN: Thank you, Mr. Chairman. I would like to move to defer action on Proposal 07, which is contrary to the recommendation of the Southcentral Regional Advisory Council.

I'll say that what I think I've heard today is a lot of sympathy and interest in the original proposal which was to move hunting to a later period, but I think that the Council's recommendation is a major expansion and change from the original proposal and I think there's probably been as many questions raised as there has been issues answered. I heard the Kenai Refuge and others be prepared to work closely with the Council to try to fine tune this proposal.

And for that reason I will say that I will move to do a deferral of this.

CHAIRMAN DEMIENTIEFF: Is there a second to the motion.

MR. OVIATT: I'll second.

CHAIRMAN DEMIENTIEFF: Yeah, as far as my comments go. I speak against the motion to defer. I support the Regional Council recommendation. While I
recognize that it is a work in progress, but the comments by Ralph, the comments by the representatives from Ninilchik, I know to be a fact, I mean I've lived it, when I can think, you know, very many people who don't have freezer resources or space depending on how successful the salmon season was. 1967 during the flood, it was mid-August, it was the end of September before people got their homes ready for the winter and could go hunting and nobody had freezers or very few people did because we lost them in the flood. We hunt moose whenever a funeral comes up and I do know that some people just don't -- that's not everybody. I don't think the impact on the resource is going to be that significant because many people are going to go hunting early that have the resources and the capabilities to keep their meat. It's labor intensive when you have to hunt early.

And also I do know that hunting moose in the rut, I think, as Chairman Ralph pointed out, there are lots of bulls, why do you think they're fighting, that are, you know, they lose one, there's lots of bulls that are ready to move in and do the job that's necessary. That's been my, somewhat more than casual observation.

So the caring for meat in the rut, we call it the run at home, you know, the rut, I'm just trying to keep with the lingo that we're using with regard to this issue, it's a special kind of caring that you have to give to keep that meat but people know how to do that that have done it, they know how to care for the meat. Simple little things like you keep the skin away from the meat as you're skinning it out. There's just ways to do it, and it's perfectly good meat in the time period that they're talking about in the proposal and consistent with the RAC recommendation.

So even though I understand that it's a work in progress, I don't intend to vote for the motion for deferral, I'm ready to go with the RAC recommendation. I appreciate all of the input that people have had in this and I think it, again, demonstrates the fact that we do, do diligence as far as working these issues.

MR. ROEHL: Thank you, Mr. Chairman. The continuity of the species seems to be a key part of the testimony of several testimonies we've heard this morning. I also liked Ms. Steik's testimony saying that
August 10th is too early; it's too hot, you lose a lot of meat to spoilage. The hunt in the Bristol Bay region which is where I'm from begins on August 20th and that seems to be the opportune time to begin a hunt.

So I'm highly in favor of the shift of the hunting season from August 20th to ending September 30th. I don't like the idea of having these late hunts or special hunts so that's where I'll be voting today, Mr. Chairman.

Chairman Demientieff: Thank you, Todd.

Mr. Logan: Yeah, if I just may add that, you know, the recommendation on the table is a major expansion of the current -- what's currently permitted and to do a major expansion and say, well, let's just see what happens and maybe fix it a year later, I guess I'm just very uncomfortable with.

I have heard significant conservation concerns with the recommendations expressed by both State and Federal biologists. At the same time I have not heard an absolute unwillingness from a biological standpoint to look for opportunities to shift hunting later in the season. But I don't think this current recommendation on the table represents much more than that. I think the benefit of deferring of this is, indeed, to allow the additional dialogue and fine-tune and work towards and see what sort of acceptable later hunting opportunity might be able to be created.

This is not to avoid the issue, I think it's to fine-tune it and make it more appropriate and I'm sure we will work as quickly as possible to see if we can accommodate those primary interests that were identified in the original proposal.

Ms. Kessler: Mr. Chair.

Chairman Demientieff: Yes.

Ms. Kessler: I'm entirely sympathetic to the desire to want to move the season back, I mean it makes perfect sense to want to hunt when it's cool, and for a lot of reasons. But what's also come clear here is it's not that simple to change one thing, there are a lot of different factors discussed.

My take on it is that probably if what
I've read and heard about, the climate trend is going, we're going to be seeing more and more of this type of need come up and request. And seeing as that one of the concerns was a conservation concern is important as well in this discussion.

So I think the prudent thing to do is to defer so that all of the factors can be looked at more carefully, and there are probably a lot more opportunities. This is one option to, quote, solve the problem, but there's probably a lot more options and adjustments that would be worthy of looking at. And at the cost of one more year I think that's the prudent thing to do.

CHAIRMAN DEMIENTIEFF: Yes. And I just want to remind the Board that we do have in-season managers if there is, again, it's speaking against the motion to defer, we do have in-season management capabilities. That, you know, managers can close seasons, so that is a tool that's not necessarily for a year, it can be done in the season, and, you know, it's something that we use. So, again, I'm just speaking against the motion, that's all.

Go ahead, Judy.

MS. GOTTLIB: Thank you, Mr. Chair. I guess while the motion is to defer the action on the proposal, the Regional Council's recommendation was not to move back the early start of the season and so that's what I thought we were talking about, deferring, and while very few people seem to use that early part of the season for all the reasons mentioned, some people did, in fact, take moose during that early time and I think because of our past legal history it would be important for us to maintain that early open season as a meaningful preference.

I guess my second question or observation might be because of the Ninilchik testimony and the RAC comments, the difficulty of access, it would seem and it seems from the charts that most likely people from Ninilchik and the other eligible communities would be using 15(C) the most, and so maybe there's some compromise language that might just address that part of the Refuge and maybe Robin can review the numbers for us again on how the ratios work in that part of the Refuge, please.
MR. WEST: Well, if I can, Judy, I'll pass out a map for the Board just to look at.

Thank you.

(Pause)

MR. WEST: The map that the Board is receiving generally shows the Kenai Peninsula, the Kenai National Wildlife Refuge, also has highlighted that permit hunt area that was discussed earlier and even though it's fine and difficult to look at, shows the roads and trails and so forth around the Refuge. And, indeed, the northern part of the Refuge 15(A) where our biggest conservation concern is for moose and declining habitat and population, is the most heavily used by hunters because of its accessibility. And we have the Sterling Highway, Mystery Creek Road, Swanson River Road, Funny River Road, Swan Lake Road, all that bisect (ph) most of 15(A) and parts of 15(B).

So really to answer your question, Judy, the 15(C) is really not road accessible at all. And it also is where the moose population is doing the best, it's stable to increasing in that part of the Refuge.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion on the motion.

(No comments)

CHAIRMAN DEMIENTIEFF: Hearing none, then all those in favor of the motion to defer signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed,

same sign.

MR. ROEHL: Aye.

CHAIRMAN DEMIENTIEFF: Aye. The motion to defer carries.

Anyway, and I think it was amply pointed out by some of the Board members in discussion that this is a work in progress and we will revisit this again.

Well, I spoke my peace, where I wanted to
go, I wanted it to go but we're -- we shall defer and we
will continue to work on this.

That completes our work in Southcentral.
There were a couple of little things that I wanted to
mention. We are going to take a break here. There are a
couple of little things I wanted to mention that I forgot
to in my opening remarks, and, that is, to compliment the
Staff for all their hard work in getting us set up and
getting our material to us in time for us to prepare and
actually even before the material got to us we were in
touch with different Staff that were verbally making us
aware, so kudos to the Staff, I really appreciate it.

Also, Chairman Littlefield, two weeks ago
my wife and I were in Sitka. I gave a keynote address --
I gave actually a couple of speeches there and the hard
work that the Sitka Tribe, it was a tribal leaders
conference from really all of Region 10 [sic], and we so
much enjoyed the trip. We had three of our children go
to school at Edgecumbe and one of my daughters graduated
with her bachelor's degree from SJ, so, of course we've
been there many times, but they did a remarkable job in
that conference, and it was just a lot of fun for us to
go and I didn't want to be amiss in pointing that out
because they gave me half hour to speak and I jokingly
told them, in the keynote address, I said, hey, I'm not
Tlingit, I can't talk for a half hour.

(Laughter)

CHAIRMAN DEMIENTIEFF: And we timed the
speech at the end, I actually talked for 45 minutes.
Okay, anyway with that, we'll just take a break. I just
wanted to point those things out, I was amiss.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Procedurally
sometimes we make mistakes, we get -- I know I was
involved in the discussion and busy preparing my remarks,
it's not something that stops the process but we do have
two new members on the Board first time serving here.
Procedurally, we should have moved the Regional Council
recommendation to get that on the table, and then a
subsequent motion to defer after that would have been in
order. Like I said, it's not going to stop the process,
but it will -- that's how we will do it, we'll make sure
we do diligence, that we get the Regional Council
recommendation on the table and take subsequent action
after we address the concerns on why we're not going with
the RAC recommendation.

So it's just something, I was too
involved and sometimes when we're starting out these
meetings, it takes us a little while to get going with
our normal procedures, but that is the procedure, that's
how we will be doing it from here on out, we will go with
the -- get a RAC recommendation on the table and then
we'll go from there.

So I just wanted to point that out.

Let me see, that, again, completes our
work in Southcentral.

Bristol Bay is -- and anyway, I wanted to
follow up and Keith pointed that out to me that we've
been working on Unit 2 deer and we've got it on the
consent agenda from Southeast, you know, after working on
it for a couple of years, two or three, or I don't know
how many years.

MS. GOTTLIEB: It's been more than that.

CHAIRMAN DEMIENTIEFF: Yeah. Anyway,
but, you know, there it is, they worked out a compromise,
sometimes these works are in progress but the system
works when people stay at it. So I'd just offer that as
follow up encouragement to the other encouragement that I
gave at the end of the thing, so it does work and I
didn't really look at the -- I don't, sometimes, pay a
lot of attention to some of these things when we're
starting out but I thank Keith for pointing out the fact
that Unit -- reminding me that Unit 2 deer was on the
consent agenda.

So anyway, Bristol Bay is not on --
everything is on consent.

The next one will be Proposal No. 11, YK-
Delta, Unit 18 moose.

Go ahead, Staff analysis.

MR. DEMATTEO: Mr. Chair, Proposal WP05-
11 was submitted by the Yukon-Kuskokwim Delta Regional
Council and this proposal would create a Federal Controlled Use Area for all moose seasons in the Lower Yukon River drainage, Unit 18.

The proposal was submitted due to local concerns of aerial moose spotting by lower Unit 18 moose hunters who fly from the lower drainages of Unit 18 to the lower portion of the Yukon River. Local residents have reported observations of lower Unit 18 residents spotting moose from privately owned aircraft in the Lower Yukon River with the intent to locate moose for harvest. Local residents favor additional access restrictions for Federally-qualified subsistence users who access the Lower Yukon River be it privately owned aircraft during the Federal moose seasons. Residents within the proposal area feel that spotting moose from an aircraft creates an unfair advantage over rural users who do not practice this method of locating moose.

Mr. Chair, on Page 78 of your Board book there's a map which shows the proposal area and I am told by Council Chair Harry Wilde that that is in error. A corrected map was passed out to you just now, you should have it, it's a two-page handout and on the second page is the corrected map showing the correct proposal area in the upper left-hand corner of the map.

If this proposal were adopted it would affect residents of Unit 18 and also residents of Upper Kalskag. A review of the most recent population data does not reflect the need for additional regulatory restrictions. The current total moose population estimate for the proposal area is approximately 674 moose. Also current harvest rates for the affected area do not reflect the need for additional regulatory restrictions. Total moose take in Unit 18 by fly-in hunters will not adversely affect the sustainable moose population or the local opportunity to harvest moose.

The total reported harvest for the proposal area by Unit 18 residents from the period 1996 through 2002 was a total harvest of 268 reported moose which is an annual average harvest of 38 bull moose per year.

Mr. Chair, if this proposal were adopted, the proposed change would restrict access for Federally-qualified subsistence users who utilize privately owned aircraft to access the proposal area for the purpose of hunting moose during the Federal seasons.

The proposed regulation change would
prevent qualified users from accessing traditional hunt
areas in the Lower Yukon River drainage of Unit 18 via
privately owned aircraft. Impacts from the lower Unit 18
fly-in hunter are not adversely affecting the
sustainability of the moose population.

Also the proposal fails to meet the
criteria for the establishment of a Controlled Use Area.
The affected area lacks the moose population concerns
that would warrant the need for additional access
restrictions. Also the current harvest levels reflect
the local residents are meeting their subsistence needs,
therefore, additional access restrictions would not
address their stated concerns.

The Board has not established any Federal
Controlled Use Area during the existence of the Federal
Subsistence Management Program, however, Federal
subsistence regulations parallel Controlled Use Area
restrictions that are established by the Alaska Board of
Game.

Mr. Chair, Staff fully recognizes the
importance of these issues to the Council and also the
residents of the Lower Yukon River drainage, however, the
establishment of a Federal Controlled Use Area would not
effectively control access because of the complex land
ownership within the affected area. And because of these
reasons -- also because of the complex land ownership the
proposed Controlled Use Area would fail to adequately
address the proponent's request. Also local concerns of
aerial moose spotting should be directed to the local,
State and Federal land managers who can address these
issues through law enforcement channels.

And this concludes my presentation, thank
you.

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

MR. NICK: Mr. Chair. For the record my
name is Alex Nick. I'm Regional Council Coordinator for
Yukon-Kuskokwim Regional Advisory Council. We received
five public comments. One in opposition of the proposal
and four supporting the proposal.

We received comment from Don Quarberg
from Delta Junction, he's in opposition of the proposal.
There is no biological justification for this proposal.
The law specifically states that you cannot hunt until 3:00 o'clock a.m., on the day following your last unscheduled [sic] aircraft flight.

And we received comment from Azachorak Incorporated Village Corporation from Mountain Village supports the proposal to establish a Federal Controlled Use Area below Mountain Village. They do not oppose commercial airlines flying within the region but they only oppose privately owned aircraft flying in the area for moose hunting purposes. Azachorak Incorporated is the land owner within the portion of the area described in the attached map. We feel that this is an important issue for other considerations such as maintaining and protecting its land for the purpose of its shareholders and community residents use. By doing this they ensure taking their stand on the issue.

And we also received three additional comments from the users in Lower Yukon that did not make it to the Board book.

One comment which I distributed to the Board members, there's a sheet of paper that has these comments on it.

Support of proposal, Mike Moses supports the proposal as written that will benefit moose hunting using a skiff with an outboard motor or those using a canoe to hunt moose as opposed to the use of fixed wing aircrafts or helicopters. Mike Moses said in his written comment that in general moose moves away from the shoreline once outboard motor traffic begins during the moose hunting season. Mr. Moses indicated in his written report -- written comment, I meant to say -- written comment, that this proposal could also benefit moose hunters that choose to use a fixed wing aircraft in the future.

There's a comment from Ms. Joyce Brown, Mayor of Mountain Village on behalf of the residents of Mountain Village supports the proposal as written.

And the last comment is from Ray Aquiken (ph), Ray Aquiken wrote a letter of support to Azachorak Incorporated stating that Kotlik Traditional Council is in full support of the proposal. They do not object to any commercial airline flying within the area or within the region, they are opposing anyone flying in the area for moose hunting purposes. They feel that this is an
important issue affecting the community along the Lower Yukon River. They also feel that they are to maintain and protect their land holding on behalf of the ANCSA village corporation shareholders and the residents of the communities. This is one way they said that they are ensuring on taking stand on the issue.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you, very much. We have no requests at this time for additional public testimony. Regional Council recommendation.

MR. HARRY WILDE: Mr. Chairman, when we have a meeting over in Toksook Bay there was Yukon-Kuskokwim Advisory Committee's, they vote supporting this and when they voted, there was something that I understand and we understand, some of us as Regional Board members, some of that area is controlled by State. I could not understand how it would be and, some, they say that we should at least put our proposal to State Board of Fish -- Fisheries and Game. So what I'm thinking, because those guys, that Council over there, they give me this permission that I could speak on behalf of Yukon-Kuskokwim.

I think it would be better to defer this proposal because I think we want to present it, the proposal, to Fish and Game also.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. The Interagency Staff Committee opposes the proposal, contrary to the recommendation of the Yukon-Kusko Delta Regional Advisory Council, and Mr. Chair, the Staff Committee's recommendations can be found on Page 73, and I won't read all of the issues but just touch on some of the high points.

While recognizing the local residents and the Regional Council have significant concerns about the current subsistence hunting opportunity, the Interagency Committee recommends rejection of the Regional Council recommendation for biological and management reasons.

The Regional Council recommendation to establish Controlled Use Areas lacks substantial evidence of a low or declining moose population to justify such a
restriction. Instead, the moose population is healthy with 674 animals in 2002 and a healthy bull/cow and cow/calf ratios. These measures indicate continuing recruitment and population growth.

The Regional Council's recommendation is not supported by established principles of fish and game management, in that, a Controlled Use Area adopted by the Federal Subsistence Board would not include the State managed lands and waters, it would not be as effective as a result. As a matter of practice, the Federal Board has only adopted Controlled Use Areas in concert with the State so that the restrictions on transportation are consistent across land status and effective in regulating all hunters.

Local concerns of aerial moose spotting associated with same-day airborne taking of moose should be directed towards the appropriate State and Federal land managers who can address these issues through law enforcement channels.

Mr. Chair.

MR. HAYNES: Mr. Chairman. The Department does not support this proposal consistent with the reasons stated in the Interagency Staff Committee recommendation on Page 73 of the Board meeting book.

This proposal would establish a Controlled Use Area on Federal public lands in Unit 18 below Mountain Village and prohibit the use of privately owned aircraft for hunting moose there. The concern raised in this proposal is a perceived conflict between local hunters using boats and hunters using aircraft to access moose hunting areas. In the area addressed in this proposal, only one moose has been reported taken by hunters using aircraft since the 1997/98 regulatory year.

Current Federal subsistence regulations limit eligibility for hunting moose on Federal public lands in the proposed Controlled Use Area only to residents of Unit 18 and Upper Kalskag, consequently only Federally-qualified subsistence users would be restricted if this proposal was adopted. Landing areas on Federal public lands suitable for aircraft on wheels are very limited in the proposed Controlled Use Area. Aircraft
hunters choosing to hunt in this area probably would use float planes and land in navigable waters that are regulated by the State and would not be subject to the Controlled Use Area provisions when hunting on State and private lands.

Thank you.

CHAIRMAN DEMIENTIEFF: Yes, under Board discussion, if I could just -- Harry, so even though the formal Regional Council recommendation is to support the proposal, you're saying that your members have authorized you to speak for deferral because you're going to work on the issue some more? I just want to understand here.

MR. WILDE: Yeah, Mr. Chairman. When we have a meeting over there that everyone, Council support it, however, most of the people that are living in this area, also they want to present it to State Board. You could see this map here in front of you, how it drewed, in this map here there's a lot of land -- a lot of land there, also it belongs to corporations land and also land allotments. In this area, that big, and all that white that you see, that corporation land and all this and we're concerned about, in this area there, that fishing camps and fish camps and hunting camps and spring camps and all that. So when we have a meeting over there, they say that -- they said that one thing, even though we ask for something that we don't get it, sometime these Board members say that -- not openly but to themself and talk to me and others, we're just wasting our time, well, I tell them, no, we're not wasting our time.

You look at our grandchildren and our children have to go through something even though we like it or not but we have to support what our people want. Our people want this, it's very important. I think it's important enough that, like me, I've been sitting 15 years on the State Advisory Council, me and Mitch there, I tried to do in the organization just for the people, why I do this, no, I don't take a paper out of my pocket and go to store and eat. From the generation how we go and how we train like I hunt, one time I go around Holy Cross, people invite me to go hunting in that area. I met Mitch daddy and all those, they told me, you go out there and if you find a moose on that land for subsistence you catch it, yeah, I went out there with two regulation, I got to have those two regulation, State and Federal, I never used to have, only used to have, earlier time I just sharpen my harpoon and go out there and hunt.
Today there's so much of this, can't even burn in the steamhouse.

Yeah, Mr. Chairman, I really concerned of this, what the people want and, well, we would -- I suppose continue working on it. Like before I come over, planning to come over before John Hanson go to geese hunting, John used to go with me, well, I don't know, maybe if I go up there I'll ball them out, the way he talks, you know, he been on the State Board of Fishery and all that and I may not speak much like him but I do best as I can and try to give our people Advisory Council what they want.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you, Harry.

Up at home I always say when we go hunting we always tow an extra boat behind us so we can take our lawyer along with us and keep us legal.

(Laughter)

CHAIRMAN DEMIENTIEFF: Terry, do you know how or when this might come up in the Game Board off hand? I'm just trying to get an idea of the timing here.

MR. HAYNES: Mr. Chairman, I'm not sure if the -- I think that region is on the cycle for next fall if I'm not mistaken.

CHAIRMAN DEMIENTIEFF: Mitch asked when the Unit 18, Western Alaska would be on the Board of Game agenda and I believe next fall?

MR. REGELIN: That's correct.


MR. GOLTZ: I have some questions of Terry but when you take your lawyer with you, you take the GPS and you tend to go in September, that's the way -- yeah.

(Laughter)

MR. GOLTZ: Harry's raised the question about two regulations and that's come up in other context and other venues over the last couple of months. Terry,
can you tell us if there's a State subsistence hunt in 
that area?

MR. HAYNES: Mr. Chairman. Mr. Goltz.
There is a September 1 to 30 season in the remainder of
Unit 18 -- the State regulations divide Unit 18 into
three pieces, the Lower Kuskokwim closed area, portion
south of the Eek River drainage and then the remainder of
Unit 18. But there is a September 1 to 30 season and a
10 day winter season to be -- that may be announced.

MR. GOLTZ: So is there a State
subsistence hunt?

MR. HAYNES: Mr. Chairman. Mr. Goltz.
There is a resident hunt. Under the State regulations
all residents are potentially subsistence users, so there
is a resident season, there is also a non-resident season
in the area.

MR. GOLTZ: Is there any accommodation
for rural residents?

MR. HAYNES: Mr. Chairman. Mr. Goltz.
As you know the State cannot provide a rural preference.

MR. GOLTZ: On Unit 18, can you think of
any way that we could pull these regulations together so
that there would be only one hunt that would accommodate
Harry?

MR. HAYNES: Mr. Chairman. I have not
spent any time thinking about that and I would not want
try to do that without consulting with other Staff.

MR. GOLTZ: Okay, that's fair enough.

CHAIRMAN DEMIENTIEFF: Actually it would
be a Board of Game decision, it would be beyond
employees, so certainly the issue can be raised, but it's
a Board of Game decision.

MR. GOLTZ: I understand. I'm not asking
Terry to write the rules, I'm just asking for his
expertise.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.
MS. GOTTLIEB: Well, I wanted to thank Harry for his comments as well as for hosting me and a
variety of Staff who were in the room here today who were
out at that Regional Advisory Council meeting, and there
was quite a bit of discussion on this proposal because of
the local or regional concerns about this issue. I did
hear the Refuge manager pledge to work with your Council
on trying to work with some of the State counterparts to
discuss this issue further and see what might be able to
be worked up as something that would be satisfactory and
hopefully meet the concerns of local people.

So I would encourage you and the Council
to continue working with all of those folks.

CHAIRMAN DEMIENTIEFF: Thank you. Terry.

MR. HAYNES: Mr. Chairman, if I could,
just one point I would add to the comments I made
earlier. Federal public lands in this area are closed to
non-Federally-qualified subsistence users so in the area
in question, other State residents can hunt only on the
State and private lands in that area.

CHAIRMAN DEMIENTIEFF: Thank you.
Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: Is there a motion.
(Pause)

CHAIRMAN DEMIENTIEFF: Go ahead, Todd.

MR. LOGAN: Thank you. I guess I find
myself in a little bit of an awkward spot for the second
time in the morning making a motion that is not to
support the recommendation of the Regional Advisory
Council, but at the same time I fully respect the
proposal Mr. Wilde has put on the table.

I guess I would like to move to reject
Proposal 11 contrary to the recommendation of the Yukon-
Kuskokwim Delta Regional Advisory Council.

CHAIRMAN DEMIENTIEFF: I'm going to rule
that motion out of order. I think I was pretty clear
when we came back from break that we do want a motion to
accept the Regional Council recommendation and then we
can do subsequent action after that. So that's the motion I'm looking for.

MR. LOGAN: Okay.

MR. ROEHL: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. ROEHL: I will move to support the RAC's recommendation on this proposal.

CHAIRMAN DEMIENTIEFF: Is there a second.

MS. GOTTLIEB: Mr. Chair, I'll second for discussion purposes.

CHAIRMAN DEMIENTIEFF: Good, thank you.

I did appreciate Harry enlightening about the motion to defer -- I mean to request to defer and he got clearance by his home people. I consider this a work in progress, and I do not -- I intend to, once we get to -- if we do get to a vote on deferral I would intend to support that in line with his people at home in line with the work that they still have to do.

So I just wanted to make sure I was understanding Harry correctly and he does have the guidance even though his formal Council position is to support, I understand that they're continuing to work on it at home and appreciate the fact that he got the permission for his Council members to support that concept.

(Pause)

MR. ROEHL: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. ROEHL: Based information recently provided to me by people I know, I would like to amend my motion to approve this proposal to change it instead to defer it for further discussion.

CHAIRMAN DEMIENTIEFF: Okay, there is a motion to defer, is there a second to that motion?

MS. GOTTLIEB: I'll second that.
CHAIRMAN DEMIENTIEFF: Okay. Any further discussion on the motion to defer.

(No comments)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

(Pause)

CHAIRMAN DEMIENTIEFF: I'm sorry we have to follow up on the motion to adopt the motion as amended, which is to defer and I was actually going to get to that but Tom and I were in another discussion about procedure about the motion earlier that I ruled out of order. I may have been out of order. We'll have that discussion. But, anyway, procedurally we're here once we vote on the motion as amended and that's basically to accept the deferral as recommended by the RAC Chair.

All those in favor of the main motion, please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

Time flies when we're having fun. Noon time. He does help out once in awhile that Tom does, I guess, that's why he's up for his Federal employee award.

We'll probably start as close after 1:00, we usually try to either break a little bit early for lunch or else come back a little bit later because it's sometimes real busy out there to try to get a bite to eat. So as close to 1:00 as we can.
Thank you, we'll recess.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: I'll call the meeting back to order. We got a couple little corrections and admonition from the Chair, also, that we'll start out with. All these years I've been Chairing the Board I finally made a mistake.

(Laughter)

CHAIRMAN DEMIENTIEFF: We changed procedures and earlier I ruled Todd's motion out of order and, in fact, we can move to adopt, reject or modify a Regional Council recommendation as long as we are working off of the Regional Council recommendation which is the operative, and that was changed shortly after our Fish Board meeting in January so, yeah, well, and if you believe that's the first mistake I ever made I got a bridge I want to sell you at home and it's hardly been used, real good shape.

So anyway, and I think Wayne also has a correction.

MR. REGELIN: Yes, thank you. There was a question asked just at the end on discussion on Proposal 11, and there was a question from Mr. Goltz who asked if we had a subsistence hunt in Unit 18 for moose in this area, and the answer to that question is, yes, we do. In this area there's a general hunt and a subsistence hunt with exactly -- and it's exactly the same dates and bag limits as the Federal hunt. The only difference between the Federal hunt and the State hunt is under the State law, all residents can hunt, participate in that hunt no matter where they live. But the reality of it is that virtually all of the harvest in Unit 18 is by Unit 18 residents. The very few exceptions to that are from people that go back to visit relatives and harvest an animal there.

So I wanted to get that on -- we didn't quite understand the question and had to check into it. And what we do is almost all -- we have subsistence hunts in nearly all of the areas and the exceptions are where we have under State law, non-subsistence areas, and there we don't have State subsistence hunts.
MR. GOLTZ: Yes, Mr. Chairman. I appreciate that correction. How does somebody look at the regulation book and determine and get to that answer?

MR. HAYNES: Mr. Chairman. One would have to read and identify which areas are non-subsistence areas under the State regulations.

MR. GOLTZ: Right. Right. But take a look at Game Management Unit 18 on Page 87 of your book, of the State hunting regulations.

MR. HAYNES: All right.

MR. GOLTZ: I see hunts for residents and non-residents, for non-residents and for non-residents [sic]. Now, if I'm understanding what I was just told, every time we see a hunt only for residents, is that what you're calling a subsistence hunt?

MR. REGELIN: When you look at the codified language and not that, what we call the handy-dandy or that little booklet doesn't have every rural in it.

MR. GOLTZ: Right.

MR. REGELIN: But when you go to the codified, it says general hunt, and subsistence hunt and it's the same thing unless there's an exception where it says general hunt only. But the reality of it is the person that's going hunting out in the field that lives in Unit 18 can hunt under the State rules, it doesn't -- you know the season is open for them and for us to put in our book that it's, you know, two seasons when they're all exactly the same, I don't see the point why we would do that because everybody out in Unit 18 is a local resident and they have a 30 day season.

MR. GOLTZ: All right, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. GOLTZ: If I were to sit down and say let's pull the State and Federal regulations into one set of regulations, to the extent possible, how would I know
by reading the handy-dandy if there's a subsistence hunt?

MR. HAYNES: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Terry.

MR. HAYNES: Mr. Chairman. Mr. Goltz. I think even on the Federal side you would not use the handy-dandy for that exercise you would go to your codified regulations.

MR. GOLTZ: So you're saying I can't do it with this?

MR. HAYNES: I would not limit myself to the handy-dandy if I was going to do that type of project.

MR. REGELIN: The handy-dandy is for the convenience of the local hunter. It's -- or all the hunters, it's not for the legal part.

MR. GOLTZ: Well, I understand that and.....

MR. REGELIN: And I guess if we were going to have to do this exercise of trying to make our regulations compatible we would go to both laws, not something that says right in front of the book that not everything in there -- not all of the details are in there, they're in the codified.

MR. GOLTZ: Well, I fear what we're both telling Harry is that he needs two sets of lawyers to go hunting.

We can pursue this more in some of the other venues, but what I'm trying to get at is what the ordinary user can understand by reading this book. But we'll take that up later.

CHAIRMAN DEMIENTIEFF: Well, as you can tell everybody's had a good lunch. We're all apologizing for our mistakes this morning and correcting each other. So getting all that done I was commenting to several people on the way out as we were heading to lunch, it's always real slow for us to get started, but it seems like once we get the procedures and everything down everybody's on the same page and then the doggone meeting is over. But anyway we still manage to do our job.
Let me see, Western Interior is on consent, so that means we go to Seward Penn, Proposal 14(b).

MR. BOYD: That's it, yeah.

CHAIRMAN DEMIENTIEFF: Yeah, 14(b), Unit 22(B) moose, and with that we'll go to Staff analysis.

MS. H. ARMSTRONG: Thank you, Mr. Chair. My name is Helen Armstrong. I'm with the Office of Subsistence Management. Proposal 14(b) was submitted by the Seward Peninsula Regional Advisory Council and it is for Federal public lands in Unit 22(B) west of the Darby Mountains. It requests closing Federal public lands to the taking of moose except by White Mountain and Golovin.

The proposal is related to Proposals 14(a) and 15, which are on the consent agenda. We separated them out because we were fairly certain this part would not be consent. 14(a) and 15, assuming that it does get approved by the Board, which I expect it to since it's on the consent agenda had decreased the quota of moose from 42 to 23 and it's a State and Federal quota for the fall season.

There is a conservation concern in the region that's why they decreased the moose harvest. Conservation measures have already been implemented in the past. The Federal public lands are closed to non-Federally-qualified subsistence users and harvest restrictions. The winter hunt already has restricted the hunt to Golovin and White Mountain.

The extent of Federal public lands is there aren't very many in this area, if you look at your map on Page 120 there are some BLM lands that makes up six percent of the lands in Unit 22(B) west of the Darby, there are also some Bering Land Bridge National Preserve lands, about two percent of the lands in Unit 22(B), but these are north of the Darby Mountains, so we're just looking at a small proportion of the lands that are fairly scattered as well, it's not one big chunk of land.

Right now the existing regulation allows for all of the residents of Unit 22 to hunt moose in 22(B) west. This would then limit it to only White Mountain and Golovin, those communities are Stebbins, St. Michael, Unalakleet, Shaktoolik, Koyuk, Elim, White Mountain, Golovin, Nome, Solomon, Teller, Brevig Mission,
The harvest reporting for moose in Unit 22(B) dates back to 1983 and since that time, 65 percent of the reported moose harvest was by Unit 22 residents. The moose harvest in Unit 22(B) has declined significantly, from a range of 116 to 155 in the mid-1980s to 49 to 56 taken in 2002/2003. In 1997 the Unit 22(B) was divided into east and west. From '97 to 2001 74 percent of the moose were taken by Unit 22 residents. Of those people in Unit 22 taking moose in Unit 22(B) west from '83 to 2003, they're mostly taken by Nome. There were 1,045 moose taken in those 20 years, 807 of those were by Nome, 128 by White Mountain, 95 by Golovin, four by Elim, eight by Savoonga and three by Gambell. I want to add that those are reported harvest and with the exception of Nome we do know that harvests that villages have reported are generally significantly under-reported. There is an example of that that in 1999 Elim had a harvest survey done there and that year they had no moose recorded as harvested in their harvest ticket database whereas the community survey recorded 21 harvests. So it is fairly significant in those communities, the under-reporting that occurs. In Nome we know that the reporting is fairly accurate. Because we are looking at reducing the number of people, the communities that can harvest a resource we have to implement Section .804 of ANILCA and do an .804 analysis, and I think most of you are somewhat familiar with that by now but I think there a few people who are not as familiar so I will go through those three criteria that we have to look at it when we do an .804 analysis. The first one is customary and direct dependence upon the populations as the mainstay of livelihood. The second is local residency, proximity to the resource. The third is the availability of alternative resources. So in looking at those, customary and direct dependence upon the population as a mainstay of livelihood. The harvest ticket database indicated that Golovin, White Mountain, Elim, Nome, Savoonga, and
Gambell have reported taking moose in the past 20 years. Of those, Golovin had a 99 percent of their harvest was in Unit 22(B) west and White Mountain's harvest was 100 percent. Again, those are under-reported but we think that that's probably representative of the proportions of their harvest. Of Nome's reported harvest 26 percent comes from Unit 22(B) west. And of Elim's total reported harvest 24 percent, which was four moose in 20 years was in Unit 22(B) west. And because of that significantly higher percentage than one would really expect for Elim, I did ask at the Council meeting, from the Elim representative, I asked if he felt that Elim should be included or excluded and he said that they don't go hunting in Unit 22(B) west, that their hunting is all done on the east side of the mountains, that the mountains restrict them really from going over to Unit 22(B) west, and that they go in the Kwinik River north of Elim on the Tubutulik and Koyuk Rivers. He was not at all concerned about being cut out from hunting over on the other side. My guess is is that the harvest that were recorded probably were when some Elim people were hunting with their Nome relatives which is sometimes the case in -- actually all over the state, I think in regional centers, you might have village people hunting with people in the regional centers.

Gambell and Savoonga have taken very few moose in the area. Again, they were probably hunting with relatives, three of eight moose that they've harvested in the past 20 years. The other Unit 22 communities that have C&T don't have recorded harvest in Unit 22(B) west, and there wasn't any indication from the Council that any of the others of those communities should be included.

The second criteria, proximity to the resource or local residency.

Golovin, White Mountain and Nome and Solomon are all within close proximity to the resource. Elim is within proximity but as I said the mountains do restrict them from being -- to having really easy access. Gambell and Savoonga are not in close proximity. And the remaining Unit 22 communities don't have any demonstrated use or dependence and they're also not in proximity.

The availability of alternative resources. All of the communities of Unit 22 have a wide variety of subsistence resources to use in their areas. However, White Mountain and Golovin take all of the moose
that they take is within Unit 22(B) west, there really aren't any other areas that are in close proximity to them to take moose. And Elim, as I said, takes their moose in Unit 22(B) east predominately. Nome takes moose from other subunits in Unit 22. Of the moose they've taken, 55 percent were in Unit 22(D) and 26 percent in Unit 22, 18 percent in Unit 22(C) and less than one percent in Units 22(A) and (E). Nome residents also take a few moose throughout Alaska in small numbers.

One of the problems I wrestled with in this analysis was that when you look at a Section .804 analysis, we have criteria we need to meet but, of course, ANILCA doesn't say what the cutoff is so if a resource is being harvested, is 26 percent enough to be considered a dependence on a resource and that's the question I think you'll have to wrestle with.

The same thing in terms of alternative resources, if there are other resources they can harvest in another area, what percentage or how much dependence does that have to be.

Solomon has had one moose harvest, but there are only three to four residents who live there now and they're fairly elderly and they're not hunting too much anymore, they haven't taken a moose since 1986. And Savoonga and Gambell do hunt moose in other units, subunits in Unit 22 but really very few moose and they mostly are dependent on marine mammals.

So to summarize the .804 White Mountain and Golovin meet all three of the criteria. Nome has other areas to hunt moose but they do take 26 percent of their moose in Unit 22(B). Elim has some evidence of taking moose in Unit 22(B) but they're not in as close proximity in the sense that they have the mountains blocking them. And the other communities don't meet all of the .804 criteria.

The effect of the proposal, I think because of the very limited number or percentage of Federal public lands in Unit 22(B), if the proposal is adopted, I think the Nome residents would hunt on State lands and take the same -- I mean I don't know for sure if they would take the same number of moose or not, but they would hunt on State lands.

There is one other thing I should have added. There was an emergency order that came out from
the State last week that changed their harvest season to
September 1st to September 14th, and this was in response
to their concerns about the conservation issue of moose,
and they also have limited moose to one per household.
So that will be an effect.

So I think that if the proposal is supported there won't be a significant affect on the
moose population, if it's not supported I don't think there will be much of an affect either because there are so few Federal public lands. So I think it's a difficult proposal to know which way to go on.

With that, Mr. Chairman, concludes my analysis.

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

Or did you have a question, hang on a second.

MS. GOTTLIEB: Thank you. Helen, can I ask a question about what you said at the very end about the emergency order, does that apply to the fall season, is there still a winter season?

MS. H. ARMSTRONG: Yes, there is.

MS. GOTTLIEB: Okay.

MS. H. ARMSTRONG: And this proposal is only for the fall season. And I just actually just happen to think the one thing I didn't say was that the White Mountain and Golovin people predominately hunt in the winter and they've been taking -- now, that they've had that moose hunt exclusively for the winter, I think they've been getting about 14 out of 17 permits so they have been hunting mostly in the winter. They have better access in the wintertime.

MS. GOTTLIEB: Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Are you done?

MS. GOTTLIEB: Yes.

CHAIRMAN DEMIENTIEFF: Okay. Written public comments.
MS. B. ARMSTRONG: Thank you, Mr. Chair.
There are no public comments for this proposal.

CHAIRMAN DEMIENTIEFF: Thank you. We have no additional requests for public testimony on this issue at this time.

And with that, we'll move to the Regional Council recommendation.

MS. CROSS: Thank you. This is kind of a, I guess, particularly troublesome proposal that the RAC had to go through because, you know, 26 percent of the moose taken from this region is by Nome.

We had to take into consideration a number of things and one was that the number taken by White Mountain and Golovin almost 100 -- well, 100 percent in one and 99 percent in the other of the moose is taken from there. And then we looked at Nome and see what other options they have in terms of hunting for moose. There's Unit 22(C), there's Unit 22(B), there's some people who go to Unit 22(E). There's American River on Unit 22(D) which has a more liberal season than Unit 22(D) [sic]. All of those are on the road system. Every one that we're talking about is on the road system. So Nome hunters have easier access to those regions.

You can travel from Nome on a very stormy day, foggy, and go to Council in your truck and wait out for the sun to come out and then you can go moose hunting, whereas in Golovin and White Mountain you don't have any road access. In fact, a number of people from Nome specifically go to Council area, we're talking about 22 -- the one that we're talking about, days ahead of time to wait out for the season to open so they can get the firsthand -- so they can get their moose firsthand. If the weather does not allow White Mountain and Golovin people to go they go by terrain, which is mainly not done or by boat, then you won't be there to hunt for those moose.

You know, 26 percent seems like a significant number, but it also means that about 74 percent of Nome hunts elsewhere. And another thing that happens, too, is that in the last several years, the Alaska Department of Fish and Game has been issuing permits for cow hunts in Unit 22(C), which is Nome's backyard. I have stood and people of Nome, and I have done it myself, have slept in front of ADG&F [sic] to get
a cow permit and people have been getting cow, that population is healthy and the State may correct me if I'm wrong, but at least as of last year that population was healthy enough to allow cow hunts, so there's that extra opportunity for Nome. They can, like I said, they can go to Kougarok, and they can go to American River, which is in 22(D), that hunting for moose is liberal, it's accessible by boats.

Another thing we had to take into consideration is how much does it cost for people of White Mountain and Golovin to go to Unit 22(C) or Unit 22(D) to hunt for a moose, it takes an airline ticket to fly out, it takes freight, monies to transport your moose meat to those two small communities. The income level according to the U.S. Census is about 11 to 19,000 a year in White Mountain and Golovin, in Nome, it's 50,000 plus. I know we're not supposed to take those things into consideration in terms of money and I'm not saying this, I'm just trying to say that it's very expensive for subsistence hunters in White Mountain and Golovin to go to travel to Unit 22(C) or to 22(D) or 22(E) or even on the other side of the Darby Mountains by airplane to go hunt. There's not a single fare in their region that is under a hundred dollars, so it would mean for them to go hunt elsewhere they'll have to pay an airplane fare plus probably 50 cents a pound to bring their moose out and then the cost of gas even if they're going to travel by boat. But at the same time, it's not easy for those two communities, that's why we predominately hunt in the wintertime to travel to get their moose. In the summertime, given what maybe what little Federal lands there may be over there, they're given them additional opportunity to at least have a little extra to hunt in in the falltime.

I think this, you know, I agree it seems like a large percentage of Nome but you also have to look at the population size of Nome, it's a little over 3,500 people in Nome, White Mountain and Golovin, as you can see their populations are very small. In a way it kind of indicates to me that their dependency, their 100 percent dependency on that moose population where it's declining and steadily declining in the region where they hunt for moose 100 percent, it seems to me -- logic tells me they're more dependent on that moose population than the 26 percent in Nome who have opportunity to drive up to the Kougarok area, 22(D), who can drive up to Teller area, who can take a boat to American River to hunt.
Now, I'm -- we were kind of concerned, too, about Elim, but it turns out that the Elim representative said that there was really no need for concern, that the people in Elim, they're on the other side of the mountain, they don't travel. And I think Helen has it right on the key, some of them because of declining moose populations when they're in Nome, the opportunity arises they go hunting with their relatives. And for those people from St. Lawrence Island, I have family that are inter-married into Golovin and White Mountain and I think I know who got some of that moose, they took it over to St. Lawrence Island.

But I'm very concerned about a number of things. One thing that concerns me is a new EO order that came out from 23 moose, it's down to 20 moose that's to be shared between three communities. And then there's a registration permit that's going to be open for the wintertime with the State which means that the seven moose that is allocated for White Mountain and Golovin, and the State can correct me if I'm wrong, is going to have to be shared with hunters from Nome.

Now, last year there was six moose and there were exclusively taken by White Mountain and Golovin, but with every declining moose population, knowing my region there are people who are going to go hunting, the seven moose that are going to be -- it sounds like maybe the State can correct me, it sounds like those seven moose will be shared by three communities now. On the Federal lands -- the moose killed on the Federal lands of those seven is included -- I mean it's included and it's both the State and the Federal kill, the seven moose. In those two communities, you can just look at the statistics, you can see that the three small communities take a lot of their kill from that region and so taking the -- having to share the seven moose is going, to me, if Nome catches even one, even two that leaves White Mountain and Golovin, two communities, maybe five, six moose to divide among the two communities that exclusively hunt in the region because 100 percent of their catch comes from there.

I don't think I'm going to go on too further. The only thing that -- Ralph said something this morning that it kind of hit my heart, he said that if I never see that one again, I'll be happy. And if I never hear anybody say that it's going to cause some confusion among the hunters because there's very little Federal lands within the region to hunt, I don't want to
hear that again. For centuries and centuries those
people know their land, we all do. We know our
traditional hunting grounds. We know the areas. If
somebody tells us this part is Federal lands, those lands
are marked, they've got names, they've got rivers that
have names, once they're marked people know. I mean that
statement is just about as ridiculous if they took all
the street signs off of Anchorage, Alaska and you lived,
oh, maybe Tom Boyd and here and say, you go shopping at
Wal-Mart on Dimond and there's no street signs, you think
he wouldn't know where to go.

(Laughter)

MS. CROSS: It is ridiculous. So Tom
would -- you know, he's not going to go to Northern
Lights even if there's no sign, he knows exactly where it
is. And then if you really think about it, this thing
about it's going to cause confusion. It may to people
who just got there but isn't it kind of a rule that you
should know, you know, if you're going to go out hunting,
you should know where you're going, you should know where
you are for a couple of things. One, for safety,
otherwise Fish and Game is going to cite you something
and you don't want to pay.

But anyway, I belabored that enough.

But I would really encourage the Board to
take this very seriously. There are two small
communities out there that do not have any options.
There's a mountain that divides them from the other side,
there's airline costs and they both exclusively have
gotten their moose in the area where they now
predominately live. 26 percent of Nome that do hunt
there have other options. There was no objections --
very rarely do I go on the radio, locally, every time we
have a RAC meeting I'm asked by the radio station to
comment on something or to be interviewed, I rarely do
that, I think this was the second time I got interviewed
for this so I'd be able to express what the RAC was doing
and nobody called me and nobody stopped me in the street
objecting to what the RAC had done and you see no
comments from Nome objecting to this. I think people, in
their own way, understand this.

And believe me, people of Nome are not
ones to be quiet. But I thank you for listening to me.
I hope you'll make a wise decision. If you have any
questions please feel free to ask me. That's basically
CHAIRMAN DEMIENTIEFF: Yes, go ahead, Todd and then Keith.

MR. LOGAN: Thank you. I do have one question, Ms. Cross, I'm trying to make sure I understand the inter-play between the two seasons and the geography. As I understand it, White Mountain and Golovin do almost all their hunting during the winter and so by precluding Nome from hunting the fall season basically there'll be very little hunting during the fall, is that basic -- is that correct?

MS. CROSS: It depends on the motive. If you have something more than a snowmachine, of example, a jet unit, in White Mountain or Golovin you will utilize that outboard motor and jet unit to go hunting. Most of the hunting is done in the wintertime because, you know, you can afford a snowmachine versus getting a jet unit, but there are people from the community that do utilize the river system to go moose hunting. It's just in the wintertime it's more accessible and plus, you know, most people have snowmachines verses large boats with jet units to go up the river. But they do get their moose in the falltime too.

MR. LOGAN: Thank you.

CHAIRMAN DEMIENTIEFF: Keith.

MR. GOLTZ: I just wanted to assure Grace dependency and the availability of alternative resources are relevant factors, you can consider them.

CHAIRMAN DEMIENTIEFF: Staff Committee -- I'm sorry, go ahead, Dan.

MR. O'HARA: If I could ask Grace a question.

CHAIRMAN DEMIENTIEFF: Yes.

MR. O'HARA: That was Golovin, White Mountain, what was the third community?

MS. CROSS: Nome.

MR. O'HARA: Nome, okay. And do they
have any caribou that come through there for all three communities or just the two.

MS. CROSS: All three in our area.

MR. O'HARA: All have access to caribou?

MS. CROSS: Uh-huh. (Affirmative)

MR. O'HARA: Okay, thanks. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Jack.

MR. REAKOFF: I also would like to comment that and reiterate what Grace is saying there, that I really do not like to hear that the rural residents cannot find the Federal land really we shouldn't have any kind of priority on those lands because people have a hard time finding those lands. This keeps coming up as a reason to not allow a subsistence priority on Federal lands. And I'm very frustrated with that issue. I feel that that does not enter into our deliberations. We're to provide a priority for subsistence use on Federal lands and there are boundaries described and we can find them.

And so I really don't want to hear that anymore. I'm tired of that type of argument that those boundaries are hard to find. We can find those boundaries, and if we need that resource and the Federal program can provide the use of that resource, I feel that we should be given that opportunity.

CHAIRMAN DEMIENTIEFF: Thank you. If there's nothing else we'll go ahead and move on to Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. The Interagency Staff Committee recommendation can be found on Page 116.

The Staff Committee opposes the proposal contrary to the recommendation of the Seward Peninsula Regional Advisory Council.
Currently the moose population in Unit 22(B) west is depressed and well below ADF&G's management objectives representing a conservation concern. State and Federal managers have recently adopted several regulatory restrictions to conserve moose while providing the best possible opportunity. Federal public lands are closed to non-Federally-qualified users eliminating non-local hunters from Federal lands in the unit. A joint State/Federal quota is in place with a balance in the location between fall opportunities and those available in the winter.

The Federal Subsistence Board has already adopted regulations restricting the limited winter hunt to the small communities of White Mountain and Golovin.

The Interagency Staff Committee recommends rejection of the proposal and the Regional Council recommendation would eliminate all but White Mountain and Golovin from the fall hunt on the grounds that this lacks substantial evidence to support the restriction. And particularly, Nome residents have a documented significant pattern of use in Unit 22(B) west particularly during the fall season.

Nome residents take the majority of their moose in Unit 22(D), however 26 percent of their harvest is in Unit 22(B) west of the Darby Mountains. Thus, eliminating Nome for Unit 22(B) to the Darby Mountains could not be justified.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. GRACE: And Mr. Chair, very quickly. One of the things we didn't thoroughly discuss when we were having our meeting was the dates of the hunt that's here, but in every one of the other ones we aligned it with the State and then the few -- I didn't talk to all the Council members because there were other things that were going on but the few that I talked to, there were no objections to the few Council members that I talked to aligning the dates of the limited hunt to the same with the State.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.
Department comments.

MR. HAYNES: Thank you, Mr. Chairman.
The Department does not support this proposal consistent with the recommendation of the Interagency Staff Committee.

This proposal would primarily impact residents of Nome by excluding them from eligibility for the fall moose hunting season on Federal public lands in western Unit 22(B), an area they have long used for moose hunting and would limit eligibility only to residents of White Mountain and Golovin.

The evidence presented in the Staff analysis reaffirms that Nome residents have a customary and traditional use of moose in this area. If Nome and other communities with a positive C&T finding continue to be included in this hunt, the Department does recognize that the current moose population cannot support harvest by all eligible users. Consequently and has been noted earlier, the Department, on April 28th issued an emergency order that will reduce the upcoming fall moose season to September 1 to 14, allowing the Nome road system and the adjacent areas of Units 22(D) and 22(B) west of the Darby Mountains.

Local residents historically have concentrated their moose hunting efforts along the mainstem of the Fish River, where only a small patchwork of Federal land exists. Golovin and White Mountain residents may find it difficult to identify the Federal public lands and to determine where they could legally take a moose.

The proposed Federal season also would be open for more than six weeks, three times longer than the now -- the newly implemented State season. But the permits, the State registration permits used for this hunt would have September 1 to 14 season dates printed on it and that could add further complexity for the hunters.

The Department does not support limiting eligibility for the Federal subsistence fall moose in western Unit 22(B) to residents of Golovin and White Mountain but does recommend that the Federal Subsistence Board consider amending the Federal season dates to match the State's September 1 to September 14 season for these reasons.
Residents of Nome, the community that would be primarily impacted if this proposal was adopted have a documented customary and traditional use of moose in western Unit 22(B). Reduction of the overall moose harvest in Unit 22(B) is necessary for conservation purposes. Finally, the patchwork of land ownership in the hunt area will make it difficult for Federally-qualified subsistence hunters to know where they can legally hunt if State and Federal seasons are not the same.

The State has recently taken several steps to address moose management and conservation issues in Unit 22. The non-resident seasons in parts of Units 22(B) and 22(D) were closed in 2002 as a conservation measure and to protect subsistence hunting opportunities. To provide additional opportunity for White Mountain and Golovin residents, the Board of Game also instituted a State registration permit hunt in Unit 22(B) west for the January 1 to 31 winter season with a harvest quota of seven moose. This winter hunt was created in 2001 after consultation with residents of these two communities. Since initiation of this hunt White Mountain and Golovin residents have taken 14 of 17 moose harvested in the winter season.

And, Mr. Chairman, if I might follow up with just a couple of comments to Grace's questions. The permits for this winter hunt in Golovin and White Mountain, the permits are made available in Nome, Teller, White Mountain and Golovin beginning December 1st. So the Department does make a special effort to ensure that White Mountain and Golovin have easy opportunity to obtain permits for this winter hunt and as the evidence shows they are nearly the only beneficiaries from it.

With reference to the antlerless hunt that Ms. Cross asked about, that is a very limited hunt with a very limited number of permits made available for that hunt in Northwest Alaska communities. So the permits are only available in Nome and the Department has up to authority. So this last season up to five permits were issued for one hunt, up to 15 for the other. I don't have in front of me how many permits were actually issued, but it's a very limited alternative opportunity for hunting out there.

That concludes our comments.
much. Keith you have a question -- we'll just go to
Board discussion having heard that. So you have a follow
up question.

MR. GOLTZ: Yeah, I have a question for
the State. If you'll pick up the handy-dandy again on
Page 106, it reflects, I think the comments you just
made. That the permits are available in Teller, White
Mountain, and Golovin, and if I understood our last
discussion when I see that word, residents, I should be
reading subsistence?

MR. HAYNES: Mr. Chairman. Mr. Goltz.
That's correct.

MR. GOLTZ: So if I read that as
subsistence and then I infer that the permits are not
available in Anchorage or Fairbanks or Juneau?

MR. HAYNES: Mr. Chairman. Mr. Goltz.
That's correct. It specifies in the regulations where
these permits for these specific hunts will be issued.

MR. GOLTZ: It says they're available
there but it doesn't say only there. So what you're
telling me is I should read only and infer that this is
an attempt to get as close as you can to a rural
subsistence priority; is that correct?

MR. HAYNES: Mr. Regelin will respond to
that.

(Laughter)

MR. REGELIN: That's correct.

(Laughter)

CHAIRMAN DEMIENTIEFF: I guess that's why
they bring their bosses to meetings.

Helen, you had additional information you
wanted to bring up.

MS. H. ARMSTRONG: I just wanted to add a
little clarification as to why we didn't have the
shortened season in our proposal. We didn't find out
that the State was planning on doing that emergency order
until after our proposal books had already gone to the
public. And we did discuss it. But we felt it was too
late to make that kind of change, it was very significant
and it should be something that was open to the public
process. So therefore we didn't modify the proposal to
mirror what the State had done, although they did ask us
to do it.

If we were to do that, we could do it
next year, it could become a proposal next year, we could
do a special action as well.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Thank you, Mr. Chair. I
guess along those lines, too, I'm hearing that the quota
number declined also, but that's not reflected in the
Regional Council recommendation.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. ARDIZZONE: That's reflected in 14(a)
and 15, the proposals that are on the consent agenda.

MS. GOTTLIEB: Okay, thank you.

CHAIRMAN DEMIENTIEFF: Additional
discussion. Judy.

MS. GOTTLIEB: Could I just ask, so how
would this read then, what would the quota be then on the
two parts then -- or on the first part of the proposal
here?

MR. ARDIZZONE: If you turn to Page 108
and 109, that's where the language for 14(a) and 15 are,
and that reflects the quotas. The quota would be changed
from 42 to 23 for the fall season, and from 48 to 30 for
the winter season.

MS. GOTTLIEB: Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Wini,
did you have a question?

MS. KESSLER: Yes. I'm trying to
understand the implications for Nome, and when you look
at Page 120 at the map, there seems to be so little
Federal land near Nome, maybe this is a question for
Grace, to what extent are the people in Nome, do you
know, actually using the Federal land as opposed to the majority of land which isn't Federal?

MS. CROSS: There are no -- in 22(C) there's no Federal lands, I think there's a rookery, you know.

MS. KESSLER: I'm looking at 22(B) on Page 120. 

MS. CROSS: I don't think very much of it. The State -- there's a reporting system where the moose came from, maybe the State can answer that better. But I'm not aware of too many people going further off. And of course the moose shortage is fairly new too so.....

MS. KESSLER: Okay, thank you.

CHAIRMAN DEMIENTIEFF: Further discussion.

(Pause)

CHAIRMAN DEMIENTIEFF: Helen.

MS. H. ARMSTRONG: I would, of course, defer to Grace, I do want to -- I was trying to look for some other alternatives, ways we could do this and I was told by someone from Nome that people who go up into that part where the -- on the map, the Libby River, Kingsley Creek, up there, and I had actually come up with an idea that we could carve out, Nome would be allowed to go there and White Mountain and Golovin would go into the scattered BLM lands in 22(B), 04-02, 04-01, that we could kind of divide it but -- and that's why those are all named in there. So I was told that people go up in that area some. It's hard to know exactly how much from the access I have to the database. But when I thought of that, I got criticized because I was told that that would be too hard for law enforcement to deal with so I didn't go forward with that idea, but I think there is some use on Federal lands by Nome residents, how much is a little difficult to say.

CHAIRMAN DEMIENTIEFF: Yes.

MR. OVIATT: Mr. Chair, this is really a question probably for the State. But at present, the State and the Federal programs act together for a shared
permit hunt with shared quotas. If the Federal program
eliminated Nome from the fall hunt, would the State still
cooperate in the coordinated effort, State/Federal permit
hunt, and what are the implications if this coordination
breaks down.

MR. HAYNES: Mr. Chairman. Mr. Oviatt.
I think the working relationship that our wildlife
conservation staff in Nome have developed, not only with
the Regional Council but with their Federal agency
counterparts has been a constructive one, and we
certainly want to cooperate. But when we start -- the
regulations start diverging and in an area where you have
such mixed ownership, mixed land ownership patterns it
does create some difficulties. And then I did reference
one of those in our comments, when a State registration
permit is used for a hunt and it has dates that apply to
thee State hunt but it's a requirement of the Federal
hunt as well that has different season dates, that
creates complications. And we've made a very
conscientious effort in this region to minimize
differences in the regulations, recognizing that there
are differences in the State and Federal subsistence
priorities, but we really prefer not to have to address
those divergences if we don't have to. It does
complicate things for everyone, including enforcement.

MS. CROSS: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Grace.

MS. CROSS: I just wanted to make a
comment. It's always -- since I've been with the RAC,
the RAC has always tried to align the dates with the
State. The only time we ever varied, I think, was a time
when there was a moose shortage on the other side of the
Darby Mountains and the non-subsistence hunters were --
their allocation for the moose hunt was so short, the
State gave them one week, so, we, in the Federal Program,
we put in the week after that for the benefit -- not only
for the benefit of the subsistence hunters, but for the
ones, all rural users. That's about the only time we
ever made a change. But other than that, the RAC has
always been following, even though special orders to
align both the State and the Federal hunting dates.

CHAIRMAN DEMIENTIEFF: Thank you. Wayne.

MR. REGELIN: We know that the moose
population in this area is declining and we did a census
up there and that's why, you know, we took the emergency
action as soon as we knew what the figures were but it
didn't quite line up and get into your book soon enough.
And I don't know if there's a possibility for you to --
for the Federal Subsistence Board to make the system, the
two seasons align right now. I guess I don't know your
system well enough to know if we can do that. But we'll
try to work it out together. I know we work well up
there in that part of Alaska and we'll keep trying, but
it could get really complicated if we have different
seasons.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion. Is someone prepared to offer a
motion.

MS. GOTTLIEB: Mr. Chair, I guess I have
one more question perhaps for Grace, since it sounds like
the RAC didn't fully have an opportunity maybe to discuss
the dates, would there be some way to get together and
try to discuss that before August 10th?

MS. CROSS: I started to but before I
came to the meeting, but then there were other things
that came along. But there was no opposition from the
RAC members that I talked to. Given the history of the
RAC, I seriously doubt if there wouldn't be any problem,
just given their history, we're always aligning
especially at this time with the moose population being
decreasing, we have followed whatever the State has done
through special actions, through changing our regulations
as the other three proposals that you saw, they were just
to change them and we made it easier for the Federal
managers to do that without having to bring it up to the,
you know, to put the necessary changes in for alignment
with the State. So given our history I can't even
foresee a problem with having the same dates.

And I think the State people would agree
with me on this one.

CHAIRMAN DEMIENTIEFF: Helen, do you have
follow up comments?

MS. H. ARMSTRONG: Yes, Mr. Chair. If
you look at the Proposal 14(a), and the Seward Peninsula
Regional Council did support changing the regulation to
quotas and any needed season changes will be announced by
the area field office manager of the BLM in consultation
with the NPS and ADF&G, so we have that flexibility to
make the season change and the Council did agree to that.

CHAIRMAN DEMIENTIEFF: Thank you. Any other discussion. Paul.

MR. ROEHL: So, Mr. Chairman, are we asking for a motion?

CHAIRMAN DEMIENTIEFF: If we're done discussing. Of course we can still bring up issues during the debate on the motion but I'm prepared to entertain a motion.

MR. ROEHL: Okay, with that, Mr. Chairman, for the record, I think, you know, it can be shown that the residents of Golovin and White Mountain meet all three criteria of ANILCA .804, and from that perspective the BIA, therefore, recommends that we approve their proposal.

CHAIRMAN DEMIENTIEFF: Is that a motion.

MR. ROEHL: Yes, sir, it's a motion.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion.

MS. GOTTLIEB: I'll second it for discussion.

CHAIRMAN DEMIENTIEFF: Okay, we have a motion on the floor. Tom, you had something else.

MR. BOYD: Well, I just see it flashing on the screen, Mr. Chair, but I wanted to clarify whether the motion addressed the Seward Peninsula Council recommendation and I believe it does, but just to make it clear, though.

MR. ROEHL: Yes.

CHAIRMAN DEMIENTIEFF: Discussion on the motion.

MR. OVIATT: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. OVIATT: We believe that because this could present some real coordination efforts as I
questioned with the State and we think that this is limited benefit, I'm going to vote to oppose this.

CHAIRMAN DEMIENTIEFF: Thank you. Further discussion.

MS. GOTTLEIB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLEIB: I guess I'm a little hesitant also to deny the subsistence opportunity for Nome residents given that I understand their use is low and understand certainly wintertime, which is not on the table, but Golovin and White Mountain use is very high, and so I would just be reluctant at this point to support that aspect of it. And I understand from the analysis that, I mean effects may be minor either way but the most important thing is that Golovin and White Mountain get their opportunities.

CHAIRMAN DEMIENTIEFF: Thank you. Further discussion.

MR. ROEHL: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. ROEHL: Yeah, the reason for my motion is, you know, Nome, although I hate to exclude those residents from their cultural and traditional uses of the resources, they have alternatives available to them whereas White Mountain and Golovin do not. And so I am emphatically in support of my motion. Surprise. Surprise.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Further discussion.

(No comments)

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

MR. ROEHL: Aye.

CHAIRMAN DEMIENTIEFF: Aye. Those
opposed same sign.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Motion fails.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I guess I have one more question for maybe future analysis and I know this is difficult, but is there any way to break down a little bit more whether a moose is taken on Federal or State lands from those permit hunts -- no, okay.

Mitch, Terry, would like to answer that.

CHAIRMAN DEMIENTIEFF: Yes, okay, Terry.

MR. HAYNES: Mr. Chairman. Judy. About the best that you can be assured of doing is breaking down the harvest by uniformed coding unit, and if you have mixed land ownership within those coding units, it may not be possible to determine specifically where the harvest occurred. I think the effort was made in this proposal to narrow that done as much as possible. That's always a question of interest to all of us.

MS. GOTTLIEB: Thank you.

CHAIRMAN DEMIENTIEFF: Tom.

MR. BOYD: Yes, Mr. Chair, thank you. And I think we've covered it, but I think it's helpful, I guess, given the motion was to accept the Council recommendation. It was actually rejected, and I think it's incumbent upon the Board to make a statement as to why, particularly, in reference to .805(c).

CHAIRMAN DEMIENTIEFF: You were on the same page, I was just going to ask for that. So maybe the prevailing Board members could bring their arguments or at least address them, I would deeply appreciate it.

MS. KESSLER: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead.

MS. KESSLER: My vote reflected that I
felt that it lacked substantial evidence that would support the restriction.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. OVIATT: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. OVIATT: Similar on our part, and we refer also to the comments in the Staff comments.

CHAIRMAN DEMIENTIEFF: Thank you, Todd.

MR. LOGAN: Similar also, and in addition the fact that Nome does have the well documented use of that area.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: And I felt it would be detrimental to subsistence users.

CHAIRMAN DEMIENTIEFF: Thank you. Even though the vote had already taken place, that will be part of the record to justify. We should have called upon that prior to the vote, but it's still part of the record and we it's something that we need to keep in front of us. So I appreciate everybody coming forward with those ideas.

Let me see, we're moving on to Northwest Arctic.

With that, we don't need to change Staff. So we'll go ahead and move to Proposal 18, Page 149 of your book. And with that we'll go ahead with the analysis, please.

MR. ARDIZZONE: Good afternoon, Mr. Chair. My name is Chuck Ardizzone for the record. Proposal WP05-18 can be found on Page 153, that's where the analysis starts.

Proposal WP05-18 was submitted by the Northwest Arctic Regional Subsistence Advisory Council and requests the Federal season for moose in most of Unit 23 be reduced from July 1st -- or August 1st through
March 31st to August 1st to December 31st, allowing antlerless moose to be harvested only in November and December.

The proponent requests that the harvest season for moose be changed because the moose density in Unit 23 appears to have substantially declined since the early 1990s. The proponent states that census data suggests moose density currently ranges between .1 and .3 moose per square mile in large portions of the unit. And the calf recruitment has been consistently low during recent years. They also claim that the State moose hunting regulations have already been restricted to protect moose and that similar Federal regulations would conserve moose and reduce regulatory complexity between State and Federal regulations.

A bit of regulatory history. The Federal moose regulations for Unit 23 have remained unchanged since 1995. However, State moose regulations have become more restrictive over the years to help protect the moose population. The most recent changes to State regulations occurred in 2003 and the Alaska Board of Game approved several regulatory changes which took effect in the 2004/2005 season, which made it more difficult for non-local residents to hunt moose in the unit. Alaska Board of Game approved four registration hunts in the unit where the permits were only available in person at licensed vendors in Unit 23 villages, from June 1st to July 15th. This early availability of permits occurs before most of the seasons open which precludes non-local hunters from just arriving in the area picking up a registration permit and going out hunting. If a non-local hunter wanted to hunt in one of the registration permit hunts, the individual would have to make a special trip to one of the Unit 23 villages between June 1st and July 15th to receive a registration permit and then return later when the moose season is open.

Going into some biological background. Based on recent results, in a large area of Unit 23 moose densities range between .1 and .3 per square mile. This is lower than many other portions of Alaska. There are, however, small pockets of high quality moose habitat that may have higher densities of moose. Area biologists in many public reports suggest that the moose populations are declining throughout Unit 23. The Selawik National Wildlife Refuge, with the help from ADF&G, BLM and the National Park Service census of moose in the Tag River drainage in March 2001. The estimated moose population
in this area is approximately 1,374 animals, and the
calf/adult ratio was 10 calves per 100 cows. And the Tag
River drainage was also surveyed in 1997, however, a
small area was covered, to allow for comparison the same
area was surveyed in 2001. In 1997 there were 21 calves
per 100 cows and in 2001 there were only 10 calves per
100 cows, this more than a 50 percent decrease in
recruitment in a four year period.

Based on survey census data for the
Selawik River the population has been relatively stable
for the last four to six years. Calf recruitment is
extremely low along the Selawik River, however, overall
mortality for adult moose is also low in that area. The
low calf recruitment is attributed to bear predation on
calves in the spring and low adult mortality is
attributed to limited predation of adults during the
winter.

Based on the ADF&G area biologist's
observations and observations by local residents moose
have reportedly been declining in the Upper Kobuk
drainage since 1990s and recruitment has also been low in
that area.

The May 1997 to 2000 spring adult calf
ratio in the Noatak River drainage was nine calves per
100 adults.

This is consistent with observations and
reports of many local residents and some long-term
commercial operators, that recruitment rates have been
low in this portion of the unit.

I'll go a little bit into harvest data.
Total reported annual moose harvest for Unit 23 between
1995 and 2002 has ranged between 139 and 180 animals,
that can be seen in Table 2.

Based on community based harvest
assessments, approximately 335 moose were harvested
annually by unit residents between 1999 and 2001.
Residents of Kotzebue account for the largest percentage
of this harvest. Georgette, et al., reported that in the
Northwest Alaska communities surveyed bull moose
represented nearly all of the moose harvested and that
the overall harvest of the moose who's sex was known were
94 percent bulls, that can be seen in Figure 1. Moose
harvest range from August through January, however, 76
percent took place in August and September, with another
17 percent occurring in December, that can be seen in Table 3. The number of moose harvested from the Northwest Arctic communities surveyed is displayed in Table 4 on Page 158.

Some current events involving this proposal, during the 8 March 2005 Northwest Arctic Subsistence Regional Council meeting there was extensive testimony on the proposed changes to the moose season and harvest limits for Unit 23. There was some public input that suggested that there was a need for better moose surveys and census numbers and that the proposal should not be supported until better data was available. Federal Staff explained the moose surveys would be conducted in the future and that the updated data would be made available to the Council. Some of the public voiced apprehension that there had not been any meetings held in villages that would be most effected by the proposal so there was no way to know their concerns.

Some of the effects from this proposal. Unit 23 moose populations have been declining. Adopting this proposal would give subsistence users less opportunity, would likely reduce the harvest of cow moose and preclude the harvest of calf moose which would help slow the decline of the moose population. If this proposal is adopted, it would shorten the moose season by 90 days and would limit the take of antlerless moose to November and December. However, this action may result in little improvement in areas where low calf recruitment is attributed primarily to bear predation.

This proposal would have minimal impacts on subsistence users because few subsistence hunters have harvested cow or calf moose in the past and most of the harvest occurs between August and September.

The four month long any bull season would still provide an opportunity to take a moose during the fall if caribou are not available.

That concludes my presentation, if there are any questions.

CHAIRMAN DEMIENTIEFF: Thank you.

Written public comments.

MS. CHIVERS: Thank you, Mr. Chair. For
the record my name is Michelle Chivers, Council Coordinator for the Northwest Arctic Council. We did receive one comment from the Kobuk Valley National Subsistence Resource Commission in opposition. However, Ken Adkisson, when he comes up to do public testimony, he's going to cover that.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. We will now call Ken Adkisson who signed up to testify.

MR. ADKISSON: Mr. Chair. Board members. My name is Ken Adkisson. And while I work for the National Park Service, my position requires that I work closely with the Kobuk Valley and Cape Krusenstern Subsistence Resource Commissions, which perform vital functions in subsistence management for the National Park Service for those Park units. And since none of them could be here, I wanted to reinforce the position that they had taken on several proposals.

With respect to Proposal 05-18, the Kobuk Valley Commission met just prior to the Regional Advisory Council meeting and they did take a position on that proposal, and that was to oppose the proposal as written, with one small exception which is probably not worth going into but it relates to a two week closure in the Noatak area.

There was a good deal of discussion at the SRC meeting regarding that proposal. And it focused largely on the status of the moose population, issues surrounding dual management, the confusion or problems that could be associated with differing seasons and harvest limits and so forth. But when it finally came down to it, the Commission felt that perhaps not enough had been done to try to restrict further use by non-local folks, and that if restrictions were necessary that they ought to go there first and not on to the local users.

They also felt that, because of the origin of the proposal, and how it appeared in the RAC late at the meeting and so forth, there really had not been adequate time for discussion with the proposal and they felt it was serious enough that it needed to go back to the communities and so forth for further discussion.

I can answer questions if you have, but much of the biology and so forth will be covered through
the minority opinion and so forth of the Staff Committee.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions at this time.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Ken, maybe you could just outline how many Park units might be affected by this proposal just so people get a sense of it.

MR. ADKISSON: Well, it's a Federal proposal and so, yeah, it would include more than the Parks, but essentially the Park units that would be most affected by it, of course, would be Cape Krusenstern National Monument and Kobuk Valley National Park, and the reason that is is because they're completely closed to hunting under the State system, so whatever the Federal system adopted would apply only there. The other areas, you're going to have further complications because of State and Federal management.

MS. GOTTLIEB: Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Regional Council recommendation.

MR. STONEY: Thank you, Mr. Chairman. We met the last meeting in Kotzebue, the locals strongly request to table this proposal. The reason why they want to table it is they need input from all the villages, for instance, Kotzebue, Noatak, Kivalina, Kobuk, Shungnak, Ambler, Kiana, Noorvik, Selawik, Buckland and Deering.

They would like to see a new proposal at the fall meeting.

The reason why mostly they request this is from concerned people from most of the villages in that Northwest Alaska, because moose population in that area is still getting lower and lower every year. So we'd like to see a new proposal with recommendations from the Resource Commissions, Upper Kobuk and Cape Krusenstern after this fall meeting.

CHAIRMAN DEMIENTIEFF: Thank you. Staff
MR. PROBASCO: Thank you, Mr. Chair.

Staff Committee comments or recommendations can be found on Page 150, 151 and 152, they're fairly lengthy and I will just hit the high points if I may, Mr. Chair.

The Interagency Staff Committee did not reach consensus on this proposal. The majority of the Staff Committee support the proposal, contrary to the recommendation of the Northwest Arctic Regional Advisory Council. The moose population in Unit 23 is at low densities and has been in decline for over a decade. Recruitment is so low that the moose population cannot recover without improved production and overwinter of survival of calves and without the replacement of older breeding cows lost in natural mortality and human harvest. It is likely that the rate of decline in the moose population will increase. According to the best available data, the vast majority of the moose harvest occurs prior to the end of December. Accordingly, the reduction in the length of season from nine months to six months ending on the 31st of December will minimize any disruption of the traditional harvest patterns of the area's residents. The elimination of the January through March portion of the season will assist in minimizing disturbance of pregnant cows during the time of greatest forage limitation increasing their chances of surviving the winter and thus increasing their contribution to the herd's recovery.

The Regional Council recommended tabling the proposal in part to obtain input from affected villages before deciding whether to support the proposal. However, the Staff Committee noted that all the local Fish and Game Advisory Committee's representing the villages in the area where proponents of identical regulatory changes for resident hunters submitted to and adopted by the Alaska Board of Game in 2003.

Mr. Chair, the minority opinion of the Staff Committee was to table the proposal consistent with recommendation of the Northwest Arctic Regional Advisory Council. This view supports, as I stated, this recommendation. And at the fall 2004 Council meeting, the Alaska Department of Fish and Game suggested a need for a Federal proposal to deal with moose management. The Council supported the development of a proposal and this proposal was created as the Council as the sponsor. At the winter 2005 meeting the Council reviewed the
analysis and had a very lengthy discussion.

On the biological issues, there is no disagreement among biologists or users that the moose numbers have declined in portions of Unit 23. In contrast, densities have not declined in the more productive areas, western portions of the Noatak National Preserve. Care must be taken to understand that spring surveys count all adults, not just cows. As such these spring surveys yield calf/adult ratios that are biased to the low side as adult bulls must be subtracted out to yield more accurate numbers for calf/cow ratios. Too heavily weighted the spring survey yields an incomplete picture of the overall health.

This area has been compared to other areas of the state suggesting that the population density are not as high as other areas. This is true. However, such comparisons are of little value without the information to carefully compare the habitat and its ability to support moose. We believe comparison of density without habitat context is without merit. Some argue that the spring portion of the subsistence represents a small percentage, approximately seven percent of the harvest, we agree. However, we argue that the spring hunt is locally important. We all agree that people in the region prefer caribou if they are available, yet, the caribou move frequently and their annual migration routes vary from year to year. In this sometimes lean time of year moose represent an alternative food source that is locally important especially if caribou have not been near a village.

In the fall 2005, the agencies should comply with the request of the Council to provide an updated briefing about moose in Unit 23 and to the extent possible, this information should be shared with the region's village organizations.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: Thank you, Mr. Chairman.

The Department supports this proposal consistent with the majority Interagency Staff Committee recommendation.

Department Staff worked with the Northwest Arctic Regional Advisory Council in drafting
this proposal which addresses growing conservation
concerns for moose in Unit 23 and would result in more
closely aligned State and Federal regulations. Retaining
the current harvest limits and Federal seasons of eight
to nine months are difficult to justify when moose
numbers and recruitment rates are low throughout much of
Unit 23. Moose regulations have been a dominant topic at
State Fish and Game Advisory Committee meetings in Unit
23 for more than 10 years, and, in fact, the current
regulations are in part a result of Board of Game changes
made in 2003 that followed a joint meeting of all the
Unit 23 Advisory Committees to work with the Department
in drafting a proposal that led to the current State
seasons.

The State moose hunting regulations in
Unit 23, again, are essentially a product of joint
Department Advisory Committee proposals submitted to the
Board of Game. The Department's concerns with this
proposal would be partially addressed if the Federal
regulations were changed to prohibit the harvest of calf
moose and to close the antlerless season on December
31st. Data recorded in household surveys in selected
Unit 23 communities indicate that since 1998, 97 percent
of the moose harvested by these communities in Unit 23
occurred in the fall or early winter months. Cow moose
taken after December 31st comprise less than one percent
of the recorded moose harvest.

In general, most local residents do not
actively seek moose during the months of January through
March. The hunting patterns of local residents during
this time show a preference for harvesting caribou which
typically are available in late spring on their northward
migration and in some years throughout the winter months.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Keith.

MR. GOLTZ: Terry, I have some questions
about how the State has been addressing the conservation
concerns, and if we could look together at Page 110 of
the handy-dandy, it looks to me like in this area you
have both subsistence and non-subsistence hunts, am I
reading that correctly?

MR. HAYNES: Mr. Chairman. Mr. Goltz.
We do have both subsistence hunts for State residents and
very limited non-resident hunts.
MR. GOLTZ: The non-resident hunt is limited to 50-inch, is that the limitation?

MR. HAYNES: That's correct, one bull with 50-inch antlers or antlers with four or more brow tines on at least one side, and then a September 1 to 20 season.

MR. GOLTZ: And the subsistence season is longer?

MR. HAYNES: Yes, in all parts of Unit 23 the subsistence seasons are longer.

MR. GOLTZ: It says the subsistence is a registration hunt, can you explain for the record what that means?

MR. HAYNES: Well, a registration hunt, first of all indicates that the Department has and the Board of Game have an interest in monitoring the harvest closely so it -- and there is the ability for some types of sideboards to be put on the hunt, if necessary, but it requires the hunter come in and register for the hunt and then return the registration permit.

MR. GOLTZ: Is there a limitation on the number of registrations?

MR. HAYNES: Not in these particular hunts.

MR. GOLTZ: I see that the prospective hunter can only go to the Unit 23 villages to get one of these registration permits; is that correct?

MR. HAYNES: Mr. Chairman. Mr. Goltz. Yes, that's correct. The permits are available in person at licensed vendors in Unit 23 villages during a specified period of time well before the hunting season in some instances.

MR. GOLTZ: What is that period of time?

MR. HAYNES: June 1 to July 15th.

MR. GOLTZ: And is that -- can I infer that that's to place a constructive limitation on Anchorage hunters, Fairbanks and Juneau, so it would be more difficult for them to get a permit, is that why it's
constructed that way?

MR. HAYNES: Mr. Chairman, I'll let Mr. Regelin respond to that.

(Laughter)

MR. REGELIN: Mr. Chairman, as you're well -- and Mr. Goltz, you're well aware that the State cannot differentiate on basis of where a person lives on whether they can -- the State Constitution prohibits a rural priority. And anyone from Anchorage or Fairbanks or Juneau that wants to fly up from June 1st to July 15th to get a permit will get one.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: I'd like to ask Brad Schultz, our wildlife biologist to come up and give us a little bit more background on this proposal, please.

CHAIRMAN DEMIENTIEFF: Okay, go ahead.

MR. SCHULTZ: Mr. Chair and other Board members. Good afternoon and thank you for the opportunity to brief you on Proposal WP-18 on behalf of the National Park Service and Bureau of Land Management. My name is Brad Schultz and I've been the wildlife biologist for Western Arctic National Park Lands for 13 years.

Today, in support of the Northwest Arctic Regional Council's recommendation I want to emphasize three points relative to this proposal.

First, there's no disagreement among agency biologists and the public that moose abundance across Unit 23 has declined since the early 1990s. However, there is disagreement over the numeric magnitude of the decline and its persistence across the years. Consequently there's a healthy debate over the best course of regulatory change to prevent any further decline in abundance as a result of harvest.

Moose populations decline in abundance when adult mortality exceeds the recruitment of calves as young adults. Based on two years of NPS field work in the Noatak River between 1998 and 2000, we can say that
moose productivity in Unit 23 is not the problem. Cow moose pregnancy rates exceed 90 percent, twining rates around 40 percent were observed indicating the nutritional health of the cow moose and the underlying reproductive potential of the population. Moose calves are born, but suffer high mortality that approaches 60 percent during the first month of life. This is consistent with previous moose studies in other areas of Alaska where bears and wolves are present.

Adding to the early mortality is the subsequent overwinter mortality that leaves only 10 to 30 percent of the calves produced each May alive during the following spring as new recruits in the population. The number of surviving calves must equal the number of adult moose who die from natural causes and hunting for the population to remain stable. We believe that this has probably been the case in areas of Unit 23.

Our second point is that regulatory changes do have an impact on qualified Federal subsistence users, even when results from subsistence studies show that a level of harvest is low. Harvest of an alternative resource like moose for a single hunter or a family during lean times when no caribou are available should be considered important even if only a small number of people actually need the resource.

Our final point is that we agree that some regulatory changes could be made in Unit 23 to ensure conservation of healthy moose populations but we would like the Northwest Arctic Regional Advisory Council to play a stronger role in the regulation development process. They've indicated a willingness to do this by making their recommendation. We do not agree that the need for regulatory change is immediate because population crash is eminent. For example, comparison of survey data and population statistics collected between 2001 and 2005 just recently in the Noatak and Squirrel River indicate that this population is stabilized at a low density. Despite above average snowfalls during the past five winters and the 2003/2004 winter snowfall total being the second highest recorded since 1949, no high adult mortality was observed as was the case in the highest recorded snowfall in the winter of 1991, they differed by three millimeters.

We suggest that low density of moose populations will persist for many years in the region as long as predator populations are healthy. We also want
to emphasize that restrictive regulatory changes should be viewed as changes for a minimum of at least five years. Furthermore, we contend that regulatory changes for qualified Federal subsistence hunters should be changed less often since subsistence patterns change little over time when resource abundance of key species remain stable. In addition, regulatory stability allows for evaluation of desired population conditions following regulation implementation.

In conclusion, we suggest the following as discussion points for regulation changes at the fall 2005 Northwest Arctic Regional Advisory Council meeting.

1. Prohibit the harvest of calf moose.

2. Reduce the harvest season for cow moose but consult the communities to determine which months an open season should span to accommodate traditional harvest practices.

3. Limit regulatory changes to major drainages such as the Noatak, the Kobuk, and Selawik River drainages where population surveys, radio telemetry data and harvest data are available instead of an all encompassing unit-wide regulation like we now have in effect. Unit 23 is a 43,000 square mile unit that is not divided into management subunits as other large units in the state are. This contributes to a unit-wide regulatory approach that lacks specificity. At least 22 aerial population surveys and three radio telemetry research projects have been completed in Unit 23 since 1992. These data are drainage and/or population specific and can be used to tailor regulations more appropriate to specific geographic areas. This approach will allow for more precise management of populations in varying ecological habitats.
This approach would also limit the negative impacts across the unit that create undue hardship in local communities while allowing for more conservative regulations in areas where declines are of greater concern.

That concludes our comments, and I'd be happy to answer any questions that you might have.

CHAIRMAN DEMIENTIEFF: Thank you.

MS. KESSLER: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. KESSLER: So the proposal to shorten season, it's your view that that would not have a significant positive effect on the population concern that exists; is that correct? That there's other things that should be looked at, this particular one of shortening the season is not going to be helpful; is that correct?

MR. SCHULTZ: I think the portion to prohibit the harvest of calf moose would make a difference and certainly restricting the cow season to some shorter season would help.

MS. KESSLER: Uh-huh. So of the proposal, the part about the calf restriction would be a significant help?

MR. SCHULTZ: Yes.

MS. KESSLER: Okay, thanks.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. O'HARA: Mr. Chairman, can I ask the biologist a question?

CHAIRMAN DEMIENTIEFF: Go ahead, Dan.

MR. O'HARA: Apparently you got a predator control problem both with Grace's area and in Northwest, so maybe it's time the Feds decide to deal with a predator control program.
Maybe your boss wants to answer that question.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I guess I'll mention, I'm sure Dan hasn't had a chance to read all the consent agenda proposals but there may be help on the way for some of that. But I guess I wanted to ask Brad, what would be the risk that this Board or the RAC would take in waiting until the fall meeting and trying to devise some of these ideas more from the bottom up?

MR. SCHULTZ: We believe that we've already reached the bottom, we've been on a slow decline since 1990, '91 when we suffered a pretty tough winter. We've had several tough winters since then and we feel that there's no immediate need that we can't do anything -- we don't necessarily need to do anything right now. The densities are going to remain at low levels for a long time. So we think there's plenty of time to craft regulations that work for everybody.

MS. GOTTLIEB: Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Other discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: Hearing none, is somebody prepared to offer a motion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I would like to make a motion to support the Northwest Arctic Regional Advisory Council's recommendation to table this discussion until their fall meeting and allow them to have more consultation and discussion.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion.

MR. LOGAN: I'll second.
CHAIRMAN DEMIENTIEFF: Discussion on the motion.

MR. ROEHL: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. ROEHL: Yeah, I believe that contrary to this biologist's testimony, we've heard testimony that told us just the opposite, that there is a decline in moose population and I believe that it goes contrary to the fish and wildlife management principles not to do something now. So to support the motion to table while the moose continue to decline is not very wise, let's just put it that way. So I'll be voting to adopt the original proposal.

CHAIRMAN DEMIENTIEFF: Todd, did you have something?

MR. LOGAN: Yes. I guess the position of the Fish and Wildlife Service, this is an opportunity to support the recommendations of the Regional Advisory Council. The Park Service is also the predominate land manager, and they've taken, I guess support the minority position which is that it's not a crises, I think there's large agreement that moose populations are a problem but it's not a crises that we need to react immediately.

The entire Selawik National Wildlife Refuge is in this unit and manager LeeAnne Ayres is also very comfortable with the Regional Advisory Council taking this issue up and trying to further refine it at their fall meeting.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Thank you, Mr. Chair. I guess we could -- I think this Board has seen several examples in the past where some of the biologists have different opinions and interpretations and I think there are some reasons where there are differences this time having to do with recent changes in regs, having to do with different survey techniques. So I guess if Paul would want more information, I think Brad can supply some of the reasons for some of these differences.

But I would continue to support the Council's knowledge and recommendation and their wish to consult with communities before making changes in the
CHAIRMAN DEMIENTIEFF: Thank you.

MS. KESSLER: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. KESSLER: I'm wondering, Judy, whether there's a possibility for maybe some middle ground here. And what I heard was that there's opportunity to have a significant positive impact by restricting the calves. I wonder if maybe a modified or an amendment to the motion that would allow at least that action to be taken if that's an action that's going to have a significant helpful affect. It might be appropriate.

CHAIRMAN DEMIENTIEFF: Thank you. Any others.

(No comments)

CHAIRMAN DEMIENTIEFF: I think the one thing that's clear is we have heard a commitment to continue to work on the issue and if it's a little bit preliminary so I know for that reason I intend to support the Regional Council recommendation. Given that work because I have heard the commitment that there's going to be work that's going to be done.

So allowing that process to move forward, I think is, you know, real, real well. These things don't go away, they're works in progress basically. And, we have, again, the tools to manage any situation in terms of our in-season management delegation.

Go ahead, you had something.

MR. OVIATT: Thank you, Mr. Chair. We, too, would like to take the opportunity to support the Regional Council. However, we would like this deferral to be limited to one year for additional consultation. In other words, let's put limits to our consultation.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I'd like to ask, Raymond,
1 I was looking through your transcripts from your RAC
2 meeting and I know Brad and others were there too, and
3 you did have specific discussions about tabling it but
4 discussing it again in September, as I recall, as well as
5 the commitment to follow through on this. So if you can
6 say a little bit more about that perhaps that would be
7 great.

8 CHAIRMAN DEMIENTIEFF: Go ahead, Ray.

9 MR. STONEY: Mr. Chairman. This
10 recommendation was not just from the RAC Council. The
11 recommendation from most of the villages, that is why it
12 has come up to our attention today. It's not because of
13 the -- it's the villages recommendations to table the
14 proposal.

15 CHAIRMAN DEMIENTIEFF: Thank you.
16 Further discussion.

17 MS. KESSLER: Mr. Chair.
18
19 CHAIRMAN DEMIENTIEFF: Yes.
20
21 MS. KESSLER: I would like to move to
22 amend the motion a bit to not allow the harvest of the
23 calf, to retain that portion of the proposal.

24 CHAIRMAN DEMIENTIEFF: There is a motion
25 to amend the main motion. Is there a second to that.
26
27 MR. ROEHL: Well, I would second Wini's
28 motion. I also want to say that, you know, we believe --
29 my default position is to generally go with the RAC. You
30 know, the RACs are there for a reason, they represent the
31 local residents of those areas, so they generally know
32 what's best for themselves. So that's almost always my
33 default position.
34
35 But in this case I believe that the moose
36 population could be at risk, contrary to some of the
37 differing opinions, so I would like to include the calf
38 restriction language in the motion too -- while you table
39 this, have the calf restriction part of it.

40 CHAIRMAN DEMIENTIEFF: Thank you. We
41 have a motion that's been made and seconded to amend. Is
42 there any further discussion on the amending motion.
43
44 MS. GOTTLIEB: Mr. Chair.
CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Mr. Chair. I would be reluctant to insert something like this before the RAC has had a full chance to discuss it. And not to pin Raymond down on behalf of his Regional Council, but if you have any thoughts on it right now, I guess we'd be interested. But I think it would be like most matters, it would be difficult until the whole RAC hears this.

CHAIRMAN DEMIENTIEFF: Ray, do you have any additional thoughts with regard to Judy's question?

MR. STONEY: No further discussions.

CHAIRMAN DEMIENTIEFF: Thank you. Ralph.

MR. LOHSE: Mr. Chair, just for clarification in the future. Can you amend a motion that you're tabling, because if you amend the motion and then vote to table the motion the motion with its amendment is tabled, isn't it? I mean just for our use later on.

CHAIRMAN DEMIENTIEFF: Basically, you know, there is a difference, we're voting to support the Regional Council recommendation, that's the motion, okay, and that's the operative here. Normally a tabling motion there is no discussion on a tabling motion, somebody moves and seconds the table, it's voted on without discussion. But that is not the nature of the motion, so it is not a tabling motion, it is just merely supporting the Regional Council recommendation.

Jack.

MR. REAKOFF: Thank you, Mr. Chair. I sit on Gates of the Arctic Subsistence Commission and we have not reviewed this proposal. We have a meeting coming up around May 16th, in about two weeks, I would like to review this proposal with Commission members who are from the Upper Kobuk drainage, this affects the Upper Kobuk also. And so I would -- as a Commission member, Vice Chair of that Commission, I would enjoy in reviewing this proposal and as Ms. Gottlieb has stated.

CHAIRMAN DEMIENTIEFF: Yeah, I think from my perspective, just given the fact that there is a learning curve with regard to the issue that it needs
more work. I don't -- I actually speak against the
amendment for that reason until we can get the work done
basically. And that's the reason why that basically
people need to get more awareness before we advance any
kind of amendment or accept part of the proposal, and I
think it's been clearly documented that there is work
that needs to be done, and, again, people are willing to
do the work. I would just rather get that done prior to
taking any action, so I speak against the amendment for
that reason.

Further discussion.

(No comments)

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

MS. KESSLER: Aye.

MR. ROEHL: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed,
same sign.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: The amendment
fails. We now have the main motion before us, which is
to support the Northwest Arctic Regional Council and for
the same reasons that I spoke of with regard to the
amendment, I also support the main motion because I'm
very comfortable with the level of commitment that we're
hearing, you know, from Subsistence Resource Commission
members, from the Regional Council, that they are going
to work and bring us something that we can use.

So I intend to vote for the motion as
made.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I guess is it fair to say
as our process has in the past, that if there's some sort
of problem before the RAC meets or after the RAC meets
and hunting season pursues that there is that option for
special actions or any sort of in-season closure so we
can be assured on the conservation side.

I also wanted to address, there was one comment about how local Advisory Committees had supported the proposal, but I think it's good for us to remember that our Regional Advisory Council members, while many of them may wear both hats and perhaps serve on some of those same committees, they have a different job to do on the Regional Advisory Council.

So I will, once again, say I'll vote in favor of the Regional Council.

CHAIRMAN DEMIENTIEFF: Further discussion.

(No comments)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

And with that, we're going to take a break.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Okay, just so we understand each other, theoretically these next two proposals could go fairly smooth.

(Laughter)

CHAIRMAN DEMIENTIEFF: But we often meet hitches in our giddy-up but we are going to try to complete these two and then we're going to call it a day and if we're done early so be it. But we're not going to do the bear stuff until we're fresh in the morning.

MR. O'HARA: You want us to have a good night's sleep before we do bear?
CHAIRMAN DEMIENTIEFF: Yeah. Anyway, I had -- John's been complaining about the security camera that's sitting right above him. I told him we just needed to keep a special eye on him. But John thinking back, years ago, at one of the Federal Board meetings in one of the hotels, and it had a lower ceiling and I'm not kidding, the damn light exploded right over my head.

(Laughter)

CHAIRMAN DEMIENTIEFF: I mean, ah, they're after me, I took off running, so anyway it's not as bad as all that John. I think you'll be okay. Go ahead.

MR. LITTLEFIELD: Mr. Chair, I think that's something you see quite often around here, it's called, the sky is falling.

(Laughter)

CHAIRMAN DEMIENTIEFF: Okay, well, let's get to work. Proposal 19, Staff analysis.

MS. H. ARMSTRONG: Thank you, Mr. Chair. For the record, I'm Helen Armstrong from Office of Subsistence Management. Proposal WP05-19 was submitted by the Cape Krusenstern Subsistence Resource Commission as well as the National Park Service.

It requests establishment of a season and harvest limit for muskoxen in Cape Krusenstern National Monument. Also requested was the establishment of an annual harvest limit of one bull by Federal permit within the Monument with a harvest quota of two bulls and that the permits be available to only those resident zone community members with permanent subsistence camps within the Monument and the immediately adjacent Napaktuktuk Mountain area.

There's been a long interest by the Northwest Arctic Regional Advisory Council and the Cape Krusenstern Subsistence Resource Commission to develop a muskoxen management plan and hunt for the Cape Krusenstern National Monument. The population within the Monument, the muskox population within the Monument has grown to the point where a small subsistence hunt within the Monument is possible.
The proponents believe that a small subsistence hunt would be consistent with Title VIII of ANILCA and the Monument's enabling legislation, the Park Service regulations prohibit non-subsistence uses in the Monument, thus there's no need to close Federal public lands to non-Federally-qualified users. This proposal requires a distinction then between Federally-qualified users -- eligible Federally-qualified users which requires implementation of a Section .804 analysis of ANILCA.

Currently there is no Federal season so there is no existing regulation. The proposed regulation would read Unit 23 Cape Krusenstern National Monument, one bull by Federal permit, annual harvest quotas and any needed closures will be announced by the superintendent of Western Arctic National Park Lands. Cape Krusenstern National Monument is closed to the taking of muskoxen except by the resident zone community members with permanent subsistence camps within the Monument and the immediately adjacent Napaktuktuk Mountain area. And the season would be from August 1st to March 15th.

There are two maps in your proposal book and the first one is on Page 167 with a general map of the area and then there is another one which didn't reproduce as clearly as I would have liked but it is visible on Page 170, which shows the Napaktuktuk Mountain area. We sat down with people from the region to define what that meant so that we could define it in regulations and there the lat and longs on that map.

The only Federal public lands affected by this proposal are in the Monument which, of course, are managed by National Park Service.

The customary and traditional use determination for muskox in Unit 23 is the rural residents of Unit 23 east and north of the Buckland River drainage, that includes the communities of Selawik, Noorvik, Kiana, Shungnak, Kobuk, Ambler, Kotzebue, Kivalina and Point Hope. All of these communities except Point Hope are also resident zone communities for the Monument. So all of them except for Point Hope would be potentially have C&T to take muskoxen in the Monument.

There has never been a Federal harvest of muskoxen in the Monument since the initiation of the Federal Subsistence Program. There currently is a State Tier II hunt for the Cape Thompson muskox population that
began in 2000 in the area north and west of the Noatak River in Unit 23. But the Monument during that time has remained closed.

Muskoxen were reintroduced in 1997 and the population has grown at about an average annual growth rate of eight percent. By 1997 the muskox population had increased and the muskoxen were distributed almost continuously between Cape Krusenstern and Cape Lisburne. The population is currently estimated to be over 363 animals and the range is the entirety of the Monument. The population has averaged around 150 animals for the last several years. The composition data indicates that mature bulls make up about 20 percent of the population, which is about 30 bulls.

There has not been a muskox management plan completed yet. Actually I don't even know if it's begun but they have begun talking about it and the Park Service hopes to have a plan established in the next few years.

Since the State initiated its Tier II muskox hunt in Northwest Unit 23 during 2000, six permits for one bull muskox have been issued annually totaling 24 permits in the past four years.

No State Tier II hunters reported taking muskox in 2001/2002 and five out of six hunters reported taking muskox in 2002/2003. All of the muskoxen that have been taken in the Northwest portion of 23 have gone to the residents of Point Hope, Noatak and Kivalina. No Monument residents have received a permit or taken a muskox. And this time, for the first time, two residents of Kotzebue got Tier II permits but neither of them has reported taking a muskox.

The biologist estimate that the muskox population in the Monument could sustain a Federal harvest of two bulls and if the proposal were to be adopted it would allow the harvest of two bulls which would be an annual take of seven percent of the population, which is 30 bulls. At the same time about three bulls per year could be expected to be recruited into the population and grow to maturity.

So we've established that we could have a very small harvest, then we have to decide who gets to harvest them and since there are so many communities that have C&T and are resident zone communities we have to do
an .804, as I previously discussed in the other analysis.
I won't go through all the criteria this time since we
just went through those.

The proposal requests that the Monument
be closed to muskox hunting except by resident zone
community members with permanent subsistence camps within
the Monument and the immediate adjacent Napaktuktuk
Mountain area. The problem we had with the idea of camps
is that camps are not defined in regulation and as we
discussed this more and more decided we should go with a
concept of residency rather than camps. So I looked at,
through talking to people familiar with the area in the
Northwest area, what I discovered was that you could
really put people into four categories.

There are permanent residents living
year-round in the Monument, which I actually didn't know
so that was interesting to discover. I think I was
actually surprised that there were people living there
permanently and they've been living there for decades and
these are people who have always lived there. There are
about three families of permanent residents.

There are then part-time residents living
in the Monument about six months of the year and there
are about three families.

And then there are families with
permanent cabins in or adjacent to the Monument area who
use their cabins at one time or the other during the year
and that's about 35 families. And of those families,
about six are from Noatak and the remaining are from
Kotzebue.

Then there are families who use the
Monument occasionally but they have tents and don't have
cabins.

So I broke them up into four different
classifications.

So when I looked at the first criteria,
customary and direct dependence upon the populations as a
mainstay of livelihood, I determined that -- or actually
none of them are dependent on muskoxen since they've
never had a hunt there, but -- so what I looked at was
whether they were dependent on resources in the Monument.
And what I found was that the people living in the
Monument year-round are the most dependent on the
resources of the Monument for their livelihood. They also lack the resources to participate in hunting opportunities outside of the area. They can't afford the gas to go long distances and that they obtain the majority of their livelihood directly from the land. They are true subsistence hunters and fishermen.

None of the families with permanent subsistence cabins in the Monument area have applied for or received Tier II permits for muskoxen on State lands, and I don't know if this is because it's too far or lack of interest, we don't know, but they have not done it.

Under local residency, proximity to the resource. Only the year-round permanent families who are permanent residents of the monument area have the closest proximity to muskoxen. The others who have permanent cabins but who do not live in their cabins year-round are also in close proximity but less often as those who live predominately in Kotzebue and in Noatak.

The remaining communities that have resident zone community status are not in as close proximity as those with permanent year-round cabins.

Point Hope is the only other community that has customary and traditional use determination for muskoxen in Unit 23 but it is not a resident zone community and it is not in close proximity.

So under this criteria the families who maintain their permanent residence in the Monument area are in closer proximity to muskoxen in the Monument than other resident zone community members.

The third criteria, availability of alternative resources. The permanent residents in the Monument area rely on a variety of resources found in the Monument, which I listed but I won't go through. The other resident zone communities under consideration also rely on a wide variety of subsistence resources and they depend on the -- the communities depend on the same resources as those in the Monument with the exception that the inland communities don't depend on marine mammals.

The permanent residents in the Monument area have the highest dependency on the subsistence resources in the Monument and lack the monetary resources to hunt outside as I said. These families obtain the
majority of their livelihood directly from the land including fish, wildlife, plants, but also wood, water and ice. Their cash income is tied to the land in the form of selling, bartering and trading resources and also occasional camp related to work, such as trail staking.

It is a little bit different from anything we've ever done looking at sort of subgroups, rather than looking at communities, and as you'll hear, I know the State has a problem with this, but there's nothing in ANILCA that says we can't do that. And we actually had a lot of discussion about this, could we do this, you know, what would happen if these few families didn't apply for permits and didn't go hunting for muskox. Park Service, I think, will work with them to encourage them to apply for them, and if they don't, then next year we'll do something else, I think. But I do think that giving -- this is what .804 is designed for, is to give those people who are in the closest proximity and the highest dependency and have the fewest alternative resources the ability to have priority and these people who live there year-round in the Monument are precisely those people.

If the proposal were adopted with the modification to limit the hunt to the three families who have permanent residency, a muskoxen harvest would provide additional subsistence opportunities for those families. The harvest of one or two bulls from the muskoxen population of 150 animals is believed to be sustainable so there would be minimal impact on the muskoxen population.

For those families to have another resource such as muskoxen available to them would provide another source of meat and warm wool or hides for warmth and clothing. Having the ability to take muskoxen in their area would enable them to add to the diversity and value of their resource with nominal additional cost.

Other residents of Unit 23 including those residents of resident zone communities with subsistence cabins in the Monument will still have an opportunity to participate in muskoxen hunting in the region through participation in the State Tier II hunts as they already are.

Without implementation of this Section .804, Selawik, Noorvik, Kiana, Shungnak, Kobuk, Ambler, Kotzebue, Noatak and Kivalina would all be eligible for a
harvest limit of just two bulls under a registration permit hunt. This would make distribution of the permits more complicated and management of the hunt, that is, closing it after two muskoxen were harvested very difficult. While a drawing permit hunt is an option, it carries the implication that applicants are equally qualified under the criteria of Section .804. This Section .804 analysis shows that there are distinctions between proximity and available resources.

Another portion of the proposal is delegating the authority to Park Service to create annual quotas and announce needed closures. This will allow more flexibility in the regulations and eliminate a need to revisit this regulation annually and ultimately create better management of the resource.

That concludes my analysis, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Written public comments.

MS. CHIVERS: Thank you, Mr. Chair. We did receive one written public comment from the Cape Krusenstern National Monument Subsistence Resource Commission in support of this proposal, and Ken will be covering that under public testimony.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Ken Adkisson.

MR. ADKISSON: Mr. Chairman. Board members. Ken Adkisson with the National Park Service.

Again, on the support for the two Subsistence Resources Commissions, the Cape Krusenstern and Kobuk Valley Commissions, I think Helen did a really good job in the Staff analysis of providing the overview, so there's only a few points related to the Commission actions that I would like to stress and highlight for you.

The first one, of course, is that this proposal does reflect a long standing interest in the region with trying to establish a subsistence hunt for Cape Krusenstern so it truly came from the bottom up.

Secondly, it's a product of two meetings
for the Krusenstern Commission, at which a large portion of both of those meetings was spent on discussion and working on the proposal and discussing and working through the issues related to it. It was also endorsed through two meetings of the Kobuk Valley Commission. And also in its earliest form was endorsed by the Kotzebue Local Fish and Game Advisory Committee. So I think it would be fair to say that a good many folks were quite aware of the implications of the need to fairly narrowly restrict the harvest opportunity.

Turning to that for a moment, very early on it was recognized by the Krusenstern Commission that because of biological circumstances, it was going to be necessary to restrict the harvest to a very low allowable harvest, as you can see we're proposing two bulls. That meant the hunt needed to be tightly controlled, there weren't really opportunities for issuing permits in excess of the allowable harvest and that kind of thing. There was a lot of interest and continues to be interest in providing opportunity for as many folks as possible but, again, when it came down to it, the Commission focused on what they felt in accordance with .804, where those folks that should be the most likely to benefit from the proposal based on the criteria that Helen has outlined to you. And the proposal has changed very little in that regards except as Helen indicated, redefining the pool of eligibles to something more in accordance with definitions and manageable and redefining the hunt area or the area for the pool of eligibles in terms of geographic coordinates. So it's, through two meetings, it's actually undergone very little change.

And as Helen has mentioned, the Commission is very aware of some of the problems that have been raised with it and considered as a work in progress.

Other options that have been proposed have been harvest limits allocated among communities and so forth but, you know, we're a ways from getting there, but if there are problems that develop under subscription or whatever, we'll be back with the Commission and we'll be, you know, working on finding something else.

But for now, and with the low allowable harvest, the Commission, both Commissions as is the Regional Advisory Council comfortable with the .804 analysis and that that really meets their intention and what they wanted to have happen.
Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions. Regional Council recommendation.

MR. STONEY: Thank you, Mr. Chairman. The RAC supports with modification. The Council supports the proposal but with modification to limit muskox hunt Cape Krusenstern National Monument and the resident community members within permanent residency of that monument.

Also the proposal was supported by the Kobuk Valley National Park and Cape Krusenstern National Monument Subsistence Resource Commission due to the muskox population, it's increasing and therefore it should be able to support this small harvest.

So we support it.

Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. The Staff Committee's recommendation can be found on Page 163. The Interagency Staff Committee recommends to support the proposal with modification consistent with the recommendation of the Northwest Arctic Regional Advisory Council to provide permits only to permanent residents who live year-round in the monument or immediately adjacent to the Napaktuktuk Mountain area. And, Mr. Chair, the language, the regulatory language is on Page 163.

The justification, briefly, is harvest of muskox bulls would allow additional subsistence opportunities for those eligible subsistence users who have permanent residence in the Monument or immediately adjacent to the Napaktuktuk Mountain area. The families who live year-round in the Monument demonstrate the highest dependency on resources within the Monument. While there have never been Federal harvest opportunities within the Monument and no history of customary and direct dependence on muskox, the permanent residents demonstrate the highest dependency on the resource within the Monument and the closest proximity to the resource year-round. Permanent residents in the Monument also lack resources to participate in hunting opportunities
outside the Monument.

The Park Service is planning on completing a Muskox Management Plan in the near future, and with the current population of muskox it's anticipated that an annual harvest of seven percent of the bull population in the Monument would be sustainable.

And finally, Mr. Chair, delegating authority to the Park Service to create the annual quotas and announcing any closures will allow for more flexibility in the regulations and eliminate a need to revisit the regulations annually.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

MR. HAYNES: Thank you, Mr. Chairman. Let me begin by saying that, you know, this is great, we have a situation where there's a new growing muskox population that could be harvested and it's a great new opportunity.

With that in mind we support the proposal with modification. We question whether participation in this hunt should be restricted to a subset of resident zone community members as requested in the original proposal. If eligibility is limited to the few households that permanently reside within or adjacent to the Cape Krusenstern National Monument boundary and none of these households chooses to obtain a permit for the hunt, the proposed regulation has no provision to authorize participation by other residents from other adjacent areas who are qualified to hunt in the Monument. The State Tier II hunts in the area are fully subscribed, that is the muskoxen Tier II hunts, there are more applicants than there are more permits available so there may well be other local residents who would be interested in hunting so we would hate to see opportunity for this limited hunt to be lost if the three eligible households chose not to participate.

And I will just let it go at that, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you, very much. Discussion, Keith.
MR. GOLTZ: Terry, I learned this morning that there are two kinds of attorneys, those who hunt and those who need a doctor's appointment. So I'm not really concerned about Mitch having to take one attorney with him, but the point of my question is does he have to take two, one State and one Federal? I'm not trying to excite litigation or to embarrass anyone with these questions.

CHAIRMAN DEMIENTIEFF: He's looking for a job.

(Laughter)

MR. GOLTZ: And, I think, happily this is probably the last question I'm going to have along this line.

I'm looking at Page 110 of the handy-dandy and it says that there is a Tier II hunt and we haven't explained Tier II and I don't believe we've ever put anything on the record, so if you could just tell us a little bit about what a Tier II hunt does and how it relates to rural Alaska residents.

MR. HAYNES: Mr. Chairman. Mr. Goltz.

Thank you for the opportunity.

(Laughter)

MR. HAYNES: There are similarities between the State's Tier II hunts and the Section .804 provisions of ANILCA in that there are criteria that are used to separate people and to qualify them. The State's -- I guess there are some differences in this instance, in that, the State Tier II hunts do not apply to Park Service lands. So if you are eligible to participate in the State Tier II hunt, you're not automatically eligible to hunt on the Park lands because there could be State Tier II permittees who are not Federally-qualified subsistence users from a resident zone community.

I think most people will follow the point there.

So in that respect, if you qualify and obtain a State Tier II permit for a muskox hunt in Northwest Alaska, you may be a State resident who lives somewhere other than Northwest Alaska, that is a possibility. Whereas the Federal permits, the Federal hunting opportunities provided for in this proposal,
could not be provided to other State residents. They
would already -- the potential users are resident zone
community residents who qualify to hunt within the
Monument.

MR. GOLTZ: So would it be fair to say
that the two systems are similar but not the same?

MR. HAYNES: Yes.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: I want to thank Ken and
the SRC's and the RAC, because this has been a long time
in the making. There have been many, many discussions.
And while the quota would be small and the number of
families who are potentially eligible are small, I think
it's fair to say there's been a high degree of interest
in opening up this area for a hunt for many years now,
and for part of it was just kind of waiting for the
population to get to the right size and even so we need
to watch it pretty carefully.

So I guess I don't think we have the fear
that they're not going to be enough applicants for the
quota or, I guess as Ken and others have expressed, if
so, then there can be some cause for adjustments perhaps.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

MR. REAKOFF: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Jack.

MR. REAKOFF: Mr. Chairman, I'm very
interested in this deliberation on this C&T process for
this species. I had a muskox go through my yard last
summer and there's lots of interest in those by people in
my area and so I'm very interested. I do feel that this
process towards this .804 priority is the correct process
on Federal lands for the limited resource, and as that
expands that could include other residents nearby.

But I do feel that a huntable population
should be allocated towards the local people who harvest
other species there, bears, wolves and other animals that
would affect the muskox population and I do feel that
utilizing those resources, that criteria is warranted.

Thank you.

MS. CROSS: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Grace.

MS. CROSS: I also think it's very important that a good management plan be in place, just like it is in my region and on the North Slope. Especially with the slow growth of that population. If one is not going to be implemented before the hunt then one should be implemented soon.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion. Yes, Sue.

MS. ENSTMINGER: Thank you, Mr. Chair. We, in our region, would be interested in this process and what you're going through here because it would affect the people if something like that ever happened in our region. But I would like to understand in my mind so I can carry it back. What Mr. Haynes is trying to say is that if these three families don't come up with two people that want to take those muskox there's nothing in place to allow that other one or two people to go because I see that sometimes could happen if something happened to a family and they moved out.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Maybe I'll ask Ken and Helen to ask, but I understood that as part of the .804 it was not only the three permanent resident families but there were also a couple of other families that had part-time cabins or part -- or who lived there part-time that might also be included.

I'll let you go ahead.

MS. H. ARMSTRONG: No, that's not
It's for the people who have permanent residency in the Monument, and those are only three families. I think there, if I remember correctly, six adults between them.

MR. ROEHL: Thank you, Mitch. Anybody's who has had a mouse infestation in the house can attest to the fact that population growth is exponential so the muskox that aren't harvested per se will be around to produce even more muskox and so in the future it will be a good benefit to the region as a whole.

CHAIRMAN DEMIENTIEFF: Thank you.

Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: Is somebody prepared to offer a motion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead, Judy.

MS. GOTTLIEB: I'll move to support the recommendation of the Northwest Regional Advisory Council.

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

MS. KESSLER: I'll second.

CHAIRMAN DEMIENTIEFF: Okay. Further discussion.

(No comments)

CHAIRMAN DEMIENTIEFF: I certainly support the work that has been done to get here, and I compliment people for taking the effort. And I also appreciate the other regions that have spoken up that are appreciating this information and opening up, I see light bulbs going off over people's heads because of this process, so I appreciate that. And I think if we get, maybe if you guys get with Ken over there after the meeting he might be able to shed some more light on the process that was employed in advancing this as far as it
is.

Is there any further discussion.

(No comments)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

With that we'll change Staff and prepare to do Proposal 21 from Eastern Interior. That completes our work in Northwest and thank you all again for your work.

(Pause)

CHAIRMAN DEMIENTIEFF: Go ahead you can introduce the proposal.

MS. GREFFENIUS: Good afternoon, Mr. Chair and members of the Board and Council Chairs. My name is Laura Greffenius, and I'm on the Staff with the Office of Subsistence Management with the U.S. Fish and Wildlife Service. I shall provide a summary of Wildlife Proposal WP05-21, which begins on Page 184 of your Board book.

This proposal was submitted by the Cheesh-na Tribal Council. It requests adding the residents of Chistochina to the customary and traditional use determinations for moose in the portions of Unit 12 where they are not currently included.

The existing regulation for Unit 12 moose, customary and traditional use determination is listed on Page 187. And the proposed regulation follows it and is also on Page 1897. You can see Chistochina listed in bold. And next, please refer to Map 1 on Page 188 and this will assist you as I proceed.

Residents of Chistochina located in Unit 13(C) are included in the customary and traditional use
determination for moose in the portion of Unit 12 labeled
as A in the regulatory descriptions of this analysis and
labeled as A on Map 1. The proponents are requesting a
positive determination for moose in the (B) or eastern
area and (C), the northern portion of Unit 12 described
in the proposed regulation and, again, shown on this map,
again referred to Map 1 on Page 188.

Note that the Federal public lands in
Unit 12 are comprised of Wrangell-St. Elias National Park
and Preserve, which is nearly half, 48 percent, and
Tetlin National Wildlife Refuge which is 11 percent.

The customary and traditional use
determinations for all or parts of Unit 12 are shown in
Table 1 on page 191.

Chistochina is an AHTNA community that
traditionally harvested moose in Unit 12. The analysis
details documentation of kinship ties between Copper
River AHTNA and Upper Tanana residents in pursuing
subsistence activities. Chistochina subsistence use
activities in Unit 12 extend beyond the area labeled (A)
on the Unit 12 map including parts of areas labeled (B)
and (C).

Under factors for determining customary
and traditional uses, Factor 4, which begins on Page 192
addresses their consistent harvest for the area. The
available permit information for Chistochina residents
from 1991 to 2002 shows the harvest of moose in the
portion labeled (A) of Unit 12 where the community has an
existing customary and traditional use determination.
However, mapping of community resource harvest areas for
Chistochina residents undertaken in conjunction with 1982
household surveys showed traditional moose harvest
occurred in a larger area than existing Federal
regulation allows. For Unit 12 mapping of moose harvest
areas showed residents of Chistochina used the Nabesna
River drainage beyond the (A) portion, plus Pickerel Lake
in the northern area and along drainages east of the
Nabesna River in the (B) area.

Referring to Map 2 on Page 189,
additional information on the use of the eastern and
northern portions of Unit 12 by Chistochina was provided
in the investigation reports for historical and site
applications submitted by AHTNA. Historical occupancy
and use of sites on a seasonal basis for subsistence
activities, including moose harvesting, throughout the
1970s was described for locations indicated by triangles on Map 2 for the (B) portion and the Pickerel Lake locations north of the winter trail for the (C) portion. Again, these are found on Map 2 on Page 189 in your board book.

Chistochina has a customary and traditional use determination for moose in other units as well, specifically Units 11 and 13. Information presented in each of the other factors for customary and traditional uses are detailed in the proposal analysis and describes their overall traditional use of moose in Unit 12.

In summary the effects of this proposal, adoption of Proposal WP05-21 would recognize the residents of Chistochina as customary and traditional users of moose in the other portions of Unit 12, which is (B), east of the Naresna River and Naresna Glacier, south of the Winter Trail from Pickerel Lake to the Canadian Border and (C), the northern portion of Unit 12.

Written documentation shows that residents of Chistochina have used moose in these areas since the late 19th Century.

This concludes my presentation. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. MATHEWS: Yes, Mr. Chair. I'm Vince Mathews, the Regional Council Coordinator for Eastern Interior. We had two written public comments, they're on Page 186, or I should say they're summarized there and we do have full text if you'd like to see the full letter.

There was two public comments that were in support, one from the AHTNA Subsistence Committee. They support the rural subsistence users who reside in Chistochina because they have a customary and traditional use of the area. They also hunt for caribou, moose, sheep and other wildlife there. Unit 12 is their traditional area to hunt and they have used these areas for thousands of years.

The Wrangell-St. Elias National Park Subsistence Resource Commission also took up this
proposal and they support the proposal unanimously. The analysis presented clearly documents that the residents of Chistochina have customary and traditionally harvested moose in all three areas of Unit 12 for which there are C&T determinations.

Mr. Chairman, that's all the public comments. I did check today to see if there was any comments that would have come in from local communities, there was none faxed in to my fax and to my knowledge there was none faxed into the Anchorage office.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. We have one additional request for public testimony at this time. Wilson Justin.

MR. JUSTIN: Thank you, Mr. Chairman. I appreciate the opportunity to come over and provide some additional testimony on the proposal.

The proposal is kind of a setting the record straight proposal. Inadvertently the community of Chistochina was left out of the C&T process. Over the years we've talked about establishing a C&T for the community because it was originally our intent to do so. All of the residents of Chistochina, including the non-Native residents have established a clear and relatively consistent use of Unit 12, perhaps not very visible but still clear use.

My family is from that particular area between Napesna and Chishana. Mr. Joe, who lives in Chistochina hunts mostly in Chishana now. Other members of the family from that area between Pickerel Lakes and the Chishana River still reside in Chistochina and Mentasta. The pattern is very clear and very consistent, if lacking in public acknowledgement. And the Chistochina Tribal Council is very, how I should say, the Tribal Council is very insistent that the proposal be passed because we believe that it's just a fundamental correction of our previous subsistence rights in a particular locality.

And, again, my name is Wilson Justin, I serve as the subsistence advocate for Cheesh-na Tribal Council and Mentasta. I work for Mount Sanford Tribal Consortium. And I can state for the record that to my knowledge every particular resident in Chistochina has
subsistence rights to 11, 12 and most of 13, and I'll
leave it at that.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any
questions.

MS. ENTSMINGER: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Sue.

MS. ENTSMINGER: Could I ask a question,
yes, thank you, Mr. Chair.

Wilson, are you aware that Mentasta does
not qualify for that southern piece that they're calling
(B)?

MR. WILSON: Yes.

MS. ENTSMINGER: Can you tell me why you
didn't include them in the proposal?

MR. WILSON: We had -- my intention was
to ask Mentasta Tribal Council what they wanted to do.
The way proposals are developed within the regions and
probably all across the state, tribal councils are very
sensitive to other individuals or other advocates
speaking on their behalf at any given level within the
development of proposals and I respect that. If I would
have been able to put the two proposals together from
Cheesh-na and Mentasta I would have. But I just thought
it would be better if Mentasta wants me to do a complete
separate proposal, that's fine, and if they want to be
added on later, that's fine. It's entirely up to them in
my estimation of how they want to approach the issue.
refer to is actually on two levels. The first one is the potlatch activity. From Healy Lake all the way over to down the White River and nearly all the way to Copper Center, probably around Gakona, there's an extended family system within the clans that demands allegiance to how potlatches are developed.

For instance, the last Chief potlatch in Healy Lake, residents of Nabesna were invited over and this was like 1935 or 36, and they were invited over because they were not only a part of the clan system that enveloped Healy Lake but there were family members that had been a part of the marriage system in that upper area for quite an extensive period of time.

The other link, or the other level is the fact that Healy Lake provided the lower level access and outlet for trading activities that occurred in Nabesna just as Tuwany Lake provided the other access doorway to trading activities.

The trading activities that occurred for my clan in that particular region between let's say Batzulnetas and Chishana had four outlets, Healy Lake, Tuwany Lake, Kinik and Eyak, and all of our activities were one of those four.

So there's two very consistent and historical ways that Healy Lake is hooked into our area.

MS. GOTTLIEB: Thank you.

CHAIRMAN DEMIENTIEFF: Any other questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much, Wilson, appreciate it.

MR. WILSON: Again, thank you.

CHAIRMAN DEMIENTIEFF: Let me see, I think we have two Regional Council recommendations. Southcentral and then Eastern.

MR. LOHSE: Mr. Chair. The Southcentral Council unanimously agreed that there was sufficient evidence to support having Chistochina added to the C&T for moose in Unit 12.
Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Eastern.

MS. ENTSMINGER: Thank you, Mr. Chair. We also agreed that Chisto should be included, but knowing the demographics of the area I was a little concerned that all of Unit 13 was not added to that because we're giving Chistochina that area. And I understand what Wilson has brought forth and I just wanted to let the Board know that we'll probably be seeing a proposal to bring that up to you. So we support the proposal and you'll probably see another one.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. The Interagency Staff Committee recommendation can be found on Page 185. The Staff Committee supports the proposal consistent with recommendations of both the Southcentral Alaska and Eastern Interior Regional Advisory Councils.

Documentation of the customary and traditional use of moose in other portions of Unit 12(B) and (C) by residents of Chistochina is shown through community harvest resource mapping and site specific investigations within these areas. Their levels of use are very similar to the communities that have a positive customary and traditional use determination in these portions of Unit 12. The documented uses by Chistochina residents are concentrated in a portion of Unit 12. The Interagency Staff Committee noted that both the Southcentral and Eastern Interior Regional Councils affected by this proposal supported a finding of customary and traditional uses for the whole of Unit 12 rather than defining a new portion of the unit in which the uses would be recognized.

The Interagency Staff Committee concurs with the two Councils, that no additional benefit to management occurs from creating new portions of a unit for customary and traditional findings in Unit 12.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Department.
MR. HAYNES: Thank you, Mr. Chairman.

The Department supports the proposal with modification.

Evidence presented in the Staff analysis demonstrates that the Chistochina residents have hunted moose in some areas of the southern part of Unit 12 for which they currently do not have a positive customary and traditional determination. However, the evidence presented for the eight factors indicates that this pattern occurs primarily in the southern part of Unit 12.

No documentation is presented showing that Chistochina has hunted moose in the northwestern part of Area (C), which are all State managed lands or near the communities of Tetlin and Northway in the northeastern part of Area (C).

Subsistence eligibility for moose hunting in Unit 12 by Chistochina residents should be extended only to those parts of the unit where the community has established a customary and traditional pattern of use. Documentation of Chistochina moose hunting areas includes subsistence use area maps for the period 1964 to 1984 compiled by the Department of Fish and Game and descriptions of the community's moose hunting areas in Holly records 1983 subsistence report for the Cooperative Parks Studies Unit and in the Backscatter Radar System Background Study prepared in the late 1980s. Consequently, we believe the community's use patterns are well documented.

This proposal is very similar to a series of customary and traditional determination proposal submitted to the Federal Board several years and in our view should be evaluated in a similar way. At its April 1997 meeting, the Federal Board voted to establish customary and traditional eligibility for moose in part of Unit 11 to communities in Unit 12. In that case and on the basis of the available evidence, the Board limited the customary and traditional finding only to the northern part of Unit 11, that is the area north of the Sanford River and not to areas farther south in which the Board concluded that Unit 12 residents had not established a customary and traditional pattern of use. The Interagency Staff Committee justification in the Staff analysis for these proposals stated, in part, "there was insufficient information to justify extending this determination to all of Unit 11 and the uneven record of harvest and the long distances of travel argue against this proposal for all of Unit 11, however, the
documentation does support a positive determination for
the portion of Unit 11 north of the Sanford River."

The Department recommends that this
proposal be evaluated in the same careful manner as were
the Unit 11 customary and traditional determination
proposals in 1997.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Discussion. Keith.

MR. GOLTZ: Terry, if you look on Page
188 there's a map of Unit 12, and I'm particularly
concerned with your comments as they relate to the (C)
section.

Now, you do understand, I know, that the
Federal subsistence regulations only apply to Federal
public lands, so the fact there's a lot of State lands in
the northwest is really not relevant; is that correct?

MR. HAYNES: Through the Chair, yes, I do
understand that.

MR. GOLTZ: All right. So with that
understanding, is there any reason to think that adoption
of the Council recommendation would adversely affect non-
subsistence users?

MR. HAYNES: Through the Chair. One of
my concerns is that there's very little evidence
presented to show that there is much of the -- there's
not a documented customary and traditional use of most of
the Federal lands in that area (C), the southern part of
the Tetlin Refuge appears to be accessed by river or --
in that area. The Tetlin Refuge, one of my concerns --
the bottom line really is that moose population on the
Tetlin Refuge in Unit 12 is shaky, at best.

Once there is an increase in the number
of Federally-qualified subsistence users that's eligible
to hunt those moose, there's increasing pressure to close
the lands to non-Federally-qualified users because of the
potential for demand outweigh and supply, and that's one
reason why we'd like to see further evidence that there
is use of more of these lands in Unit 12. We haven't
seen the documentation for that. And the, you know,
where is the customary and traditional use pattern for
lands farther north in Unit 12.

MR. GOLTZ: Do you see anything in this proposal that's going to increase the take of Chistochina residents?

MR. HAYNES: Through the Chair, adoption of this proposal would make Chistochina residents eligible to hunt moose throughout Unit 12 on the Federal lands, including areas where they are not currently eligible. The potential is there.

MR. GOLTZ: To increase the take?

MR. HAYNES: Yes. If they're not eligible to hunt now, they become eligible to hunt in the future.

MR. GOLTZ: Well, the take in this area, I agree. But are you suggesting that by increasing the C&T Chistochina residents are somehow going to get more moose?

MR. HAYNES: Through the Chair. Currently Chistochina residents are not eligible to hunt moose on all Federal lands in Unit 12 as I understand the reason for this proposal. If they become eligible to hunt in a new area, then there certainly is the potential that they could take moose they haven't taken before.

MR. GOLTZ: In that area, but.....

MR. HAYNES: Now, the other question.....

MR. GOLTZ: .....aren't they still limited to the number of moose they can take?

MR. HAYNES: If I could add another point, through the Chair, we would anticipate seeing a proposal from Mentasta Lake coming in too and so you're increasing the pool of eligible users by the action you're taking and we don't believe that there's been documentation showing an established customary and traditional pattern of use throughout Unit 12.

CHAIRMAN DEMIENTIEFF: Sue.

MS. ENTSMINGER: Thank you, Mr. Chair. I took some time to -- in some maps that I have here to try to understand this proposal, and it's very complicated
because of the description of these areas. In other GMU's you have (A), (B), (C) and (D), and in this you have a description, and not like Subunit (A), (B), (C). And the area that Mr. Haynes is speaking of is the Refuge and it has a 10 day longer season than the rest of the unit. November 20th to November 30th. More than the State would have. And you can feasibly snowmachine in there in the winter where you wouldn't have access the rest of the year. So I would say that, you know, somebody that wants to go out and get freezing cold in November, because that's a different type of a hunt than hunting in the fall. I mean my son has taken a November moose and you need to get on it whenever you start dissecting a moose and you don't want to sit and wait, you need to get it apart, you need to get it out to where you can deal with it.

I don't really see that there would be an increase in it. But I do see that there would be some opportunity for people that want to work hard at getting a moose.

CHAIRMAN DEMIENTIEFF: I agree with you. We've taken moose sometimes at 50, 60 below, one time I know it was 67 below for a funeral potlatch, and I guarantee you when it's cold like that you can do it in 20 minutes, load it in the sled, there is no dilly-dallying, just like you pointed out.

(Laughter)

CHAIRMAN DEMIENTIEFF: Further discussion. Sometimes when the Game Warden's are flying over, too, we can.....

(Laughter)

CHAIRMAN DEMIENTIEFF: .....no, I joke, that's legal, we all know it's legal.

MS. ENTSMINGER: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead.

MS. ENTSMINGER: Yeah, Mr. Chair, I'd like to just say that I really appreciate some of the testimony that Mr. Haynes is bringing forth because he and I go back a long, long ways when this Board first started the communities of Upper Tanana were working for eight years to get a C&T in the Wrangell Park that we
had. We had it before this C&T process evolved and then we lost it. And actually it was at that time, it was just the Tok community listed as a resident zone community and then through the process, and we had to go and you guys, I know you've been through this, eight years to get these Upper Tanana communities back into it and then suddenly the boundary changed to this line that he's talking about, the 62nd parallel, so people south of the Sanford River are -- I mean we, in Unit 12, could not hunt south of the Sanford River, when we could when all of this stuff all started, and then we couldn't do anything and then we got people back in and some of this, I mean I don't know how much all of you have been through, but, we, as the user, have been through a lot and I can understand some of this stuff that he's trying to bring out here today.

CHAIRMAN DEMIENTIEFF: Thank you. Ralph.

MR. LOHSE: Mr. Chair. If we take a look at our map on Page 189 and we look at what we're discussing. Basically we take a line from Slana and we take it over across the top of the Tetlin National Wildlife Refuge and we just look at the documented places that they put on it. They've got one document place, oh, about, I'll say a fourth of the way into the Tetlin National Refuge. They got one documented place probably right in the middle of what we'd call the (B) portion on the map on Page 188. They've got the other documented places, and those are just specific documented places.

Now, I don't know about you but I know that if somebody hunts out of a place that's documented there, they're basically hunting that area. And I think we could -- I mean as a Council, we felt that we could say that they hunted in Tetlin National Wildlife Refuge. Now, whether they hunted all of Tetlin National Wildlife Refuge we couldn't say that but they did hunt in Tetlin National Wildlife Refuge. They did hunt in Wrangell-St. Elias National Preserve, both portions (A) and (B). That's why we felt that, it's true that if you read this, when you first read it, you know, they've got -- we're saying that they've got C&T up at Tok and Tanacross and Tetlin and all the rest of it but there's no Federal land there. What we looked at as a Council, is we looked at the fact that there was Tetlin National Wildlife Refuge and there's Wrangell-St. Elias National Park.

And Terry's right, there's some little other chunks of Federal land up there along the road
system between Northway and Tetlin Junction, there's a
couple of little chunks of land that's kind of blocked
off below Northway, and I would be real surprised knowing
the people, that if they went as far as Pickerel Lake
didn't go up to Northway to visit somebody. I can
remember one time that I went along with somebody from
our local area and we went up to Northway to go muskrat
trapping and we headed in from Northway to the Chishana
River just basically in that same area right there. It
would just really surprise me if they didn't. But we do
know that they did go into Tetlin National Wildlife
Refuge and they did go into Wrangell-St. Elias National
Park and that's why we voted to support their C&T.

CHAIRMAN DEMIENTIEFF: Yeah, I think,
too, for me I support the actions of the Regional
Councils, and if we get to a motion I intend to vote for
it. Because I do know, having been to very many of their
potlatches as Wilson pointed out, they have an
established utilization of that resource by visiting each
other and eating each other's foods on those occasions,
and so that, to me, is an established utilization of that
particular resource because I do know that goes on. Like
I said I've been to many of their potlatches and I
probably have an established utilization.

But, yeah, we all know that goes on and
that is a subsistence activity.

So having said that I wonder if
somebody's prepared to offer a motion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead.

MS. GOTTLIEB: Chistochina is one of the
original resident zone communities for Wrangell-St. Elias
National Park and Preserve so I think it would be only
fitting to support the Regional Advisory Councils,
plural, recommendations on this and I think we've heard
substantial evidence towards that.

CHAIRMAN DEMIENTIEFF: Is that a motion.

MS. GOTTLIEB: And I so move.

CHAIRMAN DEMIENTIEFF: Okay, is there a
second to that motion.
MR. ROEHL: Second.

CHAIRMAN DEMIENTIEFF: I'm getting my
fast gavel again, sorry. No, we've done diligence with
this, good work, and I commend the two Councils for
working together as you have on many issues, you know, to
kind of get cooperation with each other, I know it takes
a while to do that. But I'm glad that you guys are
there, I really appreciate that effort.

Further discussion.

(No comments)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed,
same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.
Something about bear parts or something like that
tomorrow morning. Actually Tom will go through it, we're
going to take it in the same manner that the Southeast
Regional Council did, in the three parts and Tom will
talk about that in the morning as how we're going to deal
with it, probably even before we do the Staff analysis,
we can talk about that. We've learned a little lesson in
how to deal with this issue and everything we can to make
it go better.

So with that, I don't know what time it
is but whatever time it is we will take up bear in the
morning, Proposal 1.

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

UNITED STATES OF AMERICA
STATE OF ALASKA

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 2 through 141 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 3rd day of May 2005, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 11th day of May 2005.

_____________________________
Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08