FEDERAL SUBSISTENCE BOARD
Board Meeting of May 3-6, 1999

Location of Meeting
The Egan Center
Downtown Anchorage, Alaska

Transcript of
May 3, 1999
(Pages 1 - 84, Inclusive)

Board Members in Attendance:

Mitch Demientieff, Chairman
Dave Allen, U.S. Fish and Wildlife Service
Warren Heisler, Bureau of Indian Affairs
Niles Cesar, Bureau of Indian Affairs
Judy Gottlieb, National Park Service
Don Ostby, U.S. Forest Service
Sally Wisely, Bureau of Land Management
Keith Goltz, Office of the Solicitor

Others:
Ida Hildebrand, Bureau of Land Management
Tom Eley, U.S. Fish & Wildlife Service
Tom Boyd, U.S. Fish & Wildlife Service
Sandy Rabinowitch, National Park Service
Ken Thompson, U.S. Forest Service
Peggy Fox, Bureau of Land Management
Dan O'Hara, Bristol Bay Advisory Council Chair
Vincent Tutiaffoff, Kodiak-Aleutians Advisory Council Chair
Ralph Lohse, Southcentral Advisory Council Chair
Ronald Sam, Western Interior Advisory Council Acting Chair
Bill Thomas, Southeast Advisory Council Chair
Willie Goodwin, Northwest Arctic Advisory Council Chair
Fenton Rexford, North Slope Advisory Council Chair
Grace Cross, Seward Peninsula Advisory Council Chair
Harry Wilde, Yukon-Kuskokwim Delta Advisory Council Chair
John Andrew, Coordinator
Elizabeth Andrews, Alaska Department of Fish & Game
Taylor Brelsford, U.S. Fish & Wildlife Service

Pacific Rim Reporters
1 Other Staff Members in Attendance:
2
3 Pat McClenahan
PROCEEDINGS

(On Record- 1:04 p.m.)

CHAIRMAN DEMIENTIEFF: Good afternoon, ladies and gentlemen. I'd like to welcome you to the meeting of the Federal Subsistence Board. I guess at this time we'll go ahead and go around and do introductions.

My name is Mitch Demientieff. I'm from Nenana and I'm Chairman of the Federal Subsistence Board.

(Introductions of those in attendance as reflected on Page 1 hereof)

TOM BOYD: We have Joy Brauer, she's a realtime reporter, recorder, and we have the advent of the new technology that we're employing this year for those who have difficulty hearing, as well as those of us who don't pay very good attention. We have realtime captioning with the TV screens we see in the center of the floor, as well as on the large screens to the side of the room. So welcome, Joy.

(Introductions continue around the table)

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

NILES CESAR: Mr. Chairman, if I might, I've been approached concerning the agenda for Wednesday afternoon, I believe. Wednesday afternoon, I believe that we're taking up the Kenaitze issue and as I understand, there's a number of people from Kenaitze who are planning to be here and to testify, but they find themselves in a conflict of time because at 3:00, as I understand it, will be the march, AFN march and the Kenaitze people wanted to participate in that and they were wondering if there was some way that we could accommodate that request, either by picking it up at a different time or doing part of the testimony there and allowing an adjournment so that they could attend that march. I just raise that as an issue.

CHAIRMAN DEMIENTIEFF: That march is at 3:00?

NILES CESAR: Yes, sir, that's my Pacific Rim Reporters
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understanding, unless I'm to be corrected.

CHAIRMAN DEMIENTIEFF: Did you get an indication on whether or not they want to continue on that evening with testimony after the march or --

NILES CESAR: Let me check. Is Lare here? Actually, I don't see Lare. I can't see that far. Lare told me that they would be amenable to doing, say, an hour of testimony at one or so and then picking it up later. He didn't indicate to me what time he thought that Kenaitze would want to do that. And maybe -- maybe if he shows back up in here, we could ask him. I don't know if anybody else has any information on that.

CHAIRMAN DEMIENTIEFF: Yeah, I would think there would be some way to accommodate. We'll just work with their delegation maybe when they get here, see what's possible.

The other thing that will be advised is we were advised this morning by the chair from the North Slope that their muskox management agreement has been made and if it's possible for us to get a staff committee recommendation prior to adjourning -- or prior to getting done with this meeting, we will try to accommodate that agenda change, too. Something I guess we just found out this morning, it's prepared and ready now for board consideration. So if it's at all possible, we should know more about that in the morning, by the morning, but if it is at all possible, we will add that to this agenda, as well. Is there anything else? Mr. Rexford?

FENTON REXFORD: In the consent agenda, I don't know how we'll proceed as far as removing items from the consent agenda, just around the table.

CHAIRMAN DEMIENTIEFF: Yeah, we will ask if there are any items that people have requested to be removed off the consent agenda at that time.

Any other comments or concerns with regard to the agenda?

(No response)

CHAIRMAN DEMIENTIEFF: Do we have any requests for public testimony generally at this time?
I don't have none in front of me.

The requests to testify, the little blue form is available in the back table here, so any time anybody that wants to make a request to testify either generally or to specific proposals, please stop by the table in the back and fill those out and we will get you on the -- for testifying.

Okay, we do have the consent agenda. Before we get into that, we do have one request to testify. Ted, Bristol Bay.

TED KRIEG: Yes, Mr. Chairman, my name is Ted Krieg, Bristol Bay Native Association. I work in the Natural Resource Department. I was going to bring this up later on during Bristol Bay time, but one problem that we have run into due to the decline of the Northern Alaska Peninsula caribou herd is the fact that we had to go through State regulations. We're in a Tier II hunt and there's already been a lot of decisions made. Tier II applications are due at the end of this month. We held some training last week to get people up to speed on the whole Tier II process, but having the board meeting at this time in May, it ended up being a little bit late. You know, I know it's tough when you got State and Federal things going on, but just to make you aware of that problem.

CHAIRMAN DEMIENTIEFF: So were you concerned about the lateness of our meeting date?

TED KRIEG: Yes. And I guess part of the Regional Council, Bristol Bay Regional Council made some recommendations about coordinating with what was going on with the State Tier II hunt and so they're basically working, working together, but yet there's decisions that are being made. You know, the State's already up and running and you know, Tier II applications are available and there's a short window of opportunity, just basically the month of May, maybe another week or so, depending on when everything is ready, for people to apply, but now we're waiting till, you know, this is the first week of May for the decisions to be made about what's going to -- you know, if the Federal Subsistence Board goes along with the Regional Council recommendations and then for the federal process to actually kick in, because there's going to be a permit system for the federal process for hunting Northern Alaska Peninsula caribou herd.
also, or at least that's up to the Board to decide, but that's the way things are pointing.

So anyway, I just thought I'd bring that up, that this late date for the Federal Subsistence Board meeting is kind of a problem, you know.

CHAIRMAN DEMIENTIEFF: Well, I was just refreshing on -- we just made the change, oh, a couple years ago, and the concern was that we wanted to give staff committee a little bit more opportunity to make recommendations, so it was kind of compressed. We used to meet, what was it, first week of April? Yeah, it was first week of April. We bumped it back actually a whole month, but you wouldn't break my heart if you started a big movement to move us up a month. I like the April meeting date, you know, myself, a little bit better. The season is on at home and I'm down here for the week. Niles?

NILES CESAR: Yes, Mr. Chairman, I just wanted to question you on your training that you had. You had it in Dillingham?

TED KRIEG: No, we had it Port Heiden.

NILES CESAR: Oh, Port Heiden. How did it go?

TED KRIEG: It went well. We had a good turn-out and a lot of questions and I think people really understood the whole, you know, Tier II process a lot better. And that's kind of where, you know, my comments about the late time for the Federal Subsistence Board meeting come in is because, you know, we already know what's going to happen with the State but I can't say definitely what's going to happen in the Federal system and this has created so much -- well, people are, you know, aren't sure of the whole process and you know, there are some misconceptions about some of the things that go along with the Tier II, applying for it. So it was just confusing for people -- or for me.

NILES CESAR: I just wanted to check, see if my money was well spent.

TED KRIEG: Yes, thank you. It was well spent.
CHAIRMAN DEMIENTIEFF: Okay, thank you.

We do have the consent agenda items here.

Normally we give the opportunity now for any items that are requested to be pulled and we'll also try to give opportunity as we switch regions and regional consideration to pull any items that may want to be pulled when we start each region.

Are there items that are requested to be pulled off the consent agenda? Fenton?

FENTON REXFORD: Before I request a removal of North Slope's proposal, could you -- in our agenda that you gave us, just reading the recommended actions and the RAC's proposals that were submitted to request the Board to remove them from the consent agenda. Could you have someone elaborate on that a little bit? I'm disputing the deferral of the recommended action here. I want to bring it back on the table to discuss related matters to muskox. I think it would be -- I don't know when that would be brought up before the table, on the reasons for pulling the items off the consent agenda, to be put on the table.

TOM BOYD: May I?

CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

TOM BOYD: The consent agenda was simply our interpretation of where all of the primary parties were in agreement. This is, at this point, a proposed consent agenda and if anyone objects to an item being on the consent agenda, then it would be pulled. The idea is that we wanted to consolidate as many of those and take care of them in one motion where everyone was in agreement. If someone obviously is in disagreement, then that item will go back on the agenda, get a full hearing of the Board and a full deliberation at that point.

IDA HILDEBRAND: In reference to Mr. Rexford's statement of wanting to discuss related matters, perhaps it would be more appropriate to discuss those related matters when we discuss the management plan that you directed the staff committee to review.
CHAIRMAN DEMIENTIEFF: That could be -- it could be done either way. I mean, if you want us to pull this off of the consent agenda, is this Proposal 63 that you're talking about?

FENTON REXFORD: Yes, sir, Mr. Chairman. It's the proposal from the North Slope and I think I do not want to lose an opportunity to -- to present Proposal 63 which it interties with our muskox harvest plan and this is my only opportunity to discuss that in front of you, rather than just sit back and say, okay. So if that could be done, Mr. Chairman, I request to put 63 on the table and removed from the consent agenda, or request anyway, your consideration.

CHAIRMAN DEMIENTIEFF: So yeah, we do have a request to pull Proposal 63 off the consent agenda.

FENTON REXFORD: Yes, sir.

CHAIRMAN DEMIENTIEFF: Okay. We shall do that. Any other requests at this time? Hearing none, we'll go ahead and move on with the -- to our first region, Seward Peninsula. The first item up will be the Proposal Number 46 and we're ready for the staff report on that.

DONNA DEWHURST: 46 and 47 are treated together in the analysis. 46 is basically the special action that was originally made to allow for a joint state and federal hunt. 46 basically will make that special action into a permanent action on the regulations. 47 is basically a dispute among -- or about one specific aspect of that joint federal and state hunt and that's the way the federal permits are divied up in Unit 22(D), Subunit 22(D).

You might want to -- I'm going to be referring to three tables real briefly. One of them is about three pages into the analysis, called Table 1 in there. And then Table 2 and Table 3 I think are placed at the tail end of the analysis. I'll be referring to both of those two and then the Appendix 1, which I also think is at the end of the analysis. So just to give you a heads-up so I don't just mention those and you don't -- and you're scrambling to look for them. Kind of have an idea of where those are because I'll be
nsensus on where to go. There's still bickering
over specifics but the general game plan everybody
seems to be pretty happy with and we're marching along
in that direction, which hence is Proposal 46 and it's
a joint federal and state hunt. There were pros and
cons on both systems and having both systems work
together kind of mediated between the pros and cons.
They matched very nicely, mated quite nicely between
the two systems in this case.

The problem with the Federal only system, which
is what we've had for several years, is in cases like
in 22(D), Subunit 22(D) where we have only 15% is
federal lands, we would have to make the local
villagers go a fairly good distance to get a muskox,
where with the State system, they can harvest anywhere
in that subunit, and if they're also a rural user,
they can use that State permit also on federal land.
So that's where the matching of the two systems works
very nicely.

The State system is a Tier II subsistence system
and the only problem there we've found and it's not --
part of it is being new to the area, the system being
new to the region is the local villagers are a little
slow to accept the State system, but the State
biologist, Kate Persons, and her crew are making a
huge effort into letting it be accepted and part of it
is going to take some time because the Federal system
has been around for a couple years, the State system
is brand new and just human nature, they're a little
reluctant to just jump on the band wagon. So right
now, they're a little more comfortable, the villagers
are a little more comfortable with the Federal
system.

The way the permits were allocated, which is on
that Table 2, which is the two long tables or two
horizontal tables, that was decided by the individual
villages as to whether they wanted more permits on the
State side or more on the Federal side. Some of them
were a little lopsided but that was as per the
of this was done with consensus or with input from the villages, themselves, and we try to make a big effort there.

So there isn't a whole lot of debate over the fact that it -- the state and federal permits, state/federal hunt will continue. The debate comes as to how to allocate between the state and the federal permits and the real nuts and bolts of it boils down to Unit 22(D), which is hence Proposal 47. 22(D), as I already mentioned only has 15% federal lands, which is a real small chunk, but the percentage of federal permits is much higher, but that was as -- as per the request of those villages.

If we go back to Table 1, we've been doing muskox surveys about every two years there in that particular region. Every region is a little different. That region they do them every other year. They try to do a complete census, meaning they try to go out flying, count every single animal. It's a big joint effort between multiple agencies. That '96 survey you notice is quite a bit lower than some of the other surveys. That was an incomplete census. Some weather hampered things that year. So take it with a grain of salt. So because of that, I would lean you to looking at -- back to '94 and comparing '94 to '98 and figuring '96 probably would fall somewhere in between the two, instead of that big dip.

Even looking at '94 to '98, and we're looking just at 22(D) now, you see that the overall population in the whole unit, which is under that column total, has almost doubled in the four years. It's gone up considerably. While if you look at just the number of animals on federal lands, which includes both BLM and Park Service lands, the numbers are going down. Now, I would take that with a grain of salt. I would be inclined to say they're stable. Even though they've gone down, they've gone down, it's not significant in the amount that they've gone down. If you threw statistics on there, it would basically say the population is stable on federal lands.

Now the debate has come as to whether or not we should consider that micro managing on federal lands, versus just looking at the overall population of 22(D), which has almost doubled. Well, the problem I see there is we're issuing permits to be -- animals to
be taken only on federal lands. As long as we
continue to issue permits for federal lands, it puts
us kind of in a bind that we have to look at those
animals separately. Muskox do move around, but not a
lot. The mixed sex groups have pretty much stayed in
the same areas. There hasn't been a whole lot of
movement. Most of the movement we've seen has been
single bulls and additional mixed sex groups that have
formed as the population has increased.

What we haven't seen is a big influx into that
area. If you did look at the '96 numbers, there -- on
federal public lands, there was a jump of about 32%,
but then you look back to '94, you say well, no, there
wasn't, but the overall numbers have increased. The
concern I have as a biologist is to me, this is
circumstantial evidence, but it lends to be a red flag
and if something's going on those mixed sex groups,
we're talking very small numbers, somewhere 50 to 80
animals on federal public lands in that area and they
aren't increasing over the past four years, where
while the animals on the whole rest of the area have
increased, they've almost doubled. Some of that
doubling has been actual reproduction, some of that
doubling is probably animals moving into the area from
other areas. It's circumstantial evidence and the
only impact we know of is hunting and we have had the
federal hunt going on on federal public lands for the
past few years. I'm just saying that the fact that
that population hasn't gone up, we don't know why. We
don't know if it's lack of reproduction or lack of
animals moving into the area because of disturbance.
We don't have those answers, but we just know that it
isn't increasing like the rest of the area. To me,
that's a little warning flag that we should proceed
cautiously and conservatively.

The percentage, if you go back to Table 2, the 12
permits for federal public land, the -- okay, let me
back up here. The total permits, the way it was
issued was based on a five percent harvest profile,
i.e., the cooperators agreed to try to harvest around
the five percent level. If you look at the 12 permits
issued for 22(D), that actually represents somewhere
between 15 and 29 percent, much higher. Now, if you
took that and said how many animals are actually on
BLM land and we subdivided, took away the split, which
is what's going on, right now half the permits have to
be on Park Service land, half to be on BLM land.
There were around, the ballpark, around 20 animals on
Park Service land on the last survey. If you subtract those, then we're down to around 50 animals, give or take, on BLM land. That harvest percentage is going to go up even more because that 15 to 27 percent was based on all animals on all federal public lands, including the Park Service.

You take those away and you say, okay, we're down to about 50 animals we're talking about on BLM land, well how many of those are mature bulls because our harvest is only mature bulls. We don't have a good sex age composition, but if you were to be conservative, you'd say, well let's say 30 percent are mature bulls. Well, then we're talking 15 to 20 animals and we're talking potentially issuing 12 permits if we remove the split.

All I'm saying is that's -- we need to be careful. It could represent an overharvest. We don't know. I can't say that a hundred percent that it's going to be an overharvest. I'm just saying that the past couple of years to me indicate to proceed with caution and to proceed slowly and it may or not be a problem. We won't know -- the next survey will be in the year 2000. So we didn't have any survey in 1999, just this past few months. They're usually done in March. We will have a next survey next year so we'll know a lot more by then, but we unfortunately have to make a decision right now and based on the information we have right now, the staff advice is to proceed with caution. And that's where the original recommendation was to defer. That was based along that and based along the fact that that's the way the villages were leaning.

A logical -- if you look at this and try to piece together the whole picture, logic would say well let's just give some more permits to the State. That would solve our whole problem, let's kick four or six permits over to the State side. Those could be used anywhere in Region 22(D) which would distribute the harvest and get rid of our whole problem. That was presented to the regional council last fall and the representatives from the two villages that are affected, Teller and Brevig Mission were very much against that. That falls back to right now they're slow to accept the Tier II system and they don't want to necessarily put more permits into it. They want to keep more into the federal side. So we're kind of stuck there.
I think down the road we will be putting more permits on the state side but it's going to be a slow process and the biggest thing with the deferral, the original recommendation of deferral and the Council's recommendation of deferral was to give the whole process a little bit more time to work out and to build consensus, because this whole state/federal program was a long, very long consensus building activity or progression and we're trying to keep that. We're trying to keep the consensus going and trying to work with what the villages want. That's the biggest thing. The biology is a factor, certainly, and the biology would set up some little red flags that just say be careful, but it's not definitive. There's no black and white answer of what's going to happen over the next year. That's kind of where we stand right now.

CHAIRMAN DEMIENTIEFF: Staff committee recommendation.

PEGGY FOX: Thank you, Mr. Chair. The interagency staff committee recommendation for Proposal 46 is to adopt it consistent with the recommendations of the Seward Peninsula and the Northwest Arctic Regional Councils. With regard to Proposal 47, the recommendation is to adopt it, which is contrary to the recommendation of the Seward Peninsula Regional Council. Proposal 46 was the -- is the result of a cooperative management effort for muskoxen on the Seward Peninsula incorporating federal land management agencies, Fish & Game, Native organizations and others working within the Seward Peninsula muskox cooperators group.

A May 1998 special action modified the previous federal subsistence muskox harvest system to enable a one year trial of this new combined Federal/State harvest system. Staff committee supports the efforts of the Seward Peninsula Regional Advisory Council to extend this action to the permanent regulations.

With regard to Proposal 47, the majority of the staff committee recommended supporting removal of the permit allocation between the Park Service and BLM lands. The permits were originally split between Park Service and BLM lands in 1996 for conservation reasons, when State lands were not open for harvesting muskox and harvest was entirely on Federal lands. In the four years muskox have been harvested on federal...
public lands, no muskox have been taken. Park Service lands have limited -- are virtually unavailable due to the limited access, poor habitat and the distance required to travel to them. Over those four years, 13 out of the 28 permits for taking muskox on federal public lands were filled and when the Federal/State combined harvest system was in effect this year, only three out of the 12 permits issued were filled.

The staff committee members expressed hope that there will eventually be a single permitting regime for muskox on Federal and State lands noting that State permits can be used both on State and Federal lands. The majority of the staff committee felt that disagreement with the Seward Peninsula Regional Council recommendation on this proposal was justified because of the allocation of harvest opportunities between the two areas -- because the allocation of harvest opportunities between the two areas is an unnecessary restriction on subsistence users. They noted that the muskox population on BLM lands appears to be stable and felt it was unlikely that a combined permit allocation of Park Service and BLM lands would result in overharvest on BLM lands.

The minority of the staff committee voted to support the Council's recommendations to defer, noted that the Seward Peninsula Regional Council was aware that Park Service lands are a long distance from Unit 22(D) villages and that there was no harvest of muskox on Park Service lands this year, but recommended deferral anyway. It was suggested that the time to discard the zoning concept would be when subsistence users request more permits be allocated to the State's Tier II hunt which don't have any recommendation. We could go either way on that, either support it or defer it. Thank you,
CHAIRMAN DEMIENTIEFF: Regional Council comments?

GRACE CROSS: I'd like to have Jake Olanna address us now.

CHAIRMAN DEMIENTIEFF: Oh, I skipped right over public comments, I'm sorry. That was my fault. Apologize to you, Jake. Skipped right over public comments.

JAKE OLANNA: Thank you, Mr. Chairman. My name is Jake Olanna. I'm from Kawerak and Nome, and for the record, I've got a letter here addressed to the Chairman, Mr. Demientieff, Chair Federal Subsistence Board.

Dear Mr. Chairman -- Dear Chairman Demientieff, the Kawerak National Resources Committee composed of members of the Kawerak Board met on April 7, 1999. During the meeting, they heard a report on Federal Subsistence Proposals 46 and 47. The committee agreed that the census report for muskox supports those proposals. Following discussions they agreed to support adoption of both Proposal 46 and 47. Based on the discussions and the decision of the Kawerak National Resources Committee we encourage the Federal Subsistence Board to take action at the May 3-5 meeting to adopt both proposals, take the staff committee's recommendation.

Mr. Chairman, if I could expand on that a little bit, these decisions were made based on the proposals that were submitted to the Regional Advisory Council, but unfortunately, I wasn't there to -- to hear the Seward Peninsula Committee requesting a deferral of 47. I know Kawerak supports 46. Now myself, being a co-chair of the Seward Peninsula -- Seward Peninsula Muskox Working Group, I would support that we defer this proposal, because right now as we speak, Kate Persons and Fred Tocktoo of the National Park Service are traveling to the villages issuing or making applications available to the subsistence users in Norton Sound.

And now as the staff committee said, the census is due next year and I'm hoping that you might defer this proposal to see what the numbers look like in these areas, because in portions of 22(D), there's a very little portion of the Bering land bridge and
people that I spoke to in Brevig Mission and Teller said that was too long of a distance to hunt muskox and when they get up there a lot of times, the muskox aren't there. So I would ask this Board to consider deferring Proposal 47. This is myself saying that, not Kawerak.

CHAIRMAN DEMIENTIEFF: Thank you.

Regional Council comments?

GRACE CROSS: I'm Grace Cross. This proposal originally came at the concern of Teller and Brevig Mission regarding the distance they had to travel to Park Service lands in order to get muskox and they utilized the ones closer, the BLM lands and throughout the years, if you notice in the charts they have not taken that many animals from that area.

Last fall, when we -- when our Council met, we decided to defer the proposals mainly because the State Tier II system was just starting and people wanted to see whether or not that will affect the numbers in the BLM land muskox. And plus one of the Council members was concerned that perhaps the people of the communities, those two communities would be talked to first in order to find out whether or not they still wish to keep the -- they still wish to move the permits to open up the whole area for the two permits as the proposal suggested or whether some of the permits should be moved to the State Tier II system. So at the time the Council, when we made the decision to defer the proposal, we felt that we need more input at this time because the State had something new.

I realize that Kawerak Subsistence Advisory Council is in support of this motion. And there are members of the -- and their membership consists of all of our villages around Seward Peninsula Region. I have not talked to any of the Council members, any the members of the other Council members regarding how they feel mainly for a couple of reasons. One, I don't have a way of communicating with them because I don't have -- I could write letters to them or go use Park Service land -- Park Service telephone. So that has not occurred. So I would rather see that we discuss this again in our fall meeting and that way I'll get a good idea as to where our Council is coming from at this point. Thank you.
CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment?

WILLIE GOODWIN: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes, Willie?

WILLIE GOODWIN: The Northwest Region, who I represent, they support Proposal 46.

CHAIRMAN DEMIENTIEFF: Thank you. Any additional Regional Council comment? Bill?

BILL THOMAS: Thank you, Mr. Chairman. I'm not speaking against. I was trying to sort out the implication of Ms. Dewhurst's suggestion on approaching with caution, and rather than proceed and determine what the caution was afterwards, I wondering if there's any wisdom in conservation before proceeding. Just an observation, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Additional comment?

HARRY WILDE: Mr. Chairman, Yukon-Kuskokwim supporting Seward Peninsula Regional Council recommendation.

CHAIRMAN DEMIENTIEFF: Thank you. With our new revised format, we will begin deliberations on this and then we'll come back again for another final round of Regional Council comment before we vote.

JUDY GOTTLIEB: Mr. Chair, I wonder if I might ask our local manager to come up and just give a little bit more background for us. Ken Adkisson, please?

KEN ADKISSON: My name is Ken Adkisson. I'm the Subsistence Program Coordinator for Western Arctic National Park lands which consists of four park units in Northwest Alaska, headquarters in Kotzebue and we manage the Bering Land Bridge National Preserve which includes lands in southern Unit 23, 22(E) and 22(D), which is under question relation to Proposal 47. I'm also the Co-chair of the Seward Peninsula Muskoxen Cooperator's Working Group.

One of the concerns that we've had is balancing the biological issues and concerns with the desires of Pacific Rim Reporters
the -- of the villages that were affected and
protecting their subsistence interests and priorities
as we proceed through developing a joint hunt.
There's some aspects of biology, perhaps, that haven't
been brought out and maybe one or two other comments
are appropriate along the lines of the questions that
Mr. Thomas brought up about caution that I'd like to
bring to the Board's attention.

   With respect to the animals in 22(D), in one of
our public meetings, we did get a comment from one of
the Teller hunters that it seems like it's harder to
find bull muskoxen out there on BLM lands. While the
population may be appearing to remain fairly stable, I
think there's a concern about some of the population
dynamics and age/sex structure in the mixed age sex
groups and unfortunately we have very little to none
composition work to help guide us in there.

   It was mentioned that we take mature bulls.
Actually, that's not necessarily so. The regulation
says one bull by federal permit. That could be any
age bull from a calf on up to an aged animal. And up
till recently, we haven't had much information on what
age classes or structure were being represented by the
harvest. As part of the cooperative joint hunt, we
have instituted provision where we're asking the
hunters to submit a portion of the lower jaw with the
front teeth so that we can try to get some age
information on the harvested animals.

   Mostly for the mixed age sex groups that you
find, you're going to find a breeding bull and you're
going to find a group of related females that are
reproducing, and their offspring, and then up to a
point after several years, most of the male animals
are going to be moving out into bachelor bull groups
or moving around the area. And so I think there's a
real question of whether we're overharvesting from
those younger animals in those mixed age sex groups.
And if we are harvesting at a higher rate than what
the females are producing, pretty soon there aren't
going to be many younger bulls in those mixed age sex
groups and they're not going to be readily replaced
from the outside because those other animals are
either in bachelor bull groups or they're in with
their own family groupings. What effect that will
have on the fact that the muskoxen tend to like to
stay pretty much and remain in certain winter
locations, we don't know, but I think there's a
suggestion that they may simply eventually abandon
some of those wintering sites for a period of time.
So that's I think why we -- you know, urge caution.

The second thing that I think is -- to keep in
mind for the Board is that this whole idea of a joint
hunt really depends on the support of the affected
villages and that really I don't think we should do
anything without getting their input and support and
we to date have not been able to do it, largely
because the hunt, itself, this year, the bulk of the
harvest came in the last two weeks of the season.
That was right around the middle of March. The
Regional Advisory Council had already met prior to
that and we didn't have the harvest information, which
was one reason that the Council, I think, chose to
defer the proposal.

With the new harvest information that's been
provided to all of the villages and as Jake Olanna has
mentioned to you, Kate Persons, the local ADF&G person
there in Nome and Fred Tocktoo of our office in Nome
are out in the villages right now this week providing
information and assisting folks with completing their
Tier II applications.

By the time we get into next fall and the RAC
wants to revisit this issue again, we'll have two
years of data to look at, as far as how well the State
system appears to be performing and I think a better
basis for the villages to make their decision and
we'll try to provide that to the Regional Council at
their fall meeting, and hence, also to the Federal
Board at its next spring meeting. We'll also have the
benefit of the year 2000 census count. So I think
from the -- our perspective, you know, we would
support Proposal 46 and go with the Regional Council
recommendation to defer Proposal 47.

That's all I've got to say on that unless anyone
has comments.

CHAIRMAN DEMIENTIEFF: Any questions?
Thank you. Do we have a motion for Proposal 46?

JUDY GOTTLIEB: Mr. Chair, because
Proposals 46 and 47 are interrelated and we discussed
as we have together, making a two-part motion for
both, I therefore move that Proposal 46 be adopted as
written to make the special action permanent and that
Proposal 47 be deferred to allow additional input from affected users, both as recommended by staff and the Regional Advisory Councils.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion?

DAVID ALLEN: Second.

CHAIRMAN DEMIENTIEFF: Been moved and seconded. Is there any discussion? We have call for question. Prior to that, we'll go for one more round. Is there any additional Regional Council comment with regard to 46 and 47?

BILL THOMAS: Mr. Chairman, parliamentary correction, those will require two motions. One is deferral and one is to support, requires two motions.

CHAIRMAN DEMIENTIEFF: Yeah, I would agree with you. I think maybe we'll just back up here and deal with these separately. I can't remember us dealing with two proposals under one motion before. Thanks for pointing that out. So with the -- would you please withdraw your motion?

JUDY GOTTLIEB: I'll withdraw my motion.

CHAIRMAN DEMIENTIEFF: Can we get a consent from the second?

DAVID ALLEN: Yes, I withdraw my second.

JUDY GOTTLIEB: And if I may make two motions here, one at a time.

CHAIRMAN DEMIENTIEFF: Let's just deal with 46 first.

JUDY GOTTLIEB: Okay. For Proposal 46, I move that it be adopted as written to make the special action permanent.

DAVID ALLEN: I second.

CHAIRMAN DEMIENTIEFF: There's a second. Discussion? Hearing none, all those in favor signify by saying aye.

(Response).
CHAIRMAN DEMIENTIEFF: Those opposed, same sign?

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Proposal 47?

JUDY GOTTLIEB: Mr. Chair, I move that Proposal 47 be deferred to allow additional input from affected users, both as recommended by the staff and Regional Advisory Councils.

CHAIRMAN DEMIENTIEFF: We have a motion to defer Proposal 47. Is there a second?

SALLY WISELY: Second.

CHAIRMAN DEMIENTIEFF: It's been seconded. Discussion? No further Regional Council comment?

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

(Response)

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay, the next region that we move into is the Northwest Arctic. We have no consent agenda items for that region and dealing with Proposal 48, staff report?

DONNA DEWHURST: This is another case where we had a special action that created the harvest last August and we're extending the special action into permanent regulations. Actually, there were two special actions involved in this. One was last August and one was this spring which was the designated hunter provision. So it's kind of wrapping up two special actions into a permanent provision.

One of the minor changes was backing the date from August 10th to August 1st as the start date.

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It's still one full curl ram. The language originally was 20 permits per mountain range, 20 permits under the Bairds, 20 under the Delongs. The language was changed to up to 20 permits with the quota to be announced by the Northwest Areas Park Superintendent. So those are the changes from the special action to this proposal to make it into a permanent regulation.

Probably the biggest thing to be discussed, the high point would be we recently received the results of the harvest from special action. They are in the proposal, but kind of mixed in different areas. There isn't one definitive table that gives all the information, but in a nutshell, we had 16 rams taken from the Bairds and one ram taken from the Delongs. One of those animals was from a designated hunter, four harvested were using airplanes, one by boat and 12 by snow machine. And likewise, there was four in the one. The four by airplane and one by boat were in the fall, which is kind of what you'd expect and 12 by snow machine were late in the season. They were in the tail end, late February, early March, or the month of March.

Breakdown by village, out of those, 12 were from Kotzebue, four Noatak, one Noorvik. So most of those were from Kotzebue hunters. That's the information we have summarizing from the most recent harvest and that gives us an idea of how it went.

Now the weather was part of this, from what I've been told from the local folks. The early part of the season when people were using aircraft, the weather was incredibly bad to be flying aircraft out. They were dealing with some icing problems and visibility problems, so that's why the harvest was low initially, and then they were slow to get their snow in the fall so they couldn't really use snow machines until a point where it got too dark and too cold and nobody wanted to use snow machines. They got snow come December and January, but not too many people were out hunting during those months. So then it kind of rolled around until February and March and then they started getting the harvest and hence the 12 taken by snow machine and those were taken late in the season. That's a pattern that didn't really surprise me, but it does explain why the harvest was on the low side, and also why there weren't as many taken in the Delongs because the weather never did really favor a lot of aircraft use which traditionally has been how...
many of the animals in the Delongs have been taken
because of the distances involved.

I'll keep it short and sweet. That's pretty much
what we have in a nutshell, to give you the background
for this proposal.

CHAIRMAN DEMIENTIEFF: Staff committee
recommendation?

PEGGY FOX: Thank you. The hearings and
staff committee recommendation is to adopt the
proposal with modifications as recommended by the
Northwest Arctic and North Slope Regional Councils.
Proposal as modified by the Councils would convert the
special action authorizing a '98/99 hunt to a
permanent annual regulation with and earlier August
season opening. The Council's modifications would
also authorize a designated hunter permit system,
limit the harvest of full curl rams and identify the
permit issuing authority as the Superintendent of
Western Arctic National Park Lands.

The staff committee also recommends eliminating
the closure of federal public lands to non-federally
qualified hunters in the Delong Mountains contrary to
the recommendation of the Northwest Arctic Regional
Council. The proposed regulation converts a temporary
regulation to a permanent one and the staff committee
felt that the hunt should be continued contingent on
the health and size of the sheep population.

The most contentious issue faced by the staff
committee during its discussion on this proposal was
whether to retain the closure of federal lands in the
Delong Mountains to non-federally qualified hunters.
The majority opinion held that there was insufficient
evidence warranting continued closure of the Delong
Mountains area to non-federally qualified hunters.
Specifically, the majority cited the very low 1998,
'99 subsistence harvest of sheep from the Delongs and
noted that the Baird Mountains unit is more accessible
and had a much higher subsistence harvest of sheep.

On a related issue, the majority noted that allocating
a portion of the Delong Mountains quota to
non-federally qualified hunters would benefit
residents of Kivalina who, if they received State
permits, would be able to hunt on State lands near
their community.
The minority opinion held that the initial rationale for retaining the closure, which anticipated a possible spill-over to the Delong Mountains from the Bairds was for a variety of reasons sound. Subsistence harvest did not reach the level needed for subsistence uses, warranting continued restriction of other uses to assure priority for subsistence. Moreover, the drawing permit system does not adequately provide assurance that subsistence users would receive state permits.

The minority also noted that no sheep were harvested under State regulations, bringing into question the demand for harvest opportunities under State regulations. The minority also felt that only one year of experience with this hunt is insufficient time to conclude the drastic changes should be made. Over 90 subsistence users obtained permits to hunt and the quota for the Baird Mountains was largely taken. If the number of sheep available in the Bairds to be determined by the census next July is low, it is reasonable to think that subsistence users may travel the greater distance to the Delong Mountains to pursue sheep.

A more intensive study of the local population will be initiated by the Park Service in the near future providing additional data on sheep movements, sex age structure, and lamb survival. Also a cooperative sheep management planning effort is being scheduled with the Park Service taking the lead role. Both these efforts together should provide for long-term cooperative management based on a more complete picture of sheep population trends, their causes and subsistence uses.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments?

ELIZABETH ANDREWS: Thank you, Mr. Chairman. The Department of Fish & Game staff and our Northwest office has been working with local Park Service staff, including Ken Adkisson who is also here and can speak to some of those discussions also, but also with the local Fish & Game Advisory chair of the Noatak Kivalina Committee and the chair and vice-chair of the Kotzebue Sound Advisory Committee has also had discussions with the Regional Council chair, Willie Goodwin, who is here today.
We were unable, for our advisory committees, to have time and sufficient public notice to actually have a meeting to discuss a proposal that we think would be agreeable to the federal program, as well as the state program, but our local advisory committee chairs, as I mentioned, were apprised of this. They, themselves, endorsed it, although as I said, they couldn't take a formal committee action on that.

I've provided a copy of a letter from our Director of Wildlife Conservation Division, Wayne Regelin, to our Commissioner, Frank Rue, describing how we would undertake our part of the joint State/Federal hunt in this area.

More specifically, let me mention what we propose, assuming a harvestable surplus of 20 full curl rams for the Delong Mountains, and that's the only area that these comments pertain to. We didn't have a problem with the other part of this federal proposal for the Bairds.

What we would be looking at is that the National Park Service would issue the federal registration permits to harvest 12 full curl rams in the Delongs. This quota would provide adequate opportunity to the federally qualified subsistence hunters and users and the harvest could be provided between the fall and the spring hunts. The federal permits as you had them last year would allow the use of aircraft and would be valid on federal lands. I was just advised that I might have said 12 full curl rams, but it's 10.

The Department of Fish & Game, what we would do is we would issue State registration permits. These are not drawing permits; they're registration permits. Anybody can sign up for them. We would be issuing these permits in Kotzebue, Noatak and Kivalina with a harvest quota that would be five full curl rams. Additionally, we would make available five drawing permits to take full curl rams and those would be issued by lottery. The registration permits, consistent with our Board of Game action, would not allow the use of aircraft and the use of aircraft would only be allowed with the drawing permits during the shorter fall hunting season. Both the State registration permits and drawing permits would be valid on State and federal lands.

The final point is that the population status and
harvest in both the Baird and Delong Mountains would be reviewed annually to ensure the populations are conserved and that subsistence uses, State and Federal, are provided for. If the sheep surveys this year, 1999, indicate harvestable surplus in the Delongs is less than 20 full curl rams, the State will close the drawing permit hunt. If the harvestable surplus is less than 15 rams, we would recommend that both State and Federal hunts in the Delongs be closed.

So Mr. Chairman, and Council and Board members, that's what our comments are, and as I said, it's based on discussions that we've had with local area groups, as well as the National Park Service and we think it accomplishes what we're both looking at. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. We have no requests for public testimony at this time on this issue. Regional Council comments?

WILLIE GOODWIN: Mr. Chairman, first of all, our Regional Advisory Council appreciated the special action taken by the board for last year's harvest. We're very thankful for that. Since the Regional Advisory Council vote in March to keep the areas, Delong Mountains and the Bairds, closed other than to qualified subsistence users in Unit 23, things have changed. We've had to react to agency staff recommendation in such a short time up here and we couldn't hold a meeting, so I had discussions with our Advisory Council members individually and we're willing to agree to a State/Federal hunt as outlined by the State. However, there's a number of reasons I'd like to point out that we reluctantly agree to this.

Some of the factors are we're not happy with the count that took place last year in the Delongs. It was a comparison count. They compared data they derived from the bears in areas as much as 150 miles away to determine this amount of sheep are there. In fact, they only counted 141 sheep in the Delongs. So we're not happy with that.

The harvest data that was used to initiate their hunt last year shows for a period of 12 years the winter harvest by subsistence users was zero to nine. Again, that's based primarily on conditions that were
outlined. There was no snow; weather was pretty bad. Those factors have a lot to do with the harvests that have taken place. In fact, six of those 12 years, there was zero harvested.

I'd like to point out also the staff committee report did not even question or ask the State what were their harvest reports this past year from both the drawing permits and whether or not registration permits were issued. Kind of odd to me that we would allow those permits to be issued and not even question how many were harvested. And yet, the recommendation is to open it, even though I know for a fact that drawing permit hunters were out there and got zero, just the same as subsistence, zero.

And to take just one year to determine that we should open it back up, I think, is wrong. It's wrong because the issues I pointed out or the numbers I pointed out of the harvest numbers from zero to nine are there that the State conducted and they had those numbers. It's unfortunate that, in my mind, this recommendation is based on political pressure again, not on numbers that are reflected in harvest reports or even census reports of the sheep. We know for a fact that based on the census reports that the gradual climb upwards to a respectable number to allow hunts is going to be slow because the harvest -- the census reports show that there's a missing age group of four to eight year olds that will slow down the gradual climb to a healthy population. Between now and three or four more years, if we have a bad winter, that thing could take a nose dive again.

But if we're allowed to harvest the rams only, I still think we have a priority. I know that the numbers are still low. I know that the census reports show that there's not enough sheep out there to even be harvested, rationally, but the rationale behind the harvest or the proposed regulation right now is based on rams that are going to die anyway, so we might as well get them. We know that predation is happening out there. To what extent, we don't know until we get the study done by the Park Service.

The Baird Mountains hunt were brought out as true from 17 permits that were issued. Seven out of the 17 were taken before September 9th and the rest were taken after February 25th. However, there again, the weather had a big factor. The guy got one in
February, but you'll notice in the harvest reports or -- yeah, that it was a couple weeks later until somebody else got one because of weather. So there was a window, I think, of about two weeks which our people went out and hunted sheep in the Bairds and we had reasonable weather to be out there. That has a factor in what could have been taken in the Delongs because I know that some of those hunters would have gone to the Delongs if the quota of 20 was taken in the Bairds. They would have had no choice but to go to Delongs if they wanted to get a sheep.

So, Mr. Chairman, I would recommend that the census that's going to be taken this year in July be reversed, as far as how they were counted in the Delongs and the Bairds. They did a pretty good count in the Bairds last year and use a comparison count for the Delongs, which is a much, much larger area. And I can understand why it would be difficult to count pretty accurately in the Delongs because of the area, but if the methods that was used to count were reversed this year, I think we will have a pretty good idea of how many sheep are in the Delongs. Do a good count in the Delongs and use the comparison in the Bairds.

We know for a fact that as the study has been mentioned is conducted, the study will be conducted in the Bairds, so we'll have a pretty good count there in the Bairds, next year or the year after. But we won't have a good count in the Delongs. So I would recommend this year, if at all possible, that the method that was used to count last year be reversed so that we have a pretty good idea, and at least I'll feel comfortable the sheep are there. When you count to 141 and you say that it's a comparison, but in fact, Mr. Chairman, the Superintendent of the Northwest Parks didn't even know about the comparison count until about two weeks ago. I didn't know about it. I just assumed that they counted normally, the way they usually count animals. I made a mistake by not questioning the method they were using. When I found out it was a comparison count, I wasn't too happy, because they guessed. That's what it was; it was a guess.

I think the State is willing, at least the local biologist in the area is willing to participate and in fact, he would like to have a good count in the Delongs also this year. So I would emphasize that we
do that, if at all possible. I can understand that
the Park Service want to do the study, start the study
in the Bairds this year, but boy, if we're going to
allow some hunting to happen in the Delongs, I sure
want to see a better count.

So Mr. Chairman, I go along with what the State
has come up with. I didn't have extensive discussions
with Park Superintendent, with Ken Adkisson, the local
State biologist in Kotzebue. I called the
Commissioner there, but instead of losing everything,
I think this is the best we can get and I support the
shared harvest. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Before
we go on to additional Regional Council comment, I was
notified that we did have three letters that were
faxed in with regard to this and I'll call at this
time on Barbara Armstrong to read those letters into
the record, please.

BARBARA ARMSTRONG: Thank you,
Mr. Chair. I have three letters. The first one is
from Jake Jacobson, Kodiak. Dear madams and sirs, I
regret that I cannot present my statement directly to
you. However, I am confident that my thoughts will
reach you adequately by reading into the minutes of
your meeting. Please do read this letter into the
minutes of your meeting.

On July 31st, 1998, I explained my situation to
you, which I will summarize. I have been actively
hunting and guiding out of our 80 acre fee simple base
camp and lodge for 33 years. This has been a family
operation involving my grandmother, my father, my
sister, my wife, children and grandchildren. We are
all Alaskan American citizens. Some, though not I,
are Native Alaskans. We look to this low volume
guiding operation to contribute spiritual, emotional
and hopefully financial sustenance to our lives.

Last year, after three years of no legal sheep
hunting in the area, it was determined that 20 full
curl or larger rams could be harvested from the Delong
Mountains and 20 from the Bairds. All 20 sheep in the
Bairds were reserved exclusively for local subsistence
hunters, which in the Delongs, nine rams were allotted
to subsistence and 11 to non-subsistence hunters.

The State of Alaska advertised a drawing,
solicited applications and fees, required the advanced purchase of hunting licenses, held the drawing and awarded the permits. Three of our booked guests were successful in permit drawing process and were issued permits to pursue a dall ram in GMU 23 based at our lodge. Then just ten days before the scheduled opening of the sheep season, you voted unanimously to reallocate the 11 permitted rams to the subsistence hunters exclusively, thereby denying these lottery winners their civil rights to use their permits as intended. The State of Alaska has put on the -- was put in the position of defaulting on its defacto contract with the permittees and their guides. We immediately refunded all deposits, except the cost of applications and non-resident hunting licenses to our booked guests and our guests were forced to change their plans, some at the cost of nonrefundable airline tickets, et cetera.

ADFG Subsistence Division statistics quoted prior to July 31, 1998 decision showed the minimal subsistence hunting of sheep in the Delong Mountains.

By the end of the season of April 1, 1999, only one ram had been reported taken in the Delong Mountains by a subsistence hunter. That sheep was killed close to the southern border of the area on August 24, 1998 during the first half of the scheduled advertised non-subsistence hunting season. Now in retrospect, it is clear that as I and others stated on July 31, 1998 and before, there is no conscionable, defensible, objective reason for denying the 11 permittees their right to hunt.

I do hereby request that you approve a non-subsistence hunt for dall rams in the Delong Mountains of GMU 23 and that depending on the harvestable number as per sustained yield management forecasts, 55% or more of these rams be allocated to the drawing permit process, and that you allow the permittees to pursue their hunts. As the deadline for permit applications is May 21 -- May 31, 1999, I urge you to grant your approval immediately. Sincerely, James P. Jacobson.

The other one is written April 12, 1999. Dear sirs and madams, in 1998, I applied for a permit to hunt a dall ram in Alaska’s GMU 23. I was fortunate enough to draw one of the permits that non-residents pray for. You -- your decision on July 31, 1998 to
redesignate all dall sheep harvest in GMU 23 for subsistence users only disenfranchised me and the other ten non-subsistence permit holders. I live in Virginia and have been a citizen of the United States all my life. I felt and still believe that your action was inappropriate violation of my civil rights as a United States citizen. I made every effort possible to secure legal permission to pursue my hunt as it had been advertised in the Alaska 1998, 1999 drawing permit hunt supplement and use the permit that I had drawn and paid for. I was denied the use of my ram permit.

As I understand it, subsistence qualified individuals harvested only one ram in the Delong Mountains for which ten others and I had been permitted. Originally, nine rams in that range were to be exclusively designated for subsistence hunters and the remaining 11 rams of the approved harvest total of 20 rams were deemed harvestable by non-subsistence hunters like myself. As per State of Alaska Division of Subsistence records, subsistence hunters in the Delong Mountains have seldom harvested rams. This season just past certainly bears out that aspect of the Alaska Division of Subsistence statistics.

I do hereby urge and request you to allow the non-subsistence hunt for dall rams to take place in 1999 and future years, if current census information indicates that hunt can take place in conformance with accepted sustained yield management principles. Not harvesting these excess rams in the Delong Mountains is poor wildlife management by not utilizing a renewable resource, while at the same time depriving outfitters of the livelihood of guiding for these dall rams as they have done in past years.

Since I cannot attend your meeting in person please do read this letter into the minutes of the meeting and kindly mail my a copy of those minutes. Respectfully, Gary A. Younkin.

This one is from Shannon A. Farrah from Tucson, Arizona. Dear madam and sirs, my name is Shannon A. Farrah. My residence state is Arizona, and I am a citizen of the United States. In 1998, I applied for the drawing and received a permit to hunt a dall ram in Alaska's GMU 23.
Federal Subsistence Board  
May 3, 1999

Your decision of July 31, 1998 to redesignate all dall sheep harvest in GMU 23 for subsistence users only disenfranchised myself and the other ten non-subsistence permit holders. I felt at the time that your action was an offensive, unreasonable, unnecessary, inappropriate, arbitrary, clear indefensible -- take your pick of all, one or none -- violation of my civil rights as an American citizen. I made every reasonable effort available to me to secure legal permission to pursue my hunt as it had been advertised in the Alaska 1998/99 drawing permit hunt supplement. I was denied and cheated.

As I understand it, subsistence qualified individuals harvested only one ram in the Delong Mountains for which I and ten others had been permitted. Originally, nine rams in that range were to be exclusively designated for subsistence hunters and the remaining 11 rams and the approved harvest total of 20 rams were deemed harvestable by non-subsistence hunters like myself. As per the State of Alaska Division of Subsistence records, rams have been seldom harvested by subsistence hunters in the Delong Mountains. This season just passed certainly bears out the aspect of the Alaska Division of Subsistence statistics.

I do here urge and request you to allow a non-subsistence hunt for dall ram to take place in 1999 and future years if current census information indicates that hunt can take place in conformance with the subsistence game yield management principles.

As I am not able to attend your meeting in person, please do read this letter into the minutes of your meeting and post me a copy of those minutes. Thank you. Sincerely, Shannon A. Farrah.

CHAIRMAN DEMIENTIEFF: Thank you, Barb. We had one request for public testimony on this proposal. Warren Olson.

WARREN OLSON: Mr. Chairman, members of the committee, my name is Warren Olson, been a resident since 1958, have harvested fish and game lots of areas throughout Alaska and I'd like to read the statement to the Chairman for the record.

Dear Mr. Demientieff, quoting from Hoonah Indian Association, Sitka Tribe of Alaska versus Tongass

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National Forest, ANILCA says necessary, consistent with sound management principles for the utilization of public lands. The utilization to which sound management principles refers is multiple, including outdoor recreation, range, timber, watershed, wildlife and fish in the wilderness. This decision is from March 24th, 1999, Ninth Circuit Court.

Continuing, Page 2594, the Supreme Court has instructed us emphatically in an earlier reversal that Congress clearly did not subordinate all other uses to subsistence uses. Congress clearly did not state in ANILCA that subsistence uses are always more important in development -- uses are always more important than development of energy resources or other uses of federal lands. Rather, it expressly declared that preservation of subsistence resources is a public interest and established a framework for reconciliation where possible of competing public interests.

Amoco Production Company versus Village of Gambell, 1987, clearly utilization and reconciliation among uses was abused in GMU 23. Harvest records show uses could be accommodated in GMU 23. Conservative management was abandoned between the State and Federal government -- or cooperative management was abandoned between the State and Federal government. This example of management shows distinctly why discrimination among users is illegal. Alaska Supreme Court, McDowell versus State, 1989, Payton versus State, 1997. Cultural and traditional is applicable to use only, not users. Thank you very much.

CHAIRMAN DEMIENTIEFF: Thank you.

WARREN OLSON: Mr. Chairman, where can I leave this letter?

CHAIRMAN DEMIENTIEFF: Right back here.

Okay, is there additional Regional Council comment? Mr. Thomas.

BILL THOMAS: Thank you, Mr. Chairman. I always expect those comments that are brought before us; however, it makes it a lot easier for dialogue when those comments are brought forth having knowledge of background of the legislation that drives this body. Title VIII, Section 8.01, first word says, the
Congress finds and declares that the continuation of
the opportunity for subsistence uses by rural
residents of Alaska, including both Natives and
non-Natives, on public lands and by Alaska Natives on
Native lands is essential to the Native physical,
economic, traditional and cultural existence and
non-Native physical, economic and traditional and
social existence. And it goes on to say other things,
but there's nothing arbitrary about this and it is
substantiated by an act of congress.

The observations I had in this whole dialogue is
that the subsistence users are postured to
compromise. That's a posture they've been trying to
abandon for the last 20 years, and have done a good
job at it. Right now, they find themselves
compromising to allow more than a subsistence hunt. I
haven't heard anything about biological support for
the strength of that herd, and it sounds to me like
the subsistence community that wishes to participate
in that hunt is not able to do so because of
non-subsistence hunting activity in that region. So
this suggests to me a disparity, not only a disparity,
but a lack of sustainable resources. Sounds like we
failed in managing in the sustainable fashion.

So the question I have is that eligible hunters
in that area that wish to participate, are they able
to do so or are they restricted by limited amounts of
permits available?

CHAIRMAN DEMIENTIEFF: Willie, you got an
answer for him?

WILLIE GOODWIN: Well, the hunt was
driven by the biologist determining that the 20 excess
rams, full curl rams were there and going to die
anyway, even though the count, the census count that
was done was below the level that the local advisory
groups wanted to allow a hunt. In fact, we voted not
to have a hunt that year, but the State was the one
that drew the permits and issued them. So we were
backed into a corner to react to something that we
didn't want in the first place. They issued 11
permits. By the time we reacted to it, it was
still -- the window of time was there for us to ask
for a special action, which the Federal Board here
granted, because clearly in my mind and the Regional
Advisory Council mind was as long as there's a
shortage of animals, it should go to the subsistence
user and this was a classic case where that was the case. There was a shortage of sheep. There was a crash that happened years -- few years before that and the sheep were starting to climb, but the census reflected that there's a missing age group that tells the biologist that it won't have a gradual climb to a respectable level where we should allow a hunt, both for other uses other than subsistence.

So this year, we're going to see what -- if we're wrong. I don't think we are. I think the level is going to be right around where it was last year. So the biological reason you asked for was that, yes, the local folks did vote or agree we shouldn't have a hunt because it was still below what we thought was a harvestable level.

CHAIRMAN DEMIENTIEFF: Any additional Regional Council comment?

FENTON REXFORD: The February 24th meeting in Barrow, we discussed this proposal. At the time we were present, I don't have the ADF&G's change of their action in the paper, I mean in the booklet, so I'm going to base our -- the North Slope's approval with modification. I thought about going with our original recommendation, but due to the talks back and forth going between Willie and his group and the Department, without any backup for me, I will support their efforts, but -- I don't know how I can say it any clearer, but I don't have a copy of the things that's been going on. The book I got says ADF&G does not support motion pertaining to Delong Mountains. So with that, we'll just go with our original modification with some word changes and reflect administrative changes and correctional or title changes.

CHAIRMAN DEMIENTIEFF: Thank you.

WILLIE GOODWIN: Mr. Chairman, our Regional Advisory Council did vote to keep it closed to other uses -- other users, but since like I explained, since the interagency staff committee recommendation came out, we're again forced back into a corner to react to something that we didn't think would happen.

So after discussing this issue with members of my
Regional Advisory Council individually, we concluded that the discussions I had with the Park Service, the Alaska Department of Fish & Game, that the best course of action for us at this point was to go with a shared hunt. By that I mean ten Federal permits be issued and the ten by the State by how they wish to issue theirs.

However, Mr. Chairman, I want to point out that if the State reneges on this, we'll be right back here at the table asking for special action for all 20. I want to make that clear.

CHAIRMAN DEMIENTIEFF: Thank you. Bill?

BILL THOMAS: One more comment, Mr. Chairman. As I listened to the written comments, I've heard these before and I've heard enough of them, it sounds like all three comments were written by the same person.

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment at this point? Are we ready for a board action?

JUDY GOTTLIEB: Mr. Chair, we could do either of two things, ask Mr. Adkisson to come up again or I am ready with a motion, whatever you prefer.

CHAIRMAN DEMIENTIEFF: Let's go.

JUDY GOTTLIEB: With the motion?

CHAIRMAN DEMIENTIEFF: Yeah

JUDY GOTTLIEB: Okay. I move that Proposal 48 be adopted as modified by the staff on Page 22 in our books, except that the closure to hunting under State law is removed for the Delong Mountain area to provide for a joint Federal/State hunt in area -- in Units 23 and 26(A). The intent for the joint hunt in the Delong Unit is to provide for a harvest of up to 20 full curl or larger rams divided evenly between the State and Federal hunts. The ten ram harvest limit for the Federal hunt is for up to five sheep in the August 1 to September 30th season, with the quota to be announced by the National Park Service Superintendent and the season to close when the quota is reached. The remainder of the Federal...
quota of up to ten sheep may be harvested October 1st to April 1st. The season will close when the quota of ten has been reached.

CHAIRMAN DEMIENTIEFF: There's a motion. Is there a second?

SALLY WISELY: Second.

CHAIRMAN DEMIENTIEFF: Been moved and seconded. Discussion?

DAVID ALLEN: Just one question of clarification, and that is it's not completely clear to me, but does this motion in fact accommodate and allow for the agreement that's been worked out here?

JUDY GOTTLIEB: Yes, it does.

CHAIRMAN DEMIENTIEFF: That's clear, Dave, that it does accommodate that. And I congratulate the parties for, you know, being able to work this out again. Sometimes it's real difficult for us to do, but in the kind of management regime we have, particularly involving, you know, people at the local level, to make sure that they're buying into this process as well. It goes far beyond just the State and Federal managers, you know, with the local people involved and agreeing to it. I really appreciate that. Willie?

WILLIE GOODWIN: Yes, Mr. Chairman, we go along with the motion, but the issues I pointed out should tell the staff committee, interagency staff committee members that they should look at everything before they say we ought to open it because they only got one to everybody else. There's a number of factors that I pointed out in my testimony that has some relevance in this decision or for this proposed action and clearly, clearly there is a shortage of animals and that the priority should go to the subsistence user. And I would ask that, you know, I think there's going to be more that come about. I understand there's some caribou issues in the Bristol Bay region and some other issues throughout the state that have the same ramifications for -- well, they look alike, let me put it that way. Different kind of animals, but the numbers aren't there. Thank you.

CHAIRMAN DEMIENTIEFF: Final Regional
Council comment?

We're ready to vote. All those in favor of the proposal as modified by the motion, please signify by saying aye.

(Response).

CHAIRMAN DEMIENTIEFF: Those opposed?

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

My understanding, Proposal 49 has been withdrawn and I think at this time we'll go ahead and take a ten minute break before we enter into the next region, North Slope.

(Off record 2:55 p.m. to 3:04 p.m.)

CHAIRMAN DEMIENTIEFF: We'll go ahead and call the meeting back to order. We move on to the North Slope Region. We have one proposal, Number 63. You got a staff report?

DONNA DEWHURST: Okay, this proposal was originally Proposal 108 last year that was deferred by the Federal Board and then when it went to the Regional Council last fall, they brought it back up again and made it a new proposal. It was modified a little bit in that the Regional Council recommendation from last year was then turned into the proposal for this year. So last year's proposal originally just said incidental take of muskox. This year it gives specifics in that they wanted two muskox by federal registration permit July 1 through June 30th.

The decision to defer along pretty much the whole party lines was that as discussions progressed, several things happened real fast last year in that the State passed a -- let me get the exact wording on it -- taking of incidental sharing of muskox regulation which allowed for taking of muskox with prior permission for the entire 26(A). It was assumed that that would meet the needs of the subsistence user kind of in a defacto way in that they could get permits to take muskoxen through the State system. Well, the one catch was that Park Service land in Gates of the Arctic, down around Anaktuvuk Pass was not included under the State program and that
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Anaktuvuk Pass folks wanted to take muskox or wanted the means to do it. That was the whole gist of why this whole thing resurfaced and that's been the stumbling point. Park Service has been reluctant to open that area up to a subsistence hunt and there's still requests to do it. With the discussions, there was the movement to defer just in that things needed to be worked out more and the plan was coming along still and that's kind of where everything got left and everybody was along the party lines.

CHAIRMAN DEMIENTIEFF: Staff committee recommendations?

PEGGY FOX: Thank you. The staff committee recommendation is defer the proposal to establish a federal subsistence muskox harvest in Unit 26(A) consistent with the recommendation of the North Slope Regional Council. Deferring the proposal would allow additional time to determine if the State regulation does meet the needs of local users, especially those of Anaktuvuk Pass.

CHAIRMAN DEMIENTIEFF: Thank you. Elizabeth, does the State have additional comment?

ELIZABETH ANDREWS: Yes, Mr. Chairman, we do agree to defer action on this proposal. I just want to point out a couple of things. One is, as you are well aware, there is another muskox interagency working group and Mr. Rexford is certainly a part of that and we'd like to see any changes made go to that group before they either come to the State Board of Game or go to the Federal Subsistence Board, and as Mr. Rexford's aware, we are having a Board of Game meeting in October and so any proposed changes that they would like to have considered, proposals can be submitted by August of this year and then they would be taken up in October at the Game Board meeting, which would be held in Barrow. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: No requests for public comments at this time. Regional Council? Fenton?

FENTON REXFORD: Thank you, Mr. Chairman. Thank you for allowing us to deliberate on Proposal 63. More or less, I'll do the staff analysis if you can follow with me. You've got a copy of the December 9, 1998 North Slope Muskox Harvest
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Plan and in it is the work over the last three years or more, under your direction, Mr. Chairman, to work with all parties and this is a signed document, and for the record, I notice under the staff analysis that the 1997 harvest plan was cited to make the current, or to update the records under literature cited on the last page, Page 9 of the staff analysis. Also, refers to a draft 1997 harvest plan.

The main reason I would like you Federal Subsistence Board members to recognize this plan that has been referred to by the working group on the North Slope, particularly the Bureau of Land Management, Park Service, the Alaska Department of Fish & Game, and North Slope Borough Fish & Game Management Committee, which has representatives, nine representatives from the North Slope and also the North Slope Subsistence Regional Advisory Council, also has nine members, which have worked on this particular harvest plan. I think it is well deserving to have the Federal Board recognize that this plan is final and that it is an interim. We're working on it. By 2003, a more comprehensive management plan, but at this time, for the record, if you have any questions, I'd like to present this to you for your approval at this time.

CHAIRMAN DEMIENTIEFF: Thank you. Yes, Mr. Rexford, we will. I'm going to ask the staff committee to meet tomorrow at noon or when we break for lunch, give everybody a chance to read this and then we'll be scheduling it. With all the parties having agreed to it, I don't see that it would be any large or extensive review. So we will be able to schedule, tomorrow after lunch we'll be able to schedule to vote on this, on this management agreement. And again, I complicate -- compliment you -- complicate you? Compliment you for your perseverance in working on this. I know you personally put a lot of time in this as have a number of other people, but it's been real good and I'm glad to see you guys doing this, got this done. So we will have a vote on it this week.

FENTON REXFORD: Perhaps, Mr. Chairman, I don't know when this week, but you are going to revisit this, do you know when later this week? I think if you heard from the Park Service and those that are involved with this harvest plan that by this afternoon before you go on to the next subject, you
can approve of this harvest plan. I don't know what -- vote of confidence and trust, Mr. Rabinowitch, Peggy Fox has been involved and Elizabeth Andrews' colleague, Jeff Carroll (ph), working with Wayne Regelin, Director of Fish & Wildlife and Alaska Department of Fish & Game. This is -- I don't know. When will you take that up; do you know or can you take it this afternoon?

CHAIRMAN DEMIENTIEFF: If they can get the staff committee together by noon tomorrow, I wouldn't be opposed to putting it on the agenda in the afternoon. There's not going to be any long delay, Fenton.

FENTON REXFORD: No further comment then, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Okay. Is there a motion to defer on Proposal 63?

DAVID ALLEN: Mr. Chairman, on Proposal 63, I recommend or I move that we accept the recommendation of the staff committee which also supports the recommendation of the Regional Advisory Council and the State to defer this action.

CHAIRMAN DEMIENTIEFF: There's a motion. Is there a second?

SALLY WISELY: Second.

CHAIRMAN DEMIENTIEFF: Discussion? Any final Regional Council comment?

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

(No response).

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

We'll move onto the Bristol Bay Region, Proposal Number -- I'll give the staff here a chance to exchange.
Pat, are you ready for staff report on Proposal 30?

PAT McCLENAHAN: Yes, Mr. Chairman. I'm Pat McClenahan. Proposal 99-30 submitted by Bristol Bay Native Association, Bristol Bay Regional Advisory Council, Beth Joy Abalama and John Knutsen requests a positive customary and traditional use determination for Unit 9(C) brown bear for rural residents of Unit 9(C).

The map on Page 7 under Tab 4 shows the extent of federal lands in Unit 9(C). The majority are National Park Service lands comprising Katmai National Park, that is closed to hunting fish -- hunting for subsistence use. Fish & Wildlife Service administers the Alaska Peninsula, Becharof National Wildlife Refuge in the southern part of Unit 9(C), and the Bureau of Land Management administers some land in the northern part of Unit 9(C).

The proposal would allow for subsistence use of brown bear in this unit by the unit's rural residents on federal land open hunting upon establishing an open season. The Federal Subsistence Board deferred this proposal in 1997, and again in 1998, awaiting additional information, especially in light of negative information that was provided by ADF&G and several of their Alaska Peninsula subsistence studies that were done just recently.

The archaeological record, historic accounts and oral histories of Unit 9(C) residents provide concrete evidence of historic use of brown bears in the unit. Native elders and hunters, contemporary residents with longstanding roots in the community, communities of Unit 9(C), those communities are King Salmon, Naknek, and South Naknek and in the former villages of Paug-Vik, Kittiwik and Old Savonoski identified brown bear as a consistently hunted subsistence resource during their generations, roughly from the early 1900s until sometime in the 1950s when the Naknek Lake area was incorporated into Katmai National Park and subsistence brown bear hunting was disrupted for some hunters.

Written documentation submitted by Paug-Vik Limited and the South Naknek Village Council in 1997 indicate that several Naknek, King Salmon and South Naknek families and heads of households that include...
the McCarlos, Melgenaks, the Angasans, the Wassillies
and the Holstroms and the Ansaknoks and Chukans
traditionally hunted brown bears.

In 1998, staff interviewed South Naknek
residents, Clarence Kraun, Liisia Ansaknok and Mr. and
Mrs. Carvel Zimin, Sr., who provided the names of 16
other residents and former residents who were bear
hunters. Mike Shapsnikoff is an example of one of
those hunters who do not belong to this same extended
family, the names of which I gave you just a moment
ago. He was originally from the Aleutian Islands. Of
the 16 residents that were named, only a few are still
alive and their reported areas of historic use
included Naknek Lake, Savonoski River, Brooks River,
Discovery Bay and Margot Creek.

Brown bear has been an important secondary
resource that subsistence users turn to in times of
shortage and is a source of bear fat sought after as an
accompaniment to other foods.

Table 3 gives sealing record information showing
that during the past 20 years, the rural residents of
Unit 9(C) have hunted a small number of bears over
those years, primarily in their home unit with the
numbers fluctuating over time. This pattern is
consistent with subsistence brown bear use elsewhere
in Alaska.

During the past few years, subsistence use of
brown bears by the residents of Unit 9(C) has been
minimal. The most recent subsistence use study was
done between 1994 and 1997. In the 1994 and '95
study, of those residents sampled in Unit 9(C), and
this was a 30% random sample, at least one household
in each community reported either using or attempting
to harvest brown bear. However, the harvest efforts
were not always successful. During the 1995/96
season, none of the sampled households, again with the
30% random sample, in King Salmon and Naknek reported
hunting or using brown bear. Of South Naknek
residents, 2.7% reported hunting brown bear and 10.8%
reported using brown bear products that year. In the
last year, 1996/97, none of the sampled households in
Naknek, King Salmon or South Naknek reported hunting
brown bear and only 2.7% of sampled households in
South Naknek reported using bear products during that
year.

Some residents of Unit 9(C) still hunt and use
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brown bear. These residents have indicated that they
would like to have the opportunity for themselves and
their children to subsistence hunt brown bears on
federal public lands in Unit 9(C) once more.

The evidence taken together confirms that the
rural residents of 9(C) hunted brown bears
historically in the greater Naknek drainage and
continue to hunt some into modern times. The 1985
Alaska Habitat Management Guide subsistence use area
maps show that residents of these three communities
all use the southeastern portion of Unit 9(C), as
well, for subsistence hunting in the area of Big
Creek, which is outside of Katmai National Park, and
inside Becharof National Wildlife Refuge.

Subsistence hunting is opportunistic in nature
with a variety of annals and other resources being
taken at one time. Additionally, brown bear use may
be cyclic depending upon the availability of other
resources. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Staff
committee recommendation?

TOM BOYD: Yes, Mr. Chair, staff
committee recommends we adopt the proposal consistent
with the recommendation of the Bristol Bay Regional
Council. I think the justifications presented on Page
4 of the Board book -- and I won't read that in the
record, I'll just ask you to look at it. Many of the
reasons cited by Ms. McClenahan, the information that
is evident of some use, although -- although not all
families or only a small number of families seem to be
using brown bear, there is evidence of a pattern of
use in this particular subunit, and there was also
evidence that traditional hunting practices were
interrupted by events beyond their control and they
would like to re-establish their subsistence hunting
use of brown bears on federal public lands in 9(C).

CHAIRMAN DEMIENTIEFF: Thank you. State
comments?

ELIZABETH ANDREWS: Thank you,
Mr. Chairman, few comments on this proposal. The
Department doesn't support this for the entire subunit
based on the information that's in the staff
analysis. While we recognize that a lot of good
information's been brought forward, almost all the

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information you have before you is describing brown bear hunting use in the park lands area. So there's certainly considerable area, considerable use demonstrated for the Katmai National Park area of 9(C).

In addition, we've heard and certainly our own studies have shown that the closure of the park lands to hunting has disrupted traditional hunting patterns. What we don't see in the staff analysis really is where on federal public lands in 9(C) the displacement has taken place. So while people were displaced from being able to use the Katmai Park, and that is their traditional area, it's not really clear what other federal lands in 9(C) have been used by residents of 9(C). The information our Division has does show use of 9(C), but it's on the BLM lands in the northern portion and it's by the community of Levelock, which is outside of 9(C). It's in 9 -- it's in 9 -- let's see, 9(B).

So Mr. Chair, while there is information that shows that these -- the communities of Naknek, South Naknek, King Salmon have hunted brown bear in the park areas, it's not really clear what other federal lands they've taken brown bear on. And the analysis is missing the information from Levelock, which is the one that has use of the BLM lands.

So for those reasons, we don't think the information's there to support the proposal as written. There's certainly information there that's good information and important information, but I don't think it really speaks to the proposal. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. We have one request for public testimony at this time, John Knutsen.

JOHN KNUTSEN: Thank you, Mr. Chair and Board members. My name is John C. Knutsen. I'm speaking as a traditional user and as President of Paug-Vik, Inc. Limited, the Native corporation in Naknek. I represent the majority of the shareholders for that group and also as a member of the traditional Naknek Native Village Council, I represent that entire group. And I've spoken to this Board before regarding the proposal to re-establish a traditional and customary use for brown bear for 9(C).
From the time that I was 12, yes, I hunted brown bear in the Naknek Lake area, but with that closure, of course, we had to hunt elsewhere. We've hunted brown bear in Naknek Lake and as another source we've hunted up Big Creek, which is the Becharof National Wildlife Refuge, in that area, and we also hunted at Small Creek, as alternatives, which we still do today. Small Creek, of course, is primarily State land. So we've -- we have used the park, the refuge and state lands as the resource.

I've read the comments and heard what the State has said. We've been denied the traditional and customary use of brown bear. With migratory birds, we've had to hunt those illegally and with the amendments, hopefully we'll have a legal spring hunt and from time to time, we've had to do -- hunt and fish in Katmai National Park for red fish and other resources.

By allowing us a traditional customary use, we'll be able to monitor what we take as a village and then can account for the use that is going on that is unaccounted for now. So I would ask that this Board support Proposal 30 which has been before us for several number of years, and we have provided a lot of information to show that we have used it, and with that, I would like to thank you again and hopefully we'll finally put this to rest and have a positive C&T for 9(C).

CHAIRMAN DEMIENTIEFF: Regional Council comment?

DAN O'HARA: Mr. Chairman, my name is Dan O'Hara. My name is Dan O'Hara, Chair of the Bristol Bay Federal Council and you can see under justification by the Bristol Bay Council that we recommend a C&T for this area. Evidence going back as far as 1450 A.D., should be no negative votes coming in with that kind of information.

There's one thing the State of Alaska said I think we should maybe just comment a little more on and that is add a little more information to, Levelock not being a part of recording for subsistence use on brown bear, and there's a reason for that and John Knutsen made mention of how that sometimes, you know, you hunted maybe illegally or if you hunted, you were maybe not comfortable in reporting the hunt. And this
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is very typical of Levelock. Does not necessarily mean they did not hunt brown bear, because we know they did, and they use them all the time up the Alakanuk branch and I think if Ted Krieg with Bristol Bay Native Association went up there and did a door to door, he'd find out that there's a good deal of support of long time use of Levelock, probably more so than in many, many villages in the Bristol Bay area. So I think there's absolutely good evidence that we go ahead and make this C&T finding. Thank you very much, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment. Bill?

BILL THOMAS: Thank you, Mr. Chairman. I couldn't have asked for a better scenario if I asked, if I looked for one. We spent two years now working on customary and traditional determinations and this is where it's got us. This is going to happen every time you make a request like this. The request to establish C&T use determination was wrong from the start. C&T should have -- that should have been establish subsistence determination for that because nobody knows what in the hell C&T determinations are.

Okay, in the justification on Page 13, about the fourth sentence down, started with 30 percent random sample, says 30% random sample does not show current subsistence use of brown bear by residents of Unit 9(C). However, there is sufficient historic information showing that 9(C) residents subsistence hunted and used brown bears and that at least for some families.

That is a typical use of a resource for subsistence gathering. There's nothing that says every family goes out and uses that. When a person goes out and gets food for subsistence, they share. That nullifies their neighbor from needing to go out and do the same thing. I contend that this C&T demon is going to bite you in the butt every time you mention it. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. I've just been notified that we do have some additional late arriving written records. I'll come back to you, Elizabeth, in a minute, but I want to make sure we get these late arriving letters read into the record.

Jerry?
JERRY BERG: Yes, Mr. Chair, we received four written comments on Proposal 30, two in opposition and two in support of the proposal. The Alaska Professional Hunters Association opposes the proposal, citing very little harvest data of brown bear use in the area and they do offer suggestions to address concerns in the proposal. Joe Hendricks is opposed to the proposal. He believes that the existing sport season is sufficient and that there is no valid C&T uses.

In support of the proposal, the Paug-Vik, Incorporated of Naknek and Naknek Native Village Council both submitted resolutions in support of a brown bear C&T determination for residents of Unit 9(C). And that concludes the written comments. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

ELIZABETH ANDREWS: Yeah, thank you, Mr. Chair. Just for clarification, what I said about Levelock was that in fact we do have information that shows that Levelock has hunted brown bear in 9(C) and we did that, you know, that was the result of the door to door surveys with Bristol Bay Native Association. So perhaps I didn't make that clear, and where we show that is in the areas where the BLM land is in Unit 9(C). And my point was is that I'm not sure why, but it was -- that was not part of the staff analysis and it would have been helpful to have that additional information in the staff analysis when reviewing a proposal like this.

DAN O'HARA: Mr. Chairman, I apologize if I misrepresented that statement. Elizabeth, you said that Levelock did hunt brown bear in 9(C), so that's justification to support C&T and they have hunted on down through 9(E), too. Thank you.

CHAIRMAN DEMIENTIEFF: Any additional Regional Council comment?

FENTON REXFORD: North Slope supports the proposal.

CHAIRMAN DEMIENTIEFF: Thank you, Mr. Rexford. We're ready for board action -- or inaction. Go ahead, Dave.
DAVID ALLEN: Mr. Chair, with respect to Proposal Number 30 to establish C&T for brown bear in Unit 9(C) to include residents of 9(C), I recommend that we support this proposal. I move that we support this proposal as recommended by the staff committee.

WARREN HEISLER: Second.

CHAIRMAN DEMIENTIEFF: Motion's been made and seconded. Is there additional Regional Council comment?

HARRY WILDE: Mr. Chairman, Yukon-Kuskokwim Regional Council support Bristol Bay Council recommendations.

CHAIRMAN DEMIENTIEFF: Thank you. Yes?

VINCENT TUTIAKOFF: Mr. Chairman, Kodiak/Aleutians supports the recommendations of Bristol Bay.

CHAIRMAN DEMIENTIEFF: Any other final Regional Council comments?

GRACE CROSS: Seward Peninsula supports the recommendation.

WILLIE GOODWIN: Mr. Chairman, Northwest also.

CHAIRMAN DEMIENTIEFF: You have an additional comment, Mr. O'Hara?

DAN O'HARA: No.

CHAIRMAN DEMIENTIEFF: Okay. Any further discussion by the board?

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

(No response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.
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PAT McCLENAHAN: Yes, Mr. Chairman,

proposal 99-31 was submitted by the Pilot Point
Traditional Council and it requests that the residents
of Pilot Point and Ugashik be added to the existing
customary and traditional use finding for brown bear
in 9(E).

In 1998, a similar proposal was tabled for one
year at Pilot Point's request until more complete
information could be obtained. In addition, the
Aniakchak Subsistence Resource Advisory Council
submitted a request to Secretary of the Interior,
Bruce Babbitt, asking that the four remaining
communities in unit 9(E) that did not have positive
C&T be added to the existing customary and traditional
use determination. That would include Chignik and
Chignik Lagoon. And so it's for these four
communities that the analysis was prepared.

We are entertaining several considerations here.
One factor is a stated desire by the residents of
Pilot Point and Ugashik to establish a hunting
practice that has languished in recent times in order
to provide elders with a coveted delicacy and provide
the younger generation with information about the bear
hunting tradition. Another is a desire to provide an
opportunity to take an alternative resource in the
face of potential resource shortages and in light of
recent failures of other basic subsistence resources
such as salmon, caribou and for some families, seals.

A third consideration is a longstanding
reluctance to talk about bears. The Pilot Point
Traditional Council provided details about the
subsistence use of brown bears by the residents of
Pilot Point and Ugashik, including the names of 17
subsistence bear hunters in the area. A subsistence
use area map that was provided by Pilot Point last
year, Pilot Point Traditional Council last year, can
be found on Page 33 under Tab 4. Next to it is
another general subsistence use area map for Pilot
Point and Ugashik.

For Chignik, included in fall et al.'s 1989 list
of subsistence resources being used by Chignik
residents in the late 1980s are a small number of
brown bears. The most recent ADF&G study published in
1998 showed that 6.7% of Chignik residents use brown
bear and 3.3% hunted brown bear, but none were taken in 1996 or '97. ADF&G harvest records show that the community took 18 brown bears between 1966 and 1991. Again, this is consistent with brown bear use elsewhere, subsistence brown bear use elsewhere in Alaska.

For Chignik Lagoon, ADF&G harvest records list only six brown bears taken by this community between 1971 and 1991. There have been no reported brown bear harvests since 1991.

Evidence provided for each of the eight factors suggests that the subsistence use of brown bear by these communities has been intermittent since ADF&G records have been kept and that not all brown bear kills may have been reported, but the brown bear has been an important alternative resource when primary resources such as caribou and salmon fail. This pattern, as I said before, is not inconsistent with subsistence hunting of brown bear elsewhere in Southwest Alaska.

For the four communities, there appears to have been a gap in hunting effort since 1991, except for two bears reported taken by Pilot Point and Ugashik residents in 1995. Residents of Pilot Point and Ugashik are expressing interest in re-establishing this languishing subsistence practice in order to provide their elders with the food they long for and to give their children an opportunity to learn the traditional ways to hunt, treat, share and prepare bear.

Regional Coordinator, Jerry Berg, may have public comments to read.

JERRY BERG: Mr. Chair, we received two written comments on Proposal 31, both in opposition of the proposal. Joe Hendricks opposes the proposal stating that few residents of Pilot Point or Ugashik harvest brown bear. The Alaska Professional Hunters Association opposes the proposal citing very little harvest reporting of brown bear use in the area. They do offer suggestions to address the concerns of the proposal. That concludes the written comments. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendation?

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TOM BOYD: Mr. Chair, the staff committee recommends adopting the proposal as modified by Bristol Bay Council. We haven't gotten to that modification yet, but they wish to add communities -- well, to include all the residents of Pilot Point, Ugashik, Chignik Lagoon and Chignik. I think the evidence is as has been reported by Ms. McClenahan. The staff report suggests that subsistence use of brown bear by these communities, although intermittent, has occurred over time, and for the four communities there appears to have been a gap in hunting effort since 1991 except for two bears reported taken by Pilot Point and Ugashik residents in '95. Residents of Pilot Point and Ugashik are expressing an interest in re-establishing this languishing subsistence practice in order to provide the elders with the food they long for and to give their children the opportunity to learn the traditional ways to hunt, treat, share and prepare bear. In light of the recent caribou and salmon failures, the Unit 9(E) residents that do not yet have a positive customary and traditional use determination would appreciate being able to use bears as an alternative resource.

CHAIRMAN DEMIENTIEFF: Department comments?

ELIZABETH ANDREWS: Thank you, Mr. Chairman. The Department does not support this proposal based on the information that's presented in the staff analysis. As was pointed out, the Department conducted a study jointly with the Bristol Bay Native Association in this area, harvest study, which showed a -- showed that there really wasn't much evidence for brown bear hunting. Although we recognize certainly some households have taken brown bear, but still there's not information from that study or in this analysis that shows that that's a community pattern of use and that there's been a long-term consistent pattern of use.

So we do recognize that some households have taken brown bear, but we don't think that it meets the standard of a community pattern of use based on the information that we have before us. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. We have no requests for public testimony at this time.
Regional Council comments?

DAN O'HARA: Mr. Chairman, Dan O'Hara, Chair of Bristol Bay Council. I think there's been good testimony and evidence and staff recommendation to go ahead and pass this proposal, and I think Bill Thomas was very eloquent in saying that not every individual in the community has to go out and get a brown bear for us to have a C&T. I think that's a very important point. I appreciate that a lot. Appreciate the support of the rest of the Councils, too. And this will complete, I believe, if we can have the support, pretty much all the C&T for Bristol Bay. We've worked very hard to get where we're at and have had excellent staff support and we appreciate that a lot. So we would thank you for your support today.

GRACE CROSS: Mr. Chairman, coming from the area of depleting salmon runs, I can understand the position where these communities are coming from. In the event where our main source of food is running low, we have to look for alternate sources and this is exactly what they're doing. And that should not ever be taken lightly by any group because it -- our way of life is from the land and this is exactly what I see them as doing, looking for an alternate source of food. Thank you.

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

HARRY WILDE: Mr. Chairman, Yukon-Kuskokwim gives its support.

CHAIRMAN DEMIENTIEFF: Thank you. Any other Regional Council comments?

RALPH LOHSE: Mr. Chairman, first of all I'll have to go along with Bill, something that he's talked about a lot of times on the C&T. It seems logical to me that people who live in an area, local residents that are subsistence users will make use of most subsistence resources that are in the area. In this case here, I can't speak on what's been going on in the last 20 years out there, but 30-some years ago, I taught school out in that area and 30-some years ago, as a community and as a village that I lived in, we took brown bear to eat as a village, and we cook it as a village. We didn't have everybody in the village...
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hunt brown bear. We did have an individual in the village who was skilled at it and hunted brown bear and shared it with the rest of the village. We also did it opportunistically when we went out caribou hunting, when we came across brown bear, we took it for food for the village. That's the way subsistence works. The fact that they haven't taken it for the last couple years or ten years or something like that doesn't mean they haven't taken it in the past and this comes in when we start dealing with customary and traditional. It's one of the problems with customary and traditional. We haven't been able to set up a time frame because we're dealing with two different cultures. ANILCA deals with Natives and non-Native and it's rural preference for Natives and non-Natives. When you're dealing with non-Natives, you can't say they've had a habit for generations and generations and generations because they haven't been here for generations and generations and generations, but at the same time, the fact that in the Native culture a generation has been skipped or a generation hasn't made use of a product doesn't mean that that product wasn't customary and traditional for that culture in the past. And again, like has been pointed out, if there are other resources available, you don't take the most dangerous, you don't take the one that takes the most work. You take the easiest resource. From that standpoint, I have to support them, because I can't imagine residents in Unit 9(C) that didn't take brown bear as a culture for their food, from my own experience having lived out there.

CHAIRMAN DEMIENTIEFF: Thank you. Bill?

BILL THOMAS: I swore, took an oath of silence here, but I have to break it. In Section 8.03, making reference to Ralph's comments, it says as used in this Act, the term subsistence uses means the customary and traditional use by rural residents of wild renewable resources. It doesn't say you have to have a measured time on how long you've used it. It doesn't say you have to have a historic pattern. It says subsistence means the customary and traditional uses. It tries to -- it tries to give the idea what subsistence should be looked at or viewed as. It doesn't say anything about time. Where we come up with a time factor is beyond me. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Additional

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Regional Council comment?

VINCENT TUTIAKOFF: Yes, Mr. Chair, Kodiak/Aleutians supports this proposal and hope that Bristol Bay will go ahead with their C&T, finish it up.

CHAIRMAN DEMIENTIEFF: Thank you. We're ready for a Board motion.

DAVID ALLEN: Mr. Chair, I'm prepared to make that motion. Mr. Chairman, I move that the Proposal Number 31 to revise C&T to include Pilot Point, Ugashik, Chignik Lagoon and Chignik, along with the other communities already identified in 9(E) be supported as recommended by the Bristol Bay Regional Advisory Council and the staff committee.

CHAIRMAN DEMIENTIEFF: There's a motion. Is there a second?

SALLY WISELY: Second.

CHAIRMAN DEMIENTIEFF: Moved and seconded. Discussion?

DAVID ALLEN: Just one comment, Mr. Chairman. I very much appreciate the comments that have been shared by the various Regional Advisory Council Chairmen. I believe that the Board has progressed rather substantially in its early views relative to C&T determinations as to how we view them today, which are very consistent with many of the views that were expressed by all of you. It is for that reason that I support this proposal.

CHAIRMAN DEMIENTIEFF: Thank you. Additional discussion? Anymore Regional Council comment?

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

(No Response)
CHAIRMAN DEMIENTIEFF: Motion carries.

Okay, next proposal.

DAVE FISHER: Mr. Chairman, the next proposal is 32, 33 and 34. All those deal with caribou in Units 9(C) and 9(E). However, part of 34 deals with moose and that part of 34 that deals with moose, we will discuss that in Proposal 36.

These proposals would revise the harvest limit for caribou in 9(C) and 9(E) remainder. It will also change the harvest seasons and close all or parts of 9(E) remainder to non-qualified users.

The Federal Subsistence Board has considered several special actions dealing with this caribou herd on the Alaska Peninsula, one reduced the harvest limits, another special action as you recall was deferred pending our workshop in December -- workshop in September of '98 and as a result of that workshop, Proposal 32 got its start. And you'll also recall that part of 9(E) was closed to all caribou hunting and this was the result of the Ivanof Bay resolution.

The Nushagak -- not Nushagak, but Northern Alaska Peninsula herd like all caribou herds has fluctuated widely over the years. It reached the population of around 20,000 in the mid 1980s and has since declined to around 10,000 in '97 and the current estimate is around 9200 animals. Overgrazing of the range has created conditions on the herd, nutritional stress, and as a result, there's been a decline in herd productivity, poor survival of calves. Bull cow ratio has also declined from around 42 per 100 down to around 31 to 100.

What do we need to do to protect this herd? Well, one thing we need to do is we need to reduce the harvest of cows, take bulls only. The current estimate for the '99/2000 harvest season is we have an estimate based on current data estimating around 600 surplus bulls available for harvest. There's been a downward trend in the harvest for the last three or four years. The harvest peaked at about 1400 in '93 and '94. Reviewing all the harvest ticket data and also household studies that have been conducted on this herd, most of the harvest has occurred off of federal public lands. We're estimating that about 10% of the total harvest has been on federal public lands.
The Board of Game at the March meeting expressed extreme concern for the decline in this herd. As a result, they adopted a Tier II hunt based on the decline and also low herd productivity. And as a result, we have modified our recommendation to align our regulations with current Board of Game regulations.

Another modification that was made, as I mentioned earlier, part of 9(E) was closed to all caribou hunting. We want to revise that to close that to non-qualified users.

After sitting in on the Board of Game meeting and going through the Tier II process, we thought that the Tier II process would work for federal public lands. However, closer examination revealed that somebody could qualify for a federal registration permit and not a Tier II permit and still live in 9(C) or 9(E), as there is no resident requirement for obtaining a federal -- that would allow someone to hunt on federal public lands.

So we are going to initiate a federal registration permit process. As I explained earlier, there's an estimate of 600 bulls available for harvest. There'll be some additional surveys done this summer and a final determination will be made on the number of excess bulls that are available for harvest at that time.

The Alaska Department of Fish & Game, in coordination with the Wildlife Refuge and King Salmon will determine the number of bulls that are available and the number of permits that are available. Ten percent of those federal permits or 10% of those total permits will be federal registration permits.

The Alaska Department of Fish & Game Subsistence Division recently conducted some training in Port Heiden on how a Tier II permit process would work. They have village representatives from each of the 12 villages and they're going to go back and explain that to the local people in the villages. Sometime in late June we will determine the number of State two permits and federal registration permits that will be available. First part of July, we should be able to get the Tier II permit results from Fish & Game and at that time, we'll be able to determine how many Tier II permits will be issued to each village and then we can
make an adjustment, as far as the number of federal
permits required by each village.

If the number of federal permits equal the number
of permits available, then the federal permits will be
issued to each village based on historical use, and
this is outlined in your table on Page 62.

If the federal permit requests are less than the
permits available, then the villages are notified that
we will have additional permits. Now, if the federal
permit requests are more than the permits available,
then the number of federal permits would be issued to
each village based on an 8.04 determination and we
have -- are in the process of putting together a team
that would work on this and help decide the
distribution of federal permits. That team consists
of Office of Subsistence Management, Bristol Bay
Native Association, Regional Council, the 12 village
reps I identified earlier and also Refuge Information
Technicians.

That basically concludes my testimony,
Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.
Written public comments?

JERRY BERG: Yes, Mr. Chairman. As
you've already heard in Dave's presentation, we're in
a very different situation today than we were when
these proposals were actually submitted and comments
were made. I will summarize briefly that we did
receive 21 written comments, all opposed to the
original proposals as written, and four of those
suggested modifications. One of those comments was
sent in by fax last week and I'll read that into the
record as public testimony today. However, the other
comments can be summarized as being opposed to the
closure of federal lands to non-qualified users,
suggesting that this would adversely affect other user
groups.

I'll leave the summary at that for those
proposals, given the current change in circumstances
since the proposals were submitted, unless the Board
would like anymore details or have specific questions
about the comments submitted, and I'll go ahead and
read the faxed testimony at this time.
JERRY BERG: This letter was submitted by Victor Barnes, Westcliffe, Colorado. He represents the Alaska Professional Guide Association and he actually has two parts to this letter, and the second part deals with Proposal 36, but the part that deals with Proposal 32 states that, Dear Mr. Demientieff, on January 15th of 1999, I submitted comments to you on proposals to change Federal Subsistence Regulations for the '99/2000 regulatory year. Those comments were submitted on behalf of the Alaska Professional Hunters Association. With this letter I'm offering additional comments on behalf of the Association for consideration at the public meeting of the Federal Subsistence Board.

I have reviewed my comments submitted January 15th in a letter to you and find that the evaluations remain appropriate for consideration at the upcoming Board meeting. Regarding the Northern Alaska Peninsula caribou herd, I want to reaffirm the need for cooperation among all user groups toward recovery of that herd. Recently, the Alaska Board of Game implemented regulations that severely restrict harvest of the northern herd. Consequently, additional regulations by the Board to close hunting on federal land to non-qualified users would provide no benefit and are unnecessary. Such actions might even strain cooperative efforts and delay recovery of the northern herd.

That concludes the comments. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendation?

TOM BOYD: The staff committee, I'm going to ask Greg to come up and sort this one out for you. It's a little complex and I think he could probably do a better job than I can.

CHAIRMAN DEMIENTIEFF: Go ahead.

GREG BOS: Thank you, Mr. Chairman. For the record, my name is Greg Bos with the Office of Subsistence Management.

The staff committee recommendation is to adopt
the proposal as modified by the Bristol Bay Regional Advisory Council. I won't repeat all of the particulars that the staff has already presented to you, but basically, it provides for a one bull harvest limit in Units 9(C) and 9(E) by federal registration permit only for residents of Units 9(C) and 9(E). The modification would reopen federal lands that have been closed to caribou hunting in the southern portion of Unit 9(E).

Action taken by the Alaska Board of Game in March shortened the season and reduced harvest limits to one bull with an overall harvest of 600 bulls by Tier II permit, thereby eliminating hunting by non-residents. The biological information as presently available indicates that the Northern Alaska Peninsula caribou herd can only sustain a harvest of approximately 600 bulls for the 1999/2000 season. Therefore, the combined total of permits issued, that's State and Federal permits together, should result in a total harvest of no more than 600 bulls. However, this number may change based on updated survey data that is obtained this summer.

Now, hunters with a State Tier II permit who qualify as federal subsistence users would be able to hunt on both State and federal public lands, however again, on the federal public lands, they would need to be residents of Units 9(C) and 9(E). A limited number of federal registration permits would be available for hunters who did not obtain a Tier II permit, but did qualify to hunt on federal public lands. Federal registration permits would only allow hunting on federal public lands.

With the limited number of both Federal and State permits to be issued, the dissemination of information on the permit processes becomes critical, especially in the outlying villages and Federal and State agencies will be working closely together to make this a success. I think you heard earlier from Mr. Krieg that the State has already had an orientation meeting with local villages in order to explain the Tier II process and we plan to work closely with the Bristol Bay Native Association through Mr. Krieg to provide a similar outreach effort for federal registration permits in the near future.

Staff committee also concurred with the Bristol
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Bay Regional Advisory Council's recommendation to limit the distribution of federal registration permits to residents of Units 9(C) and 9(E). The Council has delivered the process for allocating among subsistence users in light of the limited number of caribou available, corresponding closely with the factors identified in Section 8.04 of ANILCA.

The permitting strategy recommended by the Regional Council allows continuation of the State Tier II hunt which is beneficial to subsistence users who hunt on State lands but also ensures that subsistence users who have the most direct dependence on the Northern Alaska Peninsula caribou herd have access to federal permits if they do not receive a Tier II permit.

CHAIRMAN DEMIENTIEFF: Department comments?

ELIZABETH ANDREWS: Thank you, Mr. Chairman. As you know, this is a very critical situation that we have with the conservation of this herd and certainly appreciate the time that Mr. O'Hara and his Council and other people from his region spent at our Board of Game meeting last March to discuss the issue and to learn about the way the State system works and how we can try to address this and accommodate subsistence uses in the area. And I also want to acknowledge Mr. O'Hara's Council really wrestling with this at their meeting in March to understand what the State had to do and then also address as best they could providing subsistence use for federally qualified subsistence users.

We agree with what's been proposed here. We certainly don't have a problem with it and we definitely appreciate all that the advisory committees did on the State side, as well as the Council members and the Federal staff to understand each other's system and to try to work something out that would accommodate subsistence uses under both the State and Federal system, as we're rebuilding this herd. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Public comments?

GARY KING: My name's Gary King and I'm a Master Guide on the Alaska Peninsula. I started in
the area in question here, Unit 9(E), in 1971. I have
currently reside on the Alaska Peninsula six months of
the year. I fly airplanes nearly every day that I'm
on the Alaska Peninsula. I own two lodges, Cinder
River Lodge and Wildman Lake Lodge. One is in the
Aniakchak, Cinder River, and from that area I have
exclusive federal concessions in Amber Bay and
Aniakchak Bay, as well as a portion of the upper
Meshik area and the Aniakchak River flowing over into
Lava Creek and going all the way to Bristol Bay coast
on that side.

My other concession at Wildman Lake Lodge
includes the areas to the west of Mount Veniaminof, to
the north of Veniaminof and also to the south of
Veniaminof, including the drainages of the west fork
of the Chignik River, those drainages of Blueberry and
Fireweed Creek that flow into Black Lake, Rabbit Creek
and also the drainages of Ivan Bay and Slim Creek on
the Pacific side. These combined concessions, mostly
federal, are nearly 2250 square miles of the Alaska
Peninsula each. In essence, I hunt almost 5,000
square miles of the Alaska Peninsula, including my
State land.

Now, the reason I tell you all this, and I also
could mention I've probably logged over 10,000 flying
hours on the Alaska Peninsula in my short lifetime.
The reason I'm telling you all this is because I have
without a doubt got more in field experience than
anybody in the world on the moose population on the
Alaska Peninsula. While I was operating just Cinder
River Lodge back when my partner, Lee Holden, and my
mentor, I might add, retired in 1983, I took over the
full operation of the Cinder River Lodge. At that
time, the moose population on the Alaska Peninsula was
in dire straits. If you people thought that you
needed to close some moose hunting, you should have
closed it in 1983 because on federal land, the federal
land that I had control of in 1983, I did close the
moose hunting. I took one moose hunter a year for a
number of years, beginning in 1983, in hopes that I
could rebuild the moose population in the Aniakchak
Preserve.

Slowly, we began to see mature bulls, and by the
way, we increased our bear hunting numbers at the same
time, because the largest predator of moose calves is
bears.
CHAIRMAN DEMIENTIEFF: Mr. King, you signed up to testify for both proposals but we will do 36 after this, which is the moose part of this, all this work. These comments right are here on Proposal 34.

GARY KING: 34 on caribou?

CHAIRMAN DEMIENTIEFF: Yes.

GARY KING: Well I understand the State's pretty well taken care of the caribou hunting for us. In my proposal -- it's all ditto for caribou, because I was there for caribou at the same time. I guess if I'm just commenting on caribou, let me just throw a couple things out on caribou.

The caribou population, without a doubt, has declined and because of this, we had not booked any 1999 caribou hunts on the Alaska Peninsula from our Wildman Lodge. We did book a few at Cinder River Lodge, talking eight or ten, not too many, in order to bridge the gap between moose season that closes September 20 and the bear season that opens, at that time, the 7th of October. So I petitioned the Board in my comments to retain that season open because from an economic standpoint to run a lodge, you can't just shut the lodge down for two weeks, go home. You got people that all want $150 a day to be guides and you got your airplanes mobilized at great expense. That didn't happen because of what the State did, but it is important to realize that we are out there providing visitor services to these parks and preserves. We also are providing great employment to the people up and down the peninsula. The subsistence lifestyle is a wonderful thing and I don't knock it one bit, but also, there's a monetary cash basis society out there and people do need employment and we provide that employment.

And also, as far as the meat from any game that we harvest, I'd say 80% of the meat that's harvested in my operations is delivered to the villages of Pilot Point, Port Heiden and Chignik and this is good meat that's kept in electric meat houses to be protected from the bear. They're screened meat houses, and we delivered last year in our short caribou season that we had, about 1700 pounds of caribou meat to these villages and I have signed receipts from people and so forth and I not just saying we did this last year.

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1 We've done this for 20 years. I'll be back to talk to you about the moose.

3 CHAIRMAN DEMIENTIEFF: Thank you. Is that Mel Gillis?

5 MEL GILLIS: I have nothing to say on the caribou. Thank you.

7 CHAIRMAN DEMIENTIEFF: Okay, that completes our public testimony. Regional Council comments?

9 DAN O'HARA: Mr. Chairman, Dan O'Hara, Chair of the Council, Bristol Bay. We of course as you know have seen a big decline in the caribou from I think 17,000 down to maybe a little more than 8,000 and a lot of factors involved and we appreciate very much Dave Fisher and his information and Dick Sellers, State of Alaska. Could not have begun to handle this problem without the joint effort of these people. I appreciate the people allowing me to testify at the State board. It was both informational, good information for both of us. Along with that, we find there's a group represented from Bristol Bay of 9(C) and 9(E) both and the State board would let us gather in the form of a committee to work out this problem and I appreciate that so much and they had certain members of the Board that stayed and listened and they weren't there for a quorum or anything like that. They were there just gather information of what we might want to do as a committee.

19 And after looking at this, we determined that the best way to go would be to go with the State of Alaska on a Tier II and there's something really important why we want to do that. If we went with 600 bulls under the federal program and our normal use of subsistence animals is anywhere from 12 to 15 hundred, we're trying to work our way back up the ladder after we get a healthy herd. We don't want to do that. We want to start off with numbers that we had before and that was a very important consideration of this group of people that was represented there.

28 The second step is when we finally worked this out, Game Board decided on a Tier II, and they gave the dates and numbers and everything as satisfactory and then our Council met in Dillingham and the State people showed up again and Dick Russell showed up
again and Dave Fisher and others and we worked through the process at that level and then the Federal people made a provision for the Alaska Department of Fish & Game advisory board chairs, people to come and they came in big numbers and they worked with us and again, we had a consensus of how to handle this problem. And we appreciate the guides saying, hey, this is one of those tough things that takes place, but leave it as it is and we'll go from there.

I think one of the things that's probably important is that the Tier II is going to work and it's mostly these villages are on State land. So it's somewhat practical to go to a Tier II and then have something available to put on the table should some of the villages, Chignik, Perryville, Ivanof, those places on federal lands, some animals go by there. There should be a provision for them to get a few animals as well. But the biggest number of communities affected is on State lands on the coastline of Bristol Bay there. So all these things were taken into consideration when we worked through this process.

However, there's something very important that we all need to know and understand and it goes back to the sheep thing. Let's say for instance one of our committee members, and we will have this in the record, made a statement something like this: Should 200 of the 600 of the permits come out of Anchorage in the Tier II, we're not going to be very happy about that. That's too big a imbalance as far as we're concerned on the decline of this herd with the caribou by these communities. So if that number were to come up, that many coming out of Anchorage, I would venture to say we'll be back here in a heartbeat to look at a different set of permitting system on the use of caribou in the federal lands by the qualified users.

And I think that's about all that I had. It was a lot of hard work by a lot of people and we appreciate very much all the sides, you know, contributing all they did. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment? Has anybody got a motion prepared?

DAVID ALLEN: Yes, Mr. Chair. I would like to make a motion that we adopt the recommendations in Proposals 32, 33 and 34 as they
relate only to caribou, as recommended and modified by
the Bristol Bay Regional Advisory Council and also
agreed to and recommended by the interagency staff
committee.

WARREN HEISLER: Second.

CHAIRMAN DEMIENTIEFF: Been moved and
seconded. Discussion? Additional Regional Council
comment?

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

(Response).

CHAIRMAN DEMIENTIEFF: Those opposed,
same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

35's on the consent agenda. That brings us to 36.
Are we ready for the introduction?

DAVE FISHER: Thank you, Mr. Chairman.
Proposal 36 and that part of 34 that was submitted by
the Bristol Bay Regional Council, Chignik Lagoon
Traditional and Tribal Council. The original proposal
was based on the Regional Council's adoption of the
management recommendations from that workshop that was
held in September in Naknek and that would close moose
hunting on federal public lands in Subunit 9(E) on the
Pacific side, the whole Pacific side. Basically,
we're -- get my arrow lined up here -- Cape Igvak on
down to Stepovak Bay. This would close federal public
lands to non-qualified users.

This proposal was modified by the Bristol Bay
Regional Council at the recent March Council meeting
held in Dillingham. Modifications would close a
smaller portion of federal public lands in Subunit
9(E), basically -- I'm not quite coordinated here with
my left hand, but basically, it's the Chignik unit,
which is this area here. It's that area south of the
Chignik River, Black Lake, but I'm going to refer to
it as the Chignik unit.

The current federal subsistence season is
September 1st through the 20th and December 1st
through the 31st, one bull. The Federal Subsistence Board considered two special actions to close moose hunting in federal public lands in 9(E) and at that time, these were deferred pending the outcome of that management workshop that we had in September. Biological information at that time indicated that the moose population in 9(E) was stable, with the estimated population of around 2500. Harvest on federal public lands was relatively low and the user competition, competition amongst the user groups was really only a factor during the season, the State season of September 10th through September 20th, with little or no competition occurring in December.

Moose surveys in 9(E) conducted over the last 12 to 15 years indicate a stable population in Subunit 9(E) with adequate bull cow ratios. One recommendation from that workshop was to do additional surveys. Money was provided to the Refuge and Fish & Game to do additional surveys. These surveys were done in Subunit 9(E) this last November and December. Total moose seen were 978. There was 20 hours of flying time, nine survey -- nine different survey areas were covered.

Surveys conducted in the Pacific drainages, there were several areas that weren’t surveyed before, there was 413 moose counted. Bull cow ratios were 69 to 100. Calf cow ratios were 23 to 100. Surveys conducted on the Pacific trend area were similar to what surveys showed since 1972. There was 116 moose seen in 1998 versus an average since 1972 of 117. The bull cow ratios were real high in 1998, 96 to 100. Calf cow ratio was 17 to 100, compared to the average since 1972 of bull cow ratios 58 to 100 and very low cow calf ratio of only 6.

Surveys were also conducted on the Bristol Bay side in 1998. 565 moose were counted. Bull cow ratios were 64 to 100 and calf cow ratios were 20 to 100. Earlier surveys conducted in same areas since 1972 indicated the population is stable.

One thing we need to note, the Chignik unit was not surveyed. It had planned to be surveyed but it was not surveyed. Mechanical problems to the plane, poor weather prohibited biologists from conducting any surveys there. However, discussions with the refuge staff and also Mr. Sellers indicate that from all probability, populations in that Chignik unit are
probably stable. They'd remain stable with adequate
bull cow ratios. In addition, the Refuge staff has
had discussions with guides who operate in that area
and they indicate that the population is stable with
adequate bull cow ratios.

The harvest of moose from about 1983 to 1997 has
been stable within sustainable levels and this has
been reported through the harvest ticket system. The
average harvest has been about 90 moose per year.

Subsistence studies for the Alaska Peninsula
communities have indicated a very low reporting system
through the harvest ticket method. Household surveys
have indicated a much higher, much higher harvest
levels and these were studies conducted by Fish & Game
Subsistence Division, with help from the Bristol Bay
Native Association. These were the surveys that were
done 1994 through 1997. Reasons offered by household
residents as to why their moose needs are not being
met included inadequate time to hunt, resource
scarcitys, reduced sharing among household families,
faulty equipment, competition from guides who fly the
area, they can determine where the moose are, and
weather and travel conditions. Household surveys also
indicated that the harvest effort was pretty well
split between September and December, favoring
September with a little bit off harvest in October.
When you look at the harvest ticket data, that
indicates that about 94% of all the harvest in 9(E)
occurrs in September, and indicates very little
competition from non-rural users in December.

At the Board of Game meeting last March, the
Alaska Department extended the winter season in 9(E)
to January 20th. They also relaxed the antler
restrictions and the primary reasons for doing this
was the stable population in 9(E), high bull cow
ratios, and to provide an increase in subsistence
opportunities later on in the season. Thank you,
Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Written public
comments?

JERRY BERG: Yes, Mr. Chairman, we
received 13 written comments on this proposal and five
comments on moose for Proposal 34 which are addressed
with this proposal. Three of these we received by fax
last week and will be read into the record as public
testimony. Seventeen of the comments are opposed to the closure of federal lands to non-qualified users for moose and one comment supports the closure of the Chignik unit.

In summary, four residents of Pilot Point and one resident of Port Heiden submitted the same comment, that several guides deliver moose meat to the village which is greatly appreciated by the elders and those who do not have the time or can no longer hunt for themselves. Kathleen and Butch King commented that their guiding business has delivered over 7400 pounds of moose meat to local residents. They also do not feel there is a biological reason for eliminating non-qualified users on federal lands. They feel that the moose are not near the village because of four-wheelers and snow machine use near the villages.

Brent Jones commented that the guiding business, that his guiding business delivered over 2500 pounds of moose meat to the residents of Pilot Point. These were moose taken in areas inaccessible from the village. He suggests placing more limits on guiding activity rather than eliminating their access to federal lands.

The Alaska Professional Hunters Association believes that the moose population is stable and does not warrant a closure of federal lands. They feel that a closure would promote conflict between user groups and that the current situation does not reduce the opportunity for local hunters to harvest moose.

Joe Hendricks states that the perceived decline in moose population is incorrect as documented in last fall's moose survey.

That concludes the summary of the written comments and now I have the three letters to read into the record as public testimony.

The first letter was submitted by Johnny Lind. He's president of the Chignik Lake Village Council. Mr. Lind writes that on Proposal 36, the Chignik Lake Village Council supports the modified substitute motion made by the Bristol Bay Regional Council. I would like to mention that the subsistence problem with coho in Perryville, which is an ongoing problem. The Board of Fish chairman formed a task force to work on the problem and they are to report back their
findings in October.

Guide use areas, close or restrict guide use in narrow passes. An example is the pass from Stepovak Bay to the Bering Sea side. We are surrounded with guide use areas, and he enclosed a map. I have that available if you so wish, but it generally identifies the guide use areas in that area and he states that we need to restrict these areas with either no hunt zones, buffer zones or more restrictions.

Another justification that was not mentioned is that moose are going to be targeted because of the Tier II with the caribou situation. Also, there was no moose survey completed south of the Black Lake to Stepovak Bay area. Perryville and Ivanof Bay have been trying many different times in the past six years or more regarding the problem of no caribou in the area with different organizations, but nothing was done and now we are in a Tier II situation. Our subsistence way of life is being more restricted more and more every year. If anyone is going to be restricted, it should be the ones that use any resource other than subsistence. Thank you for your time and effort on these matters, John Lind, President.

And the second part of the letter from Vic Barnes representing the Alaska Professional Hunters Association states that an important concern is Proposal 36 that addresses moose hunting on federal lands south and west of the Chignik and Black Lake drainages in Unit 9(E). It's my understanding that Proposal 36 seeks to understand the season -- extend the season for federally qualified users to January 20th and impose a hunting closure to non-federally qualified users. I also understand that the basis for the proposed hunting closure is lack of survey data. Surveys scheduled by the state and federal biologists for 1998 were canceled due to inclement weather.

I recommend that the component of Proposal 36 that extends the hunting season to January 20th be adopted and that the component that limits hunting to federally qualified users not be adopted. My reasons are as follows: The most recent survey data for use in Unit 9(E) clearly indicates that the population is stable, in balance with available habitat and that current levels of harvest are appropriate; competition between local and non-local hunters is minimal, has
had little or no effect on harvest by local hunters and because of restrictions imposed on guides and transporters by the Alaska Peninsula Becharof Refuge probably has decreased in recent years; extension of the hunting season to federally qualified users to January 20th will increase hunting opportunity for local residents without competition from non-local hunters; bull cow and calf cow ratios determined from the November and December 1998 moose surveys provide clear evidence of a healthy moose population. It is highly unlikely that the status of moose in the Chignik unit of Unit 9(E) is substantially different from that of moose in nearby areas that were surveyed. Moose surveys have been scheduled for the Chignik unit in 1999, thus the most logical approach is to reject the proposed closure of the Chignik unit to moose hunting by non-qualified users and make appropriate management decisions after the '99 survey has been analyzed. Current biological and substantial use data do not support the proposal to limit harvest to local hunters.

Mr. Demientieff, I am grateful to you and the Federal Board for the opportunity to comment on the proposed federal subsistence regulations. Thank you for your consideration of my previous comment, as well as those provided above.

We also received a letter from the Katmai Guide Service submitted by Joe Klutsch, Master Guide. At its March meeting in Dillingham, the Southwest Regional Council recommended that moose hunting be closed in portions of Unit 9(E) south of the Chignik River and Black Lake to all but qualified rural residents. I testified at the meeting that there is no biological evidence presented that could justify this proposed closure. I also stated that there was absolutely no evidence to indicate that the health of this population was jeopardized by non-subsistence hunting.

In addition, statements by some of the -- some that competition with non-subsistence hunters was preventing local people from meeting their needs. Given the extremely low level of non-resident harvests in the proposed closure area and given the extremely short season of non-resident, September 10 to 20, these claims are simply not valid. An exclusive subsistence-only season runs September 1 to 10 and there is virtually no non-subsistence hunting in the
December January season. This season has extended into January by the Board of Game for the purpose of allowing additional opportunity when travel is better.

In your letter to the Native Council of Port Heiden, Ivanof Bay Village Council, Chignik Lagoon Corporation, Chignik Lake Village Council, Becharof Corporation, Pilot Point Traditional Council, Bristol Bay Regional Council, and the Bristol Bay Native Association written August 28th, 1998, to request for special action closure request, you clearly outlined the reasons for a closure was not justified. The population is healthy, and there is ample opportunity for locals to hunt without any competition with others.

Surveys were conducted by ADF&G, along with U.S. Fish & Wildlife Service in the late fall of '98. They further confirm that the population is healthy. In fact, the bull cow ratio was excellent area-wide with 44% of the bulls surveyed had antler spread over 50 inches. If there were a problem with non-subsistence hunting, you would not find this to be the case. A portion of the proposed closure area was not surveyed due to mechanical problems with aircraft. Still, there is no reason to believe that the status of the moose population within the unsurveyed area is any different from that of the vast adjoining area that was surveyed.

I would, however, like to request that the area in question be surveyed in the fall of 2000 and that the current proposal for closure be tabled pending the results of that survey. For nearly 30 years, myself and a number of other guides have publicly supported the principle of subsistence priority. Opponents of the priority have often stated that the provisions of Title VIII would be used to arbitrarily eliminate non-area non-resident hunting opportunities. The federal system should have sufficient checks and balances to prevent unwarranted closures from being imposed. I believe that the Unit 9(E) moose season closure proposal further threatens the integrity of the federal allocation system. Tabling of this proposal pending the completion of the fall 2000 survey seems to be a reasonable alternative.

Please give my remarks your serious consideration. Sincerely, Joe Klutsch. That
concludes those public comments. Thank you.

CHAIRMAN DEMIENTIEFF: Staff committee recommendation?

TOM BOYD: Mr. Chair, the staff committee recommends, and I'll just focus you on Page 86, to align with the recent State action to extend the moose season, the winter portion of the moose season to January 20th, but to not close federal lands. In brief, the staff committee felt that the biological information presented, as elaborated by Mr. Fisher, indicated that there really just wasn't a reason to close federal public lands in the area. Although there wasn't a recent survey in the smaller Chignik area, it was felt that the survey results from the other area plus the information that was provided by the staff of the Alaska Department of Fish & Game and the peninsula refuge biologists felt secure in that information and so would not warrant closing federal public lands.

I would indicate that the staff committee did -- was not unanimous. There was a dissenting opinion, which felt that the subsistence users were encountering competition and weren't meeting their needs. Moreover, the absence of survey data in that one area, it was felt that we should wait and have solid information before opening that area.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments?

ELIZABETH ANDREWS: Mr. Chair, we concur with the staff committee's recommendation. I think all the biological information that we had was incorporated and we don't have a problem with the season dates, and we also don't think that there's information that would support a closure of the federal public lands to non-qualified users.

CHAIRMAN DEMIENTIEFF: Thank you.

Mr. King?

GARY KING: Okay, I'll back off on the credentials, how long I been flying the country, and cut right to the chase. I've received a couple of faxes here today. These are from Chignik Lagoon. There's two of them and they're certified by the postmaster in Chignik Lagoon and since this gentleman
over here is such a good reader, I'd like him to read
these into the record for me. Could I do that?

JERRY BERG: Well, I can't quite read
their names. I guess I'll just read the text.

GARY KING: The first one's from Clem
Grunert, Chignik Lake and the other is from Cecil
Kalmakoff -- excuse me, Maury Pedersen, both of
Chignik Lagoon.

JERRY BERG: The first one's from Maury.
Be it acknowledged that Marius Pedersen of Chignik
Lagoon Alaska, the underlying dependent being of legal
age, does hereby depose and say under oath as
follows: Mr. Chairman and Federal Subsistence Board
members, I have lived in Chignik Lagoon for all my
life, almost 50 years for all the time in the fall
time of the year. I have personally flown my own
airplane around here for almost 30 years. The past
fall moose season in the month of September I flew
numerous times on several days around the Chignik
Lagoon area to specifically -- to specially survey the
area for moose. I surveyed the area from Hook Bay to
the east of Chignik Lagoon and to Ivan Bay to the west
of Chignik Lagoon. I saw a lot of moose. In fact, I
saw the most moose in this area that I have ever
seen. The majority of the moose I saw were bull
moose. The area that I looked at is the flight 15
minutes on either side of Chignik Lagoon. Most of
this land is private Native corporation property.
From my personal observations, the moose population on
Native corporation land last fall had ample moose for
anyone there, here locally to harvest a subsistence
moose.

I am sending you this affidavit because I am
against Proposal 34. I am in favor of the Tier II
caribou hunt. We need to build the caribou herd back
up around here. We have plenty of moose and I believe
it is wrong to shut hunting down when there is no
biological need to do so and I affirm that the
foregoing is true except as to statements made upon
information and belief and to those I believe them to
be true. Witness my hand under the penalties of
perjury this 2d day of May, 1999.

The second affidavit from Clemens Grunert, Jr.,
be it acknowledged that Clemens Grunert, Jr. of
Chignik Lagoon, Alaska, the underlying deponent being
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of legal age does hereby disclose and say under oath
as follows: I am opposed to Proposal 34. I have
lived all my life here at Chignik Lagoon and we do not
have any problems here of getting subsistence moose.
I agree with the biologist that we have plenty of
moose and I am that -- the foregoing is true except as
to the statements made upon information and belief,
and as to those I believe them to be true. Witness my
hand under the penalties of perjury this May 2d, 2d
day of May, 1999.

GARY KING: Thank you for that

privilege. I also have a letter dated August 19, 1998
and one dated August 18, '98 and these were addressed
to the Regional Advisory Council Coordinator, Office
of Subsistence, Fish & Wildlife Service, Tudor Road,
and they're from Cecil Kalmakoff (ph) who is Acting
President of the Ivanof Bay Village bay Council, which
is also the Chignik unit that we are all concerned
about, as far as the moose population.

The first letter refers to the special action of
the Federal Subsistence Board to close sport hunting
and he talks about the caribou hunting and he was
concerned about populations and so forth, but after he
let that -- sent that letter, he was concerned so he
wrote a letter again the second day to the same
address and it's dated August 19th and it's much
shorter and I'll read that.

He said the types of game that I was referring to
is the caribou herd only. We feel there's a great
number of moose in our area, as we see them swimming
across the bay every summer from our front windows,
but never see caribou, even when we're going out
looking for them. The main meat of our people of
Ivanof Bay is caribou. It would be very rare to see
anyone eating moose.

Okay, I'll submit this into the record or
whatever you'd like to do with it.

I'm going to harp on the point of no biological
information. Running a business like I do on the
Alaska Peninsula, my federal concession areas, I'm
allocated a certain number of clients that I can take
a year. We'll talk about the Chignik units. The two
Chignik units that I have are Fish & Wildlife Service
areas are AKP 11 and AKP 12. These are the areas
affected by this proposed closure of the Chignik

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I have authorization from the United States Parks or Fish & Wildlife Service to harvest three moose in one area and four moose in the other area, a total of seven moose. Mr. Gillis has the area south of me and he'll testify as to how many he's authorized, but I believe it's one or two. So we're talking about nine whole moose here. So we want to bring this into perspective. We have 11 days to do that in, September 10 to September 20.

As a responsible guide, like I mentioned before, when the moose population was in trouble, I curtailed my moose hunting activities to preserve that resource. I started down in that area when I was 18 years old and I'm 46 years old now and I know I got another 20 years in it ahead of me, and the last thing that I want to do is diminish the resource. I sell quality trophy moose hunts. That means we're hunting the old, mature bulls only. I can rarely think of a moose that we ever shot that was under 60 inches. We're talking old, mature bulls. Now, bulls don't get old and mature unless there's young moose coming up. We're always conscious, we always count calves, we watch for twins, we watch the population in these surveys.

I've got three surveys here and I did send Mr. Fisher a copy of my survey of Chignik, which included my field notes. These are all typed up real pretty, but my field notes are a little scratchy because they're on the notebook on one knee flying around in turbulent weather on the Alaska Peninsula in a super cub, so they're hard to read, but I gave him the notes just to lend a little authenticity to the surveys.

The first survey I brought with me is from the Cinder River area and it was taken on September 9, 1997. This is the day before the opening of the season. And I won't tell you where every moose was or how big he was, but just for instance, the field notes would refer to it as the moose pasture, lower Lava Creek, actual location would have been Lava Creek. The spread of the moose I estimated 62 inches. In my experience, I'm rarely more than an inch or two off, otherwise I wouldn't hold my job. Brow tines three by three. That means three brow tines on each side. It goes on to list on this one the report of the Cinder Pacific Rim Reporters
River area, 45 bull moose that I would call trophy moose. The smallest one I think on this sheet was a 54 moose I just happened to write down and they range all the way up over 70 inches.

Now, in a season like that, we would have harvested 10 moose. Again, we're not counting cows on this. Sometimes I write down an incidental cow, but again, in the same area, in the '98 survey, 49 bull moose in that trophy class of which we harvested I believe last year eight.

Now, the reason I bring up this information is these counts and numbers coincide nearly perfectly with the Seller's Squibb survey of that same area that they did last fall. And when they say 44% of the bulls that they -- bulls that they counted were 50 inch plus trophy bulls, I ran some numbers out on the total moose that they had and they are counting within about five percent the same moose I was counting.

So back to the Chignik area. My survey last year of the Chignik area taken on September 7th and September 8th in the same area, I counted 43 bull moose. All right, they didn't get to count that. They had airplane problems and weather problems. Took me two days to get it done, but I did it before the moose season last year, just to assure that I'm taking the right number of moose for the area, as my long history on the Alaska Peninsula shows I've had great husbandry to these areas that I've been granted by the State -- or by the federal government. I want to assure you that the moose population in the Chignik area is in line with the Squibb and Seller's survey, although they didn't get the chance to count over there. It's a smaller area and we counted 43 bulls, of which I believe we harvested five last year. So we are not putting a dent in the population, which is further illustrated by the bull to cow ratio. Ideal ratios of bull to cows is in the 40 to 50 percent range. Bull moose to cow ratios in all the surveys that they're doing and I'm sure you've all read it, but I'd just like to emphasize is running 70% plus. The calf ratio is running 23%. The calf ratios back in '72 were running 15%. Okay, I attribute this to the fact that we're stepping up the bear hunting numbers a little bit and we're holding our moose numbers at what we think is a very good ratio for the areas, and again, we're permitted by the federal government not to take any more than that.
CHAIRMAN DEMIENTIEFF: Mr. King, if I could get you to summarize, we're going to -- we're going to be closing up in a few minutes here and I want to give the other people who signed up an opportunity to testify. It doesn't look like we're going to be able to deliberate -- I don't mean to cut you short, but I just want to give --

GARY KING: I can come back tomorrow. I got lots of good stuff here. Let me see if I can't summarize and finish up here. The question of not being able to meet the needs coming out of a couple of the Chignik, Chignik Lagoon and Chignik Bay, okay, these letters, you can see by the letters you've got, they're all run off on the same, they all say it's our second worst fishing season in a row and so forth. They're all obviously authored by the same person. So I want you to look at that. It's basically a move to eliminate the sport hunting in that area, even though it is regulated by number and has no foundation biologically.

When they say they're not meeting their needs, the reason they're not meeting their needs is because they're not hunting and I don't know why they're not hunting, but on the tribal lands that surrounds these two villages, just the tribal lands, there are more than sufficient numbers of moose.

Now, I have augmented, just last year alone, and I have mailed this to this Board and if none of you have copies, I'll bring you copies in the morning and this is just last year's moose meat deliveries to these local villages. And you know, the names of who got the meat are the who's whos, the old folks and the single mothers from Port Heiden, Pilot Point, Chignik, Perryville, right on down the line here, and in essence, last year, I delivered 7470 pounds of fresh moose meat, plus heart and kidneys to Chignik Lake. This represented 70.14% of all the moose meat that we harvested last year. Seventeen percent of that was kept for lodge use, 17% of the meat, and 12.86% of the moose meat that we harvested last year, the hunters kept and took home. So the bottom line is, the people that can't go out and get meat, we're delivering meat to them. We're also providing, you know, a stable economy out there for a lot of people.

One last thing here, in Title VIII of ANILCA, Section 8.15(3) and I'm sure you've all read this, but
it's limitations and saving clause and basically what
it says, nothing in this Title shall be construed as
authorizing a restriction on the taking of fish and
wildlife for non-subsistence uses on public lands,
other than national parks and national monuments,
unless necessary to conserve a healthy population of
fish and game.

You're charged with the duty to do the right
thing and you have no sound biological reason. Your
subsistent needs are being met by those who get out
and hunt. We've got sworn affidavits from people that
say the moose are there, all you've got to do is go
get them and those who can't go get them, we are
supplying meat to those people to help take care of
their needs. You've got no sound biological reason
and you're charged with the duty not to overstep the
authority of the Board for a few people who are trying
to put a few other people out of business. It's as
simple as that. We're taking good care of the moose
there and we've got plenty moose in the Chignik and
your surveys in future years will document that. I
really thank you for your time.

WARREN HEISLER: Mr. Chair, may I ask
Mr. King a question? When did you deliver that
information to Mr. Fisher?

GARY KING: About ten days ago.

WARREN HEISLER: Thank you.

CHAIRMAN DEMIENTIEFF: Mr. Gillis?

MEL GILLIS: Mr. Chairman, Board, going
to be real short and quick. I know you want to go
home. I do, too. I just wanted to say on this
Proposal 36, on the effects and change of fish and
wildlife population, it says in here due to an
increase in the number of sports hunting Subunit
9(E). On federal land there, we've got a certain
number of animals that the Federal Fish & Wildlife
allots us and we're stuck with it. My number's
three. I can hunt three moose on federal land. My
area on federal land is across the mountains from
everybody else. It just touches federal land, but
right on the borderline between the State and the
Federal land is where the moose are, the habitat for
them.
So I can't see where there's going to be an increase in the number of sport hunters hunting in Subunit 9(E). It's just not going to happen. On federal land you're stuck with what you had seven years ago.

The number of moose will be 9.8 if you shut down the Chignik Lake to Black Lake on over Ilnik, if you shut that off. The last six years, there was a total of 9.8 moose taken out there down south of that line. That was also including State land. So it's really no big deal there. There's plenty of moose over there.

As far as surveys go, if I could just read one thing here, this was sent to Ron Squibb of Fish & Wildlife Service in King Salmon, the subject is moose survey. It's an unofficial moose survey. I'm just going to read parts of it, so you can accuse me of picking and choosing, I guess. Specifically, I flew the heads of three different bays. This is Chignik Airways out of Chignik. I'm sorry, let me start over. The area I covered in the survey was between Chignik Lagoon and Perryville on the Pacific Ocean side. Specifically, I flew the head of three different bays. These bays were Anchor Bay, Ivan Bay and Portage Bay. I counted a total of 138 moose. The snow conditions have not been this large in accumulation in a long time. So that gave them a good survey. Says that the greatest number of moose are on private Native land and not on Refuge land.

Now he flies for me down there sometimes. He got a 206 and he does fly for me, so he also stated that he flew for me for 20 hours during the moose season in September of 1998. I flew the dates from September 7th through September 20 looking for moose in three main areas. These areas were the federal land at the head of the Milky River between Sandy Lake and Bear Lake, the federal land at the head of Sandy Lake and the State land of the Sandy River.

The largest count we had was in the late afternoon and early evening of September 15th, 1998. This count was 36 bulls. Like I say, I take three a year; that's it. So we do have a good healthy bear population. I hate to say it, but I am older than Butch. I been down there for around 30 years, and I just, from my own personal knowledge of seeing it, the guides are not trying to hammer the area. They're trying to take care of it because when you're going to
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be in an area for 30 years, you better take care of it or you're out of business. That's all I have to say.

CHAIRMAN DEMIENTIEFF: Thank you. Ted, do you wish to testify this evening? You're the last one signed up here.

TED KRIEG: Yeah, Mr. Chairman, if there's time, I guess I'm not even sure what time it is, but yeah, my name is Ted Krieg. I work for the Bristol Bay Native Association, Natural Resource Department. I've worked there for over six years and I guess there's some issues that have been going on down in that area for a long time that I'll touch on a little bit later and I'll try to be brief. I don't know if I have anything new to present that hasn't already been said or isn't written up, but you know, I do want to commend the guides for providing quality meat to the villages. You know, I even did get a report that the quality of the meat has improved and that's great. I don't want that to stop, but that's not subsistence. You know, in my mind and I think in the mind of a lot of minds of the people living in that area, you know, it's the basic, you know, question of why is somebody hunting if they don't want the meat.

I didn't have a chance to see the information presented by Mr. King. You know, but I can say that that, you know, those -- those views don't represent the views of everybody living in that area. And there's one thing that -- a group here that isn't really represented and is considered to be sport hunter and that's people that are -- that come in that aren't brought in by the guides, the air taxi operators, people that drop off hunters, and you know, in some people's minds, they're more of a problem because they're unregulated. You know, they don't have a guide there that is, you know, pointing out the right way to do things.

One of the concerns about all of this is due to the -- due to the situation with the Northern Alaska Peninsula caribou herd, subsistence hunters are going to be targeting moose more in that area. In the caribou and moose workshop that we had last September that's been referred to a couple of times, I guess one of the things that was identified was this, the lack of biological, you know, population information for that Chignik side of the Alaska Peninsula, and that
was the basis for this original proposal, and like was stated, surveys were done and you know, saw a lot of moose, but you know, the subsistence users in those areas are still saying that in their traditional areas, they're just not seeing the moose.

And this, you know, the Chignik unit, that area wasn't surveyed. The Regional Council felt that they wanted to, you know, base their decision on conservation of the resource and they felt until that biological information had been presented with Fish & Game and Fish & Wildlife Service, that they wanted to, you know, restrict hunting in that area to subsistence only.

You know, we've heard -- I can remember, you know, since I started working at BBNA, you know, this discussion about mountain passes and especially those passes that go into the Stepovak flats area, and you know, when I started out working, people from Ivanof Bay were saying that that's been -- any kind of disturbance in that area will move, prevent animals from going through there, both caribou and moose, and I guess you know, one of the things that I noticed, the BBNA area includes units, Game Management Units 17 and 9. In Unit 17, for the Togiak area, there's the upper end of Aleknagik Lake, Sunshine Valley and there's valleys that go into across the mountains to the Togiak drainage and those areas have been closed to hunting and that's specifically for moose in that area and Fish & Wildlife Service and ADF&G have documented moose migrating through that area. In fact, they've had a phenomenal increase in number of moose in the Togiak drainage and they attribute it to moose moving through those passes and that's a fact that people haven't hunted there and it's come up in some of the later proposals that, you know, they -- people from Aleknagik, Dillingham and that area have not hunted in that traditional area so they could get moose to go over to the Togiak side. So there's -- in my mind, there's two different management strategies going on here in the Bristol Bay area.

I guess I'll just -- I'll close saying that BBNA supports the Regional Council recommendations to close that Chignik unit to subsistence only until the population surveys have been done and then to decide whether to reopen that area or not, and we support the extended moose season for Unit 9(E) from December 1st to January 20th. Thanks.
CHAIRMAN DEMIENTIEFF: We're going to recess for the day. We'll be reconvening with the deliberation of 36 at 8:30 in the morning. Good evening, everybody.

(Off record 5:10 p.m.)
STATE OF ALASKA)

I, JOY S. BRAUER, RMR-CRR, Registered
Merit, Certified Realtime Reporter, Notary Public in
and for the State of Alaska, do hereby certify that
the above transcript, pages 1 through 83, inclusive,
was reported stenographically by me and at my
direction transcribed by means of computer.

I FURTHER CERTIFY that the foregoing is a
transcript of the proceedings which occurred at the
time and place specified hereinbefore.

IN WITNESS WHEREOF, I have hereunto set
my hand and seal this day of ,
1999.

Notary Public
State of Alaska

My Commission Expires: 5/10/01

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