

1 FEDERAL SUBSISTENCE BOARD
2 Board Meeting of May 3-6, 1999
3
4 Location of Meeting
5 The Egan Center
6 DOWNTOWN ANCHORAGE, ALASKA
7
8 Transcript of
9 May 3, 1999
10 (Pages 1 - 84, Inclusive)
11
12

13 Board Members in Attendance:
14

15 Mitch Demientieff, Chairman
16 Dave Allen, U.S. Fish and Wildlife Service
17 Warren Heisler, Bureau of Indian Affairs
18 Niles Cesar, Bureau of Indian Affairs
19 Judy Gottlieb, National Park Service
20 Don Ostby, U.S. Forest Service
21 Sally Wisely, Bureau of Land Management
22
23 Keith Goltz, Office of the Solicitor
24
25

26 Others:
27

28 Ida Hildebrand, Bureau of Land Management
29 Tom Eley, U.S. Fish & Wildlife Service
30 Tom Boyd, U.S. Fish & Wildlife Service
31 Sandy Rabinowitch, National Park Service
32 Ken Thompson, U.S. Forest Service
33 Peggy Fox, Bureau of Land Management
34 Dan O'Hara, Bristol Bay Advisory Council Chair
35 Vincent Tutiakoff, Kodiak-Aleutians Advisory
36 Council Chair
37 Ralph Lohse, Southcentral Advisory Council Chair
38 Ronald Sam, Western Interior Advisory Council
39 Acting Chair
40 Bill Thomas, Southeast Advisory Council Chair
41 Willie Goodwin, Northwest Arctic Advisory
42 Council Chair
43 Fenton Rexford, North Slope Advisory Council Chair
44 Grace Cross, Seward Peninsula Advisory Council Chair
45 Harry Wilde, Yukon-Kuskokwim Delta Advisory
46 Council Chair
47 John Andrew, Coordinator
48 Elizabeth Andrews, Alaska Department of Fish & Game
49 Taylor Brelsford, U.S. Fish & Wildlife Service
50

- 1 Other Staff Members in Attendance:
- 2
- 3 Pat McClenahan

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

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

4
5 CHAIRMAN DEMIENTIEFF: Good afternoon,
6 ladies and gentlemen. I'd like to welcome you to the
7 meeting of the Federal Subsistence Board. I guess at
8 this time we'll go ahead and go around and do
9 introductions.

10
11 My name is Mitch Demientieff. I'm from Nenana
12 and I'm Chairman of the Federal Subsistence Board.

13
14 (Introductions of those in attendance as
15 reflected on Page 1 hereof)

16
17 TOM BOYD: We have Joy Brauer, she's a
18 realtime reporter, recorder, and we have the advent of
19 the new technology that we're employing this year for
20 those who have difficulty hearing, as well as those of
21 us who don't pay very good attention. We have
22 realtime captioning with the TV screens we see in the
23 center of the floor, as well as on the large screens
24 to the side of the room. So welcome, Joy.

25
26 (Introductions continue around the table)

27
28 CHAIRMAN DEMIENTIEFF: Are there any
29 other corrections or additions to the agenda?

30
31 NILES CESAR: Mr. Chairman, if I might,
32 I've been approached concerning the agenda for
33 Wednesday afternoon, I believe. Wednesday afternoon,
34 I believe that we're taking up the Kenaitze issue and
35 as I understand, there's a number of people from
36 Kenaitze who are planning to be here and to testify,
37 but they find themselves in a conflict of time because
38 at 3:00, as I understand it, will be the march, AFN
39 march and the Kenaitze people wanted to participate in
40 that and they were wondering if there was some way
41 that we could accommodate that request, either by
42 picking it up at a different time or doing part of the
43 testimony there and allowing an adjournment so that
44 they could attend that march. I just raise that as an
45 issue.

46
47 CHAIRMAN DEMIENTIEFF: That march is at
48 3:00?

49
50 NILES CESAR: Yes, sir, that's my

1 understanding, unless I'm to be corrected.

2

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

6

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

16

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

21

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

35

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

39

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

43

44 Any other comments or concerns with regard to the
45 agenda?

46

47 (No response)

48

49 CHAIRMAN DEMIENTIEFF: Do we have any
50 requests for public testimony generally at this time?

1 I don't have none in front of me.

2

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

9

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

13

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

29

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

32

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

1 also, or at least that's up to the Board to decide,
2 but that's the way things are pointing.

3

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

7

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

20

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

24

25 TED KRIEG: No, we had it Port Heiden.

26

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

29

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

44

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

47

48 TED KRIEG: Yes, thank you. It was well
49 spent.

50

1 CHAIRMAN DEMIENTIEFF: Okay, thank you.
2 Thank you very much.

3
4 We do have the consent agenda items here.
5 Normally we give the opportunity now for any items
6 that are requested to be pulled and we'll also try to
7 give opportunity as we switch regions and regional
8 consideration to pull any items that may want to be
9 pulled when we start each region.

10
11 Are there items that are requested to be pulled
12 off the consent agenda? Fenton?

13
14 FENTON REXFORD: Before I request a
15 removal of North Slope's proposal, could you -- in our
16 agenda that you gave us, just reading the recommended
17 actions and the RAC's proposals that were submitted to
18 request the Board to remove them from the consent
19 agenda. Could you have someone elaborate on that a
20 little bit? I'm disputing the deferral of the
21 recommended action here. I want to bring it back on
22 the table to discuss related matters to muskox. I
23 think it would be -- I don't know when that would be
24 brought up before the table, on the reasons for
25 pulling the items off the consent agenda, to be put on
26 the table.

27
28 TOM BOYD: May I?

29
30 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

31
32 TOM BOYD: The consent agenda was simply
33 our interpretation of where all of the primary parties
34 were in agreement. This is, at this point, a proposed
35 consent agenda and if anyone objects to an item being
36 on the consent agenda, then it would be pulled. The
37 idea is that we wanted to consolidate as many of those
38 and take care of them in one motion where everyone was
39 in agreement. If someone obviously is in
40 disagreement, then that item will go back on the
41 agenda, get a full hearing of the Board and a full
42 deliberation at that point.

43
44 IDA HILDEBRAND: In reference to
45 Mr. Rexford's statement of wanting to discuss related
46 matters, perhaps it would be more appropriate to
47 discuss those related matters when we discuss the
48 management plan that you directed the staff committee
49 to review.

50

1 CHAIRMAN DEMIENTIEFF: That could be --
2 it could be done either way. I mean, if you want us
3 to pull this off of the consent agenda, is this
4 Proposal 63 that you're talking about?

5
6 FENTON REXFORD: Yes, sir, Mr. Chairman.
7 It's the proposal from the North Slope and I think I
8 do not want to lose an opportunity to -- to present
9 Proposal 63 which it interties with our muskox harvest
10 plan and this is my only opportunity to discuss that
11 in front of you, rather than just sit back and say,
12 okay. So if that could be done, Mr. Chairman, I
13 request to put 63 on the table and removed from the
14 consent agenda, or request anyway, your
15 consideration.

16
17 CHAIRMAN DEMIENTIEFF: So yeah, we do
18 have a request to pull Proposal 63 off the consent
19 agenda.

20
21 FENTON REXFORD: Yes, sir

22
23 CHAIRMAN DEMIENTIEFF: Okay. We shall do
24 that. Any other requests at this time?

25
26 Hearing none, we'll go ahead and move on with
27 the -- to our first region, Seward Peninsula. The
28 first item up will be the Proposal Number 46 and we're
29 ready for the staff report on that.

30
31 DONNA DEWHURST: 46 and 47 are treated
32 together in the analysis. 46 is basically the special
33 action that was originally made to allow for a joint
34 state and federal hunt. 46 basically will make that
35 special action into a permanent action on the
36 regulations. 47 is basically a dispute among -- or
37 about one specific aspect of that joint federal and
38 state hunt and that's the way the federal permits are
39 divied up in Unit 22(D), Subunit 22(D).

40
41 You might want to -- I'm going to be referring to
42 three tables real briefly. One of them is about three
43 pages into the analysis, called Table 1 in there. And
44 then Table 2 and Table 3 I think are placed at the
45 tail end of the analysis. I'll be referring to both
46 of those two and then the Appendix 1, which I also
47 think is at the end of the analysis. So just to give
48 you a heads-up so I don't just mention those and you
49 don't -- and you're scrambling to look for them. Kind
50 of have an idea of where those are because I'll be

nsensus on where to go. There's still bickering

10 over specifics but the general game plan everybody
11 seems to be pretty happy with and we're marching along
12 in that direction, which hence is Proposal 46 and it's
13 a joint federal and state hunt. There were pros and
14 cons on both systems and having both systems work
15 together kind of mediated between the pros and cons.
16 They matched very nicely, mated quite nicely between
17 the two systems in this case.

18

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

29

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

44

45 The way the permits were allocated, which is on
46 that Table 2, which is the two long tables or two
47 horizontal tables, that was decided by the individual
48 villages as to whether they wanted more permits on the
49 State side or more on the Federal side. Some of them
50 were a little lopsided but that was as per the

1 villagers request. That's how we allocated. So all
2 of this was done with consensus or with input from the
3 villages, themselves, and we try to make a big effort
4 there.

5
6 So there isn't a whole lot of debate over the
7 fact that it -- the state and federal permits,
8 state/federal hunt will continue. The debate comes as
9 to how to allocate between the state and the federal
10 permits and the real nuts and bolts of it boils down
11 to Unit 22(D), which is hence Proposal 47. 22(D), as
12 I already mentioned only has 15% federal lands, which
13 is a real small chunk, but the percentage of federal
14 permits is much higher, but that was as -- as per the
15 request of those villages.

16
17 If we go back to Table 1, we've been doing muskox
18 surveys about every two years there in that particular
19 region. Every region is a little different. That
20 region they do them every other year. They try to do
21 a complete census, meaning they try to go out flying,
22 count every single animal. It's a big joint effort
23 between multiple agencies. That '96 survey you notice
24 is quite a bit lower than some of the other surveys.
25 That was an incomplete census. Some weather hampered
26 things that year. So take it with a grain of salt.
27 So because of that, I would lean you to looking at --
28 back to '94 and comparing '94 to '98 and figuring '96
29 probably would fall somewhere in between the two,
30 instead of that big dip.

31
32 Even looking at '94 to '98, and we're looking
33 just at 22(D) now, you see that the overall population
34 in the whole unit, which is under that column total,
35 has almost doubled in the four years. It's gone up
36 considerably. While if you look at just the number of
37 animals on federal lands, which includes both BLM and
38 Park Service lands, the numbers are going down. Now,
39 I would take that with a grain of salt. I would be
40 inclined to say they're stable. Even though they've
41 gone down, they've gone down, it's not significant in
42 the amount that they've gone down. If you threw
43 statistics on there, it would basically say the
44 population is stable on federal lands.

45
46 Now the debate has come as to whether or not we
47 should consider that micro managing on federal lands,
48 versus just looking at the overall population of
49 22(D), which has almost doubled. Well, the problem I
50 see there is we're issuing permits to be -- animals to

1 be taken only on federal lands. As long as we
2 continue to issue permits for federal lands, it puts
3 us kind of in a bind that we have to look at those
4 animals separately. Muskox do move around, but not a
5 lot. The mixed sex groups have pretty much stayed in
6 the same areas. There hasn't been a whole lot of
7 movement. Most of the movement we've seen has been
8 single bulls and additional mixed sex groups that have
9 formed as the population has increased.

10

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

37

38 The percentage, if you go back to Table 2, the 12
39 permits for federal public land, the -- okay, let me
40 back up here. The total permits, the way it was
41 issued was based on a five percent harvest profile,
42 i.e., the cooperators agreed to try to harvest around
43 the five percent level. If you look at the 12 permits
44 issued for 22(D), that actually represents somewhere
45 between 15 and 29 percent, much higher. Now, if you
46 took that and said how many animals are actually on
47 BLM land and we subdivided, took away the split, which
48 is what's going on, right now half the permits have to
49 be on Park Service land, half to be on BLM land.
50 There were around, the ballpark, around 20 animals on

1 Park Service land on the last survey. If you subtract
2 those, then we're down to around 50 animals, give or
3 take, on BLM land. That harvest percentage is going
4 to go up even more because that 15 to 27 percent was
5 based on all animals on all federal public lands,
6 including the Park Service.
7

8 You take those away and you say, okay, we're down
9 to about 50 animals we're talking about on BLM land,
10 well how many of those are mature bulls because our
11 harvest is only mature bulls. We don't have a good
12 sex age composition, but if you were to be
13 conservative, you'd say, well let's say 30 percent are
14 mature bulls. Well, then we're talking 15 to 20
15 animals and we're talking potentially issuing 12
16 permits if we remove the split.
17

18 All I'm saying is that's -- we need to be
19 careful. It could represent an overharvest. We don't
20 know. I can't say that a hundred percent that it's
21 going to be an overharvest. I'm just saying that the
22 past couple of years to me indicate to proceed with
23 caution and to proceed slowly and it may or not be a
24 problem. We won't know -- the next survey will be in
25 the year 2000. So we didn't have any survey in 1999,
26 just this past few months. They're usually done in
27 March. We will have a next survey next year so we'll
28 know a lot more by then, but we unfortunately have to
29 make a decision right now and based on the information
30 we have right now, the staff advice is to proceed with
31 caution. And that's where the original recommendation
32 was to defer. That was based along that and based
33 along the fact that that's the way the villages were
34 leaning.
35

36 A logical -- if you look at this and try to piece
37 together the whole picture, logic would say well let's
38 just give some more permits to the State. That would
39 solve our whole problem, let's kick four or six
40 permits over to the State side. Those could be used
41 anywhere in Region 22(D) which would distribute the
42 harvest and get rid of our whole problem. That was
43 presented to the regional council last fall and the
44 representatives from the two villages that are
45 affected, Teller and Brevig Mission were very much
46 against that. That falls back to right now they're
47 slow to accept the Tier II system and they don't want
48 to necessarily put more permits into it. They want to
49 keep more into the federal side. So we're kind of
50 stuck there.

1 I think down the road we will be putting more
2 permits on the state side but it's going to be a slow
3 process and the biggest thing with the deferral, the
4 original recommendation of deferral and the Council's
5 recommendation of deferral was to give the whole
6 process a little bit more time to work out and to
7 build consensus, because this whole state/federal
8 program was a long, very long consensus building
9 activity or progression and we're trying to keep that.
10 We're trying to keep the consensus going and trying to
11 work with what the villages want. That's the biggest
12 thing. The biology is a factor, certainly, and the
13 biology would set up some little red flags that just
14 say be careful, but it's not definitive. There's no
15 black and white answer of what's going to happen over
16 the next year. That's kind of where we stand right
17 now.

18
19 CHAIRMAN DEMIENTIEFF: Staff committee
20 recommendation.

21
22 PEGGY FOX: Thank you, Mr. Chair. The
23 interagency staff committee recommendation for
24 Proposal 46 is to adopt it consistent with the
25 recommendations of the Seward Peninsula and the
26 Northwest Arctic Regional Councils. With regard to
27 Proposal 47, the recommendation is to adopt it, which
28 is contrary to the recommendation of the Seward
29 Peninsula Regional Council. Proposal 46 was the -- is
30 the result of a cooperative management effort for
31 muskoxen on the Seward Peninsula incorporating federal
32 land management agencies, Fish & Game, Native
33 organizations and others working within the Seward
34 Peninsula muskox cooperators group.

35
36 A May 1998 special action modified the previous
37 federal subsistence muskox harvest system to enable a
38 one year trial of this new combined Federal/State
39 harvest system. Staff committee supports the efforts
40 of the Seward Peninsula Regional Advisory Council to
41 extend this action to the permanent regulations.

42
43 With regard to Proposal 47, the majority of the
44 staff committee recommended supporting removal of the
45 permit allocation between the Park Service and BLM
46 lands. The permits were originally split between Park
47 Service and BLM lands in 1996 for conservation
48 reasons, when State lands were not open for harvesting
49 muskox and harvest was entirely on Federal lands. In
50 the four years muskox have been harvested on federal

1 public lands, no muskox have been taken. Park Service
2 lands have limited -- are virtually unavailable due to
3 the limited access, poor habitat and the distance
4 required to travel to them. Over those four years, 13
5 out of the 28 permits for taking muskox on federal
6 public lands were filled and when the Federal/State
7 combined harvest system was in effect this year, only
8 three out of the 12 permits issued were filled.

9
10 The staff committee members expressed hope that
11 there will eventually be a single permitting regime
12 for muskox on Federal and State lands noting that
13 State permits can be used both on State and Federal
14 lands. The majority of the staff committee felt that
15 disagreement with the Seward Peninsula Regional
16 Council recommendation on this proposal was justified
17 because of the allocation of harvest opportunities
18 between the two areas -- because the allocation of
19 harvest opportunities between the two areas is an
20 unnecessary restriction on subsistence users. They
21 noted that the muskox population on BLM lands appears
22 to be stable and felt it was unlikely that a combined
23 permit allocation of Park Service and BLM lands would
24 result in overharvest on BLM lands.

25
26 The minority of the staff committee voted to
27 support the Council's recommendations to defer, noted
28 that the Seward Peninsula Regional Council was aware
29 that Park Service lands are a long distance from Unit
30 22(D) villages and that there was no harvest of muskox
31 on Park Service lands this year, but recommended
32 deferral anyway. It was suggested that the time to
33 discard the zoning concept would be when subsistence
34 users request more permits be allocated to the State's
35 Tier II hunt whic

e don't have any

48 recommendation. We could go either way on that,
49 either support it or defer it. Thank you,
50 Mr. Chairman.

1 CHAIRMAN DEMIENTIEFF: Regional Council
2 comments?

3
4 GRACE CROSS: I'd like to have Jake
5 Olanna address us now.

6
7 CHAIRMAN DEMIENTIEFF: Oh, I skipped
8 right over public comments, I'm sorry. That was my
9 fault. Apologize to you, Jake. Skipped right over
10 public comments.

11
12 JAKE OLANNA: Thank you, Mr. Chairman.
13 My name is Jake Olanna. I'm from Kawerak and Nome, and
14 for the record, I've got a letter here addressed to
15 the Chairman, Mr. Demientieff, Chair Federal
16 Subsistence Board.

17
18 Dear Mr. Chairman -- Dear Chairman Demientieff,
19 the Kawerak National Resources Committee composed of
20 members of the Kawerak Board met on April 7, 1999.
21 During the meeting, they heard a report on Federal
22 Subsistence Proposals 46 and 47. The committee agreed
23 that the census report for muskox supports those
24 proposals. Following discussions they agreed to
25 support adoption of both Proposal 46 and 47. Based on
26 the discussions and the decision of the Kawerak
27 National Resources Committee we encourage the Federal
28 Subsistence Board to take action at the May 3-5
29 meeting to adopt both proposals, take the staff
30 committee's recommendation.

31
32 Mr. Chairman, if I could expand on that a little
33 bit, these decisions were made based on the proposals
34 that were submitted to the Regional Advisory Council,
35 but unfortunately, I wasn't there to -- to hear the
36 Seward Peninsula Committee requesting a deferral of
37 47. I know Kawerak supports 46. Now myself, being a
38 co-chair of the Seward Peninsula -- Seward Peninsula
39 Muskox Working Group, I would support that we defer
40 this proposal, because right now as we speak, Kate
41 Persons and Fred Tocktoo of the National Park Service
42 are traveling to the villages issuing or making
43 applications available to the subsistence users in
44 Norton Sound.

45
46 And now as the staff committee said, the census
47 is due next year and I'm hoping that you might defer
48 this proposal to see what the numbers look like in
49 these areas, because in portions of 22(D), there's a
50 very little portion of the Bering land bridge and

1 people that I spoke to in Brevig Mission and Teller
2 said that was too long of a distance to hunt muskox
3 and when they get up there a lot of times, the muskox
4 aren't there. So I would ask this Board to consider
5 deferring Proposal 47. This is myself saying that,
6 not Kawerak.

7

8 CHAIRMAN DEMIENTIEFF: Thank you.
9 Regional Council comments?

10

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

18

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

35

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

50

1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Additional Regional Council comment?

3
4 WILLIE GOODWIN: Mr. Chairman?

5
6 CHAIRMAN DEMIENTIEFF: Yes, Willie?

7
8 WILLIE GOODWIN: The Northwest Region,
9 who I represent, they support Proposal 46.

10
11 CHAIRMAN DEMIENTIEFF: Thank you. Any
12 additional Regional Council comment? Bill?

13
14 BILL THOMAS: Thank you, Mr. Chairman.
15 I'm not speaking against. I was trying to sort out
16 the implication of Ms. Dewhurst's suggestion on
17 approaching with caution, and rather than proceed and
18 determine what the caution was afterwards, I wondering
19 if there's any wisdom in conservation before
20 proceeding. Just an observation, Mr. Chairman.

21
22 CHAIRMAN DEMIENTIEFF: Thank you.
23 Additional comment?

24
25 HARRY WILDE: Mr. Chairman,
26 Yukon-Kuskokwim supporting Seward Peninsula Regional
27 Council recommendation.

28
29 CHAIRMAN DEMIENTIEFF: Thank you. With
30 our new revised format, we will begin deliberations on
31 this and then we'll come back again for another final
32 round of Regional Council comment before we vote.

33
34 JUDY GOTTLIEB: Mr. Chair, I wonder if I
35 might ask our local manager to come up and just give a
36 little bit more background for us. Ken Adkisson,
37 please?

38
39 KEN ADKISSON: My name is Ken Adkisson.
40 I'm the Subsistence Program Coordinator for Western
41 Arctic National Park lands which consists of four park
42 units in Northwest Alaska, headquarters in Kotzebue
43 and we manage the Bering Land Bridge National Preserve
44 which includes lands in southern Unit 23, 22(E) and
45 22(D), which is under question relation to Proposal
46 47. I'm also the Co-chair of the Seward Peninsula
47 Muskoxen Cooperator's Working Group.

48
49 One of the concerns that we've had is balancing
50 the biological issues and concerns with the desires of

1 the -- of the villages that were affected and
2 protecting their subsistence interests and priorities
3 as we proceed through developing a joint hunt.
4 There's some aspects of biology, perhaps, that haven't
5 been brought out and maybe one or two other comments
6 are appropriate along the lines of the questions that
7 Mr. Thomas brought up about caution that I'd like to
8 bring to the Board's attention.

9
10 With respect to the animals in 22(D), in one of
11 our public meetings, we did get a comment from one of
12 the Teller hunters that it seems like it's harder to
13 find bull muskoxen out there on BLM lands. While the
14 population may be appearing to remain fairly stable, I
15 think there's a concern about some of the population
16 dynamics and age/sex structure in the mixed age sex
17 groups and unfortunately we have very little to none
18 composition work to help guide us in there.

19
20 It was mentioned that we take mature bulls.
21 Actually, that's not necessarily so. The regulation
22 says one bull by federal permit. That could be any
23 age bull from a calf on up to an aged animal. And up
24 till recently, we haven't had much information on what
25 age classes or structure were being represented by the
26 harvest. As part of the cooperative joint hunt, we
27 have instituted provision where we're asking the
28 hunters to submit a portion of the lower jaw with the
29 front teeth so that we can try to get some age
30 information on the harvested animals.

31
32 Mostly for the mixed age sex groups that you
33 find, you're going to find a breeding bull and you're
34 going to find a group of related females that are
35 reproducing, and their offspring, and then up to a
36 point after several years, most of the male animals
37 are going to be moving out into bachelor bull groups
38 or moving around the area. And so I think there's a
39 real question of whether we're overharvesting from
40 those younger animals in those mixed age sex groups.
41 And if we are harvesting at a higher rate than what
42 the females are producing, pretty soon there aren't
43 going to be many younger bulls in those mixed age sex
44 groups and they're not going to be readily replaced
45 from the outside because those other animals are
46 either in bachelor bull groups or they're in with
47 their own family groupings. What effect that will
48 have on the fact that the muskoxen tend to like to
49 stay pretty much and remain in certain winter
50 locations, we don't know, but I think there's a

1 suggestion that they may simply eventually abandon
2 some of those wintering sites for a period of time.
3 So that's I think why we -- you know, urge caution.

4
5 The second thing that I think is -- to keep in
6 mind for the Board is that this whole idea of a joint
7 hunt really depends on the support of the affected
8 villages and that really I don't think we should do
9 anything without getting their input and support and
10 we to date have not been able to do it, largely
11 because the hunt, itself, this year, the bulk of the
12 harvest came in the last two weeks of the season.
13 That was right around the middle of March. The
14 Regional Advisory Council had already met prior to
15 that and we didn't have the harvest information, which
16 was one reason that the Council, I think, chose to
17 defer the proposal.

18
19 With the new harvest information that's been
20 provided to all of the villages and as Jake Olanna has
21 mentioned to you, Kate Persons, the local ADF&G person
22 there in Nome and Fred Tocktoo of our office in Nome
23 are out in the villages right now this week providing
24 information and assisting folks with completing their
25 Tier II applications.

26
27 By the time we get into next fall and the RAC
28 wants to revisit this issue again, we'll have two
29 years of data to look at, as far as how well the State
30 system appears to be performing and I think a better
31 basis for the villages to make their decision and
32 we'll try to provide that to the Regional Council at
33 their fall meeting, and hence, also to the Federal
34 Board at its next spring meeting. We'll also have the
35 benefit of the year 2000 census count. So I think
36 from the -- our perspective, you know, we would
37 support Proposal 46 and go with the Regional Council
38 recommendation to defer Proposal 47.

39
40 That's all I've got to say on that unless anyone
41 has comments.

42
43 CHAIRMAN DEMIENTIEFF: Any questions?
44 Thank you. Do we have a motion for Proposal 46?

45
46 JUDY GOTTLIEB: Mr. Chair, because
47 Proposals 46 and 47 are interrelated and we discussed
48 as we have together, making a two-part motion for
49 both, I therefore move that Proposal 46 be adopted as
50 written to make the special action permanent and that

1 Proposal 47 be deferred to allow additional input from
2 affected users, both as recommended by staff and the
3 Regional Advisory Councils.

4

5 CHAIRMAN DEMIENTIEFF: Is there a second
6 to that motion?

7

8 DAVID ALLEN: Second.

9

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

15

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

19

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

26

27 JUDY GOTTLIEB: I'll withdraw my motion.

28

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

31

32 DAVID ALLEN: Yes, I withdraw my second.

33

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

36

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

39

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

43

44 DAVID ALLEN: I second.

45

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

49

50 (Response).

1 CHAIRMAN DEMIENTIEFF: Those opposed,
2 same sign?

3
4 (No response).

5
6 CHAIRMAN DEMIENTIEFF: Motion carries.
7 Proposal 47?

8
9 JUDY GOTTLIEB: Mr. Chair, I move that
10 Proposal 47 be deferred to allow additional input from
11 affected users, both as recommended by the staff and
12 Regional Advisory Councils.

13
14 CHAIRMAN DEMIENTIEFF: We have a motion
15 to defer Proposal 47. Is there a second?

16
17 SALLY WISELY: Second.

18
19 CHAIRMAN DEMIENTIEFF: It's been
20 seconded. Discussion? No further Regional Council
21 comment?

22
23 All those in favor of the motion to defer, please
24 signify by saying aye.

25
26 (Response)

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

30
31 (No response).

32
33 CHAIRMAN DEMIENTIEFF: Motion carries.

34
35 Okay, the next region that we move into is the
36 Northwest Arctic. We have no consent agenda items for
37 that region and dealing with Proposal 48, staff
38 report?

39
40 DONNA DEWHURST: This is another case
41 where we had a special action that created the harvest
42 last August and we're extending the special action
43 into permanent regulations. Actually, there were two
44 special actions involved in this. One was last August
45 and one was this spring which was the designated
46 hunter provision. So it's kind of wrapping up two
47 special actions into a permanent provision.

48
49 One of the minor changes was backing the date
50 from August 10th to August 1st as the start date.

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

8
9 Probably the biggest thing to be discussed, the
10 high point would be we recently received the results
11 of the harvest from special action. They are in the
12 proposal, but kind of mixed in different areas. There
13 isn't one definitive table that gives all the
14 information, but in a nutshell, we had 16 rams taken
15 from the Bairds and one ram taken from the Delongs.
16 One of those animals was from a designated hunter,
17 four harvested were using airplanes, one by boat and
18 12 by snow machine. And likewise, there was four in
19 the one. The four by airplane and one by boat were in
20 the fall, which is kind of what you'd expect and 12 by
21 snow machine were late in the season. They were in
22 the tail end, late February, early March, or the month
23 of March.

24
25 Breakdown by village, out of those, 12 were from
26 Kotzebue, four Noatak, one Noorvik. So most of those
27 were from Kotzebue hunters. That's the information we
28 have summarizing from the most recent harvest and that
29 gives us an idea of how it went.

30
31 Now the weather was part of this, from what I've
32 been told from the local folks. The early part of the
33 season when people were using aircraft, the weather
34 was incredibly bad to be flying aircraft out. They
35 were dealing with some icing problems and visibility
36 problems, so that's why the harvest was low initially,
37 and then they were slow to get their snow in the fall
38 so they couldn't really use snow machines until a
39 point where it got too dark and too cold and nobody
40 wanted to use snow machines. They got snow come
41 December and January, but not too many people were out
42 hunting during those months. So then it kind of
43 rolled around until February and March and then they
44 started getting the harvest and hence the 12 taken by
45 snow machine and those were taken late in the season.
46 That's a pattern that didn't really surprise me, but
47 it does explain why the harvest was on the low side,
48 and also why there weren't as many taken in the
49 Delongs because the weather never did really favor a
50 lot of aircraft use which traditionally has been how

1 many of the animals in the Delongs have been taken
2 because of the distances involved.

3

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

7

8 CHAIRMAN DEMIENTIEFF: Staff committee
9 recommendation?

10

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

23

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

32

33 The most contentious issue faced by the staff
34 committee during its discussion on this proposal was
35 whether to retain the closure of federal lands in the
36 Delong Mountains to non-federally qualified hunters.
37 The majority opinion held that there was insufficient
38 evidence warranting continued closure of the Delong
39 Mountains area to non-federally qualified hunters.
40 Specifically, the majority cited the very low 1998,
41 '99 subsistence harvest of sheep from the Delongs and
42 noted that the Baird Mountains unit is more accessible
43 and had a much higher subsistence harvest of sheep.

44

45 On a related issue, the majority noted that allocating
46 a portion of the Delong Mountains quota to
47 non-federally qualified hunters would benefit
48 residents of Kivalina who, if they received State
49 permits, would be able to hunt on State lands near
50 their community.

1 The minority opinion held that the initial
2 rationale for retaining the closure, which anticipated
3 a possible spill-over to the Delong Mountains from the
4 Bairds was for a variety of reasons sound.
5 Subsistence harvest did not reach the level needed for
6 subsistence uses, warranting continued restriction of
7 other uses to assure priority for subsistence.
8 Moreover, the drawing permit system does not
9 adequately provide assurance that subsistence users
10 would receive state permits.

11
12 The minority also noted that no sheep were
13 harvested under State regulations, bringing into
14 question the demand for harvest opportunities under
15 State regulations. The minority also felt that only
16 one year of experience with this hunt is insufficient
17 time to conclude the drastic changes should be made.
18 Over 90 subsistence users obtained permits to hunt and
19 the quota for the Baird Mountains was largely taken.
20 If the number of sheep available in the Bairds to be
21 determined by the census next July is low, it is
22 reasonable to think that subsistence users may travel
23 the greater distance to the Delong Mountains to pursue
24 sheep.

25
26 A more intensive study of the local population
27 will be initiated by the Park Service in the near
28 future providing additional data on sheep movements,
29 sex age structure, and lamb survival. Also a
30 cooperative sheep management planning effort is being
31 scheduled with the Park Service taking the lead role.
32 Both these efforts together should provide for
33 long-term cooperative management based on a more
34 complete picture of sheep population trends, their
35 causes and subsistence uses.

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

39
40 ELIZABETH ANDREWS: Thank you,
41 Mr. Chairman. The Department of Fish & Game staff and
42 our Northwest office has been working with local Park
43 Service staff, including Ken Adkisson who is also here
44 and can speak to some of those discussions also, but
45 also with the local Fish & Game Advisory chair of the
46 Noatak Kivalina Committee and the chair and vice-chair
47 of the Kotzebue Sound Advisory Committee has also had
48 discussions with the Regional Council chair, Willie
49 Goodwin, who is here today.

50

1 We were unable, for our advisory committees, to
2 have time and sufficient public notice to actually
3 have a meeting to discuss a proposal that we think
4 would be agreeable to the federal program, as well as
5 the state program, but our local advisory committee
6 chairs, as I mentioned, were apprised of this. They,
7 themselves, endorsed it, although as I said, they
8 couldn't take a formal committee action on that.

9
10 I've provided a copy of a letter from our
11 Director of Wildlife Conservation Division, Wayne
12 Regelin, to our Commissioner, Frank Rue, describing
13 how we would undertake our part of the joint
14 State/Federal hunt in this area.

15
16 More specifically, let me mention what we
17 propose, assuming a harvestable surplus of 20 full
18 curl rams for the Delong Mountains, and that's the
19 only area that these comments pertain to. We didn't
20 have a problem with the other part of this federal
21 proposal for the Bairds.

22
23 What we would be looking at is that the National
24 Park Service would issue the federal registration
25 permits to harvest 12 full curl rams in the Delongs.
26 This quota would provide adequate opportunity to the
27 federally qualified subsistence hunters and users and
28 the harvest could be provided between the fall and the
29 spring hunts. The federal permits as you had them
30 last year would allow the use of aircraft and would be
31 valid on federal lands. I was just advised that I
32 might have said 12 full curl rams, but it's 10.

33
34 The Department of Fish & Game, what we would do
35 is we would issue State registration permits. These
36 are not drawing permits; they're registration
37 permits. Anybody can sign up for them. We would be
38 issuing these permits in Kotzebue, Noatak and Kivalina
39 with a harvest quota that would be five full curl
40 rams. Additionally, we would make available five
41 drawing permits to take full curl rams and those would
42 be issued by lottery. The registration permits,
43 consistent with our Board of Game action, would not
44 allow the use of aircraft and the use of aircraft
45 would only be allowed with the drawing permits during
46 the shorter fall hunting season. Both the State
47 registration permits and drawing permits would be
48 valid on State and federal lands.

49
50 The final point is that the population status and

1 harvest in both the Baird and Delong Mountains would
2 be reviewed annually to ensure the populations are
3 conserved and that subsistence uses, State and
4 Federal, are provided for. If the sheep surveys this
5 year, 1999, indicate harvestable surplus in the
6 Delongs is less than 20 full curl rams, the State will
7 close the drawing permit hunt. If the harvestable
8 surplus is less than 15 rams, we would recommend that
9 both State and Federal hunts in the Delongs be
10 closed.

11

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

18

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

22

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

38

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

46

47 The harvest data that was used to initiate their
48 hunt last year shows for a period of 12 years the
49 winter harvest by subsistence users was zero to nine.
50 Again, that's based primarily on conditions that were

1 outlined. There was no snow; weather was pretty bad.
2 Those factors have a lot to do with the harvests that
3 have taken place. In fact, six of those 12 years,
4 there was zero harvested.

5
6 I'd like to point out also the staff committee
7 report did not even question or ask the State what
8 were their harvest reports this past year from both
9 the drawing permits and whether or not registration
10 permits were issued. Kind of odd to me that we would
11 allow those permits to be issued and not even question
12 how many were harvested. And yet, the recommendation
13 is to open it, even though I know for a fact that
14 drawing permit hunters were out there and got zero,
15 just the same as subsistence, zero.

16
17 And to take just one year to determine that we
18 should open it back up, I think, is wrong. It's wrong
19 because the issues I pointed out or the numbers I
20 pointed out of the harvest numbers from zero to nine
21 are there that the State conducted and they had those
22 numbers. It's unfortunate that, in my mind, this
23 recommendation is based on political pressure again,
24 not on numbers that are reflected in harvest reports
25 or even census reports of the sheep. We know for a
26 fact that based on the census reports that the gradual
27 climb upwards to a respectable number to allow hunts
28 is going to be slow because the harvest -- the census
29 reports show that there's a missing age group of four
30 to eight year olds that will slow down the gradual
31 climb to a healthy population. Between now and three
32 or four more years, if we have a bad winter, that
33 thing could take a nose dive again.

34
35 But if we're allowed to harvest the rams only, I
36 still think we have a priority. I know that the
37 numbers are still low. I know that the census reports
38 show that there's not enough sheep out there to even
39 be harvested, rationally, but the rationale behind the
40 harvest or the proposed regulation right now is based
41 on rams that are going to die anyway, so we might as
42 well get them. We know that predation is happening
43 out there. To what extent, we don't know until we get
44 the study done by the Park Service.

45
46 The Baird Mountains hunt were brought out as true
47 from 17 permits that were issued. Seven out of the 17
48 were taken before September 9th and the rest were
49 taken after February 25th. However, there again, the
50 weather had a big factor. The guy got one in

1 February, but you'll notice in the harvest reports
2 or -- yeah, that it was a couple weeks later until
3 somebody else got one because of weather. So there
4 was a window, I think, of about two weeks which our
5 people went out and hunted sheep in the Bairds and we
6 had reasonable weather to be out there. That has a
7 factor in what could have been taken in the Delongs
8 because I know that some of those hunters would have
9 gone to the Delongs if the quota of 20 was taken in
10 the Bairds. They would have had no choice but to go
11 to Delongs if they wanted to get a sheep.

12
13 So, Mr. Chairman, I would recommend that the
14 census that's going to be taken this year in July be
15 reversed, as far as how they were counted in the
16 Delongs and the Bairds. They did a pretty good count
17 in the Bairds last year and use a comparison count for
18 the Delongs, which is a much, much larger area. And I
19 can understand why it would be difficult to count
20 pretty accurately in the Delongs because of the area,
21 but if the methods that was used to count were
22 reversed this year, I think we will have a pretty good
23 idea of how many sheep are in the Delongs. Do a good
24 count in the Delongs and use the comparison in the
25 Bairds.

26
27 We know for a fact that as the study has been
28 mentioned is conducted, the study will be conducted in
29 the Bairds, so we'll have a pretty good count there in
30 the Bairds, next year or the year after. But we won't
31 have a good count in the Delongs. So I would
32 recommend this year, if at all possible, that the
33 method that was used to count last year be reversed so
34 that we have a pretty good idea, and at least I'll
35 feel comfortable the sheep are there. When you count
36 to 141 and you say that it's a comparison, but in
37 fact, Mr. Chairman, the Superintendent of the
38 Northwest Parks didn't even know about the comparison
39 count until about two weeks ago. I didn't know about
40 it. I just assumed that they counted normally, the
41 way they usually count animals. I made a mistake by
42 not questioning the method they were using. When I
43 found out it was a comparison count, I wasn't too
44 happy, because they guessed. That's what it was; it
45 was a guess.

46
47 I think the State is willing, at least the local
48 biologist in the area is willing to participate and in
49 fact, he would like to have a good count in the
50 Delongs also this year. So I would emphasize that we

1 do that, if at all possible. I can understand that
2 the Park Service want to do the study, start the study
3 in the Bairds this year, but boy, if we're going to
4 allow some hunting to happen in the Delongs, I sure
5 want to see a better count.
6

7 So Mr. Chairman, I go along with what the State
8 has come up with. I didn't have extensive discussions
9 with Park Superintendent, with Ken Adkisson, the local
10 State biologist in Kotzebue. I called the
11 Commissioner there, but instead of losing everything,
12 I think this is the best we can get and I support the
13 shared harvest. Thank you.
14

15 CHAIRMAN DEMIENTIEFF: Thank you. Before
16 we go on to additional Regional Council comment, I was
17 notified that we did have three letters that were
18 faxed in with regard to this and I'll call at this
19 time on Barbara Armstrong to read those letters into
20 the record, please.
21

22 BARBARA ARMSTRONG: Thank you,
23 Mr. Chair. I have three letters. The first one is
24 from Jake Jacobson, Kodiak. Dear madams and sirs, I
25 regret that I cannot present my statement directly to
26 you. However, I am confident that my thoughts will
27 reach you adequately by reading into the minutes of
28 your meeting. Please do read this letter into the
29 minutes of your meeting.
30

31 On July 31st, 1998, I explained my situation to
32 you, which I will summarize. I have been actively
33 hunting and guiding out of our 80 acre fee simple base
34 camp and lodge for 33 years. This has been a family
35 operation involving my grandmother, my father, my
36 sister, my wife, children and grandchildren. We are
37 all Alaskan American citizens. Some, though not I,
38 are Native Alaskans. We look to this low volume
39 guiding operation to contribute spiritual, emotional
40 and hopefully financial sustenance to our lives.
41

42 Last year, after three years of no legal sheep
43 hunting in the area, it was determined that 20 full
44 curl or larger rams could be harvested from the Delong
45 Mountains and 20 from the Bairds. All 20 sheep in the
46 Bairds were reserved exclusively for local subsistence
47 hunters, which in the Delongs, nine rams were allotted
48 to subsistence and 11 to non-subsistence hunters.
49

50 The State of Alaska advertised a drawing,

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

19
20 ADF&G Subsistence Division statistics quoted
21 prior to July 31, 1998 decision showed the minimal
22 subsistence hunting of sheep in the Delong Mountains.
23

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

34
35 I do hereby request that you approve a
36 non-subsistence hunt for dall rams in the Delong
37 Mountains of GMU 23 and that depending on the
38 harvestable number as per sustained yield management
39 forecasts, 55% or more of these rams be allocated to
40 the drawing permit process, and that you allow the
41 permittees to pursue their hunts. As the deadline for
42 permit applications is May 21 -- May 31, 1999, I urge
43 you to grant your approval immediately. Sincerely,
44 James P. Jacobson.

45
46 The other one is written April 12, 1999. Dear
47 sirs and madams, in 1998, I applied for a permit to
48 hunt a dall ram in Alaska's GMU 23. I was fortunate
49 enough to draw one of the permits that non-residents
50 pray for. You -- your decision on July 31, 1998 to

1 redesignate all dall sheep harvest in GMU 23 for
2 subsistence users only disenfranchised me and the
3 other ten non-subsistence permit holders. I live in
4 Virginia and have been a citizen of the United States
5 all my life. I felt and still believe that your
6 action was inappropriate violation of my civil rights
7 as a United States citizen. I made every effort
8 possible to secure legal permission to pursue my hunt
9 as it had been advertised in the Alaska 1998, 1999
10 drawing permit hunt supplement and use the permit that
11 I had drawn and paid for. I was denied the use of my
12 ram permit.

13
14 As I understand it, subsistence qualified
15 individuals harvested only one ram in the Delong
16 Mountains for which ten others and I had been
17 permitted. Originally, nine rams in that range were
18 to be exclusively designated for subsistence hunters
19 and the remaining 11 rams of the approved harvest
20 total of 20 rams were deemed harvestable by
21 non-subsistence hunters like myself. As per State of
22 Alaska Division of Subsistence records, subsistence
23 hunters in the Delong Mountains have seldom harvested
24 rams. This season just past certainly bears out that
25 aspect of the Alaska Division of Subsistence
26 statistics.

27
28 I do hereby urge and request you to allow the
29 non-subsistence hunt for dall rams to take place in
30 1999 and future years, if current census information
31 indicates that hunt can take place in conformance with
32 accepted sustained yield management principles. Not
33 harvesting these excess rams in the Delong Mountains
34 is poor wildlife management by not utilizing a
35 renewable resource, while at the same time depriving
36 outfitters of the livelihood of guiding for these dall
37 rams as they have done in past years.

38
39 Since I cannot attend your meeting in person
40 please do read this letter into the minutes of the
41 meeting and kindly mail my a copy of those minutes.
42 Respectfully, Gary A. Younkin.

43
44 This one is from Shannon A. Farrah from Tucson,
45 Arizona. Dear madam and sirs, my name is Shannon A.
46 Farrah. My residence state is Arizona, and I am a
47 citizen of the United States. In 1998, I applied for
48 the drawing and received a permit to hunt a dall ram
49 in Alaska's GMU 23.

50

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

13
14 As I understand it, subsistence qualified
15 individuals harvested only one ram in the Delong
16 Mountains for which I and ten others had been
17 permitted. Originally, nine rams in that range were
18 to be exclusively designated for subsistence hunters
19 and the remaining 11 rams and the approved harvest
20 total of 20 rams were deemed harvestable by
21 non-subsistence hunters like myself. As per the State
22 of Alaska Division of Subsistence records, rams have
23 been seldom harvested by subsistence hunters in the
24 Delong Mountains. This season just passed certainly
25 bears out the aspect of the Alaska Division of
26 Subsistence statistics.

27
28 I do here urge and request you to allow a
29 non-subsistence hunt for dall ram to take place in
30 1999 and future years if current census information
31 indicates that hunt can take place in conformance with
32 the subsistence game yield management principles.

33
34 As I am not able to attend your meeting in
35 person, please do read this letter into the minutes of
36 your meeting and post me a copy of those minutes.
37 Thank you. Sincerely, Shannon A. Farrah.

38
39 CHAIRMAN DEMIENTIEFF: Thank you, Barb.
40 We had one request for public testimony on this
41 proposal. Warren Olson.

42
43 WARREN OLSON: Mr. Chairman, members of
44 the committee, my name is Warren Olson, been a
45 resident since 1958, have harvested fish and game lots
46 of areas throughout Alaska and I'd like to read the
47 statement to the Chairman for the record.

48
49 Dear Mr. Demientieff, quoting from Hoonah Indian
50 Association, Sitka Tribe of Alaska versus Tongass

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

8
9 Continuing, Page 2594, the Supreme Court has
10 instructed us emphatically in an earlier reversal that
11 Congress clearly did not subordinate all other uses to
12 subsistence uses. Congress clearly did not state in
13 ANILCA that subsistence uses are always more important
14 in development -- uses are always more important than
15 development of energy resources or other uses of
16 federal lands. Rather, it expressly declared that
17 preservation of subsistence resources is a public
18 interest and established a framework for
19 reconciliation where possible of competing public
20 interests.

21
22 Amoco Production Company versus Village of
23 Gambell, 1987, clearly utilization and reconciliation
24 among uses was abused in GMU 23. Harvest records show
25 uses could be accommodated in GMU 23. Conservative
26 management was abandoned between the State and Federal
27 government -- or cooperative management was abandoned
28 between the State and Federal government. This
29 example of management shows distinctly why
30 discrimination among users is illegal. Alaska Supreme
31 Court, McDowell versus State, 1989, Payton versus
32 State, 1997. Cultural and traditional is applicable
33 to use only, not users. Thank you very much.

34
35 CHAIRMAN DEMIENTIEFF: Thank you.

36
37 WARREN OLSON: Mr. Chairman, where can I
38 leave this letter?

39
40 CHAIRMAN DEMIENTIEFF: Right back here.

41
42 Okay, is there additional Regional Council
43 comment? Mr. Thomas.

44
45 BILL THOMAS: Thank you, Mr. Chairman. I
46 always expect those comments that are brought before
47 us; however, it makes it a lot easier for dialogue
48 when those comments are brought forth having knowledge
49 of background of the legislation that drives this
50 body. Title VIII, Section 8.01, first word says, the

1 Congress finds and declares that the continuation of
2 the opportunity for subsistence uses by rural
3 residents of Alaska, including both Natives and
4 non-Natives, on public lands and by Alaska Natives on
5 Native lands is essential to the Native physical,
6 economic, traditional and cultural existence and
7 non-Native physical, economic and traditional and
8 social existence. And it goes on to say other things,
9 but there's nothing arbitrary about this and it is
10 substantiated by an act of congress.

11
12 The observations I had in this whole dialogue is
13 that the subsistence users are postured to
14 compromise. That's a posture they've been trying to
15 abandon for the last 20 years, and have done a good
16 job at it. Right now, they find themselves
17 compromising to allow more than a subsistence hunt. I
18 haven't heard anything about biological support for
19 the strength of that herd, and it sounds to me like
20 the subsistence community that wishes to participate
21 in that hunt is not able to do so because of
22 non-subsistence hunting activity in that region. So
23 this suggests to me a disparity, not only a disparity,
24 but a lack of sustainable resources. Sounds like we
25 failed in managing in the sustainable fashion.

26
27 So the question I have is that eligible hunters
28 in that area that wish to participate, are they able
29 to do so or are they restricted by limited amounts of
30 permits available?

31
32 CHAIRMAN DEMIENTIEFF: Willie, you got an
33 answer for him?

34
35 WILLIE GOODWIN: Well, the hunt was
36 driven by the biologist determining that the 20 excess
37 rams, full curl rams were there and going to die
38 anyway, even though the count, the census count that
39 was done was below the level that the local advisory
40 groups wanted to allow a hunt. In fact, we voted not
41 to have a hunt that year, but the State was the one
42 that drew the permits and issued them. So we were
43 backed into a corner to react to something that we
44 didn't want in the first place. They issued 11
45 permits. By the time we reacted to it, it was
46 still -- the window of time was there for us to ask
47 for a special action, which the Federal Board here
48 granted, because clearly in my mind and the Regional
49 Advisory Council mind was as long as there's a
50 shortage of animals, it should go to the subsistence

1 user and this was a classic case where that was the
2 case. There was a shortage of sheep. There was a
3 crash that happened years -- few years before that and
4 the sheep were starting to climb, but the census
5 reflected that there's a missing age group that tells
6 the biologist that it won't have a gradual climb to a
7 respectable level where we should allow a hunt, both
8 for other uses other than subsistence.

9
10 So this year, we're going to see what -- if we're
11 wrong. I don't think we are. I think the level is
12 going to be right around where it was last year. So
13 the biological reason you asked for was that, yes, the
14 local folks did vote or agree we shouldn't have a hunt
15 because it was still below what we thought was a
16 harvestable level.

17
18 CHAIRMAN DEMIENTIEFF: Any additional
19 Regional Council comment?

20
21 FENTON REXFORD: The February 24th
22 meeting in Barrow, we discussed this proposal. At the
23 time we were present, I don't have the ADF&G's change
24 of their action in the paper, I mean in the booklet,
25 so I'm going to base our -- the North Slope's approval
26 with modification. I thought about going with our
27 original recommendation, but due to the talks back and
28 forth going between Willie and his group and the
29 Department, without any backup for me, I will support
30 their efforts, but -- I don't know how I can say it
31 any clearer, but I don't have a copy of the things
32 that's been going on. The book I got says ADF&G does
33 not support motion pertaining to Delong Mountains. So
34 with that, we'll just go with our original
35 modification with some word changes and reflect
36 administrative changes and correctional or title
37 changes.

38
39 CHAIRMAN DEMIENTIEFF: Thank you.
40 Willie?

41
42 WILLIE GOODWIN: Mr. Chairman, our
43 Regional Advisory Council did vote to keep it closed
44 to other uses -- other users, but since like I
45 explained, since the interagency staff committee
46 recommendation came out, we're again forced back into
47 a corner to react to something that we didn't think
48 would happen.

49
50 So after discussing this issue with members of my

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

8
9 However, Mr. Chairman, I want to point out that
10 if the State reneges on this, we'll be right back here
11 at the table asking for special action for all 20. I
12 want to make that clear.

13
14 CHAIRMAN DEMIENTIEFF: Thank you. Bill?

15
16 BILL THOMAS: One more comment,
17 Mr. Chairman. As I listened to the written comments,
18 I've heard these before and I've heard enough of them,
19 it sounds like all three comments were written by the
20 same person.

21
22 CHAIRMAN DEMIENTIEFF: Additional
23 Regional Council comment at this point? Are we ready
24 for a board action?

25
26 JUDY GOTTLIEB: Mr. Chair, we could do
27 either of two things, ask Mr. Adkisson to come up
28 again or I am ready with a motion, whatever you
29 prefer.

30
31 CHAIRMAN DEMIENTIEFF: Let's go.

32
33 JUDY GOTTLIEB: With the motion?

34
35 CHAIRMAN DEMIENTIEFF: Yeah

36
37 JUDY GOTTLIEB: Okay. I move that
38 Proposal 48 be adopted as modified by the staff on
39 Page 22 in our books, except that the closure to
40 hunting under State law is removed for the Delong
41 Mountain area to provide for a joint Federal/State
42 hunt in area -- in Units 23 and 26(A). The intent for
43 the joint hunt in the Delong Unit is to provide for a
44 harvest of up to 20 full curl or larger rams divided
45 evenly between the State and Federal hunts. The ten
46 ram harvest limit for the Federal hunt is for up to
47 five sheep in the August 1 to September 30th season,
48 with the quota to be announced by the National Park
49 Service Superintendent and the season to close when
50 the quota is reached. The remainder of the Federal

1 quota of up to ten sheep may be harvested October 1st
2 to April 1st. The season will close when the quota of
3 ten has been reached.

4

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

7

8 SALLY WISELY: Second.

9

10 CHAIRMAN DEMIENTIEFF: Been moved and
11 seconded. Discussion?

12

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

17

18 JUDY GOTTLIEB: Yes, it does.

19

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

31

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

49

50 CHAIRMAN DEMIENTIEFF: Final Regional

1 Council comment?

2

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

6

7 (Response).

8

9 CHAIRMAN DEMIENTIEFF: Those opposed?

10

11 (No response).

12

13 CHAIRMAN DEMIENTIEFF: Motion carries.
14 My understanding, Proposal 49 has been withdrawn and I
15 think at this time we'll go ahead and take a ten
16 minute break before we enter into the next region,
17 North Slope.

18

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

20

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

25

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

37

38 The decision to defer along pretty much the whole
39 party lines was that as discussions progressed,
40 several things happened real fast last year in that
41 the State passed a -- let me get the exact wording on
42 it -- taking of incidental sharing of muskox
43 regulation which allowed for taking of muskox with
44 prior permission for the entire 26(A). It was assumed
45 that that would meet the needs of the subsistence user
46 kind of in a defacto way in that they could get
47 permits to take muskoxen through the State system.
48 Well, the one catch was that Park Service land in
49 Gates of the Arctic, down around Anaktuvuk Pass was
50 not included under the State program and that

1 Anaktuvuk Pass folks wanted to take muskox or wanted
2 the means to do it. That was the whole gist of why
3 this whole thing resurfaced and that's been the
4 stumbling point. Park Service has been reluctant to
5 open that area up to a subsistence hunt and there's
6 still requests to do it. With the discussions, there
7 was the movement to defer just in that things needed
8 to be worked out more and the plan was coming along
9 still and that's kind of where everything got left and
10 everybody was along the party lines.

11
12 CHAIRMAN DEMIENTIEFF: Staff committee
13 recommendations?

14
15 PEGGY FOX: Thank you. The staff
16 committee recommendation is defer the proposal to
17 establish a federal subsistence muskox harvest in Unit
18 26(A) consistent with the recommendation of the North
19 Slope Regional Council. Deferring the proposal would
20 allow additional time to determine if the State
21 regulation does meet the needs of local users,
22 especially those of Anaktuvuk Pass.

23
24 CHAIRMAN DEMIENTIEFF: Thank you.
25 Elizabeth, does the State have additional comment?

26
27 ELIZABETH ANDREWS: Yes, Mr. Chairman, we
28 do agree to defer action on this proposal. I just
29 want to point out a couple of things. One is, as you
30 are well aware, there is another muskox interagency
31 working group and Mr. Rexford is certainly a part of
32 that and we'd like to see any changes made go to that
33 group before they either come to the State Board of
34 Game or go to the Federal Subsistence Board, and as
35 Mr. Rexford's aware, we are having a Board of Game
36 meeting in October and so any proposed changes that
37 they would like to have considered, proposals can be
38 submitted by August of this year and then they would
39 be taken up in October at the Game Board meeting,
40 which would be held in Barrow. Thank you, Mr. Chair.

41
42 CHAIRMAN DEMIENTIEFF: No requests for
43 public comments at this time. Regional Council?
44 Fenton?

45
46 FENTON REXFORD: Thank you,
47 Mr. Chairman. Thank you for allowing us to deliberate
48 on Proposal 63. More or less, I'll do the staff
49 analysis if you can follow with me. You've got a copy
50 of the December 9, 1998 North Slope Muskox Harvest

1 Plan and in it is the work over the last three years
2 or more, under your direction, Mr. Chairman, to work
3 with all parties and this is a signed document, and
4 for the record, I notice under the staff analysis that
5 the 1997 harvest plan was cited to make the current,
6 or to update the records under literature cited on the
7 last page, Page 9 of the staff analysis. Also, refers
8 to a draft 1997 harvest plan.

9
10 The main reason I would like you Federal
11 Subsistence Board members to recognize this plan that
12 has been referred to by the working group on the North
13 Slope, particularly the Bureau of Land Management,
14 Park Service, the Alaska Department of Fish & Game,
15 and North Slope Borough Fish & Game Management
16 Committee, which has representatives, nine
17 representatives from the North Slope and also the
18 North Slope Subsistence Regional Advisory Council,
19 also has nine members, which have worked on this
20 particular harvest plan. I think it is well deserving
21 to have the Federal Board recognize that this plan is
22 final and that it is an interim. We're working on
23 it. By 2003, a more comprehensive management plan,
24 but at this time, for the record, if you have any
25 questions, I'd like to present this to you for your
26 approval at this time.

27
28 CHAIRMAN DEMIENTIEFF: Thank you. Yes,
29 Mr. Rexford, we will. I'm going to ask the staff
30 committee to meet tomorrow at noon or when we break
31 for lunch, give everybody a chance to read this and
32 then we'll be scheduling it. With all the parties
33 having agreed to it, I don't see that it would be any
34 large or extensive review. So we will be able to
35 schedule, tomorrow after lunch we'll be able to
36 schedule to vote on this, on this management
37 agreement. And again, I complicate -- compliment
38 you -- complicate you? Compliment you for your
39 perseverance in working on this. I know you
40 personally put a lot of time in this as have a number
41 of other people, but it's been real good and I'm glad
42 to see you guys doing this, got this done. So we will
43 have a vote on it this week.

44
45 FENTON REXFORD: Perhaps, Mr. Chairman, I
46 don't know when this week, but you are going to
47 revisit this, do you know when later this week? I
48 think if you heard from the Park Service and those
49 that are involved with this harvest plan that by this
50 afternoon before you go on to the next subject, you

1 can approve of this harvest plan. I don't know
2 what -- vote of confidence and trust, Mr. Rabinowitch,
3 Peggy Fox has been involved and Elizabeth Andrews'
4 colleague, Jeff Carroll (ph), working with Wayne
5 Regelin, Director of Fish & Wildlife and Alaska
6 Department of Fish & Game. This is -- I don't know.
7 When will you take that up; do you know or can you
8 take it this afternoon?

9
10 CHAIRMAN DEMIENTIEFF: If they can get
11 the staff committee together by noon tomorrow, I
12 wouldn't be opposed to putting it on the agenda in the
13 afternoon. There's not going to be any long delay,
14 Fenton.

15
16 FENTON REXFORD: No further comment then,
17 Mr. Chairman.

18
19 CHAIRMAN DEMIENTIEFF: Okay. Is there a
20 motion to defer on Proposal 63?

21
22 DAVID ALLEN: Mr. Chairman, on Proposal
23 63, I recommend or I move that we accept the
24 recommendation of the staff committee which also
25 supports the recommendation of the Regional Advisory
26 Council and the State to defer this action.

27
28 CHAIRMAN DEMIENTIEFF: There's a motion.
29 Is there a second?

30
31 SALLY WISELY: Second.

32
33 CHAIRMAN DEMIENTIEFF: Discussion? Any
34 final Regional Council comment?

35
36 Hearing none, all those in favor of the motion,
37 please signify by saying aye.

38
39 (Response).

40
41 CHAIRMAN DEMIENTIEFF: Those opposed same
42 sign.

43
44 (No response).

45
46 CHAIRMAN DEMIENTIEFF: Motion carries.

47
48 We'll move onto the Bristol Bay Region, Proposal
49 Number -- I'll give the staff here a chance to
50 exchange.

1 Pat, are you ready for staff report on Proposal
2 30?

3
4 PAT McCLENAHAN: Yes, Mr. Chairman. I'm
5 Pat McClenahan. Proposal 99-30 submitted by Bristol
6 Bay Native Association, Bristol Bay Regional Advisory
7 Council, Beth Joy Abalama and John Knutsen requests a
8 positive customary and traditional use determination
9 for Unit 9(C) brown bear for rural residents of Unit
10 9(C).

11
12 The map on Page 7 under Tab 4 shows the extent of
13 federal lands in Unit 9(C). The majority are National
14 Park Service lands comprising Katmai National Park,
15 that is closed to hunting fish -- hunting for
16 subsistence use. Fish & Wildlife Service administers
17 the Alaska Peninsula, Becharof National Wildlife
18 Refuge in the southern part of Unit 9(C), and the
19 Bureau of Land Management administers some land in the
20 northern part of Unit 9(C).

21
22 The proposal would allow for subsistence use of
23 brown bear in this unit by the unit's rural residents
24 on federal land open hunting upon establishing an open
25 season. The Federal Subsistence Board deferred this
26 proposal in 1997, and again in 1998, awaiting
27 additional information, especially in light of
28 negative information that was provided by ADF&G and
29 several of their Alaska Peninsula subsistence studies
30 that were done just recently.

31
32 The archaeological record, historic accounts and
33 oral histories of Unit 9(C) residents provide concrete
34 evidence of historic use of brown bears in the unit.
35 Native elders and hunters, contemporary residents with
36 longstanding roots in the community, communities of
37 Unit 9(C), those communities are King Salmon, Naknek,
38 and South Naknek and in the former villages of
39 Paug-Vik, Kittiwik and Old Savonoski identified brown
40 bear as a consistently hunted subsistence resource
41 during their generations, roughly from the early 1900s
42 until sometime in the 1950s when the Naknek Lake area
43 was incorporated into Katmai National Park and
44 subsistence brown bear hunting was disrupted for some
45 hunters.

46
47 Written documentation submitted by Paug-Vik
48 Limited and the South Naknek Village Council in 1997
49 indicate that several Naknek, King Salmon and South
50 Naknek families and heads of households that include

1 the McCarlos, Melgenaks, the Angasans, the Wassillies
2 and the Holstroms and the Ansaknoks and Chukans
3 traditionally hunted brown bears.

4
5 In 1998, staff interviewed South Naknek
6 residents, Clarence Kraun, Liisia Ansaknok and Mr. and
7 Mrs. Carvel Zimin, Sr., who provided the names of 16
8 other residents and former residents who were bear
9 hunters. Mike Shapsnikoff is an example of one of
10 those hunters who do not belong to this same extended
11 family, the names of which I gave you just a moment
12 ago. He was originally from the Aleutian Islands. Of
13 the 16 residents that were named, only a few are still
14 alive and their reported areas of historic use
15 included Naknek Lake, Savonoski River, Brooks River,
16 Discovery Bay and Margot Creek.

17
18 Brown bear has been an important secondary
19 resource that subsistence users turn to in times of
20 shortage and is a source of bear fat sought after as
21 an accompaniment to other foods.

22
23 Table 3 gives sealing record information showing
24 that during the past 20 years, the rural residents of
25 Unit 9(C) have hunted a small number of bears over
26 those years, primarily in their home unit with the
27 numbers fluctuating over time. This pattern is
28 consistent with subsistence brown bear use elsewhere
29 in Alaska.

30
31 During the past few years, subsistence use of
32 brown bears by the residents of Unit 9(C) has been
33 minimal. The most recent subsistence use study was
34 done between 1994 and 1997. In the 1994 and '95
35 study, of those residents sampled in Unit 9(C), and
36 this was a 30% random sample, at least one household
37 in each community reported either using or attempting
38 to harvest brown bear. However, the harvest efforts
39 were not always successful. During the 1995/96
40 season, none of the sampled households, again with the
41 30% random sample, in King Salmon and Naknek reported
42 hunting or using brown bear. Of South Naknek
43 residents, 2.7% reported hunting brown bear and 10.8%
44 reported using brown bear products that year. In the
45 last year, 1996/97, none of the sampled households in
46 Naknek, King Salmon or South Naknek reported hunting
47 brown bear and only 2.7% of sampled households in
48 South Naknek reported using bear products during that
49 year.

50 Some residents of Unit 9(C) still hunt and use

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

5
6 The evidence taken together confirms that the
7 rural residents of 9(C) hunted brown bears
8 historically in the greater Naknek drainage and
9 continue to hunt some into modern times. The 1985
10 Alaska Habitat Management Guide subsistence use area
11 maps show that residents of these three communities
12 all use the southeastern portion of Unit 9(C), as
13 well, for subsistence hunting in the area of Big
14 Creek, which is outside of Katmai National Park, and
15 inside Becharof National Wildlife Refuge.

16
17 Subsistence hunting is opportunistic in nature
18 with a variety of annals and other resources being
19 taken at one time. Additionally, brown bear use may
20 be cyclic depending upon the availability of other
21 resources. Thank you, Mr. Chairman.

22
23 CHAIRMAN DEMIENTIEFF: Thank you. Staff
24 committee recommendation?

25
26 TOM BOYD: Yes, Mr. Chair, staff
27 committee recommends we adopt the proposal consistent
28 with the recommendation of the Bristol Bay Regional
29 Council. I think the justifications presented on Page
30 4 of the Board book -- and I won't read that in the
31 record, I'll just ask you to look at it. Many of the
32 reasons cited by Ms. McClenahan, the information that
33 is evident of some use, although -- although not all
34 families or only a small number of families seem to be
35 using brown bear, there is evidence of a pattern of
36 use in this particular subunit, and there was also
37 evidence that traditional hunting practices were
38 disrupted by events beyond their control and they
39 would like to re-establish their subsistence hunting
40 use of brown bears on federal public lands in 9(C).

41
42 CHAIRMAN DEMIENTIEFF: Thank you. State
43 comments?

44
45 ELIZABETH ANDREWS: Thank you,
46 Mr. Chairman, few comments on this proposal. The
47 Department doesn't support this for the entire subunit
48 based on the information that's in the staff
49 analysis. While we recognize that a lot of good
50 information's been brought forward, almost all the

1 information you have before you is describing brown
2 bear hunting use in the park lands area. So there's
3 certainly considerable area, considerable use
4 demonstrated for the Katmai National Park area of
5 9(C).
6

7 In addition, we've heard and certainly our own
8 studies have shown that the closure of the park lands
9 to hunting has disrupted traditional hunting
10 patterns. What we don't see in the staff analysis
11 really is where on federal public lands in 9(C) the
12 displacement has taken place. So while people were
13 displaced from being able to use the Katmai Park, and
14 that is their traditional area, it's not really clear
15 what other federal lands in 9(C) have been used by
16 residents of 9(C). The information our Division has
17 does show use of 9(C), but it's on the BLM lands in
18 the northern portion and it's by the community of
19 Levelock, which is outside of 9(C). It's in 9 -- it's
20 in 9 -- let's see, 9(B).
21

22 So Mr. Chair, while there is information that
23 shows that these -- the communities of Naknek, South
24 Naknek, King Salmon have hunted brown bear in the park
25 areas, it's not really clear what other federal lands
26 they've taken brown bear on. And the analysis is
27 missing the information from Levelock, which is the
28 one that has use of the BLM lands.
29

30 So for those reasons, we don't think the
31 information's there to support the proposal as
32 written. There's certainly information there that's
33 good information and important information, but I
34 don't think it really speaks to the proposal. Thank
35 you, Mr. Chairman.
36

37 CHAIRMAN DEMIENTIEFF: Thank you. We
38 have one request for public testimony at this time,
39 John Knutsen.
40

41 JOHN KNUTSEN: Thank you, Mr. Chair and
42 Board members. My name is John C. Knutsen. I'm
43 speaking as a traditional user and as President of
44 Paug-Vik, Inc. Limited, the Native corporation in
45 Naknek. I represent the majority of the shareholders
46 for that group and also as a member of the traditional
47 Naknek Native Village Council, I represent that entire
48 group. And I've spoken to this Board before regarding
49 the proposal to re-establish a traditional and
50 customary use for brown bear for 9(C).

1 From the time that I was 12, yes, I hunted brown
2 bear in the Naknek Lake area, but with that closure,
3 of course, we had to hunt elsewhere. We've hunted
4 brown bear in Naknek Lake and as another source we've
5 hunted up Big Creek, which is the Becharof National
6 Wildlife Refuge, in that area, and we also hunted at
7 Small Creek, as alternatives, which we still do
8 today. Small Creek, of course, is primarily State
9 land. So we've -- we have used the park, the refuge
10 and state lands as the resource.

11
12 I've read the comments and heard what the State
13 has said. We've been denied the traditional and
14 customary use of brown bear. With migratory birds,
15 we've had to hunt those illegally and with the
16 amendments, hopefully we'll have a legal spring hunt
17 and from time to time, we've had to do -- hunt and
18 fish in Katmai National Park for red fish and other
19 resources.

20
21 By allowing us a traditional customary use, we'll
22 be able to monitor what we take as a village and then
23 can account for the use that is going on that is
24 unaccounted for now. So I would ask that this Board
25 support Proposal 30 which has been before us for
26 several number of years, and we have provided a lot of
27 information to show that we have used it, and with
28 that, I would like to thank you again and hopefully
29 we'll finally put this to rest and have a positive C&T
30 for 9(C).

31
32 CHAIRMAN DEMIENTIEFF: Regional Council
33 comment?

34
35 DAN O'HARA: Mr. Chairman, my name is Dan
36 O'Hara. My name is Dan O'Hara, Chair of the Bristol
37 Bay Federal Council and you can see under
38 justification by the Bristol Bay Council that we
39 recommend a C&T for this area. Evidence going back as
40 far as 1450 A.D., should be no negative votes coming
41 in with that kind of information.

42
43 There's one thing the State of Alaska said I
44 think we should maybe just comment a little more on
45 and that is add a little more information to, Levelock
46 not being a part of recording for subsistence use on
47 brown bear, and there's a reason for that and John
48 Knutsen made mention of how that sometimes, you know,
49 you hunted maybe illegally or if you hunted, you were
50 maybe not comfortable in reporting the hunt. And this

1 is very typical of Levelock. Does not necessarily
2 mean they did not hunt brown bear, because we know
3 they did, and they use them all the time up the
4 Alakanuk branch and I think if Ted Krieg with Bristol
5 Bay Native Association went up there and did a door to
6 door, he'd find out that there's a good deal of
7 support of long time use of Levelock, probably more so
8 than in many, many villages in the Bristol Bay area.
9 So I think there's absolutely good evidence that we go
10 ahead and make this C&T finding. Thank you very much,
11 Mr. Chairman.

12
13 CHAIRMAN DEMIENTIEFF: Thank you.
14 Additional Regional Council comment. Bill?

15
16 BILL THOMAS: Thank you, Mr. Chairman. I
17 couldn't have asked for a better scenario if I asked,
18 if I looked for one. We spent two years now working
19 on customary and traditional determinations and this
20 is where it's got us. This is going to happen every
21 time you make a request like this. The request to
22 establish C&T use determination was wrong from the
23 start. C&T should have -- that should have been
24 establish subsistence determination for that because
25 nobody knows what in the hell C&T determinations are.

26
27 Okay, in the justification on Page 13, about the
28 fourth sentence down, started with 30 percent random
29 sample, says 30% random sample does not show current
30 subsistence use of brown bear by residents of Unit
31 9(C). However, there is sufficient historic
32 information showing that 9(C) residents subsistence
33 hunted and used brown bears and that at least for some
34 families.

35
36 That is a typical use of a resource for
37 subsistence gathering. There's nothing that says
38 every family goes out and uses that. When a person
39 goes out and gets food for subsistence, they share.
40 That nullifies their neighbor from needing to go out
41 and do the same thing. I contend that this C&T demon
42 is going to bite you in the butt every time you
43 mention it. Thank you, Mr. Chairman.

44
45 CHAIRMAN DEMIENTIEFF: Thank you. I've
46 just been notified that we do have some additional
47 late arriving written records. I'll come back to you,
48 Elizabeth, in a minute, but I want to make sure we get
49 these late arriving letters read into the record.
50 Jerry?

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

11
12 In support of the proposal, the Paug-Vik,
13 Incorporated of Naknek and Naknek Native Village
14 Council both submitted resolutions in support of a
15 brown bear C&T determination for residents of Unit
16 9(C). And that concludes the written comments. Thank
17 you, Mr. Chair.

18
19 CHAIRMAN DEMIENTIEFF: Thank you.
20 Elizabeth, do you have --

21
22 ELIZABETH ANDREWS: Yeah, thank you,
23 Mr. Chair. Just for clarification, what I said about
24 Levelock was that in fact we do have information that
25 shows that Levelock has hunted brown bear in 9(C) and
26 we did that, you know, that was the result of the door
27 to door surveys with Bristol Bay Native Association.
28 So perhaps I didn't make that clear, and where we show
29 that is in the areas where the BLM land is in Unit
30 9(C). And my point was is that I'm not sure why, but
31 it was -- that was not part of the staff analysis and
32 it would have been helpful to have that additional
33 information in the staff analysis when reviewing a
34 proposal like this.

35
36 DAN O'HARA: Mr. Chairman, I apologize if
37 I misrepresented that statement. Elizabeth, you said
38 that Levelock did hunt brown bear in 9(C), so that's
39 justification to support C&T and they have hunted on
40 down through 9(E), too. Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Any additional
43 Regional Council comment?

44
45 FENTON REXFORD: North Slope supports the
46 proposal.

47
48 CHAIRMAN DEMIENTIEFF: Thank you,
49 Mr. Rexford. We're ready for board action -- or
50 inaction. Go ahead, Dave.

1 DAVID ALLEN: Mr. Chair, with respect to
2 Proposal Number 30 to establish C&T for brown bear in
3 Unit 9(C) to include residents of 9(C), I recommend
4 that we support this proposal. I move that we support
5 this proposal as recommended by the staff committee.

6
7 WARREN HEISLER: Second.

8
9 CHAIRMAN DEMIENTIEFF: Motion's been made
10 and seconded. Is there additional Regional Council
11 comment?

12
13 HARRY WILDE: Mr. Chairman,
14 Yukon-Kuskokwim Regional Council support Bristol Bay
15 Council recommendations.

16
17 CHAIRMAN DEMIENTIEFF: Thank you. Yes?

18
19 VINCENT TUTIAKOFF: Mr. Chairman,
20 Kodiak/Aleutians supports the recommendations of
21 Bristol Bay.

22
23 CHAIRMAN DEMIENTIEFF: Any other final
24 Regional Council comments?

25
26 GRACE CROSS: Seward Peninsula supports
27 the recommendation.

28
29 WILLIE GOODWIN: Mr. Chairman, Northwest
30 also.

31
32 CHAIRMAN DEMIENTIEFF: You have an
33 additional comment, Mr. O'Hara?

34
35 DAN O'HARA: No.

36
37 CHAIRMAN DEMIENTIEFF: Okay. Any further
38 discussion by the board?

39
40 Hearing none, all those in favor of the motion,
41 please signify by saying aye.

42
43 (Response).

44
45 CHAIRMAN DEMIENTIEFF: Those opposed,
46 same sign.

47
48 (No response).

49
50 CHAIRMAN DEMIENTIEFF: Motion carries.

1 31?

2

3

4 PAT McCLENAHAN: Yes, Mr. Chairman,
5 proposal 99-31 was submitted by the Pilot Point
6 Traditional Council and it requests that the residents
7 of Pilot Point and Ugashik be added to the existing
8 customary and traditional use finding for brown bear
9 in 9(E).

9

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

21

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

33

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

45

46 For Chignik, included in fall et al.s 1989 list
47 of subsistence resources being used by Chignik
48 residents in the late 1980s are a small number of
49 brown bears. The most recent ADF&G study published in
50 1998 showed that 6.7% of Chignik residents use brown

1 bear and 3.3% hunted brown bear, but none were taken
2 in 1996 or '97. ADF&G harvest records show that the
3 community took 18 brown bears between 1966 and 1991.
4 Again, this is consistent with brown bear use
5 elsewhere, subsistence brown bear use elsewhere in
6 Alaska.

7
8 For Chignik Lagoon, ADF&G harvest records list
9 only six brown bears taken by this community between
10 1971 and 1991. There have been no reported brown bear
11 harvests since 1991.

12
13 Evidence provided for each of the eight factors
14 suggests that the subsistence use of brown bear by
15 these communities has been intermittent since ADF&G
16 records have been kept and that not all brown bear
17 kills may have been reported, but the brown bear has
18 been an important alternative resource when primary
19 resources such as caribou and salmon fail. This
20 pattern, as I said before, is not inconsistent with
21 subsistence hunting of brown bear elsewhere in
22 Southwest Alaska.

23
24 For the four communities, there appears to have
25 been a gap in hunting effort since 1991, except for
26 two bears reported taken by Pilot Point and Ugashik
27 residents in 1995. Residents of Pilot Point and
28 Ugashik are expressing interest in re-establishing
29 this languishing subsistence practice in order to
30 provide their elders with the food they long for and
31 to give their children an opportunity to learn the
32 traditional ways to hunt, treat, share and prepare
33 bear.

34
35 Regional Coordinator, Jerry Berg, may have public
36 comments to read.

37
38 JERRY BERG: Mr. Chair, we received two
39 written comments on Proposal 31, both in opposition of
40 the proposal. Joe Hendricks opposes the proposal
41 stating that few residents of Pilot Point or Ugashik
42 harvest brown bear. The Alaska Professional Hunters
43 Association opposes the proposal citing very little
44 harvest reporting of brown bear use in the area. They
45 do offer suggestions to address the concerns of the
46 proposal. That concludes the written comments. Thank
47 you, Mr. Chair.

48
49 CHAIRMAN DEMIENTIEFF: Thank you. Staff
50 committee recommendation?

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

25
26 CHAIRMAN DEMIENTIEFF: Department
27 comments?

28
29 ELIZABETH ANDREWS: Thank you,
30 Mr. Chairman. The Department does not support this
31 proposal based on the information that's presented in
32 the staff analysis. As was pointed out, the
33 Department conducted a study jointly with the Bristol
34 Bay Native Association in this area, harvest study,
35 which showed a -- showed that there really wasn't much
36 evidence for brown bear hunting. Although we
37 recognize certainly some households have taken brown
38 bear, but still there's not information from that
39 study or in this analysis that shows that that's a
40 community pattern of use and that there's been a
41 long-term consistent pattern of use.

42
43 So we do recognize that some households have
44 taken brown bear, but we don't think that it meets the
45 standard of a community pattern of use based on the
46 information that we have before us. Thank you,
47 Mr. Chair.

48
49 CHAIRMAN DEMIENTIEFF: Thank you. We
50 have no requests for public testimony at this time.

1 Regional Council comments?

2

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

18

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

29

30 CHAIRMAN DEMIENTIEFF: Additional
31 Regional Council comment?

32

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

35

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

38

39 RALPH LOHSE: Mr. Chairman, first of all
40 I'll have to go along with Bill, something that he's
41 talked about a lot of times on the C&T. It seems
42 logical to me that people who live in an area, local
43 residents that are subsistence users will make use of
44 most subsistence resources that are in the area. In
45 this case here, I can't speak on what's been going on
46 in the last 20 years out there, but 30-some years ago,
47 I taught school out in that area and 30-some years
48 ago, as a community and as a village that I lived in,
49 we took brown bear to eat as a village, and we cook it
50 as a village. We didn't have everybody in the village

1 hunt brown bear. We did have an individual in the
2 village who was skilled at it and hunted brown bear
3 and shared it with the rest of the village. We also
4 did it opportunistically when we went out caribou
5 hunting, when we came across brown bear, we took it
6 for food for the village. That's the way subsistence
7 works. The fact that they haven't taken it for the
8 last couple years or ten years or something like that
9 doesn't mean they haven't taken it in the past and
10 this comes in when we start dealing with customary and
11 traditional. It's one of the problems with customary
12 and traditional. We haven't been able to set up a
13 time frame because we're dealing with two different
14 cultures. ANILCA deals with Natives and non-Native
15 and it's rural preference for Natives and
16 non-Natives. When you're dealing with non-Natives,
17 you can't say they've had a habit for generations and
18 generations and generations because they haven't been
19 here for generations and generations and generations,
20 but at the same time, the fact that in the Native
21 culture a generation has been skipped or a generation
22 hasn't made use of a product doesn't mean that that
23 product wasn't customary and traditional for that
24 culture in the past. And again, like has been pointed
25 out, if there are other resources available, you don't
26 take the most dangerous, you don't take the one that
27 takes the most work. You take the easiest resource.
28 From that standpoint, I have to support them, because
29 I can't imagine residents in Unit 9(C) that didn't
30 take brown bear as a culture for their food, from my
31 own experience having lived out there.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. Bill?

34

35 BILL THOMAS: I swore, took an oath of
36 silence here, but I have to break it. In Section
37 8.03, making reference to Ralph's comments, it says as
38 used in this Act, the term subsistence uses means the
39 customary and traditional use by rural residents of
40 wild renewable resources. It doesn't say you have to
41 have a measured time on how long you've used it. It
42 doesn't say you have to have a historic pattern. It
43 says subsistence means the customary and traditional
44 uses. It tries to -- it tries to give the idea what
45 subsistence should be looked at or viewed as. It
46 doesn't say anything about time. Where we come up
47 with a time factor is beyond me. Thank you,
48 Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Additional

1 Regional Council comment?

2

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

7

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

10

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

18

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

21

22 SALLY WISELY: Second.

23

24 CHAIRMAN DEMIENTIEFF: Moved and
25 seconded. Discussion?

26

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

36

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

40

41 Hearing none, all those in favor of the motion,
42 please signify buy saying aye.

43

44 (Response).

45

46 CHAIRMAN DEMIENTIEFF: Those opposed,
47 same sign.

48

49 (No Response)

50

1 CHAIRMAN DEMIENTIEFF: Motion carries.
2 Okay, next proposal.

3
4 DAVE FISHER: Mr. Chairman, the next
5 proposal is 32, 33 and 34. All those deal with
6 caribou in Units 9(C) and 9(E). However, part of 34
7 deals with moose and that part of 34 that deals with
8 moose, we will discuss that in Proposal 36.

9
10 These proposals would revise the harvest limit
11 for caribou in 9(C) and 9(E) remainder. It will also
12 change the harvest seasons and close all or parts of
13 9(E) remainder to non-qualified users.

14
15 The Federal Subsistence Board has considered
16 several special actions dealing with this caribou herd
17 on the Alaska Peninsula, one reduced the harvest
18 limits, another special action as you recall was
19 deferred pending our workshop in December -- workshop
20 in September of '98 and as a result of that workshop,
21 Proposal 32 got its start. And you'll also recall
22 that part of 9(E) was closed to all caribou hunting
23 and this was the result of the Ivanof Bay resolution.

24
25 The Nushagak -- not Nushagak, but Northern Alaska
26 Peninsula herd like all caribou herds has fluctuated
27 widely over the years. It reached the population of
28 around 20,000 in the mid 1980s and has since declined
29 to around 10,000 in '97 and the current estimate is
30 around 9200 animals. Overgrazing of the range has
31 created conditions on the herd, nutritional stress,
32 and as a result, there's been a decline in herd
33 productivity, poor survival of calves. Bull cow ratio
34 has also declined from around 42 per 100 down to
35 around 31 to 100.

36
37 What do we need to do to protect this herd?
38 Well, one thing we need to do is we need to reduce the
39 harvest of cows, take bulls only. The current
40 estimate for the '99/2000 harvest season is we have an
41 estimate based on current data estimating around 600
42 surplus bulls available for harvest. There's been a
43 downward trend in the harvest for the last three or
44 four years. The harvest peaked at about 1400 in '93
45 and '94. Reviewing all the harvest ticket data and
46 also household studies that have been conducted on
47 this herd, most of the harvest has occurred off of
48 federal public lands. We're estimating that about 10%
49 of the total harvest has been on federal public
50 lands.

1 The Board of Game at the March meeting expressed
2 extreme concern for the decline in this herd. As a
3 result, they adopted a Tier II hunt based on the
4 decline and also low herd productivity. And as a
5 result, we have modified our recommendation to align
6 our regulations with current Board of Game
7 regulations.

8
9 Another modification that was made, as I
10 mentioned earlier, part of 9(E) was closed to all
11 caribou hunting. We want to revise that to close that
12 to non-qualified users.

13
14 After sitting in on the Board of Game meeting and
15 going through the Tier II process, we thought that the
16 Tier II process would work for federal public lands.
17 However, closer examination revealed that somebody
18 could qualify for a federal registration permit and
19 not a Tier II permit and still live in 9(C) or 9(E),
20 as there is no resident requirement for obtaining a
21 federal -- that would allow someone to hunt on federal
22 public lands.

23
24 So we are going to initiate a federal
25 registration permit process. As I explained earlier,
26 there's an estimate of 600 bulls available for
27 harvest. There'll be some additional surveys done
28 this summer and a final determination will be made on
29 the number of excess bulls that are available for
30 harvest at that time.

31
32 The Alaska Department of Fish & Game, in
33 coordination with the Wildlife Refuge and King Salmon
34 will determine the number of bulls that are available
35 and the number of permits that are available. Ten
36 percent of those federal permits or 10% of those total
37 permits will be federal registration permits.

38
39 The Alaska Department of Fish & Game Subsistence
40 Division recently conducted some training in Port
41 Heiden on how a Tier II permit process would work.
42 They have village representatives from each of the 12
43 villages and they're going to go back and explain that
44 to the local people in the villages. Sometime in late
45 June we will determine the number of State two permits
46 and federal registration permits that will be
47 available. First part of July, we should be able to
48 get the Tier II permit results from Fish & Game and at
49 that time, we'll be able to determine how many Tier II
50 permits will be issued to each village and then we can

1 make an adjustment, as far as the number of federal
2 permits required by each village.

3
4 If the number of federal permits equal the number
5 of permits available, then the federal permits will be
6 issued to each village based on historical use, and
7 this is outlined in your table on Page 62.

8
9 If the federal permit requests are less than the
10 permits available, then the villages are notified that
11 we will have additional permits. Now, if the federal
12 permit requests are more than the permits available,
13 then the number of federal permits would be issued to
14 each village based on an 8.04 determination and we
15 have -- are in the process of putting together a team
16 that would work on this and help decide the
17 distribution of federal permits. That team consists
18 of Office of Subsistence Management, Bristol Bay
19 Native Association, Regional Council, the 12 village
20 reps I identified earlier and also Refuge Information
21 Technicians.

22
23 That basically concludes my testimony,
24 Mr. Chairman.

25
26 CHAIRMAN DEMIENTIEFF: Thank you.
27 Written public comments?

28
29 JERRY BERG: Yes, Mr. Chairman. As
30 you've already heard in Dave's presentation, we're in
31 a very different situation today than we were when
32 these proposals were actually submitted and comments
33 were made. I will summarize briefly that we did
34 receive 21 written comments, all opposed to the
35 original proposals as written, and four of those
36 suggested modifications. One of those comments was
37 sent in by fax last week and I'll read that into the
38 record as public testimony today. However, the other
39 comments can be summarized as being opposed to the
40 closure of federal lands to non-qualified users,
41 suggesting that this would adversely affect other user
42 groups.

43
44 I'll leave the summary at that for those
45 proposals, given the current change in circumstances
46 since the proposals were submitted, unless the Board
47 would like anymore details or have specific questions
48 about the comments submitted, and I'll go ahead and
49 read the faxed testimony at this time.

50

May 3, 1999

1 CHAIRMAN DEMIENTIEFF: Go ahead.

2

3 JERRY BERG: This letter was submitted by
4 Victor Barnes, Westcliffe, Colorado. He represents
5 the Alaska Professional Guide Association and he
6 actually has two parts to this letter, and the second
7 part deals with Proposal 36, but the part that deals
8 with Proposal 32 states that, Dear Mr. Demientieff, on
9 January 15th of 1999, I submitted comments to you on
10 proposals to change Federal Subsistence Regulations
11 for the '99/2000 regulatory year. Those comments were
12 submitted on behalf of the Alaska Professional Hunters
13 Association. With this letter I'm offering additional
14 comments on behalf of the Association for
15 consideration at the public meeting of the Federal
16 Subsistence Board.

17

18 I have reviewed my comments submitted January
19 15th in a letter to you and find that the evaluations
20 remain appropriate for consideration at the upcoming
21 Board meeting. Regarding the Northern Alaska
22 Peninsula caribou herd, I want to reaffirm the need
23 for cooperation among all user groups toward recovery
24 of that herd. Recently, the Alaska Board of Game
25 implemented regulations that severely restrict harvest
26 of the northern herd. Consequently, additional
27 regulations by the Board to close hunting on federal
28 land to non-qualified users would provide no benefit
29 and are unnecessary. Such actions might even strain
30 cooperative efforts and delay recovery of the northern
31 herd.

32

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

35

36 CHAIRMAN DEMIENTIEFF: Thank you. Staff
37 committee recommendation?

38

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

43

44 CHAIRMAN DEMIENTIEFF: Go ahead.

45

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

49

50 The staff committee recommendation is to adopt

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

10

11 Action taken by the Alaska Board of Game in March
12 shortened the season and reduced harvest limits to one
13 bull with an overall harvest of 600 bulls by Tier II
14 permit, thereby eliminating hunting by non-residents.

15

16 The biological information as presently available
17 indicates that the Northern Alaska Peninsula caribou
18 herd can only sustain a harvest of approximately 600
19 bulls for the 1999/2000 season. Therefore, the
20 combined total of permits issued, that's State and
21 Federal permits together, should result in a total
22 harvest of no more than 600 bulls. However, this
23 number may change based on updated survey data that is
24 obtained this summer.

25

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

36

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

49

50 Staff committee also concurred with the Bristol

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

8
9 The permitting strategy recommended by the
10 Regional Council allows continuation of the State Tier
11 II hunt which is beneficial to subsistence users who
12 hunt on State lands but also ensures that subsistence
13 users who have the most direct dependence on the
14 Northern Alaska Peninsula caribou herd have access to
15 federal permits if they do not receive a Tier II
16 permit.

17
18 CHAIRMAN DEMIENTIEFF: Department
19 comments?

20
21 ELIZABETH ANDREWS: Thank you,
22 Mr. Chairman. As you know, this is a very critical
23 situation that we have with the conservation of this
24 herd and certainly appreciate the time that Mr. O'Hara
25 and his Council and other people from his region spent
26 at our Board of Game meeting last March to discuss the
27 issue and to learn about the way the State system
28 works and how we can try to address this and
29 accommodate subsistence uses in the area. And I also
30 want to acknowledge Mr. O'Hara's Council really
31 wrestling with this at their meeting in March to
32 understand what the State had to do and then also
33 address as best they could providing subsistence use
34 for federally qualified subsistence users.

35
36 We agree with what's been proposed here. We
37 certainly don't have a problem with it and we
38 definitely appreciate all that the advisory committees
39 did on the State side, as well as the Council members
40 and the Federal staff to understand each other's
41 system and to try to work something out that would
42 accommodate subsistence uses under both the State and
43 Federal system, as we're rebuilding this herd. Thank
44 you, Mr. Chair.

45
46 CHAIRMAN DEMIENTIEFF: Public comments?
47 Gary King.

48
49 GARY KING: My name's Gary King and I'm a
50 Master Guide on the Alaska Peninsula. I started in

1 the area in question here, Unit 9(E), in 1971. I have
2 not missed one year on the Alaska Peninsula. I
3 currently reside on the Alaska Peninsula six months of
4 the year. I fly airplanes nearly every day that I'm
5 on the Alaska Peninsula. I own two lodges, Cinder
6 River Lodge and Wildman Lake Lodge. One is in the
7 Aniakchak, Cinder River, and from that area I have
8 exclusive federal concessions in Amber Bay and
9 Aniakchak Bay, as well as a portion of the upper
10 Meshik area and the Aniakchak River flowing over into
11 Lava Creek and going all the way to Bristol Bay coast
12 on that side.

13

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

26

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

46

47 Slowly, we began to see mature bulls, and by the
48 way, we increased our bear hunting numbers at the same
49 time, because the largest predator of moose calves is
50 bears.

1 CHAIRMAN DEMIENTIEFF: Mr. King, you
2 signed up to testify for both proposals but we will do
3 36 after this, which is the moose part of this, all
4 this work. These comments right are here on Proposal
5 34.

6
7 GARY KING: 34 on caribou?

8
9 CHAIRMAN DEMIENTIEFF: Yes.

10
11 GARY KING: Well I understand the State's
12 pretty well taken care of the caribou hunting for us.
13 In my proposal -- it's all ditto for caribou, because
14 I was there for caribou at the same time. I guess if
15 I'm just commenting on caribou, let me just throw a
16 couple things out on caribou.

17
18 The caribou population, without a doubt, has
19 declined and because of this, we had not booked any
20 1999 caribou hunts on the Alaska Peninsula from our
21 Wildman Lodge. We did book a few at Cinder River
22 Lodge, talking eight or ten, not too many, in order to
23 bridge the gap between moose season that closes
24 September 20 and the bear season that opens, at that
25 time, the 7th of October. So I petitioned the Board
26 in my comments to retain that season open because from
27 an economic standpoint to run a lodge, you can't just
28 shut the lodge down for two weeks, go home. You got
29 people that all want \$150 a day to be guides and you
30 got your airplanes mobilized at great expense. That
31 didn't happen because of what the State did, but it is
32 important to realize that we are out there providing
33 visitor services to these parks and preserves. We
34 also are providing great employment to the people up
35 and down the peninsula. The subsistence lifestyle is
36 a wonderful thing and I don't knock it one bit, but
37 also, there's a monetary cash basis society out there
38 and people do need employment and we provide that
39 employment.

40
41 And also, as far as the meat from any game that
42 we harvest, I'd say 80% of the meat that's harvested
43 in my operations is delivered to the villages of Pilot
44 Point, Port Heiden and Chignik and this is good meat
45 that's kept in electric meat houses to be protected
46 from the bear. They're screened meat houses, and we
47 delivered last year in our short caribou season that
48 we had, about 1700 pounds of caribou meat to these
49 villages and I have signed receipts from people and so
50 forth and I not just saying we did this last year.

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

3

4 CHAIRMAN DEMIENTIEFF: Thank you. Is
5 that Mel Gillis?

6

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

9

10 CHAIRMAN DEMIENTIEFF: Okay, that
11 completes our public testimony. Regional Council
12 comments?

13

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

33

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

45

46 The second step is when we finally worked this
47 out, Game Board decided on a Tier II, and they gave
48 the dates and numbers and everything as satisfactory
49 and then our Council met in Dillingham and the State
50 people showed up again and Dick Russell showed up

1 again and Dave Fisher and others and we worked through
2 the process at that level and then the Federal people
3 made a provision for the Alaska Department of Fish &
4 Game advisory board chairs, people to come and they
5 came in big numbers and they worked with us and again,
6 we had a consensus of how to handle this problem. And
7 we appreciate the guides saying, hey, this is one of
8 those tough things that takes place, but leave it as
9 it is and we'll go from there.

10

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

24

25 However, there's something very important that we
26 all need to know and understand and it goes back to
27 the sheep thing. Let's say for instance one of our
28 committee members, and we will have this in the
29 record, made a statement something like this: Should
30 200 of the 600 of the permits come out of Anchorage in
31 the Tier II, we're not going to be very happy about
32 that. That's too big a imbalance as far as we're
33 concerned on the decline of this herd with the caribou
34 by these communities. So if that number were to come
35 up, that many coming out of Anchorage, I would venture
36 to say we'll be back here in a heartbeat to look at a
37 different set of permitting system on the use of
38 caribou in the federal lands by the qualified users.
39 And I think that's about all that I had. It was a lot
40 of hard work by a lot of people and we appreciate very
41 much all the sides, you know, contributing all they
42 did. Thank you, Mr. Chairman.

43

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

47

48 DAVID ALLEN: Yes, Mr. Chair. I would
49 like to make a motion that we adopt the
50 recommendations in Proposals 32, 33 and 34 as they

1 relate only to caribou, as recommended and modified by
2 the Bristol Bay Regional Advisory Council and also
3 agreed to and recommended by the interagency staff
4 committee.

5

6

WARREN HEISLER: Second.

7

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

11

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

14

15 (Response).

16

17 CHAIRMAN DEMIENTIEFF: Those opposed,
18 same sign.

19

20 (No response).

21

22 CHAIRMAN DEMIENTIEFF: Motion carries.
23 35's on the consent agenda. That brings us to 36.
24 Are we ready for the introduction?

25

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

38

39 This proposal was modified by the Bristol Bay
40 Regional Council at the recent March Council meeting
41 held in Dillingham. Modifications would close a
42 smaller portion of federal public lands in Subunit
43 9(E), basically -- I'm not quite coordinated here with
44 my left hand, but basically, it's the Chignik unit,
45 which is this area here. It's that area south of the
46 Chignik River, Black Lake, but I'm going to refer to
47 it as the Chignik unit.

48

49 The current federal subsistence season is
50 September 1st through the 20th and December 1st

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

14
15 Moose surveys in 9(E) conducted over the last 12
16 to 15 years indicate a stable population in Subunit
17 9(E) with adequate bull cow ratios. One
18 recommendation from that workshop was to do additional
19 surveys. Money was provided to the Refuge and Fish &
20 Game to do additional surveys. These surveys were
21 done in Subunit 9(E) this last November and December.
22 Total moose seen were 978. There was 20 hours of
23 flying time, nine survey -- nine different survey
24 areas were covered.

25
26 Surveys conducted in the Pacific drainages, there
27 were several areas that weren't surveyed before, there
28 was 413 moose counted. Bull cow ratios were 69 to
29 100. Calf cow ratios were 23 to 100. Surveys
30 conducted on the Pacific trend area were similar to
31 what surveys showed since 1972. There was 116 moose
32 seen in 1998 versus an average since 1972 of 117. The
33 bull cow ratios were real high in 1998, 96 to 100.
34 Calf cow ratio was 17 to 100, compared to the average
35 since 1972 of bull cow ratios 58 to 100 and very low
36 cow calf ratio of only 6.

37
38 Surveys were also conducted on the Bristol Bay
39 side in 1998. 565 moose were counted. Bull cow
40 ratios were 64 to 100 and calf cow ratios were 20 to
41 100. Earlier surveys conducted in same areas since
42 1972 indicated the population is stable.

43
44 One thing we need to note, the Chignik unit was
45 not surveyed. It had planned to be surveyed but it
46 was not surveyed. Mechanical problems to the plane,
47 poor weather prohibited biologists from conducting any
48 surveys there. However, discussions with the refuge
49 staff and also Mr. Sellers indicate that from all
50 probability, populations in that Chignik unit are

1 probably stable. They'd remain stable with adequate
2 bull cow ratios. In addition, the Refuge staff has
3 had discussions with guides who operate in that area
4 and they indicate that the population is stable with
5 adequate bull cow ratios.

6
7 The harvest of moose from about 1983 to 1997 has
8 been stable within sustainable levels and this has
9 been reported through the harvest ticket system. The
10 average harvest has been about 90 moose per year.

11
12 Subsistence studies for the Alaska Peninsula
13 communities have indicated a very low reporting system
14 through the harvest ticket method. Household surveys
15 have indicated a much higher, much higher harvest
16 levels and these were studies conducted by Fish & Game
17 Subsistence Division, with help from the Bristol Bay
18 Native Association. These were the surveys that were
19 done 1994 through 1997. Reasons offered by household
20 residents as to why their moose needs are not being
21 met included inadequate time to hunt, resource
22 scarcities, reduced sharing among household families,
23 faulty equipment, competition from guides who fly the
24 area, they can determine where the moose are, and
25 weather and travel conditions. Household surveys also
26 indicated that the harvest effort was pretty well
27 split between September and December, favoring
28 September with a little bit of harvest in October.
29 When you look at the harvest ticket data, that
30 indicates that about 94% of all the harvest in 9(E)
31 occurs in September, and indicates very little
32 competition from non-rural users in December.

33
34 At the Board of Game meeting last March, the
35 Alaska Department extended the winter season in 9(E)
36 to January 20th. They also relaxed the antler
37 restrictions and the primary reasons for doing this
38 was the stable population in 9(E), high bull cow
39 ratios, and to provide an increase in subsistence
40 opportunities later on in the season. Thank you,
41 Mr. Chairman.

42
43 CHAIRMAN DEMIENTIEFF: Written public
44 comments?

45
46 JERRY BERG: Yes, Mr. Chairman, we
47 received 13 written comments on this proposal and five
48 comments on moose for Proposal 34 which are addressed
49 with this proposal. Three of these we received by fax
50 last week and will be read into the record as public

1 testimony. Seventeen of the comments are opposed to
2 the closure of federal lands to non-qualified users
3 for moose and one comment supports the closure of the
4 Chignik unit.

5
6 In summary, four residents of Pilot Point and one
7 resident of Port Heiden submitted the same comment,
8 that several guides deliver moose meat to the village
9 which is greatly appreciated by the elders and those
10 who do not have the time or can no longer hunt for
11 themselves. Kathleen and Butch King commented that
12 their guiding business has delivered over 7400 pounds
13 of moose meat to local residents. They also do not
14 feel there is a biological reason for eliminating
15 non-qualified users on federal lands. They feel that
16 the moose are not near the village because of
17 four-wheelers and snow machine use near the villages.

18
19 Brent Jones commented that the guiding business,
20 that his guiding business delivered over 2500 pounds
21 of moose meat to the residents of Pilot Point. These
22 were moose taken in areas inaccessible from the
23 village. He suggests placing more limits on guiding
24 activity rather than eliminating their access to
25 federal lands.

26
27 The Alaska Professional Hunters Association
28 believes that the moose population is stable and does
29 not warrant a closure of federal lands. They feel
30 that a closure would promote conflict between user
31 groups and that the current situation does not reduce
32 the opportunity for local hunters to harvest moose.

33
34 Joe Hendricks states that the perceived decline
35 in moose population is incorrect as documented in last
36 fall's moose survey.

37
38 That concludes the summary of the written
39 comments and now I have the three letters to read into
40 the record as public testimony.

41
42 The first letter was submitted by Johnny Lind.
43 He's president of the Chignik Lake Village Council.
44 Mr. Lind writes that on Proposal 36, the Chignik Lake
45 Village Council supports the modified substitute
46 motion made by the Bristol Bay Regional Council. I
47 would like to mention that the subsistence problem
48 with coho in Perryville, which is an ongoing problem.
49 The Board of Fish chairman formed a task force to work
50 on the problem and they are to report back their

1 findings in October.

2

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

11

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

27

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

41

42 I recommend that the component of Proposal 36
43 that extends the hunting season to January 20th be
44 adopted and that the component that limits hunting to
45 federally qualified users not be adopted. My reasons
46 are as follows: The most recent survey data for use
47 in Unit 9(E) clearly indicates that the population is
48 stable, in balance with available habitat and that
49 current levels of harvest are appropriate; competition
50 between local and non-local hunters is minimal, has

1 had little or no effect on harvest by local hunters
2 and because of restrictions imposed on guides and
3 transporters by the Alaska Peninsula Becharof Refuge
4 probably has decreased in recent years; extension of
5 the hunting season to federally qualified users to
6 January 20th will increase hunting opportunity for
7 local residents without competition from non-local
8 hunters; bull cow and calf cow ratios determined from
9 the November and December 1998 moose surveys provide
10 clear evidence of a healthy moose population. It is
11 highly unlikely that the status of moose in the
12 Chignik unit of Unit 9(E) is substantially different
13 from that of moose in nearby areas that were
14 surveyed. Moose surveys have been scheduled for the
15 Chignik unit in 1999, thus the most logical approach
16 is to reject the proposed closure of the Chignik unit
17 to moose hunting by non-qualified users and make
18 appropriate management decisions after the '99 survey
19 has been analyzed. Current biological and substantial
20 use data do not support the proposal to limit harvest
21 to local hunters.

22
23 Mr. Demientieff, I am grateful to you and the
24 Federal Board for the opportunity to comment on the
25 proposed federal subsistence regulations. Thank you
26 for your consideration of my previous comment, as well
27 as those provided above.

28
29 We also received a letter from the Katmai Guide
30 Service submitted by Joe Klutsch, Master Guide. At
31 its March meeting in Dillingham, the Southwest
32 Regional Council recommended that moose hunting be
33 closed in portions of Unit 9(E) south of the Chignik
34 River and Black Lake to all but qualified rural
35 residents. I testified at the meeting that there is
36 no biological evidence presented that could justify
37 this proposed closure. I also stated that there was
38 absolutely no evidence to indicate that the health of
39 this population was jeopardized by non-subsistence
40 hunting.

41
42 In addition, statements by some of the -- some
43 that competition with non-subsistence hunters was
44 preventing local people from meeting their needs.
45 Given the extremely low level of non-resident harvests
46 in the proposed closure area and given the extremely
47 short season of non-resident, September 10 to 20,
48 these claims are simply not valid. An exclusive
49 subsistence-only season runs September 1 to 10 and
50 there is virtually no non-subsistence hunting in the

1 December January season. This season has extended
2 into January by the Board of Game for the purpose of
3 allowing additional opportunity when travel is
4 better.

5
6 In your letter to the Native Council of Port
7 Heiden, Ivanof Bay Village Council, Chignik Lagoon
8 Corporation, Chignik Lake Village Council, Becharof
9 Corporation, Pilot Point Traditional Council, Bristol
10 Bay Regional Council, and the Bristol Bay Native
11 Association written August 28th, 1998, to request for
12 special action closure request, you clearly outlined
13 the reasons for a closure was not justified. The
14 population is healthy, and there is ample opportunity
15 for locals to hunt without any competition with
16 others.

17
18 Surveys were conducted by ADF&G, along with U.S.
19 Fish & Wildlife Service in the late fall of '98. They
20 further confirm that the population is healthy. In
21 fact, the bull cow ratio was excellent area-wide with
22 44% of the bulls surveyed had antler spread over 50
23 inches. If there were a problem with non-subsistence
24 hunting, you would not find this to be the case. A
25 portion of the proposed closure area was not surveyed
26 due to mechanical problems with aircraft. Still,
27 there is no reason to believe that the status of the
28 moose population within the unsurveyed area is any
29 different from that of the vast adjoining area that
30 was surveyed.

31
32 I would, however, like to request that the area
33 in question be surveyed in the fall of 2000 and that
34 the current proposal for closure be tabled pending the
35 results of that survey. For nearly 30 years, myself
36 and a number of other guides have publicly supported
37 the principle of subsistence priority. Opponents of
38 the priority have often stated that the provisions of
39 Title VIII would be used to arbitrarily eliminate
40 non-area non-resident hunting opportunities. The
41 federal system should have sufficient checks and
42 balances to prevent unwarranted closures from being
43 imposed. I believe that the Unit 9(E) moose season
44 closure proposal further threatens the integrity of
45 the federal allocation system. Tabling of this
46 proposal pending the completion of the fall 2000
47 survey seems to be a reasonable alternative.

48
49 Please give my remarks your serious
50 consideration. Sincerely, Joe Klutsch. That

1 concludes those public comments. Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Staff committee
4 recommendation?

5

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

22

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

30

31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Department comments?

33

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

41

42 CHAIRMAN DEMIENTIEFF: Thank you.
43 Mr. King?

44

45 GARY KING: Okay, I'll back off on the
46 credentials, how long I been flying the country, and
47 cut right to the chase. I've received a couple of
48 faxes here today. These are from Chignik Lagoon.
49 There's two of them and they're certified by the
50 postmaster in Chignik Lagoon and since this gentleman

1 over here is such a good reader, I'd like him to read
2 these into the record for me. Could I do that?

3

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

6

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

11

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

36

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

47

48 The second affidavit from Clemens Grunert, Jr.,
49 be it acknowledged that Clemens Grunert, Jr. of
50 Chignik Lagoon, Alaska, the underlying deponent being

1 of legal age does hereby disclose and say under oath
2 as follows: I am opposed to Proposal 34. I have
3 lived all my life here at Chignik Lagoon and we do not
4 have any problems here of getting subsistence moose.
5 I agree with the biologist that we have plenty of
6 moose and I am that -- the foregoing is true except as
7 to the statements made upon information and belief,
8 and as to those I believe them to be true. Witness my
9 hand under the penalties of perjury this May 2d, 2d
10 day of May, 1999.

11
12 GARY KING: Thank you for that
13 privilege. I also have a letter dated August 19, 1998
14 and one dated August 18, '98 and these were addressed
15 to the Regional Advisory Council Coordinator, Office
16 of Subsistence, Fish & Wildlife Service, Tudor Road,
17 and they're from Cecil Kalmakoff (ph) who is Acting
18 President of the Ivanof Bay Village bay Council, which
19 is also the Chignik unit that we are all concerned
20 about, as far as the moose population.

21
22 The first letter refers to the special action of
23 the Federal Subsistence Board to close sport hunting
24 and he talks about the caribou hunting and he was
25 concerned about populations and so forth, but after he
26 let that -- sent that letter, he was concerned so he
27 wrote a letter again the second day to the same
28 address and it's dated August 19th and it's much
29 shorter and I'll read that.

30
31 He said the types of game that I was referring to
32 is the caribou herd only. We feel there's a great
33 number of moose in our area, as we see them swimming
34 across the bay every summer from our front windows,
35 but never see caribou, even when we're going out
36 looking for them. The main meat of our people of
37 Ivanof Bay is caribou. It would be very rare to see
38 anyone eating moose.

39
40 Okay, I'll submit this into the record or
41 whatever you'd like to do with it.

42
43 I'm going to harp on the point of no biological
44 information. Running a business like I do on the
45 Alaska Peninsula, my federal concession areas, I'm
46 allocated a certain number of clients that I can take
47 a year. We'll talk about the Chignik units. The two
48 Chignik units that I have are Fish & Wildlife Service
49 areas are AKP 11 and AKP 12. These are the areas
50 affected by this proposed closure of the Chignik

1 unit.

2

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

12

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

28

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

38

39 The first survey I brought with me is from the
40 Cinder River area and it was taken on September 9,
41 1997. This is the day before the opening of the
42 season. And I won't tell you where every moose was or
43 how big he was, but just for instance, the field notes
44 would refer to it as the moose pasture, lower Lava
45 Creek, actual location would have been Lava Creek.
46 The spread of the moose I estimated 62 inches. In my
47 experience, I'm rarely more than an inch or two off,
48 otherwise I wouldn't hold my job. Brow tines three by
49 three. That means three brow tines on each side. It
50 goes on to list on this one the report of the Cinder

1 River area, 45 bull moose that I would call trophy
2 moose. The smallest one I think on this sheet was a
3 54 moose I just happened to write down and they range
4 all the way up over 70 inches.

5
6 Now, in a season like that, we would have
7 harvested 10 moose. Again, we're not counting cows on
8 this. Sometimes I write down an incidental cow, but
9 again, in the same area, in the '98 survey, 49 bull
10 moose in that trophy class of which we harvested I
11 believe last year eight.

12
13 Now, the reason I bring up this information is
14 these counts and numbers coincide nearly perfectly
15 with the Seller's Squibb survey of that same area that
16 they did last fall. And when they say 44% of the
17 bulls that they -- bulls that they counted were 50
18 inch plus trophy bulls, I ran some numbers out on the
19 total moose that they had and they are counting within
20 about five percent the same moose I was counting.

21
22 So back to the Chignik area. My survey last year
23 of the Chignik area taken on September 7th and
24 September 8th in the same area, I counted 43 bull
25 moose. All right, they didn't get to count that.
26 They had airplane problems and weather problems. Took
27 me two days to get it done, but I did it before the
28 moose season last year, just to assure that I'm taking
29 the right number of moose for the area, as my long
30 history on the Alaska Peninsula shows I've had great
31 husbandry to these areas that I've been granted by the
32 State -- or by the federal government. I want to
33 assure you that the moose population in the Chignik
34 area is in line with the Squibb and Seller's survey,
35 although they didn't get the chance to count over
36 there. It's a smaller area and we counted 43 bulls,
37 of which I believe we harvested five last year. So we
38 are not putting a dent in the population, which is
39 further illustrated by the bull to cow ratio. Ideal
40 ratios of bull to cows is in the 40 to 50 percent
41 range. Bull moose to cow ratios in all the surveys
42 that they're doing and I'm sure you've all read it,
43 but I'd just like to emphasize is running 70% plus.
44 The calf ratio is running 23%. The calf ratios back
45 in '72 were running 15%. Okay, I attribute this to
46 the fact that we're stepping up the bear hunting
47 numbers a little bit and we're holding our moose
48 numbers at what we think is a very good ratio for the
49 areas, and again, we're permitted by the federal
50 government not to take any more than that.

1 CHAIRMAN DEMIENTIEFF: Mr. King, if I
2 could get you to summarize, we're going to -- we're
3 going to be closing up in a few minutes here and I
4 want to give the other people who signed up an
5 opportunity to testify. It doesn't look like we're
6 going to be able to deliberate -- I don't mean to cut
7 you short, but I just want to give --

8
9 GARY KING: I can come back tomorrow. I
10 got lots of good stuff here. Let me see if I can't
11 summarize and finish up here. The question of not
12 being able to meet the needs coming out of a couple of
13 the Chignik, Chignik Lagoon and Chignik Bay, okay,
14 these letters, you can see by the letters you've got,
15 they're all run off on the same, they all say it's our
16 second worst fishing season in a row and so forth.
17 They're all obviously authored by the same person. So
18 I want you to look at that. It's basically a move to
19 eliminate the sport hunting in that area, even though
20 it is regulated by number and has no foundation
21 biologically.

22
23 When they say they're not meeting their needs,
24 the reason they're not meeting their needs is because
25 they're not hunting and I don't know why they're not
26 hunting, but on the tribal lands that surrounds these
27 two villages, just the tribal lands, there are more
28 than sufficient numbers of moose.

29
30 Now, I have augmented, just last year alone, and
31 I have mailed this to this Board and if none of you
32 have copies, I'll bring you copies in the morning and
33 this is just last year's moose meat deliveries to
34 these local villages. And you know, the names of who
35 got the meat are the who's whos, the old folks and the
36 single mothers from Port Heiden, Pilot Point, Chignik,
37 Perryville, right on down the line here, and in
38 essence, last year, I delivered 7470 pounds of fresh
39 moose meat, plus heart and kidneys to Chignik Lake.
40 This represented 70.14% of all the moose meat that we
41 harvested last year. Seventeen percent of that was
42 kept for lodge use, 17% of the meat, and 12.86% of the
43 moose meat that we harvested last year, the hunters
44 kept and took home. So the bottom line is, the people
45 that can't go out and get meat, we're delivering meat
46 to them. We're also providing, you know, a stable
47 economy out there for a lot of people.

48
49 One last thing here, in Title VIII of ANILCA,
50 Section 8.15(3) and I'm sure you've all read this, but

1 it's limitations and saving clause and basically what
2 it says, nothing in this Title shall be construed as
3 authorizing a restriction on the taking of fish and
4 wildlife for non-subsistence uses on public lands,
5 other than national parks and national monuments,
6 unless necessary to conserve a healthy population of
7 fish and game.

8
9 You're charged with the duty to do the right
10 thing and you have no sound biological reason. Your
11 subsistent needs are being met by those who get out
12 and hunt. We've got sworn affidavits from people that
13 say the moose are there, all you've got to do is go
14 get them and those who can't go get them, we are
15 supplying meat to those people to help take care of
16 their needs. You've got no sound biological reason
17 and you're charged with the duty not to overstep the
18 authority of the Board for a few people who are trying
19 to put a few other people out of business. It's as
20 simple as that. We're taking good care of the moose
21 there and we've got plenty moose in the Chignik and
22 your surveys in future years will document that. I
23 really thank you for your time.

24
25 WARREN HEISLER: Mr. Chair, may I ask
26 Mr. King a question? When did you deliver that
27 information to Mr. Fisher?

28
29 GARY KING: About ten days ago.

30
31 WARREN HEISLER: Thank you.

32
33 CHAIRMAN DEMIENTIEFF: Mr. Gillis?

34
35 MEL GILLIS: Mr. Chairman, Board, going
36 to be real short and quick. I know you want to go
37 home. I do, too. I just wanted to say on this
38 Proposal 36, on the effects and change of fish and
39 wildlife population, it says in here due to an
40 increase in the number of sports hunting Subunit
41 9(E). On federal land there, we've got a certain
42 number of animals that the Federal Fish & Wildlife
43 allots us and we're stuck with it. My number's
44 three. I can hunt three moose on federal land. My
45 area on federal land is across the mountains from
46 everybody else. It just touches federal land, but
47 right on the borderline between the State and the
48 Federal land is where the moose are, the habitat for
49 them.

50

1 So I can't see where there's going to be an
2 increase in the number of sport hunters hunting in
3 Subunit 9(E). It's just not going to happen. On
4 federal land you're stuck with what you had seven
5 years ago.

6
7 The number of moose will be 9.8 if you shut down
8 the Chignik Lake to Black Lake on over Ilnik, if you
9 shut that off. The last six years, there was a total
10 of 9.8 moose taken out there down south of that line.
11 That was also including State land. So it's really no
12 big deal there. There's plenty of moose over there.

13
14 As far as surveys go, if I could just read one
15 thing here, this was sent to Ron Squibb of Fish &
16 Wildlife Service in King Salmon, the subject is moose
17 survey. It's an unofficial moose survey. I'm just
18 going to read parts of it, so you can accuse me of
19 picking and choosing, I guess. Specifically, I flew
20 the heads of three different bays. This is Chignik
21 Airways out of Chignik. I'm sorry, let me start
22 over. The area I covered in the survey was between
23 Chignik Lagoon and Perryville on the Pacific Ocean
24 side. Specifically, I flew the head of three
25 different bays. These bays were Anchor Bay, Ivan Bay
26 and Portage Bay. I counted a total of 138 moose. The
27 snow conditions have not been this large in
28 accumulation in a long time. So that gave them a good
29 survey. Says that the greatest number of moose are on
30 private Native land and not on Refuge land.

31
32 Now he flies for me down there sometimes. He got
33 a 206 and he does fly for me, so he also stated that
34 he flew for me for 20 hours during the moose season in
35 September of 1998. I flew the dates from September
36 7th through September 20 looking for moose in three
37 main areas. These areas were the federal land at the
38 head of the Milky River between Sandy Lake and Bear
39 Lake, the federal land at the head of Sandy Lake and
40 the State land of the Sandy River.

41
42 The largest count we had was in the late
43 afternoon and early evening of September 15th, 1998.
44 This count was 36 bulls. Like I say, I take three a
45 year; that's it. So we do have a good healthy bear
46 population. I hate to say it, but I am older than
47 Butch. I been down there for around 30 years, and I
48 just, from my own personal knowledge of seeing it, the
49 guides are not trying to hammer the area. They're
50 trying to take care of it because when you're going to

1 be in an area for 30 years, you better take care of it
2 or you're out of business. That's all I have to say.

3

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

7

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

27

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

41

42 One of the concerns about all of this is due to
43 the -- due to the situation with the Northern Alaska
44 Peninsula caribou herd, subsistence hunters are going
45 to be targeting moose more in that area. In the
46 caribou and moose workshop that we had last September
47 that's been referred to a couple of times, I guess one
48 of the things that was identified was this, the lack
49 of biological, you know, population information for
50 that Chignik side of the Alaska Peninsula, and that

1 was the basis for this original proposal, and like was
2 stated, surveys were done and you know, saw a lot of
3 moose, but you know, the subsistence users in those
4 areas are still saying that in their traditional
5 areas, they're just not seeing the moose.

6
7 And this, you know, the Chignik unit, that area
8 wasn't surveyed. The Regional Council felt that they
9 wanted to, you know, base their decision on
10 conservation of the resource and they felt until that
11 biological information had been presented with Fish &
12 Game and Fish & Wildlife Service, that they wanted to,
13 you know, restrict hunting in that area to subsistence
14 only.

15
16 You know, we've heard -- I can remember, you
17 know, since I started working at BBNA, you know, this
18 discussion about mountain passes and especially those
19 passes that go into the Stepovak flats area, and you
20 know, when I started out working, people from Ivanof
21 Bay were saying that that's been -- any kind of
22 disturbance in that area will move, prevent animals
23 from going through there, both caribou and moose, and
24 I guess you know, one of the things that I noticed,
25 the BBNA area includes units, Game Management Units 17
26 and 9. In Unit 17, for the Togiak area, there's the
27 upper end of Aleknagik Lake, Sunshine Valley and
28 there's valleys that go into across the mountains to
29 the Togiak drainage and those areas have been closed
30 to hunting and that's specifically for moose in that
31 area and Fish & Wildlife Service and ADF&G have
32 documented moose migrating through that area. In
33 fact, they've had a phenomenal increase in number of
34 moose in the Togiak drainage and they attribute it to
35 moose moving through those passes and that's a fact
36 that people haven't hunted there and it's come up in
37 some of the later proposals that, you know, they --
38 people from Aleknagik, Dillingham and that area have
39 not hunted in that traditional area so they could get
40 moose to go over to the Togiak side. So there's -- in
41 my mind, there's two different management strategies
42 going on here in the Bristol Bay area.

43
44 I guess I'll just -- I'll close saying that BBNA
45 supports the Regional Council recommendations to close
46 that Chignik unit to subsistence only until the
47 population surveys have been done and then to decide
48 whether to reopen that area or not, and we support the
49 extended moose season for Unit 9(E) from December 1st
50 to January 20th. Thanks.

1 CHAIRMAN DEMIENTIEFF: We're going to
2 recess for the day. We'll be reconvening with the
3 deliberation of 36 at 8:30 in the morning. Good
4 evening, everybody.

5

6 (Off record 5:10 p.m.)

7

8

9

10

11

12

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

10

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

14

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand and seal this day of ,
17 1999.

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Notary Public
State of Alaska

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My Commission Expires: 5/10/01

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