

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

Location of Meeting
The Egan Center
Downtown Anchorage, Alaska

Transcript of
May 4, 1999
(Pages 85 - 219 Inclusive)

Board Members in Attendance:

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

Others:

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

Federal Subsistence Board

May 4, 1999

- 1 Other Staff Members in Attendance:
- 2
- 3 Pat McClenahan
- 4 Dave Fisher
- 5 Jerry Berg
- 6 Greg Bos
- 7 Barbara Armstrong
- 8 Helen Armstrong
- 9 Donna Dewhurst
- 10 Rachel Mason
- 11 Robert Willis
- 12 Cliff Edenshaw
- 13 Helga Eakon
- 14 Terry Haynes
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Pacific Rim Reporters

P R O C E E D I N G S

(On Record- 8:34 a.m.)

CHAIR DEMIENTIEFF: Okay, we will reconvene the meeting of the Federal Subsistence Board. We were working on Proposal 36 last evening, had completed public testimony.

Mr. Gillis, did you bring your information that you wanted to --

MEL GILLIS: I don't think my information will work on your machines here.

CHAIRMAN DEMIENTIEFF: Okay, okay. We'll go ahead and advance us on to Regional Council comments. Mr. O'Hara?

DAN O'HARA: Good morning, Mr. Chairman and members of the Board. This is a rather interesting proposal. A great deal of interest by some of the members of the public to keep this area open and interest by the local people to keep this area closed. And I'm going to give these individuals an opportunity to rebut what I'm saying here, Mr. Chairman, this morning, because Mr. Fisher in his presentation to you as staff member and Tom Boyd and his comments, the staff recommendation, I want to kind of take those issues to the woodshed a little bit.

There has not been a survey done in this area by -- by the Department of Fish & Wildlife or Alaska Department of Fish & Game. So you don't have solid information on what's going on in this area. And you voting members need to keep that in mind that there has not been a survey done there for at least perhaps 15 years. So don't buy off on the fact that there's solid information on what resources are in that area because it has not been done.

And Mr. Boyd said that I believe -- and you can make a correction, Tom, after I finish my testimony about solid information -- there is no solid information on what's in that area. That has not been surveyed. So until Russell or Squibb goes down there, sounds like a law firm team, but until they go down there and look at it, you don't know what's in that area. So you just keep that in mind.

1 Also, we find that this is a small area, I
2 realize, but you need to keep in mind that the people
3 from Perryville, Ivanof and the Chigniks for the last
4 two, maybe three years, and I could be wrong on three
5 years, but at least two years they completely shut
6 this area down to caribou to try to bring back that
7 herd. So they have made a concerted effort to go
8 ahead and try to bring back these animals and so when
9 they ask you for a closure, they have made a great
10 sacrifice to do this.

11
12 Butch King's testimony talked about a couple of
13 people who supported his testimony yesterday, and I
14 could be wrong, but perhaps they work for him. So
15 it's kind of a fox in a hen house type thing. So take
16 all these things into consideration. Now, I do feel
17 badly that Mel would be -- Gillis would be impacted on
18 this because he does good things for people in the
19 area.

20
21 So as our Council recommended that this section
22 be closed. Keep in mind it has good geographical
23 boundaries you can go by. It comes off the lagoon up
24 the Chignik River, up the lake, up to Black Lake and
25 across over to the Bering Sea side on federal lands
26 and then down to Stepovak, easy boundaries. Now, the
27 reason I mention that, when you vote on this issue is
28 because Alaska Department of Fish & Game enforcement
29 needs to have easy boundaries to look at. They don't
30 want to have something that's going to be questionable
31 when they write a citation for people who are taking
32 game in a closed area. So this, I think, is very much
33 a plus.

34
35 And I guess I need to ask Tom if he really does
36 have solid information and if I'm misquoting you, Tom,
37 this morning on what your staff recommendation was.
38 And here again, we have a situation where Dave Fisher
39 says that, you know, he gives the information that
40 they assume that you have these animals there, and you
41 may, but that's an assumption and we can't come here
42 to public testimony and staff and say that we have
43 this kind of information unless we've looked at a
44 survey. And when we had this massive meeting in
45 Naknek last year, one of the things we mandated, and
46 they did the best that they could, was to have a
47 survey of the animals

48
49 And the last thing I want to mention before you
50 go on to your next item, Mr. Chairman, is the fact

1 that decline in the caribou herd has put these people
2 in jeopardy, as far as getting a resource and I feel
3 badly about that. The caribou have gone away, and
4 they may never walk over there. I don't know, but I
5 think this is an opportunity for you as a Board to
6 take a look at this proposal and say that, yes, we
7 will give these people this opportunity to have their
8 hunt and I thank you very much, Mr. Chairman.

9
10 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

11
12 TOM BOYD: For clarification, in response
13 to your remarks, Mr. O'Hara, you are correct that the
14 area around the Chigniks has not been surveyed and if
15 I made a reference to solid information, I stand
16 corrected. I think what we were referring to is that
17 there have been surveys in 9(E), most of the area.
18 However that particular area around the Chigniks has
19 not been surveyed and our recommendation is based on
20 extrapolation from the other areas into the Chignik
21 area.

22
23 DAN O'HARA: Thank you very much,
24 Mr. Boyd.

25
26 CHAIRMAN DEMIENTIEFF: Additional
27 Regional Council comment?

28
29 RONALD SAM: Thank you, Mr. Chairman.
30 It's been our practice belief that we defer and
31 support all the local people on their issues and I'd
32 like to, for the record, support Mr. O'Hara.

33
34 CHAIRMAN DEMIENTIEFF: Fenton, did you
35 have a comment?

36
37 FENTON REXFORD: Yeah, I'd also like to
38 extend our support to the Bristol Bay Regional
39 Council.

40
41 GRACE CROSS: Mr. Chair, any time there's
42 an inadequate number of animals within a given area, I
43 would encourage the Board to follow the
44 recommendations of the local people because we are the
45 ones that know how much game there is, because we
46 utilize and we want to conserve them. Thank you.

47
48 CHAIRMAN DEMIENTIEFF: Thank you.
49 Additional Regional Council comment? We're ready to
50 advance this to Board deliberation.

1 DAVID ALLEN: Mr. Chairman, I'm prepared
2 to make a motion. I recognize that this is, using the
3 words of the Council chairman, a very interesting
4 proposal in a lot of ways and I think it probably
5 deserves some deliberation on the part of the Board.
6 For that purpose, I would like to recommend that with
7 regard to Proposal 6 I would move that we concur with
8 the recommendation of the interagency staff committee,
9 which is to modify the proposal by extending the
10 season but to not close public lands to federally
11 qualified hunters.

12
13 WARREN HEISLER: Second.

14
15 CHAIRMAN DEMIENTIEFF: Been moved and
16 seconded. Discussion?

17
18 DAVID ALLEN: Yes, Mr. Chairman. I fully
19 acknowledge the issue that's been raised by Chairman
20 O'Hara with regard to the lack of a direct survey in
21 that area. However, I am struck by the collective
22 knowledge of I think a number of people who have
23 expressed at least their experience. That includes my
24 staff as well as people who live in the area, work in
25 the area. It would appear to me that like many areas
26 of the state where we don't always have direct
27 population information, we make judgments based on
28 what we consider to be the overall best information
29 available with regard to the health of the herd.

30
31 In this case, the information seems to be, at
32 least in my view, adequate to come to a reasonable
33 conclusion that the moose population is stable, that
34 the harvest levels have historically remained modest.
35 The fact that there is a high bull cow ratio would
36 indicate, once again from a biological standpoint,
37 that there is an opportunity to continue to take
38 moose. I am not led to believe by any of the
39 testimony that there is an issue of conflict or
40 competition between -- among users on federal public
41 lands, that within the context of our regulation that
42 there is ample opportunity and ample moose to be
43 harvested for all purposes, and in particular, for
44 subsistence uses.

45
46 It is primarily for these reasons, Mr. Chairman,
47 that I will support this proposal.

48
49 CHAIRMAN DEMIENTIEFF: Additional Board
50 discussion?

1 JUDY GOTTLIEB: Mr. Chair, I was
2 wondering if anybody can address -- it was mentioned
3 during some of the testimony, all the air taxis that
4 simply drop off and pick up hunters and that that
5 might be quite an impact also.

6
7 UNIDENTIFIED PUBLIC: May I comment on
8 that?

9
10 CHAIRMAN DEMIENTIEFF: Public testimony
11 is over, sorry. Mr. Fisher, do you have any
12 information?

13
14 DAVE FISHER: Mr. Chairman, I don't have
15 any data, real hard data. I know there is some air
16 taxi operators that do do that in the area but I have
17 no figures, as far as the numbers and so on.

18
19 CHAIRMAN DEMIENTIEFF: Dan?

20
21 DAN O'HARA: Mr. Chairman, you know, I
22 will say that U.S. Fish & Wildlife Service and the
23 Refuge, Park Service, take the social security number
24 of all of the guides and phone numbers and the size of
25 their shorts and everything. I mean, they are the
26 most scrutinized people, I realize, in the world. I
27 mean, they know more about their clients than IRS
28 knows about my taxes and when I sign my taxes in
29 April, my hand didn't shrivel up, so I must be okay.
30 Drop off hunters, wide open, open ended, just as many
31 as you want. In the area over in the Bristol Bay
32 region near Ugashik, I think there are between several
33 air taxis, maybe 500 people are dropped off on
34 caribou. Tremendous impacts. So this is a good
35 point, but it's open-ended. We can't do anything
36 about it. We have no control over that, so that is a
37 problem and we really don't know what goes on there.
38 And I don't know if Alaska Department of Fish & Game
39 has anymore information than I have, and they don't
40 have control over it either, so it's a problem. Not
41 that it -- it may not be a problem in that area for
42 moose, but I know in other areas of 9(E), it's a very
43 big problem, Mr. Chairman, for caribou. Won't be this
44 year.

45
46 CHAIRMAN DEMIENTIEFF: Elizabeth?

47
48 ELIZABETH ANDREWS: Thank you,
49 Mr. Chairman. While we don't have information on the
50 air taxi operators, we do know from our harvest

1 reports that from the area that's being proposed to be
2 closed from 1994 to '98 that ten moose per year has
3 been the average harvest in that closed area.

4

5 CHAIRMAN DEMIENTIEFF: Do we have any
6 plans for doing surveys in that area? Dave?

7

8 DAVE FISHER: I could speak for the
9 Refuge, I think they do plan to get down there the
10 first chance they get and complete a survey there.
11 Like I mentioned in my testimony, they did survey all
12 the other areas, and mechanical problems and weather
13 kept them from that Chignik unit, but they do plan to
14 get back down there and get some data for us.

15

16 CHAIRMAN DEMIENTIEFF: Do you know the
17 timing of this, or is there a time schedule?

18

19 DAVE FISHER: No, I'm not aware of any
20 time schedule, but in talking with Ron Squibb and
21 Daryle Lons, they indicated that they would do some
22 surveys there.

23

24 DAVID ALLEN: I'm prepared to make sure
25 that it is a priority that the survey be done, at
26 least to the extent that my staff will participate in
27 it. I don't know if there are plans to work with the
28 state specifically, but to the extent that my staff
29 can contribute to such a survey, it will be a priority
30 for them to do so.

31

32 CHAIRMAN DEMIENTIEFF: I guess very much
33 I think I share the concerns expressed by Mr. O'Hara
34 with regard to lack of information. Really bothers me
35 to be choosing, deciding in a vacuum without good
36 information and I appreciate the concerns, you know,
37 of the Regional Council for the resource. You know,
38 we've taken other regulatory action with regard to
39 caribou. You know, is that going to result in
40 increased demand with regard to moose, and if that is
41 the case, and I've seen it happen in other areas over
42 and over again, where we've had -- you know, several
43 years back we had a big sharp decline in caribou in my
44 home area and due to overharvest by too liberal of
45 seasons established by the very young Fish & Game at
46 that time and the area got closed down. They got
47 wiped out. People came out of Fairbanks by the
48 hundreds and they could get three caribou a day, so
49 they did. We don't know what they did with the meat,
50 but they took the three caribou a day. And very soon

1 after that, after the caribou population was, we had a
2 very healthy moose population, and again, a very young
3 Department of Fish & Game had liberal bag was two
4 moose, one was a cow hunt. You could take one cow, I
5 think the first week of November, after a lengthy fall
6 bull season from I think August 20th to September
7 30th. And within a couple of short years after that,
8 our moose population was gone and we ended up in ten
9 years of conservation effort to bring our resource up
10 where people truly suffered, and that's very much a
11 concern to me. I don't like making decisions in this
12 kind of a vacuum because of my own personal
13 experiences and also my observations of how these
14 things have happened, you know, throughout the state.
15 It's not -- my area is not the only area this happened
16 to. And there's no doubt we are going to transfer
17 some pressure to the moose population.

18
19 I'd be very interested in the timing anyway, if
20 we could get a proposed time schedule to get the work
21 done in there so we know exactly what we're doing.

22
23 DAN O'HARA: Mr. Chairman? If I could,
24 Dan O'Hara, the Chair of Bristol Bay. The survey, if
25 I'm wrong Dave Fisher can correct me, but the survey
26 really has to be done in November when we have snow
27 coverage, or December and January, maybe as late as
28 February. February is a little late because bulls are
29 dropping their horns. But that's the time that the
30 survey has to be done and that's just a commonsense
31 thing, and they will do it. It just so happened this
32 year it didn't work.

33
34 CHAIRMAN DEMIENTIEFF: Further
35 discussion? Final Regional Council comment?
36 Mr. Rexford.

37
38 FENTON REXFORD: In an area that's taking
39 10 or 15, or whatever area they're talking about
40 taking, that they're requesting to be closed, I
41 wouldn't have any objection to their request. It's a
42 small area where a small number is taken, to protect
43 the residents there. Perhaps after a survey is done,
44 we have another year that you can revisit this area
45 that's been closed for a while if the records prove or
46 indicate that it shouldn't be closed. Thank you.

47
48 GRACE CROSS: Mr. Chair, because of
49 situations like this where nobody knows exact number
50 of animals there within a given region, we're kind of

1 playing like Russian roulette. It would result
2 something like what False Pass has done to many of our
3 communities. Thank you.

4

5 RONALD SAM: Mr. Chairman, we also have
6 two proposals that deal with almost the same thing.
7 We have little or no data to really push our proposal,
8 but we did defer them and we stand behind Mr. O'Hara
9 in full support.

10

11 DAN O'HARA: Mr. Chairman, Dan O'Hara. I
12 need a mike. Not that you were asleep at the switch
13 or anything like that.

14

15 RECORDER: Could hear you through here.

16

17 DAN O'HARA: Anyway, you remember last
18 year when Council came before you and asked you for
19 closure on caribou and you had supposedly information
20 that this was -- not to close the area because of
21 biological reasons, and that was a big mistake. That
22 was a big mistake and now we're in Tier II, is the
23 situation on our hands. So I would just caution you
24 to look at this very carefully. Thank you,
25 Mr. Chairman.

26

27 VINCENT TUTIAKOFF: Mr. Chair, Vince
28 Tutiakoff from Kodiak/Aleutians. We had a similar
29 situation on the peninsula with Izembek. It was about
30 four years ago, they had a opening hunt and we had
31 pre-requested it be closed to non-federal users. It
32 did not happen. We went two years without a
33 subsistence hunt which created a problem for our
34 community. I think we should look at this proposal as
35 some of the history that's gone, that's been placed
36 before you here, and I'd support Mr. O'Hara's
37 proposal.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. Any
40 final Board discussion? I guess you know, my final
41 comment is that I'm going to have to vote against the
42 motion because I do support the Regional Council's
43 considerations, and again, the reason is is that
44 especially in areas where we don't have absolute hard
45 data, it's clear in my mind that the people who live
46 there and depend upon that resource for their
47 livelihood are the first to usually see any changes in
48 that resource. And that's just the way it is. That's
49 why they're there, because they are dependent on those
50 resources, and in this particular case, you know, I

1 think that their considerations are going to rule my
2 vote.

3

4 So is there any final comments from the Board?
5 Hearing none, all those in favor of the motion, please
6 signify by saying aye.

7

8 (Response).

9

10 CHAIRMAN DEMIENTIEFF: Those opposed,
11 same sign.

12

13 (Response).

14

15 CHAIRMAN DEMIENTIEFF: Let's do a roll
16 call vote.

17

18 TOM BOYD: Those in favor of the motion,
19 just go from my left to right, Ms. Wisely.

20

21 SALLY WISELY: Aye.

22

23 TOM BOYD: Mr. Ostby.

24

25 DON OSTBY: Aye.

26

27 TOM BOYD: Ms. Gottlieb.

28

29 JUDY GOTTLIEB: No.

30

31 TOM BOYD: Mr. Demientieff.

32

33 CHAIRMAN DEMIENTIEFF: No.

34

35 TOM BOYD: Mr. Allen.

36

37 DAVID ALLEN: Aye.

38

39 TOM BOYD: Mr. Heisler.

40

41 WARREN HEISLER: No.

42

43 CHAIRMAN DEMIENTIEFF: Motion fails.
44 Let's take just a short break here for a moment.

45

46 (Off record 9:03 a.m. To 9:11 a.m.)

47

48 CHAIRMAN DEMIENTIEFF: Okay, we have had
49 a tie vote on the motion to accept the interagency
50 staff committee recommendation. Is there any other

1 motion?

2

3 WARREN HEISLER: Yes, Mr. Chairman. I'd
4 like to make a motion to support the Rural Advisory
5 Council recommendations to close the lower portion of
6 9(E) for one year with the added provision that we
7 have a survey completed at the time the Board will --
8 at the time the Board will review the regulations.
9 That make sense?

10

11 CHAIRMAN DEMIENTIEFF: Okay, there is a
12 motion. Is there a second?

13

14 JUDY GOTTLIEB: Second.

15

16 CHAIRMAN DEMIENTIEFF: It's been moved
17 and seconded. Any additional discussion?

18

19 JUDY GOTTLIEB: I guess I have a question
20 either for Dave or for Fish & Wildlife Service. I
21 know I heard when the ideal time is to do the survey,
22 but is it possible to do a reliable survey earlier in
23 the season?

24

25 DAVE FISHER: It's possible to do an
26 earlier survey. However, you get your best results,
27 like Mr. O'Hara mentioned, when there's snow cover on
28 the ground. I will get in contact with the Refuge and
29 let them know how this turns out and then chat with
30 them on this. I'll also contact Mr. Sellers who is
31 the biologist there in King Salmon and chat with them
32 on this, on doing surveys and so on, so I will have
33 that information and pass it on to them.

34

35 CHAIRMAN DEMIENTIEFF: Any further
36 discussion?

37

38 SALLY WISELY: Mr. Chair, I would like to
39 ask a question of Mr. O'Hara. Mr. O'Hara, could you
40 provide a little bit more background information,
41 terms of the existing situation, in terms of what the
42 local hunters are saying, terms of why they've been
43 unable to meet their subsistence needs? Can you give
44 some examples or something that would help?

45

46 DAN O'HARA: Mr. Chairman, Dan O'Hara,
47 Chair of Bristol Bay. I think that the information
48 that we're getting from the local people, and I'm
49 surprised really that there wasn't a bigger ground
50 swell of support for our proposal, in all honesty, but

1 I think the competition is from those who, the
2 non-residents who hunt in the area have the equipment
3 and to be able to go out and take animals and it's
4 very difficult for the local people to -- you know,
5 they don't have airplanes and expensive equipment to
6 go out and get animals and that's always a problem
7 throughout the whole region and I think the main
8 concern that we had in this proposal was that they
9 have this local area that they could use for
10 subsistence because they could reach it within their
11 area. And they're not going to go way up the Meshik
12 and they're not going to go way up the coastline of
13 the Alaska Peninsula on the Pacific side. They're
14 going to hunt locally in the Chignik lakes and Black
15 Lake and on the Chignik River and along the shoreline
16 with seine skiffs and those type of thing. It's a
17 complete different situation than you find with guides
18 who have high-tech type equipment to do these type of
19 things.

20

21 And I think, you know, Mr. Chairman on the survey
22 thing, they could do it next week, you know, and if
23 you've got the animals, that's good, sound, biological
24 information. But we're going to hold their feet to
25 the fire until they get that survey done, too. We
26 insist on that and they had it partially done. Thank
27 you.

28

29 DAVID ALLEN: Mr. Chair?

30

31 CHAIRMAN DEMIENTIEFF: Yes, Dave.

32

33 DAVID ALLEN: An awful lot has been said
34 about the need for the survey. I mean, if that's the
35 issue, even though we can't do a perfect survey,
36 certainly I think in everyone's interest, we can
37 attempt to do the best survey possible before frankly
38 we need to make a decision on this, on this particular
39 proposal, because we have time to do that. But if
40 it's the will of the Board to move ahead with respect
41 to a vote on this proposal, I will have to vote
42 against it and I believe it would be very unfortunate
43 that this one possibly would also fail, which would
44 leave us with the existing regulations, because I felt
45 that the aspect of the proposal that is responsive to
46 the local subsistence needs, and that is the extra 20
47 days at the season, while I have no information to
48 back this up, the implication has been all along that
49 the extra 20 days was really targeted to give local
50 residents an extra opportunity anticipating that there

1 would likely not be any competition. Don't know that
2 for a fact, but that's my understanding of the reason
3 for the extra 20 days at the end.

4
5 I would also say that in spite of statements that
6 have been made, that there's concerns raised about the
7 status of the moose population, the fact is we have no
8 testimony from anyone that indicates that the moose in
9 that area, including from local residents, are in any
10 sort of trouble from a biological standpoint. So once
11 again, I see no basis, either on a biological grounds
12 or to assure that subsistence needs are met to close
13 this federal area, given what we know. And I'll have
14 to -- I will have to vote against this particular
15 motion, but once again, Mr. Chairman, I will say that
16 if the issue of a survey would help all of us make a
17 better decision, I can certainly commit my agency to
18 do whatever is possible to see that that happens
19 before we do make a decision on this proposal. Thank
20 you.

21
22 SALLY WISELY: Mr. Chairman, could I
23 follow up on what Mr. Allen was just suggesting in
24 terms of the time frames? Dave, you were suggesting
25 that you thought that Fish & Wildlife could conduct a
26 survey in some kind of a time frame that would still
27 allow the Board to readdress this issue at a later
28 date, but well before the season. Is that -- did I
29 understand you correctly? Is that what you were
30 saying?

31
32 DAVID ALLEN: Yeah, it's May 4th and the
33 season doesn't open until September 1st.

34
35 CHAIRMAN DEMIENTIEFF: So Mr. Allen, how
36 would you propose, then to -- you would propose to do
37 a preliminary study this summer and then your regular
38 work in November?

39
40 DAVID ALLEN: Mr. Chairman, what I would
41 recommend is that I either get back to the Board
42 either this afternoon or tomorrow with a specific
43 proposal of what we believe we could do and the time
44 frame we could do it, if the Board was willing to
45 defer a decision on this proposal until I do that.

46
47 JUDY GOTTLIEB: I would agree. That
48 seems like a sensible thing for us to maybe table it
49 right now until we get just a little bit more
50 information about what the Refuge is able to do at

1 this time.

2

3 SALLY WISELY: I concur, as well.

4

5 CHAIRMAN DEMIENTIEFF: So you're
6 proposing to bring this back this meeting?

7

8 DAVID ALLEN: Yes, sir.

9

10 CHAIRMAN DEMIENTIEFF: Proceed.

11

12 DAVID ALLEN: The only thing that would
13 change, Mr. Chairman, is the fact that I could tell
14 you with date certain, time certain what our
15 intentions would be and what we think we could
16 accomplish in the way of a survey between now and the
17 opening of the next season, and in time for the Board
18 to make a more informed decision.

19

20 CHAIRMAN DEMIENTIEFF: When do you want
21 to schedule that, Mr. Allen?

22

23 DAVID ALLEN: Schedule the
24 reconsideration of the motion?

25

26 CHAIRMAN DEMIENTIEFF: Yeah.

27

28 DAVID ALLEN: I would recommend that --
29 well, the reason I'm hesitating is it might be
30 possible that we actually reschedule it this
31 afternoon, if I'm able to get in touch with the people
32 that I need to speak to. Otherwise, tomorrow
33 morning.

34

35 CHAIRMAN DEMIENTIEFF: Okay, unless
36 there's any objection, we'll go ahead and reschedule
37 the matter for 8:30 in the morning, give you
38 additional time. Is that agreeable with everybody?

39

40 WARREN HEISLER: Mr. Chair, point of
41 order, we have a motion on the floor.

42

43 CHAIRMAN DEMIENTIEFF: Uh-huh, I was
44 going to entertain a motion for was to table this time
45 specific to 8:30 in the morning.

46

47 JUDY GOTTLIEB: Mr. Chair, I move that we
48 table this motion until 8:30 tomorrow morning.

49

50 (Unidentified Second)

1 CHAIRMAN DEMIENTIEFF: It's been moved
2 and seconded. Discussion? Hearing none, all those in
3 favor signify by saying aye.

4
5 (Response)

6
7 CHAIRMAN DEMIENTIEFF: Those opposed,
8 same sign.

9
10 (No response)

11
12 CHAIRMAN DEMIENTIEFF: Motion carries.

13
14 DAN O'HARA: Mr. Chairman, if I could
15 just add a little information for Dave over there,
16 there's still snow in the Chignik areas. There's
17 still a good amount of snow and if that could be done
18 fairly soon, and actually the weather is pretty
19 favorable in the springtime, about as good as you're
20 going to get, so I appreciate the fact that you'd move
21 on that and I think you could get that done quite
22 quickly, and that would be very important to us.
23 Thank you.

24
25 CHAIRMAN DEMIENTIEFF: With that, we'll
26 go ahead and move on to Proposal Number 40. Staff
27 report?

28
29 DAVE FISHER: Yes, Mr. Chairman, thank
30 you. This one should move a little faster than the
31 other one. Proposal 40 was submitted by the Togiak
32 National Wildlife Refuge and actually, it is a
33 resubmittal of proposal Number 98-59. Proposal 40
34 would establish a moose hunting season in Subunit
35 17(A). This season would align with the current State
36 season of August 20th to September 15th, one bull by
37 state registration permit.

38
39 Prior to May of 1996, there were several
40 proposals and special action requests put upon the
41 Board to establish a moose season in Subunit 17(A) and
42 these were all denied because of the low moose
43 population. As a result, the Refuge and the
44 Department of Fish & Game developed what they called
45 moose management objectives for 17(A). These were
46 presented to the Regional Council at two meetings,
47 March 1996 and September 1997. In March of 1997, the
48 Alaska Department of Fish & Game through the Board of
49 Game established a fall hunt for 17(A). The Federal
50 Subsistence Board followed in August by approving a

1 special action for a moose hunt in the subunit. This
2 special action expired after that fall season.

3
4 The Refuge then submitted proposal 98-59 to
5 establish a moose hunting season for the fall of '98.
6 This proposal was tabled by the Federal Subsistence
7 Board based upon the recommendation from the Regional
8 Council that the Refuge and the Fish & Game Department
9 develop a moose management plan. As a result, moose
10 hunting occurred in Subunit 17(A) in 1998 under Alaska
11 Department of Fish & Game regulations.

12
13 The Refuge provided the Regional Council with a
14 draft cooperative moose management plan at the October
15 1998 Regional Council meeting. They also presented
16 draft moose management plan to the Regional Council at
17 the recent March 1999 meeting, and they just recently
18 submitted this draft proposal with members of the
19 Regional Council, Alaska Department of Fish & Game,
20 members of the Nushagak Advisory and Togiak Advisory
21 Committees in Togiak.

22
23 We had very little information on the moose
24 population in 17(A) prior to 1970. Surveys weren't
25 started in that area until around 1980, '81. The
26 season was closed in 1980 and has remained closed
27 until it was opened in 1997. Initial surveys are very
28 discouraging, very few moose in the subunit. From
29 1981, '82, '83 and '87, just a handful of moose were
30 seen. However, the population started to increase in
31 early '90s. '92 they saw 84. '98, 429 and a recent
32 survey here in March, there was 509 animals.

33
34 The Refuge has initiated in cooperation with
35 Alaska Department of Fish & Game an ongoing radio
36 collaring program to monitor this population. They've
37 also initiated habitat analysis and ground truthing
38 surveys to analyze the habitat. Preliminary
39 indications are that Subunit 17(A) should support
40 somewhere between 1100 and 1600 moose.

41
42 During the two previous harvest seasons, 1997,
43 there was 44 State registration permits issued and 15
44 animals were harvested. Last year, there was 48 State
45 registration permits issued and 10 animals harvested.

46
47 That's all I have, Mr. Chairman.

48
49 JERRY BERG: There were no written public
50 comments for Proposal 40.

1 CHAIRMAN DEMIENTIEFF: Thank you. Staff
2 committee recommendation?

3
4 TOM ELEY: Yes, sir. The staff committee
5 recommends rejecting the proposal as recommended by
6 the Bristol Bay Regional Council. Although the
7 Yukon-Kuskokwim Regional Council supported the
8 proposal, the staff committee felt that it was
9 premature to adopt the proposal prior to review of the
10 management plan by the Bristol Bay Regional Council.

11
12 CHAIRMAN DEMIENTIEFF: Department
13 comments?

14
15 ELIZABETH ANDREWS: Mr. Chairman, we
16 actually support deferring this proposal, but we don't
17 have a problem with you rejecting it, either. The
18 point is is that the draft management plan needs to be
19 reviewed by the Advisory Council and the local
20 advisory committees and so whatever action's
21 appropriate in order to give the public a chance to
22 review the plan before bringing a proposal forward, we
23 would support just going through that public process.

24
25 CHAIRMAN DEMIENTIEFF: Thank you. We
26 have no requests for public testimony at this time.
27 Regional Council comments?

28
29 DAN O'HARA: Mr. Chairman, Dan O'Hara,
30 Chair of Bristol Bay. We did not support this
31 proposal. We appreciate the staff support on it, as
32 well. We want 600 animals in that area and we have
33 509. We have good grounds in the area for the
34 animals. There does not seem to be a problem with
35 predators coming in, with wolves and bears. This
36 population is growing and I think within a year or so,
37 we can go ahead and change this into a moose
38 management plan that we can live with and the State of
39 Alaska has a hunt anyway; don't they, Elizabeth? You
40 do have a hunt?

41
42 ELIZABETH ANDREWS: Yes.

43
44 DAN O'HARA: So there is a hunt, but our
45 Council is recommending that we follow this plan to
46 600 animals. Now, this has truly been a cooperative
47 effort by the local communities and Dillingham has sat
48 on the sideline for years waiting for a hunt and we've
49 just got to follow our guidelines for 600 animals.
50 Thank you.

1 CHAIRMAN DEMIENTIEFF: Additional
2 Regional Council comment? Mr. Rexford.

3
4 FENTON REXFORD: Mr. Chairman, I like the
5 idea of waiting until we have a management plan and
6 that's what the Board is -- I was looking for it to
7 know that there's a management plan that everyone
8 approves of or even maybe the Board can endorse, type
9 of concept on management plan is very encouraging. So
10 look forward to working with you on the harvest plan.
11 Thank you.

12
13 CHAIRMAN DEMIENTIEFF: Additional
14 Regional Council comment?

15
16 HARRY WILDE: Mr. Chairman,
17 Yukon-Kuskokwim Regional Council recommends to support
18 to the moose population seeing that we could support a
19 subsistence hunt in this area.

20
21 CHAIRMAN DEMIENTIEFF: Thank you. Any
22 additional Regional Council comment? Ready for a
23 Board action here?

24
25 DON OSTBY: I have a motion. I recommend
26 that we reject the proposal as recommended by the
27 Bristol Bay Regional Council and interagency staff
28 committee.

29
30 SALLY WISELY: Second.

31
32 CHAIRMAN DEMIENTIEFF: Been moved and
33 seconded. Discussion?

34
35 Question's been called for. All those in favor,
36 signify by saying aye.

37
38 (Response).

39
40 CHAIRMAN DEMIENTIEFF: Those opposed,
41 same sign.

42
43 (No response).

44
45 CHAIRMAN DEMIENTIEFF: Motion carries.
46 We move on to Region 5, which is Yukon-Kuskokwim
47 Delta. We have only the one proposal, which is on the
48 consent agenda to defer. Is that still the wish,
49 Mr. Wilde, still on the consent agenda to defer?
50 You're still agreeing to that, huh?

1 HARRY WILDE: (Indicates affirmatively).

2

3 CHAIRMAN DEMIENTIEFF: We do have one
4 request for public testimony with regard to
5 Yukon-Kuskokwim Delta subsistence way of life. I'm
6 going to go ahead and allow that brief public
7 testimony and use this as the opportunity to remind
8 people that if you do wish to testify on particular
9 proposals, that we're -- just get the card from in the
10 back table and they'll bring them forward and I'll
11 allow you to testify. This is just a general public
12 testimony and we will go ahead and allow Mr. Paul R.
13 Kiunya, Sr. a few minutes.

14

15 PAUL KIUNYA: First of all, I don't speak
16 to well in English, but I always do my best. I might
17 not pronounce some of the words the way you guys
18 pronounce it. You know, right now the population of
19 the beaver is increasing all over, even in my area,
20 destroying the streams and fish, some of the black
21 fish and other fish being destroyed by their -- by the
22 beaver. Therefore, I strongly support this proposal
23 because the population of the beaver is all over the
24 place. I never used to see the beaver when I was
25 young in my area, the Kipnuk area. Right now it's all
26 over the place. It's very bad for our subsistence way
27 of life also. It's destroying what we are taking from
28 the streams. Also, the subsistence way of life is
29 very important for us. We're not being sufficient
30 hunters, while the animal is -- sufficient hunters.
31 Sometimes when we are hunting in wintertime, we always
32 end up with nothing, not even one food to take it
33 back. Spend all day in cold, sometime in summertime
34 it's very cold when it rains, go home with nothing.

35

36 Also, whenever we are hunting this time of the
37 year, out in the ocean, sometime, most of the time, we
38 end up with nothing, when the seal, it's not
39 available. Lot of boys and men, hunters are -- they
40 always have a problem sometimes. Whenever I hunt in
41 the ocean, death or life in order to feed my family,
42 it's very tough. But the green hunters are staying in
43 the office. Green sufficient hunters are staying in
44 the office. It's cold, sometimes they fill up the
45 cup, drink coffee, but we're the ones that's having a
46 tough time to subsist. I think you fellows understand
47 me, what I'm trying to say in English. English is not
48 my first language. We always have a tough time to
49 feed our family because the green is not available in
50 our village, in our area that we could hunt. Put them

1 in our pocket and save it or someplace, or in the
2 bank. It to me is real easy, but its availability of
3 the green is not available in our area that we could
4 hunt them.

5

6 I hope you fellows understand what I'm trying to
7 say, especially the beavers destroying part of our
8 resources right now in our area. Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Thank you.

11

12 RALPH LOHSE: Mr. Chair, could I speak to
13 this issue, too, since this issue has been brought up
14 in our area? And if you're going to defer, that means
15 you're going to discuss this same issue later and I
16 don't know if there's a piece of information that you
17 realize. In terms of real dollars, beaver are at the
18 lowest price they've been in probably two centuries
19 right at the moment. And so consequently, the effort
20 of taking beaver in the bush is not as great as it
21 used to be. We had testimony at our last meeting of
22 exactly the same thing he was talking about, of beaver
23 damming up streams, salmon streams, king salmon
24 streams to the point that the king salmon weren't
25 capable of getting up there, and part of the reason is
26 is because there's no effort for beaver. So if you
27 take that into account, take into account what he said
28 just now, it's probably pretty logical that the beaver
29 are exploding in the country that they're living in.
30 They just liberalized the bag limit down in the
31 Cordova area because beaver are exploding. In
32 interior, they're exploding. I don't know if, you
33 know, I don't know if you need to defer this
34 proposal. This proposal is something that, as Ida
35 Hildebrand discussed with me when we were at
36 Southcentral, beaver are a very accessible subsistence
37 food at all times of the year and are capable of being
38 taken with a rifle, and because of the low prices you
39 do not have a problem of overharvest at this point in
40 time. You have a problem with exploding population
41 that dramatically is affecting salmon runs. He was
42 talking about black fish and other fish. It's
43 changing a lot of running streams into a series of
44 dammed pools. Thank you.

45

46 CHAIRMAN DEMIENTIEFF: I think the
47 Regional Council recommendation is to defer until the
48 State regulations can be conformed to this request and
49 I think, you know, that's the only reason. Is that my
50 understanding, Harry, why you're looking for

1 deferral?

2

3 HARRY WILDE: Yes, Mr. Chairman,
4 Yukon-Kuskokwim Regional Council deferred it until
5 Alaska Department of Fish & Game act on a similar
6 proposal. When they discussed this, you know, some of
7 our local people there, they had enough confusing of
8 using two or three regulations and I think that was
9 the problem.

10

11 CHAIRMAN DEMIENTIEFF: Well, I agree. I
12 think we're seeing beaver numbers going up all over
13 the place. People are trying to work the regulations
14 so that you don't have somebody getting in trouble on
15 one side and okay on the other side. I think that's
16 the only issue.

17

18 Okay. With that, I think we're just going to
19 take a short break here before we go into the Western
20 Interior.

21

22 (Off record 9:46 a.m. To 9:58 a.m.)

23

24 CHAIR DEMIENTIEFF: Okay, we are moved on
25 now to the Western Interior. We have several
26 proposals. Proposal 42 was on the consent agenda. Is
27 there any change to that, Ron? Okay, with that, we'll
28 go ahead and move on to Proposal 43. Staff report.

29

30 GEORGE SHERROD: Thank you, Mr. Chair.
31 Proposal 43 came before this body last year as
32 Proposal 69. It is a proposal to change the no
33 determination for black bear in Unit 21 to a positive
34 C&T determination. Last year when this proposal was
35 taken up, the four involved Regional Councils came up
36 with alternative language in their conclusion and this
37 is the reason, primary reason that this proposal went
38 back before the Councils and is back before you now.

39

40 As you know, Proposal 21 is a long area. It
41 involves minimally five to six Native language groups
42 and as I say, four Regional Councils. Unfortunately,
43 the boundaries, sociopolitical boundaries of these
44 groups and GMU boundaries do not tend to coincide. So
45 we have a lot of people that are potentially involved
46 in this. To complicate the problem, there is no
47 harvest reporting for black bear in Unit 21, so the
48 analysis basically looked at the documented record of
49 the harvest of large terrestrial animals, moose and
50 caribou, as well as what little documentation we have

1 on the black bears harvested in the area.

2

3 Back when these proposals were in front of the
4 Councils last year, there were a number of
5 modifications and those modifications have been
6 incorporated. The addition of communities identified
7 by Council members have been incorporated in a
8 proposed customary and use determination by subunits
9 which is basically outlined at the end of the -- Page
10 44 and the top of 45 in the book in front of you.
11 Given that this was before you last year, I'm not
12 going to go any farther unless there's additional
13 questions.

14

15 CHAIRMAN DEMIENTIEFF: Any written public
16 comments?

17

18 VINCE MATTHEWS: Yes, Mr. Chairman.
19 There was one written comment from the Mount Village
20 Native Corporation. They felt that the wording of the
21 proposal was too vague and that the other villages
22 should qualify for that. During deliberations with
23 the staff committee, I was charged to remind the Board
24 that there's a long history with this proposal. It
25 was submitted by Middle Yukon Local Advisory
26 Committee, was submitted in November of '91 under the
27 EIS, the Environmental Impact Statement and it was
28 also submitted by the State Interior Regional Council
29 back in '92, March of '92 under that same period of
30 time for the Environmental Impact Statement. Thank
31 you.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. Staff
34 committee recommendation?

35

36 TOM ELEY: Yes, Mr. Chair, the staff
37 committee recommends rejecting the proposal consistent
38 with the recommendations of the Western Interior,
39 Eastern Interior and Yukon-Kuskokwim Delta Councils.
40 The staff committee concurred with the three Council's
41 assertions that adoption of this proposed customary
42 and traditional use determination would be detrimental
43 to other communities not listed in the proposal but
44 who may nevertheless have customarily and
45 traditionally used bear in Unit 21.

46

47 The staff committee noted that although Northwest
48 Arctic did support the proposal, the residents of Unit
49 23 would still have an opportunity to hunt under the
50 no determination status that you would have if you

1 rejected this proposal.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.
4 Department comments?

5

6 ELIZABETH ANDREWS: Mr. Chairman, our
7 recommendation was to defer action on the proposal,
8 since -- but it seems to be consistent with the
9 reasoning that your staff committee had for rejecting
10 the proposal, which is that additional information on
11 all the communities that might qualify needs to be
12 brought forward, that there's a lot of communities for
13 which there is evidence. There's other communities
14 that appear to have evidence of using that area, but
15 it wasn't brought out in the staff analysis. So we
16 don't object to the staff committee or the Council
17 recommendation. Thank you, Mr. Chair.

18

19 CHAIRMAN DEMIENTIEFF: Thank you. There
20 are no requests for public testimony on this matter.
21 Regional Council comments?

22

23 RONALD SAM: Thank you, Mr. Chairman.
24 Ron Sam, Western Interior. I suppose it should be
25 clear at this time that there is an unwritten policy
26 or philosophy that we do not restrict our neighbors.
27 I guess it showed in our Proposal 42A. We had a
28 teleconference with Mr. Harry Wilde of the
29 Yukon-Kuskokwim and we do not want to place any
30 additional restrictions on our subsistence users, and
31 I think at times it's almost impossible to identify
32 all of them. Thank you.

33

34 CHAIRMAN DEMIENTIEFF: Thank you.
35 Additional Regional Council comment?

36

37 HARRY WILDE: Mr. Chairman,
38 Yukon-Kuskokwim Delta Regional Council recommends to
39 oppose. The wording of this proposal is too vague.
40 Many Unit 18 residents hunt in the Unit 21, take black
41 bears. The proposal does not include all the
42 communities that customary and traditionally use on
43 black bear in Unit 21.

44

45 CHAIRMAN DEMIENTIEFF: Thank you.
46 Additional Regional Council comment?

47

48 VINCE MATTHEWS: Mr. Chairman, due to
49 travel things, I need to give some information to
50 Eastern Interior. They don't have the same material.

1 They did comment on it.
2
3 NAT GOOD: Mr. Chairman?
4
5 CHAIRMAN DEMIENTIEFF: He'll turn it on.
6
7 NAT GOOD: Mr. Chairman, Eastern Interior
8 took basically the same positions that you've just
9 heard here. We were very concerned about limiting
10 access to a resource on the part of the subsistence
11 users.
12
13 CHAIRMAN DEMIENTIEFF: Any other Regional
14 Council comment? Ready to advance this for a Board
15 motion?
16
17 SALLY WISELY: Mr. Chair --
18
19 CHAIRMAN DEMIENTIEFF: Yes, Sally.
20
21 SALLY WISELY: I move that we reject
22 Proposal 43 consistent with the recommendations of
23 Western Interior, Eastern Interior and YK Delta
24 Councils.
25
26 CHAIRMAN DEMIENTIEFF: Thank you. Is
27 there a second to the motion.
28
29 DAVID ALLEN: Second.
30
31 CHAIRMAN DEMIENTIEFF: Any discussion?
32 Final Regional Council comment?
33
34 Hearing none, all those in favor of the motion,
35 please signify by saying aye.
36
37 (Response).
38
39 CHAIRMAN DEMIENTIEFF: Those opposed,
40 same sign.
41
42 (No response).
43
44 CHAIRMAN DEMIENTIEFF: Motion carries.
45 Proposal 44, staff report.
46
47 PETE DeMATTEO: Mr. Chair, Proposal 44
48 was submitted by Michael Stickman (ph) of Nulato.
49 This proposal would close the northern unit of the
50 Innoko National Wildlife Refuge in Unit 21(D) to

1 non-federal qualified users for moose hunting during
2 the federal September 1 through 25 and February 1
3 through 10 seasons.

4
5 This proposal is response to concerns for
6 population declines and displacement of local users by
7 increasing hunting pressure from non-local users. The
8 current federal seasons for the proposal area is one
9 moose September 1 through 25 and February 1 through
10 10. The current state seasons for the resident
11 hunters are one bull September 5 through 20 and any
12 moose September 21 through 25 and again on February 1
13 through 10. The State season for non-resident hunters
14 is one bull with 50 inch antlers or antlers with four
15 or more brow tines on at least one side, and this is
16 September 5 through 25.

17
18 This proposal, if adopted, would close a mosaic
19 of federal lands, and if you look at the monitor here,
20 generally we're talking about the northern unit of the
21 Innoko Refuge, which is the shaded area here, and the
22 I guess it's pink or purple areas designating the
23 federal lands. And the bulk of the -- majority of the
24 closure would be lying in the lower one-half of the
25 northern unit of the Innoko Refuge. The remainder of
26 the Refuge contains Federal, State and Native lands.
27 Rural residents of Unit 21(D) and residents of Huslia
28 and Ruby have a customary and traditional use
29 determination for Unit 21(D).

30
31 Descendents of those who once seasonally occupied
32 and depended upon the Kaiyuh Flats for subsistence
33 resources are today now residents of Nulato and
34 Kaltag. Analysis of 15 years of State harvest data do
35 not reveal patterns of increasing pressure by
36 non-local users or a decline in harvesting or
37 displacement of local hunters during that period.
38 Contemporary subsistence activities that occur on the
39 Kaiyuh Flats are mainly conducted by residents of
40 Nulato, Kaltag, Koyukuk and Galena. Harvest patterns
41 for these four communities include big game,
42 waterfowl, furbearers and resident fish species.

43
44 Analysis of the State harvest records for the
45 1983 through 1997 period rendered no trends indicating
46 a decline in harvest or opportunity for non-local
47 hunters. Furthermore, the average hunter's success
48 rate for Nulato and Kaltag remained high. The State
49 harvest reports for residents of Nulato and Kaltag who
50 harvested moose within the boundaries of the Refuge

1 during 1983 through '97 indicate average hunter
2 success rates were 55% and 63% respectively during
3 that period for the two communities. Success rates
4 for all federally qualified and non-federally
5 qualified hunters during the same period were 63% and
6 58% respectively. Thus the overall hunter success
7 rate during the same period of 61% remains high.

8
9 This proposal would fail to directly address the
10 proponents' concerns because non-unit residents and
11 non-resident hunters may hunt during the fall season
12 on State and private lands and waters under the State
13 regulations. Most hunting in the central Kaiyuh Flats
14 occurs along waterways below the ordinary high water
15 mark, much of which is presently under the State
16 jurisdiction.

17
18 A report on the status of the population would
19 take pretty near an hour and I think we'll cut to the
20 chase. If you look at the monitor again, the central
21 portion of the Refuge, the skinny of it is the
22 population has declined simply because of decline in
23 habitat. But if we look at the population along the
24 Yukon River going north all the way to Galena, we see
25 these areas the population's either stable or has
26 slightly increased. The bulk of the harvest occurs
27 along these areas along the Yukon, where again, the
28 population is either stable or slightly increased.

29
30 Because federal jurisdiction applies to areas
31 above the ordinary high water mark, implementation of
32 this proposal would not likely alter the existing
33 harvest patterns. State harvest reports for moose
34 harvested on the northern unit of the Innoko Refuge do
35 not indicate any patterns of increased pressure by
36 non-local hunters or declining local harvest or
37 displacement of local hunters during the 15 year
38 period. Examination of the State harvest data
39 revealed moose harvest levels for Nulato and Kaltag
40 remain high. It is important to note that both the
41 State area biologists and the Refuge biologists
42 strongly feel that the current harvest, overall
43 harvest level is either at or close to the maximum
44 sustained level and they do utter caution here and
45 because of this, both the Department of Fish & Game
46 and the Refuge staff will be closely monitoring both
47 the harvest and the population.

48
49 This concludes the analysis.
50

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

3
4 VINCE MATTHEWS: Yes, Mr. Chairman, there
5 was quite a few written comments on this and there
6 were five comments of support. Basically, the support
7 came from Donahue Limited out of Galena, Nulato Tribal
8 Council, Middle Yukon Fish & Game Advisory Committee,
9 Kaltag Tribal Council and a petition that came from
10 the people of Kaltag and Nulato which had a total of
11 67 residents signing it. They generally all talk
12 about that they noticed a decrease in moose population
13 in the area. They also noted an increased hunting
14 activity in the area and they recognized the Kaiyuh
15 Flats area is a traditional subsistence use area. If
16 the Board needs copies of the different items, we do
17 have them present here. That concludes all the public
18 comments.

19
20 CHAIRMAN DEMIENTIEFF: Thank you. Staff
21 committee.

22
23 TOM ELEY: Yes, Mr. Chair. The staff
24 committee recommends deferring the proposal as
25 recommended by the Western Interior Regional Council.
26 Deferral of the proposal will allow more time for
27 Federal, State and local interests to become more
28 informed on the issue and work toward a more mutually
29 agreeable solution.

30
31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Department comments?

33
34 ELIZABETH ANDREWS: Mr. Chairman, the
35 staff report you just heard from Pete DeMatteo
36 certainly covers a lot of the comments and concerns we
37 had, and among those that are important are that the
38 biological studies in this area show that moose are
39 stable or increasing. This area has actually some of
40 the highest moose densities in the whole state and in
41 1998 actually had the highest moose densities that
42 we've even ever recorded in that particular area.

43
44 We also know from community studies that our
45 Division is doing with the local communities for the
46 harvest studies, excuse me, in those areas, we're in
47 our third year of doing studies where we're hiring
48 local people to conduct the household surveys and
49 hunter participation in the communities is high. The
50 harvests are high, and in fact they have some of the

1 highest harvest rates in the whole subregion are in
2 this area.

3
4 There certainly are problems with the patchwork
5 of land status in that area and I think Mr. DeMatteo
6 covered that quite well, and so there is a problem in
7 that the proposal wouldn't necessarily achieve the
8 desired results that are expressed. So we have
9 concerns about the remarks made about the biology of
10 the area. We don't think that it shows that there are
11 biological concerns. However, we also recognize that
12 additional work needs to be done with the local
13 advisory committee, as well as the communities to
14 develop some other types of regulations that maybe
15 would achieve what it appears that they're trying to
16 achieve. So we're certainly willing and have been
17 working with folks in that area. So we're kind of on
18 the fence here. I mean, we certainly can support
19 deferring it so that, again, that public involvement
20 can take place, but we do oppose it in the sense that
21 we don't think that the biological information's there
22 that supports adopting the proposal. But we could
23 certainly go along with deferring it and we certainly
24 are going to continue our work with the local
25 communities, with the Refuge staff, and with the
26 advisory committees to bring about some regulations
27 that are more amenable to achieving their goals.

28
29 Thank you, Mr. Chairman.

30
31 CHAIRMAN DEMIENTIEFF: We have no
32 requests for additional public testimony on this issue
33 at this time. Regional Council comments?

34
35 RONALD SAM: Thank you, Mr. Chairman. We
36 had a hard time opposing this proposal, but similar to
37 Proposal 36 with little or insufficient data, we had
38 no choice but to ask for a deferral on this proposal.
39 We work closely with the biologists on the station
40 down at Galena and we feel comfortable with our
41 working relationships with agencies working out of
42 Galena.

43
44 One of the problems that is not reflected in the
45 proposal is the influx of hunters that are hitting the
46 Lower Koyukuk Region, Lower Unit 24 and I guess that
47 whole area is being overrun by outside hunters. It is
48 an oversight on our part to not have a proposal before
49 you. However, we do have two resolutions passed at
50 our Council meeting down at Galena addressing the

1 Koyukuk co-moose management or the problems with the
2 Lower Koyukuk River area and the influx of hunters.
3 We have those two rivers almost meeting at the same
4 place and while we have more hunters going up the
5 Koyukuk, we are concerned about this proposal and
6 that's why we ask for this deferral. And I'd like to
7 again call your attention to our two resolutions
8 concerning the Lower Koyukuk River area.

9
10 Thank you, Mr. Chairman.

11
12 CHAIRMAN DEMIENTIEFF: Thank you.
13 Additional Regional Council comment?

14
15 DAN O'HARA: Mr. Chairman?

16
17 CHAIRMAN DEMIENTIEFF: Yes.

18
19 DAN O'HARA: Dan O'Hara from Bristol
20 Bay. Does the staff concur with the Council's
21 recommendations? Is that right?

22
23 CHAIRMAN DEMIENTIEFF: The staff
24 committee's opposing; isn't it?

25
26 TOM ELEY: That's correct.

27
28 CHAIRMAN DEMIENTIEFF: The staff
29 committee is opposing; the Regional Council is asking
30 for a deferral.

31
32 TOM BOYD: No, they support the
33 deferral.

34
35 CHAIRMAN DEMIENTIEFF: Oh, that's right,
36 I'm sorry. Sorry about that.

37
38 Okay, additional Regional Council comment?
39 Hearing none, we're ready for a Board motion -- oh,
40 I'm sorry, Ron.

41
42 RONALD SAM: Mr. Chairman, just for your
43 information, while we do not have a proposal before
44 you, we will have one sooner or later on the Koyukuk
45 co-moose management efforts. While the local
46 residents haven't really gotten off the ground, we did
47 start a working group with the State Board of Game --
48 I mean, with State, with the backing of the State
49 Board of Game and Alaska Department of Fish & Game.
50 We do have a working group and I'd just like to inform

1 you that we will have some proposals addressing the
2 Lower Koyukuk moose crisis that we see at the present
3 because of outside hunters. Thank you, Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. Okay,
6 we ready for a motion? We are ready for a motion.

7

8 DAVID ALLEN: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes.

11

12 DAVID ALLEN: I move that we defer this
13 proposal as recommended by the Western Interior
14 Regional Council.

15

16 SALLY WISELY: Second.

17

18 CHAIRMAN DEMIENTIEFF: Been moved and
19 seconded. I just want to commend the Regional
20 Council, you know, for backing up and taking a harder
21 look at this. I could see just from the comments in
22 that immediate area around there that you were under
23 terrific pressure from the communities that are real
24 close to there. It looked like the whole world pretty
25 much lined up against the Council, but I just want to
26 say that I appreciate the Council prevailing and
27 taking the time to group up and work with the State,
28 involve them, you know, in this, because I think it's
29 real important to do that. So when we've got these
30 kind of checkered areas where we need to really work
31 together and plan before we go on. Like I said, I see
32 you're under real pressure from that immediate area,
33 but the Council should be commended for backing up and
34 taking a good hard look at this before you move
35 forward. Thank you, Ron.

36

37 RONALD SAM: Thank you, Mr. Chairman.
38 Again, like I said, we're taking steps forward and I'd
39 just like to -- I appreciate your comments and it
40 seems like we're in the middle of everyone and every
41 time we meet, every time the Western Interior Council
42 meets, we are a sounding board for all the different
43 areas and different agencies and appreciate your
44 comments. Thank you, Mr. Chairman.

45

46 CHAIRMAN DEMIENTIEFF: Any further
47 comments? Any final Council comments? Hearing none,
48 all those in favor of the motion to defer, please
49 signify by saying aye.

50

1 (Response).

2

3 CHAIRMAN DEMIENTIEFF: Those opposed,
4 same sign.

5

6 (No response).

7

8 CHAIRMAN DEMIENTIEFF: Motion carries.
9 Proposal 45, staff report.

10

11 PETE DeMATTEO: Proposal 45 is submitted
12 by Phillip Demientieff of Holy Cross. This request
13 would propose two things. The first would change the
14 existing fall moose season for Unit 21 from August 20
15 through September 25th to August 20th through
16 September 10. And secondly, it would prohibit the
17 harvest of moose on any of the islands of the Innoko
18 or Yukon Rivers of Unit 21(E) during the February 1
19 through 10 season. The proposal was submitted in
20 response to concerns for a very rapid increase in
21 non-local moose hunters during the fall seasons in
22 Unit 21(E). The proposed season change would shorten
23 the existing federal season by 15 days. The
24 communities affected by the proposed change include
25 residents of Unit 21(E) and residents of Russian
26 Mission. Adoption of the proposed regulation change
27 would result in 40 percent reduction of opportunity
28 under federal regulations for the fall moose season
29 for the subunit. The proposal would fail to address
30 the proponents' concerns because non-unit resident and
31 non-resident hunters as well as Unit 21(E) residents
32 may continue to hunt during September 11 through 25
33 under the State regulations. The current State
34 resident and non-resident seasons are September 5
35 through 25 for that area.

36

37 In regards to the proposed restriction on hunting
38 on the islands of the Innoko and the Yukon Rivers
39 during the February season, current federal
40 regulations for the February season do restrict
41 hunting within one-half mile of these rivers,
42 including the islands. Surveys conducted during the
43 period of 1993 through '95 indicate a healthy and
44 highly productive population in Unit 21(E).

45

46 Harvest reports for Unit 21(E) indicate a
47 relatively consistent success rate by rural
48 residents. Average hunter success rate for Unit 21(E)
49 communities with 78% during the 15 year period of 1983
50 through 1998. Adoption of the proposal would not

1 restrict non-local and non-resident hunters from
2 harvesting moose in Unit 21(E) during the proposed
3 reduced season as non-local hunters may hunt moose
4 under State regulations during September 5 through 25
5 in that area.

6
7 Therefore, the proposed regulation change would
8 have no effect on non-local hunting efforts or
9 harvests within the unit without a concurrent closure
10 of federal lands to federally ineligible hunters.
11 Such a closure is not warranted at this time
12 considering the healthy status of the moose population
13 and consistently high hunter success rates by rural
14 residents.

15
16 This concludes the analysis.

17
18 CHAIRMAN DEMIENTIEFF: Written public
19 comments? None?

20
21 VINCE MATTHEWS: No comments.

22
23 CHAIRMAN DEMIENTIEFF: Staff committee
24 recommendation?

25
26 TOM ELEY: Yes, sir, staff committee
27 recommended rejecting the proposal, contrary to the
28 recommendation of the Western Interior Regional
29 Council but consistent with the recommendation of the
30 Yukon-Kuskokwim Delta Regional Council. The adoption
31 of this proposal would not restrict non-local and
32 non-resident hunters from harvesting moose in Unit
33 21(E) during the proposed reduced season as non-local
34 hunters may hunt moose under State regulations during
35 September 5 through 25. Moreover, the shorter season
36 would be detrimental to subsistence users. The staff
37 committee acknowledged the concerns of subsistence
38 hunters, however, and recommends that federal staff
39 follow through with moose surveys, educational efforts
40 and community harvest data collection.

41
42 CHAIRMAN DEMIENTIEFF: Department
43 comments?

44
45 ELIZABETH ANDREWS: Mr. Chairman, the
46 Department doesn't support this proposal. The
47 information presented again by Mr. DeMatteo clearly
48 shows there's no biological reason to limit moose
49 hunting opportunity in this unit. This proposal also
50 would be a 40% reduction in the federal season.

1 That's pretty considerable, and it would throw the
2 alignment of State and Federal seasons further out of
3 alignment and as you could see from the mixed land
4 status, again, in that area, it would be even more
5 confusing to hunters as to where people can legally
6 hunt. Thank you, Mr. Chairman.

7
8 CHAIRMAN DEMIENTIEFF: We have no
9 requests for public testimony at this time. Regional
10 Council comments?

11
12 RONALD SAM: Thank you, Mr. Chairman.
13 Again, we had to take a good hard look at this. We
14 felt that we didn't have enough data present and it
15 was clear that would be benefitting other users
16 besides our subsistence users, and we had no choice
17 but to oppose it and along with the -- let's see. We
18 did just ask for deferral along with the proposal
19 before this and we will be taking a close look and
20 trying -- try to educate our subsistence users in this
21 area. There's one other comment, but I can't quite
22 get it out. Thank you, Mr. Chairman.

23
24 CHAIRMAN DEMIENTIEFF: Thank you.
25 Additional Regional Council comment?

26
27 HARRY WILDE: Mr. Chairman,
28 Yukon-Kuskokwim Regional Council opposes this
29 proposal.

30
31 CHAIRMAN DEMIENTIEFF: Thank you. Any
32 other Regional Council comment? Are we ready for
33 Board action?

34
35 SALLY WISELY: Mr. Chairman?

36
37 CHAIRMAN DEMIENTIEFF: Yes.

38
39 SALLY WISELY: I move that we reject
40 Proposal 45 consistent with the recommendation of YK
41 Delta Regional Council and based on the background,
42 the staff committee outlined.

43
44 CHAIRMAN DEMIENTIEFF: There's a motion;
45 is there a second?

46
47 DAVID ALLEN: Second.

48
49 CHAIRMAN DEMIENTIEFF: Been moved and
50 seconded. I, too, intend to support the motion and

1 just speaking to the differences, I think, between the
2 Yukon-Kuskokwim and the Western Region, even though
3 it's my cousin that made the proposal, but I support
4 the reason for rejecting over deferral because of the
5 fact that there's no biological problem and even in
6 the proposal, if you read the proposal that Phillip
7 Demientieff does make, it says even though I know --
8 what's that say? I know that the 21(E) has a very
9 high moose population. And that's, you know, the
10 reason I can balance out supporting the rejection over
11 a deferral.

12

13 Any other Board comment? Final Regional Council
14 comment? Ron?

15

16 RONALD SAM: Yeah, thank you,
17 Mr. Chairman. Our minutes will reflect that we
18 opposed it by roll call, but we asked for deferral to
19 keep it on the books. That's for clarification.
20 Thank you, Mr. Chairman.

21

22 HARRY WILDE: Mr. Chairman, I appreciate
23 the people from up river. We had a teleconference on
24 this. We try to support each other's up river in the
25 Yukon-Kuskokwim area.

26

27 CHAIRMAN DEMIENTIEFF: Any final
28 comment? Hearing none, all those in favor of the
29 motion please signify by saying aye.

30

31 (Response).

32

33 CHAIRMAN DEMIENTIEFF: Those opposed by
34 the same sign.

35

36 (No response)

37

38 CHAIRMAN DEMIENTIEFF: Motion carries.
39 With that, we'll move to Region 1. Thank you very
40 much, Ron.

41

42 RONALD SAM: Thank you, Mr. Chairman.

43

44 CHAIRMAN DEMIENTIEFF: Southeast,
45 Proposal 1 has been withdrawn by the proponent. We
46 will just note for the record that Proposal Number 1
47 has been withdrawn by the proponent. We will at this
48 time postpone Proposal Number 2 until later on in the
49 day. Apparently the Chairman, Mr. Thomas, is at a
50 doctor's appointment this morning, and while we might

1 get it done quicker without him, we'll go ahead and go
2 on with the requests. You can tell him I said so.
3 We've got a long history of both confronting each
4 other.

5

6 Okay, Kodiak, Region 3, Kodiak. Proposal 27 is a
7 consent item, so unless there's any request for
8 changes to deliberate that, we'll go ahead and adopt
9 that on our consent agenda.

10

11 Proposal 28, staff report.

12

13 RACHEL MASON: Mr. Chairman, Proposal 28
14 was submitted by the Kodiak/Aleutians Regional
15 Advisory Council. It requests a positive C&T
16 determination for brown bear in Units 9(D) and 10
17 Unimak Island for the residents of 9(D) and 10, Unimak
18 Island. Currently there's no subsistence priority, no
19 federal subsistence priority for brown bear in Unit
20 9(D) and no C&T determination has been made for brown
21 bear in Unit 10, Unimak Island. The proposal was
22 submitted in 1998, but it was deferred in order to
23 gather more information from Regional Council members
24 and other residents of the area.

25

26 More written and oral information is available on
27 the patterns of subsistence use of brown bear in the
28 other subunits of Unit 9 that is true of Units 9(D)
29 and 10, Unimak Island. Less is known -- in other
30 parts of the Alaska Peninsula, there is considerable
31 documentation that brown bears were in the past and
32 are still considered an important subsistence
33 resource, but less is known about the patterns of use
34 by Aleut people or by non-Natives living in the lower
35 Alaska Peninsula communities. Residents of Sand
36 Point, King Cove and False Pass recall eating brown
37 bear in the past. However, they don't report any
38 contemporary uses. A Regional Council member from
39 King Cove remembers eating brown bear harvested by her
40 father when she was a child and now she says that
41 residents of the community take brown bear primarily
42 for the hide or for craft uses. Another resident of
43 King Cove stated that he and other community residents
44 would be interested in participating in a subsistence
45 hunt for brown bears. A resident of Nelson Lagoon
46 said to his knowledge no one in that community has
47 hunted brown bear for subsistence for quite a long
48 time and doesn't know of anybody who presently hunts
49 brown bear, but that residents of that community would
50 be interested in a subsistence hunt.

1 ADF&G sealing data showed that residents of Unit
2 9(D) communities and False Pass have reported hunting
3 brown bears in Unit 9(D) and to a smaller extent in
4 unit 9(E) and Unit 10 and almost three-fourths of the
5 successful brown bear hunters who have sealed bears
6 from those communities were from Cold Bay.

7
8 The past brown bear hunting areas for King Cove
9 were in Unit 9(D) and harvest ticket data showed that
10 some of the Unit 9(D) communities have reported
11 harvesting brown bear both in Unit 9(D) and in Unit
12 10. So while there is no written or oral evidence
13 that subsistence use of brown bear by residents of
14 Unit 9(D) or Unit 10 in Unimak -- Unit 10 Unimak
15 Island currently takes place, the residents of that
16 area, including some Regional Council members remember
17 eating brown bear and would like that opportunity to
18 be brought back and they would like their own or
19 subsequent generations to learn about and participate
20 in brown bear subsistence hunting.

21
22 According to local resident testimony and
23 ethnographic information, Unit 9(D) residents have
24 hunted brown bear in Unit 9(D) on Unimak Island and in
25 unit 9(E) and the residents of Unimak Island have also
26 historically taken brown bear. Thank you.

27
28 CHAIRMAN DEMIENTIEFF: Written public
29 comments?

30
31 HELGA EAKON: There were none.

32
33 CHAIRMAN DEMIENTIEFF: Staff committee
34 recommendation?

35
36 PEGGY FOX: Thank you, Mr. Chair the
37 interagency staff committee recommends adopting the
38 proposal as recommended by the Kodiak/Aleutians
39 Regional Council and in concurrence with the staff
40 analysis. While there's no evidence of a consistent
41 pattern of contemporary human consumption, we
42 recognize that local residents would like to revive
43 historical practices of taking brown bear for human
44 consumption. Thank you.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. State
47 comments?

48
49 ELIZABETH ANDREWS: Mr. Chairman, the
50 Department does not support this proposal. You've

1 heard in the staff analysis that there isn't evidence
2 to support a positive finding and in fact states that
3 there is no evidence that subsistence use of brown
4 bear currently takes place. That's what's stated in
5 the staff analysis.

6
7 Another problem that we have with the staff
8 analysis is that the description of brown bear use is
9 based on other areas of the Alaska Peninsula. It's
10 not providing descriptions of use in the unit that's
11 under question here. In addition, the cultural
12 affiliations of the different groups that are being
13 described in the analysis are different and we think
14 that it's inappropriate to apply to another cultural
15 area the use patterns of a different area. In fact,
16 we think that the eight factor analysis has to be
17 applied to the uses of the relevant community and
18 that's just not the case with this particular staff
19 analysis.

20
21 So that basically summarizes our comments. We
22 just don't think the evidence is there and we also
23 don't think that it's an appropriate application of
24 the eight factors. Thank you, Mr. Chair.

25
26 CHAIRMAN DEMIENTIEFF: Thank you. We
27 have no additional requests for public comment at this
28 time. Regional Council comments?

29
30 VINCENT TUTIAKOFF: Mr. Chair, Vince
31 Tutiakoff with the Kodiak/Aleutians. We did discuss
32 as was mentioned the use by the various communities,
33 King Cove, Sand Point and Cold Bay, historical use.
34 There was discussion where we invited a discussion in
35 King Cove with the elders that were in the area,
36 brought in from Sand Point also. They have a
37 traditional knowledge and use of brown bear. They
38 would request in regards to the eight C&T factors that
39 they, through the cultural change of appetite and of
40 course the early use of the bear for substance, that
41 they be allowed to do so and bring this tradition back
42 into their lifestyle. I would ask that this Proposal
43 be passed. Thank you.

44
45 CHAIRMAN DEMIENTIEFF: Additional
46 Regional Council comment?

47
48 DAN O'HARA: Mr. Chairman, Dan O'Hara,
49 Bristol Bay. We support this proposal.

50

1 GRACE CROSS: Mr. Chairman?

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 GRACE CROSS: We all know that we have
6 lost so much of our culture in many aspects and if the
7 desires of certain regions want to bring back culture
8 things, I think it's very important. Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Thank you.
11 Additional Regional Council comment?

12

13 VINCENT TUTIAKOFF: Mr. Chair, since
14 Honorable Bill is not here to mention C&T factors, I
15 know that he is a proponent of not bringing in the C&T
16 in regards to customary traditional use, that it's not
17 a factor, should not be in any subsistence lifestyle,
18 I'd like to also support that, from our region. We
19 have a majority area that feel that C&T is not and
20 should not be part of subsistence.

21

22 CHAIRMAN DEMIENTIEFF: Further Regional
23 Council comment? Hearing none, we're ready for a
24 motion.

25

26 DAVID ALLEN: Mr. Chairman?

27

28 CHAIRMAN DEMIENTIEFF: Yes.

29

30 DAVID ALLEN: I move that we modify the
31 proposal to support a positive customary and
32 traditional use determination for moose in Unit 9(D)
33 for residents of Cold Bay, King Cove, Nelson Lagoon,
34 Sand Point and False Pass. This recommendation is
35 consistent with the recommendations of the
36 Kodiak/Aleutians Regional Council.

37

38 TOM ELEY: You're one ahead.

39

40 DAVID ALLEN: Am I one ahead?

41

42 VINCENT TUTIAKOFF: But we'll take that
43 one, too.

44

45 DAVID ALLEN: My apologies,
46 Mr. Chairman. I was reading from the wrong page. I
47 withdraw what I just said. What was that?
48 Unbelievable.

49

50 We're talking about Proposal 28; correct?

1 CHAIRMAN DEMIENTIEFF: That's correct.

2

3 DAVID ALLEN: All right, just so
4 everybody's on the same page, including me. My
5 apologies to the Board.

6

7 My recommendation is that we adopt the proposal
8 as recommended by the Kodiak/Aleutians Regional
9 Council.

10

11 SALLY WISELY: Second.

12

13 CHAIRMAN DEMIENTIEFF: There's a motion
14 made and seconded. Discussion? Final Regional
15 Council comment?

16

17 Hearing none, we're ready for a vote. All those
18 in favor of the motion, please signify by saying aye.

19

20 (Response).

21

22 CHAIRMAN DEMIENTIEFF: Those opposed,
23 same sign.

24

25 (No response).

26

27 CHAIRMAN DEMIENTIEFF: Motion carries.
28 Proposal 29, staff report.

29

30 RACHEL MASON: Proposal 29 was submitted
31 by the community of Nelson Lagoon AND requests a
32 positive customary and traditional use determination
33 for moose in Unit 9(D) FOR the residents of Nelson
34 Lagoon, Sand Point, King Cove and False Pass.
35 Proposal 29 also requests that an August 1st to March
36 31st moose season be established with harvest by
37 federal registration permit only, and the harvest
38 numbers would be determined by community population,
39 according to the request.

40

41 Currently, there's no federal subsistence
42 priority for moose in Unit 9(D). There's no federal
43 open season for moose hunting. Proposal to establish
44 a hunt under State regulation has been approved. It
45 will be a drawing hunt for 10 bulls. Moose were rare
46 in Unit 9(D) until recently and it's only in the last
47 two or three years that their population has been
48 sufficient to warrant any consideration of a hunting
49 season.

50

1 All of the Unit 9(D) communities and False Pass
2 use some moose. Not all of them have recorded
3 harvests in the study years that have been recorded by
4 the ADF&G Division of Subsistence. Some Unit 9(D)
5 residents have reported that they hunt and harvest
6 moose in unit 9(E), as well as elsewhere in Alaska.
7 Harvest ticket information shows that none of the Unit
8 9(D) communities, however, harvested any moose in Unit
9 9(D).

10
11 If customary and traditional use determinations
12 are to be made on a species by species basis as they
13 have been up till now, moose would not qualify as a
14 subsistence species for the residents of Unit 9(D).
15 The recommendation for a positive C&T comes from the
16 perspective that subsistence uses are opportunistic
17 and occur for all species available. Although the
18 residents of Unit 9(D) have not previously been able
19 to harvest moose in their usual hunting areas, they
20 are familiar with moose and they will use it as it
21 becomes available. So it's reasonable to assume that
22 as moose populations grow traditional uses of moose
23 will eventually be incorporated into the existing
24 patterns of land mammal use. Similar moose migrations
25 into areas previously uninhabited by moose have
26 occurred in other parts of the state and subsistence
27 users have readily incorporated moose into their
28 hunting patterns.

29
30 In regard to the Subpart D request, moose were
31 uncommon on the Alaska Peninsula prior to the mid 20th
32 century but they increased significantly and spread
33 southward along the peninsula. During the 1950s and
34 1960s, there was a lack of suitable habitat which
35 limited expansion southwest of Port Moller into Unit
36 9(D) until the last two or three years. In that time,
37 moose numbers appear to have been slowly increasing
38 into the northern third of Unit 9(D). No regular
39 surveys are conducted for moose in Unit 9(D).
40 However, as a result of this proposal, a special moose
41 survey was conducted in the northern third of Unit
42 9(D) by the staff of the Izembek National Wildlife
43 Refuge in February 1999, and the survey revealed a
44 total of 101 moose in the area. The estimated
45 population in the area is 120 moose and sight-ability
46 was estimated at 80% and the majority of those sighted
47 or those seen were on non-federal lands. Federal
48 public lands comprise approximately 20% of the total
49 in the northern third of the unit and the majority of
50 federal public lands are seven to 15 miles from the

1 coast and are mountainous and contain fewer moose than
2 the lands under State jurisdiction.

3
4 Composition data on the moose population could
5 not be obtained due to the timing of the survey and
6 lacking information on bull cow and calf cow ratios,
7 any harvest of this small population should be very
8 conservative in nature and limited to bulls only. The
9 seasons could be opened as early as August 1st, but
10 close no later than September 20th in order to avoid
11 disturbance or harvest in breeding season.

12
13 Since the majority of the moose hunt in this area
14 are on lands under State jurisdiction and federal
15 public lands are generally remote, and a hunt under
16 federal subsistence regulations would be on federal
17 lands only, a hunting season could best be managed
18 under State regulation. This would provide access to
19 the lands which contain moose, including areas where
20 the moose are concentrated and would provide greater
21 opportunity for harvest by the subsistence user.
22 Thank you. I'll turn it to Cliff for public comment.

23
24 CLIFF EDENSHAW: Mr. Chair, there was one
25 written comment and they opposed this proposal.

26
27 CHAIRMAN DEMIENTIEFF: Thank you. Staff
28 committee recommendation?

29
30 PEGGY FOX: Staff committee recommends
31 with regard to the C&T use portion of the proposal to
32 modify the proposal to support a positive C&T
33 determination for moose in Unit 9(D) for a the
34 residents of Cold Bay, King Cove, Nelson Lagoon, Sand
35 Point and False Pass. This recommendation is
36 consistent with the recommendation of the
37 Kodiak/Aleutians Regional Council.

38
39 With regard to establishing a hunt, we recommend
40 rejecting the portion of the proposal that would
41 establish an open season, also consistent with the
42 recommendation of the Regional Council.

43
44 With regard to the C&T request, the
45 recommendation for a positive C&T comes from the
46 perspective that subsistence uses are opportunistic,
47 occurring for all species available in the area. With
48 regard to the Subpart D request to open a season,
49 there aren't sufficient numbers of moose to justify
50 opening a hunt on federal public lands. Thank you.

1 CHAIRMAN DEMIENTIEFF: Department
2 comments?

3
4 ELIZABETH ANDREWS: Thank you,
5 Mr. Chairman. Well, it sounds like we're in agreement
6 on not opening a hunt on federal lands. One of the
7 reasons for that is there's hardly any moose at all on
8 federal lands. And that is why it's pretty
9 interesting as to why there's a proposal to support a
10 C&T finding for a population that essentially is not
11 there.

12
13 Mr. Chairman, a couple of things we'd like to
14 point out and that is is that in your own staff
15 analysis, it acknowledges that if a C&T finding was
16 made on a population specific basis, which is what
17 your own federal regulations require, then moose
18 wouldn't qualify as a subsistence species in this
19 Subunit 9(D). And it was already quoted as to what
20 the staff analysis said. Certainly, subsistence uses
21 are opportunistic. We don't deny that. But given
22 that the regulations require that they be population
23 specific relative to C&T findings, we don't see that
24 the Federal Board has the authority to do this without
25 changing your own regulations which are in Subpart B.

26
27 If the Board wants to take another approach, we
28 think that you would need to make new regulations in
29 order to do that, and currently, those new regulations
30 aren't in place. Thank you, Mr. Chairman.

31
32 CHAIRMAN DEMIENTIEFF: Thank you. We
33 have no requests for public testimony at this time.
34 Regional Council comments?

35
36 VINCENT TUTIAKOFF: Mr. Chair,
37 Kodiak/Aleutians Regional Council recommendation was
38 to modify. The Regional Council voted five-and-o to
39 adopt the staff recommendation to modify the proposal,
40 includes the residents of Cold Bay, Nelson Lagoon,
41 Sand Point, King Cove in a positive customary and
42 traditional use determination of moose in 9(D). We
43 did oppose the portion of the proposal addressing
44 Subpart D regulations, followed the staff
45 recommendation to close the moose hunt in 9(D). The
46 Regional Council understood the moose census conducted
47 by Izembek showed that there were few moose in the
48 federal public lands. The Council supported the
49 State's recommendations of a winter hunt with no more
50 than ten moose be taken. They acknowledge that

1 residents of these communities have all the
2 information and permits they need to hunt. Council
3 stated for the record that if moose counts increased
4 the following year that this hunt would be proposed on
5 federal lands in the Unit 9(D). Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Additional
8 Regional Council comment?

9

10 DAN O'HARA: Mr. Chairman, Dan O'Hara,
11 Bristol Bay. You know, I don't know the legal part of
12 Elizabeth's comment on what you must deal with on C&T,
13 but I think that's just a natural thing to happen.
14 The moose have come in the area and people have used
15 it. C&T just must take place, which is the normal
16 thing to happen. And I remember growing up in lake
17 country, not my generation but the generation before
18 me, which was 25 years before my time, that's a
19 generation, killed a moose and didn't know what they
20 had killed because they were just moving into the area
21 and the moose have moved down to the lower peninsula
22 and they certainly are entitled to a C&T.

23

24 CHAIRMAN DEMIENTIEFF: Willie?

25

26 WILLIE GOODWIN: Mr. Chairman, we would
27 support the Kodiak/Aleutians Regional Council
28 proposal. Like Mr. O'Hara stated, you know, up in our
29 region, there was no moose until about 50 years ago.
30 Now that's a big game thing that people want to come
31 up and hunt the moose in our region. It's natural
32 that the people hunt these animals because they're
33 opportunistic and if they're there, it's just natural
34 for us to get them. It's a reasonable request and we
35 would support it. Thank you.

36

37 CHAIRMAN DEMIENTIEFF: Any other Regional
38 Council comment? Go ahead, Grace.

39

40 GRACE CROSS: We would support their
41 position.

42

43 CHAIRMAN DEMIENTIEFF: Bill?

44

45 BILL THOMAS: Thank you, Mr. Chairman.
46 Apologize for being late this morning, but listening
47 to what little discussion I heard with regard to this
48 proposal, it sounds like there's been an element of
49 confusion, even at the point of reaching a
50 recommendation and it looks like the better of two

1 evils for this particular proposal. That being the
2 case, and after Willie's comments, I'll support that
3 recommendation from the Council.

4

5 CHAIRMAN DEMIENTIEFF: Ralph?

6

7 RALPH LOHSE: I also, like Dan, don't
8 know the legality of it, but I know that in the past
9 you have made quite a few decisions that I can think
10 of where you've given customary and traditional to
11 populations that didn't exist, taking of the deer in
12 Prince William Sound, the moose in the Cordova area.
13 Basically what he said about moose on the peninsula,
14 when I was in Ivanof Bay in 1966, they killed the
15 first moose there, they'd seen the first moose there.
16 They just were coming in that area. You've made those
17 decisions in the past. Now what the legality of those
18 decisions are, I don't know, but that just points out
19 like Bill says, one of the problems with the current
20 way that C&T is done, you have those decisions, those
21 decisions to make and you have guidelines going in one
22 direction and reality going in the other.

23

24 CHAIRMAN DEMIENTIEFF: Ron?

25

26 RONALD SAM: Thank you, Mr. Chair.
27 Western Interior supports Kodiak RAC. It's our
28 feelings that the local subsistence users need it,
29 they can go ahead and use it and I'd like to see that
30 in place because I firmly believe that we had enough
31 emergency closure measures in place that if -- if a
32 sustainable yield thing doesn't go, we can close it
33 off. We do have enough emergency closures in place.
34 Thank you.

35

36 CHAIRMAN DEMIENTIEFF: Bill?

37

38 BILL THOMAS: Mr. Chairman, this is a
39 direct conflict to Section 8.01. 8.01 says to provide
40 a continued opportunity. It doesn't say that an
41 animal had to be there every since people came across
42 the land bridge. If there's something there for
43 subsistence, our job is to provide the opportunity for
44 subsistence uses, not to restrict those
45 opportunities. Thank you, Mr. Chairman.

46

47 CHAIRMAN DEMIENTIEFF: Ralph?

48

49 RALPH LOHSE: Which as Bill has pointed
50 out in the past is one of the problems with the whole

1 C&T process. It's one of the processes, and in doing
2 that, it's one of the things that -- it's a
3 discrepancy that we deal with that puts the process
4 in -- I don't like to use the word jeopardy. It
5 actually makes the process, I'll say, ridiculous for
6 lack of a better way of putting it. I mean, it makes
7 it so that it destroys confidence in the process, the
8 fact that we have written regulations that differ from
9 the way that we act in dealing with these
10 determinations, while at the same time, the
11 determinations reflect reality
12

13 CHAIRMAN DEMIENTIEFF: Any other Regional
14 Council comment? We are ready to advance this to the
15 Board. Is there a motion?
16

17 DAVID ALLEN: Mr. Chairman, I'll try
18 again. Interestingly enough, on reflection, the words
19 are going to be exactly the same. Mr. Chairman, I
20 move that we adopt the modified proposal to support a
21 positive C&T for moose in Unit 9(D) for the residents
22 of Cold Bay, King Cove, Nelson Lagoon, Sand Point and
23 False Pass. This recommendation is consistent with
24 the recommendations of the Kodiak/Aleutians Regional
25 Council, and that we also reject the portion of the
26 proposal that would establish an open season in Unit
27 9(D), also consistent with the recommendations of the
28 Kodiak/Aleutians Regional Council.
29

30 CHAIRMAN DEMIENTIEFF: There's a motion.
31 Is there a second?
32

33 JUDY GOTTLIEB: Second.
34

35 CHAIRMAN DEMIENTIEFF: Moved and
36 seconded. Discussion?
37

38 DAVID ALLEN: Mr. Chairman?
39

40 CHAIRMAN DEMIENTIEFF: Yes.
41

42 DAVID ALLEN: I'd just like to react a
43 little bit to the rather interesting discussion
44 relative to C&T and the various interpretations of the
45 Board's actions. I think the Board's actions, number
46 one, stand for -- send a very clear message as to how
47 the Board interprets the eight point factors as it
48 relates to conducting its responsibilities. It used
49 the eight points as guidelines. That's what our
50 regulations say they are. That's all they are. They

1 are clearly open to broad interpretation, but our
2 actions clearly speak for themselves in that our
3 primary responsibility is to address the needs of the
4 rural residents relative to their subsistence
5 lifestyle, and I believe our actions have consistently
6 reflected that. Thank you, Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Thank you.

9

10 SALLY WISELY: Mr. Chairman, I appreciate
11 Mr. Allen's comments and believe that he's correct.
12 At the same time, I have to say that I do feel some
13 discomfort, just based on the conversation here this
14 morning in terms of even the Regional Councils feeling
15 like there may be a little discrepancy between our
16 regulations, even though they are guidelines, and our
17 actions, which I agree with Mr. Allen are totally
18 appropriate in terms of recognizing that subsistence
19 priority and that subsistence lifestyle and the
20 reality of what's going on out there.

21

22 As a side note, again, hearing a little
23 discomfort and I know that the staff has discussed in
24 the past, you know, C&T guidelines, those C&T
25 regulations, I guess I would ask that they, in light
26 of the discussion today, go back and look at those
27 again and see if there's some way that we can clarify
28 or make those more operative, more reflective in fact
29 of the reality that we're dealing with.

30

31 CHAIRMAN DEMIENTIEFF: Yeah, maybe we
32 could appoint that to a committee, maybe Bruce Botelho
33 and the Department of Law. It is an old argument and
34 I appreciate all of the discussion. We've been down
35 this before. Just one of the areas that we don't
36 agree. The State is consistent in pointing it out and
37 we're consistent in coming back with the same
38 argument, but you know, we're at least all
39 consistent.

40

41 Any further Board discussion? Final Regional
42 Council comment?

43

44 GRACE CROSS: Mr. Chair, in reference to
45 C&T determinations, I'll tell you a very quick story
46 that I listened to this morning when I was eating
47 breakfast. There were two men that were sitting ahead
48 of me and both of them apparently had lived in rural
49 Alaska and they were talking about the conditions of
50 rural Alaska and both of them determined that they

1 will not ever live in rural Alaska again and then both
2 of them start complaining about how much money is
3 going through rural Alaska for this project and that
4 project and they complain about rural subsistence
5 preference. And I was thinking, as I was listening to
6 those two men, here we are fighting for our very basic
7 human needs. We're fighting for clean water, we're
8 fighting for running water. People in this community
9 take for granted and for centuries, we've been
10 fighting for basic, one basic human right, and that is
11 for food so we can survive, and as I look at C&T
12 determinations, it kind of reminds me of those two
13 men. You know, ANILCA is here to protect us, but at
14 the same time, ANILCA consistently changes with little
15 addition and that little addition, which restricts our
16 right to feed ourselves. That's all I have to say.

17

18 CHAIRMAN DEMIENTIEFF: Bill?

19

20 BILL THOMAS: This is getting more
21 interesting, Mr. Chairman. 8.03, as I mentioned
22 before, subsistence means the customary and
23 traditional use. That's all it means. The proposal
24 here calls for a positive C&T. How can there be a
25 positive C&T if the results deny access to subsistence
26 uses? I don't -- and if that's positive, what's
27 negative?

28

29 VINCENT TUTIAKOFF: Mr. Chair?

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 VINCENT TUTIAKOFF: Vince from
34 Kodiak/Aleutians. As I mentioned earlier, the
35 Kodiak/Aleutians Regional Advisory Council had
36 discussed the C&T and how the eight principles were
37 used in evaluating subsistence. We were not fully
38 agreeable that all eight had to be in a straight line
39 in order to justify subsistence, but we did agree that
40 if there was a use, a need, people are going hungry
41 and that resource is available, then we would support
42 any areas or any Council's decision for the need for
43 that game.

44

45 Some of the points that were made by the various
46 agencies here is that there is no long-term consistent
47 pattern of use, therefore it's not justifiable
48 totally. I mean, there needs to be -- and I would
49 support we look at the C&T as a guideline and that's
50 what they are. They're guidelines. They're not set

1 in stone. I think that we as a Regional Council
2 should take that into consideration when we look at
3 the eight factors. If only one of them is justified,
4 then we should use it as a justification for
5 subsistence. Thank you.

6
7 CHAIRMAN DEMIENTIEFF: Any other
8 comment? Hearing none, we're ready to vote. All
9 those in favor of the motion, please signify by saying
10 aye.

11
12 (Response).

13
14 CHAIRMAN DEMIENTIEFF: Those opposed,
15 same sign.

16
17 (No response).

18
19 CHAIRMAN DEMIENTIEFF: Motion carries.
20 With that, we complete our work in Kodiak Region and
21 will at this time back up to Region 1 where, as we
22 mentioned earlier, Proposal 1 has been withdrawn and
23 we will do Proposal -- okay, we call on staff to give
24 the report on Proposal Number 2.

25
26 ROBERT WILLIS: Thank you, Mr. Chair.
27 Proposal Number 2 was submitted by two residents of
28 the community of Yakutat Mr. Jack Endicott and
29 Mr. Michael Tracy. This proposal would modify the
30 moose season in Unit 5(A) except for the Nunatak Bench
31 area from the current October 8/November 15 season to
32 an October 15/November 15 season. The current Federal
33 Subsistence Regulations in this portion of 5(A)
34 provide for an October 8 to 15 season for antlered
35 moose only. This season is closed when a total of 60
36 antlered bulls are taken and that portion in all of
37 5(A) and the portion of 5(A) which lies west of the
38 Dangerous River, which is the roaded area, the season
39 is closed when 30 bulls are taken.

40
41 All federal lands in this unit are closed to
42 non-subsistence moose hunting from October 15 through
43 October 21, which provides a subsistence only hunt for
44 one week. There is also a designated hunter option
45 within the Subunit 5(A) and the Federal Subsistence
46 Regulations and also a regulation provide for the
47 harvest of up to ten moose of either sex for
48 ceremonial purposes.

49
50 State hunting regulations in the unit are October

1 15 through November 15, bull moose only except for the
2 Nunatak Bench area and both Federal and State
3 regulations provide for a November 15 through February
4 15 season on the Nunatak Bench. This is a small
5 population of moose which is limited to five moose of
6 either sex harvest and that season is set up for
7 locals only because of the timing of the season and
8 it's closed when those five moose are taken.

9
10 Prior to 1996, both the Federal and State seasons
11 in this area opened on October 15th, with the federal
12 lands closed to non-subsistence hunters from October
13 15 through October 21. The proposal has created the
14 current season was submitted by the Copper River
15 Native Association to begin with the 1996 season,
16 which backed up the opening date on the federal hunt
17 from October 15th to October 8th. So the current
18 proposal would return the regulations in Unit 5(A) to
19 the regulations which existed prior to 1996.

20
21 Those having customary and traditional use of
22 moose in 5(A) is limited to the residents of Unit
23 5(A), and federal lands involved here are the Tongass
24 National Forest and Glacier Bay National Preserve.
25 The Alaska Department of Fish & Game has done two
26 fairly recent surveys of moose in this area. A survey
27 in 1996 revealed a total of 466 moose and the
28 population at that time was estimated at 932 animals.
29 January and February of 1999, ADF&G conducted another
30 survey and located 416 moose, which was quite close to
31 the number found in 1996. Because of the timing of
32 the survey, they were unable to determine the
33 population composition, that is the bull cow ratio and
34 the calf cow ratio, but because of the close number to
35 that found in 1996, the population is considered to be
36 stable in the area.

37
38 The dissatisfaction which brought this proposal
39 about came from a number of reasons. The early
40 opening of the federal hunt is limited to the federal
41 lands only and if you look at the map up here on the
42 screen, you can see that the large area of Yakutat
43 Township lands around the community of Yakutat are
44 non-federal. This is one of the primary moose hunting
45 areas. What the current regulations have done with
46 the early opening on the western edge of this is
47 crowded all the hunters into the Ahrnklin River
48 drainage during the federal portion of the hunt. This
49 results in a lot of competition, a lot of crowding and
50 a lot of moose taken out of the quota within that

1 first week of the season.

2

3 Then a week later on October 15th when the
4 remainder of the area is open, those hunters who were
5 unsuccessful, move to the Situk River and create the
6 same situation there with a crowded situation chasing
7 the moose that have not been hunted yet. And another
8 aspect of this is that because most of the moose are
9 taken in the Ahrnklin River drainage during that first
10 week there's only a small number left to be harvested
11 in the Situk River drainage. Because of the large
12 number of hunters, this usually occurs within the
13 first day of the hunt. When you have a quota hunt set
14 up such as this, you try to anticipate when the
15 quota's going to be reached so you can establish the
16 closure that allows you to meet that quota rather than
17 to exceed it, and this is very difficult to do if your
18 hunt opens and closes on the same day.

19

20 Other complaints raised about the early opening
21 were that only those people who had equipment such as
22 jet boats and off-road vehicles were able to access
23 the parts of the Ahrnklin River drainage that were
24 open to hunting and those people who preferred to hunt
25 the road system in the Situk area were not able to get
26 in that area.

27

28 The Situk area has been the customary and
29 traditional hunting ground of the majority of the
30 people within the community of Yakutat and another
31 complaint expressed was that with most of the moose
32 being taken in another area prior to that area
33 opening, they were not able to hunt their customary
34 and traditional areas for more than a day or possibly
35 not at all, if they couldn't hunt on opening day.

36

37 We looked at data provided by the Alaska
38 Department of Fish & Game and U.S. Forest Service on
39 the difference in harvest between the regulation which
40 existed prior to 1996 and the one that's been in place
41 since that time. What we found was very little
42 difference in harvest. I have several charts that
43 I'll put up here which indicate the local and the
44 non-local portion of the harvest and how that harvest
45 has changed or has not changed over the last three
46 years. The idea behind the change in the regulation
47 to begin with was to put more of the harvest into the
48 local community, and what we found is that this is not
49 happening. This chart shows the local versus
50 non-local in the area west of the Dangerous River

1 which is the 30 bull quota area. This is the percent
2 local and non-local harvest in all of 5(A). This is
3 percent local harvest both west of the Dangerous River
4 in the light green in all of 5(A) in the dark green.
5 And then just another way to look at that is the local
6 harvest west of the river and all of 5(A) for the
7 years 1990 through 1998, that's six years under the
8 previous regulation and three years under the current
9 regulation. As you can see, there's been a minimal
10 change in the number of moose taken by the local
11 community under the current regulations.
12

13 During the 1998 season, as an example, 22 of the
14 30 bull quota was taken in the area west of the
15 Dangerous River. This left eight bulls to be
16 harvested in the area east of the river -- excuse me,
17 taken east of the river. West of the river, there
18 were only eight bulls left to be taken under the quota
19 when season opened, that's the Situk River area. That
20 quota was met and exceeded the first day. And this
21 has been something of a chronic problem with hunting
22 under the current regulations in that each of the
23 three years the quota's been exceeded by from one to
24 six animals. We don't consider this to be a serious
25 biological problem, at least not at this time, but we
26 have no data to indicate that the population is being
27 stressed by this, but it is a problem and good
28 management strives to hit a quota in a closely managed
29 area such as this and not to exceed it, and also to
30 provide the local people with an opportunity to hunt
31 in the area that they have customarily and
32 traditionally hunted. That concludes the staff
33 analysis
34

35 CHAIRMAN DEMIENTIEFF: Thank you.
36 Written public comments?
37

38 STEVE JOHNSON: Mr. Chairman, there were
39 two separate petitions submitted on this particular
40 proposal; 83 names were submitted that opposed the
41 proposal and there were 86 names in support of the
42 proposal. In addition to that, there was a letter
43 from a Mr. Paul Troland (ph) that also opposed the
44 hunt.
45

46 CHAIRMAN DEMIENTIEFF: Thank you. Staff
47 committee recommendation?
48

49 PEGGY FOX: The staff committee
50 recommends rejecting the proposal consistent with the

1 recommendation of the Southeast Regional Council. The
2 staff committee discussed this proposal at length.
3 While we recognize that there are some biological,
4 safety and management concerns associated with the
5 October 8th season opening, equally compelling is the
6 argument that this earlier opening does benefit
7 subsistence users without posing unacceptable risks.

8
9 In accordance with the intent of Title VIII, the
10 staff committee deferred to the judgment of the
11 Southeast Regional Council and supported the Council's
12 recommendation to reject the proposal and retain the
13 October 8th opening date. The staff committee is
14 concerned about the divisiveness created by among
15 local resident by the earlier federal opening and
16 supports continued efforts by local residents and
17 wildlife managers to resolve the issue. In fact, it
18 is our understanding that the Yakutat Ranger District
19 will take the lead in continuing these discussions and
20 we anticipate that a new proposal may come before the
21 Board next year.

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

25
26 ELIZABETH ANDREWS: Mr. Chairman, that's
27 encouraging to hear that the ranger district there
28 will be taking the steps to try to work out some other
29 hunt options that work better for the local people and
30 we certainly support looking at some other hunt
31 options here. There is a biological concern, as we
32 said, and you've seen in the information, we've
33 exceeded the 30 quota the last few years in part
34 because this ends up being like a derby style hunt
35 because there's only a few days left once the State
36 hunt opens for people to take moose on lands near the
37 community, and that's what provides opportunity for
38 local residents as well. So that's where our concerns
39 came from and that's why we actually supported the
40 intent of the proposal in order to provide more
41 opportunity to the local residents. But as you've
42 heard, both from the staff committee and also you'll
43 hear from the Southeast Council meeting, they spent
44 considerable amount of time discussing this. It's not
45 an easy issue to solve, and so we certainly are glad
46 to hear that there will be some other consideration to
47 options that will meet the subsistence needs and give
48 us some better management handles than what we have
49 right now for ensuring that harvest doesn't get out of
50 hand. Thank you, Mr. Chairman.

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

4
5 BILL THOMAS: Mr. Chairman?

6
7 CHAIRMAN DEMIENTIEFF: Mr. Thomas.

8
9 BILL THOMAS: Yeah, we had so few
10 proposals this year, we spent three days discussing
11 the pros and cons on this, and both were absent, but
12 we discussed them anyway, and it came down to a kind
13 of a marriage counseling situation. You'll see where
14 we had a petition of 86 names support, 83 names
15 oppose. Those 83 names were abused husbands and so
16 with the compassion that we try to show in our region,
17 Mr. Chairman, we chose to oppose any change in there
18 because we felt it would improve the biology. Thank
19 you, Mr. Chairman.

20
21 CHAIRMAN DEMIENTIEFF: Thank you.
22 Additional Regional Council comment?

23
24 DAN O'HARA: Mr. Chairman, we support the
25 statesman's recommendation from the Council and we're
26 glad you're back this morning.

27
28 GRACE CROSS: Mr. Chair, Seward Peninsula
29 supports the abused husbands.

30
31 CHAIRMAN DEMIENTIEFF: Okay. I'm scared
32 to ask for anymore comments. Are there anymore
33 Regional Council comments?

34
35 WILLIE GOODWIN: Mr. Chairman, we support
36 the Council.

37
38 CHAIRMAN DEMIENTIEFF: Board, will
39 advance this to Board deliberations.

40
41 DON OSTBY: Mr. Chairman, I did sit in
42 the Southeast Council session observing what was going
43 on, although I didn't see the abuse the Chair is
44 referring to. This really has been a divisive issue
45 for the Yakutat community and I wanted to express my
46 appreciation to the Regional Council and to the people
47 of Yakutat and to the Forest Service folks and the
48 folks locally who've worked really hard to explore
49 options in this case, and in terms of providing a
50 priority for moose hunting on federal lands in Yakutat

1 without creating a biological problem. I have talked
2 to the unit manager out there, the ranger district
3 manager, Meg Mitchell, and she expressed a desire and
4 willingness to be very active in the community in
5 terms of exploring alternatives over this next year,
6 although she did not feel it appropriate that she be
7 regarded as the lead of that process. She felt that
8 that belonged in the hands of the members of the
9 community, other than herself.

10
11 I guess at that point, Mr. Chairman, I am
12 prepared to make a motion. I move to reject Proposal
13 2 as recommended by the Southeast Regional Council.

14
15 SALLY WISELY: Second.

16
17 CHAIRMAN DEMIENTIEFF: It's been
18 seconded. Discussion?

19
20 DON OSTBY: Mr. Chairman, just a couple
21 of additional comments. I'm reminded that this early
22 federal hunt was established to increase opportunity
23 for subsistence users and that what we have done is
24 not accomplished everything we had hoped and I would
25 encourage the community and the Council to consider
26 additional options. The Forest Service will continue
27 to work with the community in exploring these
28 lingering questions. In addition, we will seek a
29 settlement with Sealaska and the nine townships of
30 selection. Accomplishing this settlement would open
31 to federal management the favored subsistence moose
32 hunting area around the Situk.

33
34 CHAIRMAN DEMIENTIEFF: Final Regional
35 Council comments? We're ready for a vote. All those
36 in favor of the motion, please signify by saying aye.

37
38 (Response).

39
40 CHAIRMAN DEMIENTIEFF: Those opposed,
41 same sign.

42
43 (No response)

44
45 CHAIRMAN DEMIENTIEFF: Motion carries.
46 Okay, at this time we're a little bit ahead of
47 schedule so we're going to break a few minutes early
48 for lunch today. We will reconvene at 1:00 with the
49 Eastern Interior proposals.

50

1 (Off record 11:35 a.m. to 1:04 p.m.)

2

3 CHAIRMAN DEMIENTIEFF: Okay, we're going
4 to move into Eastern Interior. This particular
5 proposal has a -- it's a consent agenda item. It's
6 Proposal Number 50 but we do have a person here
7 requesting to testify. So we're going to allow that
8 testimony before we take up the rest of the issues.
9 Connie Friend.

10

11 CONNIE FRIEND: Mr. Chairman, Board
12 members, I didn't realize that it was a consent agenda
13 item and so I'll just withdrawal my wish to testify.
14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Okay, we have
17 Proposals 50 through 62 in Eastern Interior Region.
18 Proposals 50, 51, 52, 53, 54, 56, 57, 59, 60 and 62
19 are all consent agenda items. Is there any objection
20 to keeping those items on the consent agenda? And
21 that would actually include Proposal 58 which was
22 combined with 57. So the only two proposals we have
23 to consider will be Proposal 55 and 61. With that, we
24 will take staff introduction to Proposal 55.

25

26 PETE DeMATTEO: Mr. Chair, Proposal 55
27 was submitted by the Eastern Interior Regional
28 Advisory Council. This proposal would close the
29 federal August 10 through September 30 caribou season
30 in Units 20(E) and 25(C), that portion southeast of
31 the Steese Highway when a combined Federal and State
32 harvest of 100 bulls has been reached. The
33 proposed --

34 TAYLOR BRELSFORD: Mr. Chairman, could we
35 allow just a moment here for the court reporter to get
36 her machine back in order? Just two seconds, please.

37

38 CHAIRMAN DEMIENTIEFF: Sure.

39

40 TAYLOR BRELSFORD: She is actually
41 keeping the official transcript, so we need to let her
42 catch up. She's been typing it but it wasn't
43 displaying. That's why she has to run through.

44 (Brief moment off record for technical reasons)

45

46 TAYLOR BRELSFORD: We're ready to
47 proceed, Mr. Chair.

48

49 CHAIRMAN DEMIENTIEFF: Okay, staff
50 introduction.

1 PETE DeMATTEO: Again on Proposal 55, the
2 proposed regulation would ensure that 50 of the 150
3 bull harvest quota are available for the fall season,
4 which is -- I'm sorry, for the winter season, which is
5 November 15th through February 28th. Adoption of the
6 proposal would result in a change to the caribou
7 regulations for Units 20(E) and 25(C). It would make
8 the caribou regulations for the two subunits
9 consistent in the federal subsistence regulation
10 book. The federal lands which would be affected by
11 this proposal would be the Fortymile River corridor,
12 the Yukon Charley Rivers National Preserve and the
13 Steese National Conservation Area.

14
15 A significant portion of the total caribou
16 harvest occurs within the Steese National Conservation
17 Area and on the Fortymile drainage. The intent of
18 this proposed regulation change is to ensure that 50
19 of the 150 bull quota remain available for the winter
20 season. Closure of the fall season does and would
21 continue to occur through coordinated actions between
22 the State and Federal agencies and boards. Adherence
23 to the 100 bull quota requires simultaneous closure of
24 the State and Federal seasons. The existing Federal
25 Subpart D regulations do not provide for synchronistic
26 administrative closure with emergency closure of the
27 State seasons. The necessity of the proposed
28 regulation change was realized when existing
29 regulations required a closure of the Federal fall
30 seasons by special action September of 1998. The
31 special action was essential to avoid a total fall
32 harvest exceeding the 100 bull quota. The 1998
33 Federal fall seasons remained open an additional six
34 days as a result of the existing regulations.

35
36 The current status of the Fortymile caribou herd
37 is approximately 31,000 animals with a potential for
38 significant growth. The current harvest quotas of the
39 100 bulls for the fall season and 50 for the winter
40 season will remain in effect until August of the year
41 2001 when a more liberal harvest plan will go into
42 effect and development of this plan is currently
43 underway.

44
45 The alignment between the Federal and State
46 regulations would provide the BLM and the National
47 Park Service administrative authority to close the
48 Federal August 10 through September 30 seasons
49 consistent with the Fortymile caribou herd management
50 plan. Recently the Alaska Board of Game changed the

1 existing fall harvest allocations under State
2 regulations and you'll find those allocations on Page
3 76 of the analysis. The allocations are 15 bulls for
4 Unit 20(D), 55 bulls for Unit 20(E) and 30 bulls for
5 25(C), which add up to 100 bulls for the fall
6 harvest.

7
8 A change in the Federal regulations should
9 include language that will close the seasons when the
10 specified allocations for Units 20(E) and 25(C) have
11 been reached by the combined State and Federal
12 harvest. Closure of the fall seasons does and would
13 continue to occur through the coordinated actions
14 between the State and Federal agencies and boards.
15 This concludes the analysis.

16
17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Written public comments.

19
20 VINCE MATTHEWS: Yes, Mr. Chairman.
21 There were two written comments, both from the local
22 advisory committees, the upper Tanana Fortymile and
23 the Delta Junction. Both support the proposal to
24 clean up, to clarify the total take for those units
25 that Pete discussed would be 100 caribou for the fall
26 hunt and we do have a representative here if needed
27 for Delta Junction Advisory Committee.

28
29 CHAIRMAN DEMIENTIEFF: Thank you. Staff
30 committee recommendation?

31
32 IDA HILDEBRAND: The staff committee
33 concurs with the Regional Advisory Council that
34 modification of the proposal would better serve the
35 user needs and keep the harvest within the established
36 quota. As proponents, the Eastern Interior Advisory
37 Council chose to modify the proposal at their annual
38 meeting after deliberation on the recent allocation
39 changes in the State regulations and staff analysis.
40 The Council incorporated those changes and aligned
41 Federal and State seasons and quota to provide a
42 mechanism to simultaneously close the fall season when
43 the combined Federal/State quota had been met. The
44 decision of the Council is also consistent with the
45 Fortymile caribou herd management plan.

46
47 CHAIRMAN DEMIENTIEFF: Thank you.
48 Department comments?

49
50 ELIZABETH ANDREWS: Mr. Chairman, the

1 Department supports the modification and appreciated
2 the opportunity to work with the Council during their
3 spring meeting. Thank you, Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. We
6 have no additional requests for public comment at this
7 time. Regional Council comments?

8

9 NAT GOOD: Nat Good, Eastern Interior.
10 We obviously support this and we put a lot of thought
11 and a lot of effort into it. As I look at this, I
12 still find it just a little bit confusing here. I
13 wonder if there would be some way that we could take
14 the fact that it says winter season will close, et
15 cetera, that gets a little confusing. If we had
16 simply the 20(E) information on it and then followed
17 that by 25(C) and then put our general information, it
18 to me it's confusing when I look at this and read it
19 twice. It almost implies that there's 150 bulls to be
20 taken in Unit 20(E) and another 150 in 25(C), but
21 that's just as I look at it. But it is something we
22 need to do. We have worked as the First Nations in
23 Canada with the Fortymile planning team with the
24 Canadian equivalent of our Fish & Game Department,
25 large group of other volunteers on this and we believe
26 that we've made a great deal progress on the comeback
27 of the Fortymile caribou and we hope to see them
28 extending their migration into the First Nations land
29 in Canada and we know that they've already begun
30 moving to the westward onto the Steese Highway where
31 this last year. That, by the way, is what caused us
32 to need these new regulations. Since their movements
33 have changed, we need to change how we're going to
34 manage this herd biologically. So but again, we do
35 support this.

36

37 CHAIRMAN DEMIENTIEFF: Thank you.
38 Additional Regional Council comments? You weren't
39 chomping at the bit on this one; were you, Bill?

40

41 BILL THOMAS: No, I did want to
42 compliment the Eastern Interior Advisory Council for
43 the time they spent in detail on presenting this
44 proposal. And the language they used, they've kind of
45 walked us through the whole process and it was easy to
46 understand the conclusion they arrived at and
47 Southeast supports their recommendation.

48

49 CHAIRMAN DEMIENTIEFF: Additional
50 Regional Council comment? Yes, Ron.

1 RONALD SAM: Yes, Western Interior
2 supports Eastern Regional Council with their
3 modification.

4
5 CHAIRMAN DEMIENTIEFF: Any additional
6 Regional Council comment? Hearing none, we're ready
7 for a motion.

8
9 SALLY WISELY: Mr. Chair?

10
11 CHAIRMAN DEMIENTIEFF: Yes.

12
13 SALLY WISELY: I, too, would like to
14 compliment the Council, as well as all the entities
15 involved in the Fortymile management herd effort. I
16 think it really has been a good effort in terms of
17 bringing all the players to the table and coming out
18 with something good and workable. With that as a
19 backdrop, I would move that we adopt the proposal as
20 modified by the Eastern Interior Regional Council.

21
22 CHAIRMAN DEMIENTIEFF: There's a motion.
23 Is there a second?

24
25 JUDY GOTTLIEB: Second.

26
27 CHAIR DEMIENTIEFF: It's been moved and
28 seconded. Let me just ask staff real quick to clarify
29 the concern that was raised with regard -- is there
30 any -- well I can't see anything, but is there
31 anything in this language that might allow discrepancy
32 in the regulatory language?

33
34 PETE DeMATTEO: Mr. Chair, again, I guess
35 I'm speaking for Mr. Good there, but if I hear his
36 concerns correctly, I think he's saying that the
37 proposed language, he'd like to see it just speak for
38 the allocations specified on Page 76, and you may want
39 to ask him if I'm speaking the truth here, see if I
40 have it right.

41
42 CHAIRMAN DEMIENTIEFF: Mr. Good, you can
43 go ahead and respond. I'd just like to make sure your
44 concerns are --

45
46 NAT GOOD: Right, to respond to that, you
47 know, these are the regulations that are going to go
48 out to your John Q. Average subsistence hunter here
49 and I don't want to see him confused by the fact that
50 to me, the way -- it's just a matter of just maybe

1 cleaning up a little bit, but the way it addresses the
2 150 total in two separate units, and the average
3 person might conclude that that meant it could be 300
4 rather than 150. The total of 150 should be overall
5 and actually include a third area that isn't addressed
6 here because there is no federal land.

7
8 CHAIRMAN DEMIENTIEFF: Well, it's the
9 intent of 150 total Fortymile caribou; right?

10
11 NAT GOOD: Right, exactly.

12
13 CHAIRMAN DEMIENTIEFF: That's the way I'm
14 reading it. It does talk about the fall allocation
15 earlier by specific subunit, but then it does say in
16 there, I mean, you know, none of the average
17 subsistence users can understand any of the
18 regulations anyway, State or Federal. I agree with
19 you, it does appear to be a little bit confusing, but
20 I think it's clear at least in both that there's 150
21 total caribou between State and Federal. Is that
22 correct?

23
24 NAT GOOD: That's correct, and I guess
25 actually in reality, the biggest concern was that
26 whoever will be doing the closure in this case clearly
27 understands it.

28
29 CHAIRMAN DEMIENTIEFF: We might get
30 varying views on that issue, as well. Any other
31 Regional Council comments or Board discussion? Bill?

32
33 BILL THOMAS: Mr. Chairman, I support the
34 confusing component of this, keeps us consistent with
35 what we're doing.

36
37 CHAIRMAN DEMIENTIEFF: Any further
38 meaningful discussion? Hearing none, we'll go to a
39 Board vote now. All those in favor of the motion,
40 please signify by saying aye.

41
42 (Response).

43
44 CHAIRMAN DEMIENTIEFF: Those opposed,
45 same sign.

46
47 (No response).

48
49 CHAIRMAN DEMIENTIEFF: Motion carried.
50 Okay, I do need to clarify, I was misunderstanding

1 with regard to Proposal 58 as I went through the
2 material. Proposals 57 and 58 were combined for
3 analysis only but 58, it was not on the consent agenda
4 so we're going to at this time consider 58, get a
5 staff report.

6
7 PETE DeMATTEO: Proposal 58 was submitted
8 by the Stevens Village Tribal Council. This proposal
9 would establish a federal season and harvest limit for
10 brown bear in Unit 25(D), one bear every regulatory
11 year and the season will be June 1 through August 31.
12 The proposal requests opportunity to harvest brown
13 bear near villages and fish camps and when waterfowl
14 hunting during the summer months. Rural residents of
15 Unit 25(D) have a positive customary and traditional
16 use determination for brown bear in that unit.

17
18 Research conducted by the Alaska Department of
19 Fish & Game Division of Subsistence in the mid 1980s
20 showed that harvest and consumption of brown bear had
21 declined since historic times amongst Athabascans in
22 Unit 12. However taboos deeply embedded within the
23 Athabascan culture guard against the mentioning of the
24 bear's name or announcing one's intention to hunt
25 bear. Specific rituals and secrecy surrounding bear
26 harvest remain important to the culture. Therefore it
27 is possible that many brown bear harvests have been
28 unreported. As these documented cultural beliefs and
29 practices concerning brown bear are similar to those
30 held by the residents of Unit 25(D), it is quite
31 conceivable that brown bear harvests often went and
32 still go unreported for the same reasons.

33
34 Research also conducted by Alaska Department of
35 Fish & Game during the same period documented the
36 normal harvest period for bears for the residents of
37 Stevens Village is from April through October, but did
38 not distinguish between black and brown bear
39 harvests. Additional research also revealed
40 intermittent or incidental harvest of black bear
41 during July through October when black bears are
42 present in fish camps. Several reports documented
43 brown bear meat is rarely if at all consumed by
44 residents of the Yukon Flats communities. Brown
45 bears, the population of brown bears continue to be
46 abundant within the unit, according to the Alaska
47 Department of Fish & Game. The estimated brown bear
48 population for the unit is approximately 385 bears and
49 the harvestable surplus for brown bears in that unit
50 is 19 bears. No brown bears were reported taken

1 during 1997 through 1998 or in the fall of 1998.
2 However, harvest levels are presumed level over the
3 maximum sustainable limits.

4
5 Brown bear harvest for the unit is estimated at
6 two to three per year. The authors of this proposal
7 and one Council member from Unit 25 community were
8 present at the Eastern Interior meeting in the
9 spring. They also gave testimony at that meeting
10 concerning this issue and they also alluded to that
11 they have personally eaten brown bear meat that was
12 harvested during the summer and Chief Mayo of Stevens
13 Village stressed the importance of brown bear to the
14 Koyukon in mortuary and other ceremonies.

15
16 From testimony presented again at the Council
17 meeting and from discussions staff have had with
18 residents of that region it is clear that brown bear
19 is an important resource of the residents of Unit
20 25(D). Sufficient evidence indicates that customary
21 and traditional harvest of brown bear for general
22 human consumption and also for ceremonial purposes
23 does occur during the June 1 through August 31
24 period. This concludes the analysis.

25
26 CHAIRMAN DEMIENTIEFF: Written public
27 comments?

28
29 VINCE MATTHEWS: Yes, Mr. Chairman, there
30 was two -- well actually one, excuse me. One from the
31 Delta Junction Advisory Committee in support. I do
32 also need to note for the Board that if there is
33 further discussion on evidence or that, we have
34 indications that the village, Stevens Village's
35 Natural Resource Officer and possibly the Chief are in
36 route here. I don't see them in the room at present.
37 If that's needed, we may want to look at deferring
38 this proposal or tabling it. Just want to let you
39 know that they were expected to come and as you know,
40 the flights on Alaska Airlines have been changing as
41 time goes on. So I just want to inform you of that.
42 Thank you.

43
44 CHAIRMAN DEMIENTIEFF: Staff committee
45 recommendation?

46
47 IDA HILDEBRAND: The staff committee
48 recommendation concurs with the Regional Council that
49 the creation of a federal season for brown bears from
50 June 1 to August 1 would not adversely impact the

1 brown bear population and would align Federal and
2 State regulations without anticipation of additional
3 harvest. The proposed changes would be less confusing
4 and less restrictive to subsistence users and are
5 supported by staff analysis, testimony of users and
6 testimony regarding ceremonial and opportunistic
7 harvesting patterns of brown bear. In addition, the
8 administrative modification to strike the language
9 for, quote, no tag fee, unquote, is supported by the
10 fact that tag fees are not currently required.

11
12 CHAIRMAN DEMIENTIEFF: Department
13 comments?

14
15 ELIZABETH ANDREWS: Mr. Chairman, for
16 Proposal Number 58, our concern is that by adopting
17 this proposal, you would now have the first year long
18 season of brown bear in the state. The only other
19 area where you don't have a -- where you have a
20 year-round season is in the Lake Clark National Park
21 and Preserve area and that's by permit and it also has
22 a quota on it. And so we have pretty serious concerns
23 about that and would rather see this proposal
24 coordinated either with the Board of Game or perhaps
25 even some consideration be given to having a permit
26 requirement during the summer months or something
27 along those lines, but this -- this would be the first
28 year long brown bear season without any permit
29 requirement, without any quota that there is in the
30 state for brown bear.

31
32 If bears are taken in summer months for
33 ceremonial purposes, you know, that can be certainly
34 supported by the request for a ceremonial use permit
35 like you do in other areas. If there's a concern
36 about being able to take bears in defense of life and
37 property, that's something different. That's not a
38 subsistence use. So if we're talking ceremonial use,
39 for example, there's other avenues to provide for the
40 take of brown bears in this area for ceremonial use
41 during the summer. So we don't support the proposal.
42 We'd rather see some either coordination with the
43 Board of Game or some other types of handles on the
44 management of this. Thank you, Mr. Chair.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. We
47 have no additional requests for public comment at this
48 time. Regional Council comments?

49
50 NAT GOOD: Mr. Chairman, Eastern Interior

1 supported this proposal and felt very strongly about
2 it. We felt that there is an ample supply of bears in
3 this area and in fact, there's currently an
4 undersupply of hunters of those bears. We felt that
5 anything we could do to help the situation out was
6 worth doing here. And we also feel that in terms of
7 hunting, it's opportunistic, especially bears. You
8 don't plan to go shoot a bear usually and just go get
9 one. They tend to travel and they travel long paths
10 and when you happen to cross their path, we think that
11 the people of Stevens Village should be given the
12 opportunity to end that path.

13

14 CHAIRMAN DEMIENTIEFF: Thank you.

15

16 GRACE CROSS: Mr. Chair, I'd like to make
17 a comment to the Department. We had year-round
18 seasons for centuries before the Department came and
19 when the Department came, we were still hunting the
20 same mammals. Thank you.

21

22 CHAIRMAN DEMIENTIEFF: Bill?

23

24 BILL THOMAS: Thank you, Mr. Chairman. I
25 have the same comment but I'll make it to the Board.
26 Just because there may be a year-round season for
27 brown bear doesn't suggest that the harvest is going
28 to be irresponsible in doing so. The justifications
29 in a very real fashion described the ceremonial
30 aspects and the nutritional depictions of how that
31 game will be used. So I don't think that's a fair
32 assessment to suggest that a year-round season would
33 have a negative impact on the population of the bear
34 in that region. I support the proposal by the Eastern
35 Regional Advisory Council.

36

37 CHAIRMAN DEMIENTIEFF: Ron?

38

39 RONALD SAM: Thank you, Mr. Chairman.
40 Western Interior Region is quite similar to Eastern
41 Interior. We do not, per se, go out and harvest brown
42 bears for subsistence. As stated in this proposal, it
43 is opportunistic and in defense of life and property.
44 And because of that, I don't see any great demise of
45 the brown bear population because we simply do not use
46 them as much as other animals for subsistence. Again,
47 it's mostly in defense of life and property.

48

49 CHAIRMAN DEMIENTIEFF: Thank you.

50 Ralph?

1 RALPH LOHSE: Mr. Chairman, what Ron
2 brought out and Grace brought out is true. I know
3 what Fish & Game is saying is there are provisions for
4 taking of bear in defense of life and property but in
5 a subsistence situation, if you took the bear for
6 defense of life and property, you prefer to use the
7 bear and the fact that it's taken for defense of life
8 and property doesn't mean it's going to be wasted.
9 It's going to be used. It's an opportunistic take. I
10 don't really see any problem with it, as long as the
11 resource, and I think Bill's brought that up quite a
12 few times is as long as it's not detrimental to the
13 resource, if it can be used, it should be used by the
14 local rural residents that are there.

15
16 CHAIRMAN DEMIENTIEFF: Additional
17 comment?

18
19 DAN O'HARA: Bristol Bay supports the
20 Eastern Interior proposal.

21
22 CHAIRMAN DEMIENTIEFF: Ready to advance
23 this to Board action.

24
25 DAVID ALLEN: Mr. Chairman?

26
27 CHAIRMAN DEMIENTIEFF: Yes.

28
29 DAVID ALLEN: Mr. Chairman, I propose, I
30 move that we adopt Proposal 58 as recommended by the
31 Eastern Interior Regional Council with a modification
32 to remove proposed regulatory language stating that no
33 tag fee is required.

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

37
38 JUDY GOTTLIEB: I second it.

39
40 CHAIRMAN DEMIENTIEFF: It's been moved
41 and seconded. Discussion? Final Regional Council
42 comment? Mr. Thomas?

43
44 BILL THOMAS: Thank you, Mr. Chairman. I
45 think it's a good motion. I think it's a good
46 proposal. I think it's an opportunity for us to
47 witness the results of making these kind of provisions
48 to address these kind of circumstances. Thank you.

49
50 CHAIRMAN DEMIENTIEFF: Final comments?

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

3
4 (Response).

5
6 CHAIRMAN DEMIENTIEFF: Those opposed,
7 same sign.

8
9 (No response).

10
11 CHAIRMAN DEMIENTIEFF: Motion carries.
12 Staff report on Proposal 61.

13
14 GEORGE SHERROD: Thank you, Mr. Chair.
15 Proposal 61 was submitted by Stevens Village and it
16 requested the opportunity to take moose in Unit 25(D)
17 West for consumption at traditional cultural events
18 including memorial potlatches. Although not
19 specifically identified in the original proposal at
20 the Regional Council meeting the proponents of the
21 proposal clarified that they also intended to request
22 that the other two communities in 25(D) West, Birch
23 Creek and Beaver, be covered by this proposal.

24
25 When the federal program assumed management in
26 its regulations it adopted several provisions that
27 were already in the State regulation allowing for the
28 take by Athabascans of moose for mortuary and funeral
29 potlatches and as such recognized ceremonies as
30 Nuchalawoyya and stick dance. As the program has
31 evolved, this body has advanced that opportunity to
32 communities currently not covered under the state.
33 For example in Southeast Alaska in Units 1 through 5,
34 residents can take resources for funeral and mortuary
35 potlatches. In Unit 9, there was provision allowed
36 for certain residents of that unit to take moose for
37 ceremonies not restricted to funeral or mortuary
38 practices but other purposes. In addition the
39 existing Subpart D regulations, the changes that the
40 body has made, there have been a number of special
41 actions that this group has acted upon including the
42 elders potlatch in Kaltag last December and the August
43 assembly of the Tanana Chiefs Conference in which
44 moose were allowed to be taken for communal feasting.
45 Among Athabascans and other Alaska Natives, communal
46 feasting is a very important part of cultural
47 activities. It is primarily within this context today
48 that we see knowledge transferred about sharing, the
49 transmission of knowledge of folklore, the preparation
50 of special foods to be used in consumption and the

1 wide diversity of resources. Communal gatherings or
2 communal feasting is not normally focused on only one
3 specie but requires a number of other species and
4 resources to be brought to the plate and it's not a
5 small undertaking. It takes a fair amount of
6 planning, preparation and effort.

7
8 It's also important to note that the proponents
9 of this proposal have worked strongly with the Refuge
10 in trying to make sure that the current harvest
11 guidelines established for 25(D) West, the 30 cap, is
12 not expanded because of this proposal. They recognize
13 the need for conservation. It would also provide a
14 better reporting requirement for the federal land
15 managers than currently exists under the State
16 provisions to take mortuary and funeral potlatch
17 moose. That's the, unless there's questions, end of
18 my comments

19
20 CHAIRMAN DEMIENTIEFF: Written public
21 comments?

22
23 VINCE MATTHEWS: There was only one.
24 It's from the Delta Junction Advisory Committee that
25 supports the proposal. Thank you.

26
27 CHAIRMAN DEMIENTIEFF: Staff committee?

28
29 IDA HILDEBRAND: The staff committee
30 concurs with the Regional Council based on staff
31 analysis and testimony regarding the strong cultural
32 practices and traditions associated with the harvest
33 of natural resources for communal consumption at
34 ceremonial events. In addition, current State
35 regulations only provide for mortuary focus communal
36 harvest and all ceremonial taking will be within the
37 previously established 30 bull quota for the three
38 communities in 25(D). Therefore, no additional
39 harvest is anticipated as prior Refuge approval is
40 required before any ceremonial taking to ensure that
41 the quota has not previously been filled.

42
43 CHAIRMAN DEMIENTIEFF: Department
44 comments?

45
46 ELIZABETH ANDREWS: Thank you,
47 Mr. Chairman. Let me preface my comments by saying
48 that it's certainly correct the Department does
49 provide for ceremonial use. That's a regulation that
50 was adopted by the Board of Game by working with a

1 number of local Native groups and that's the basis for
2 the regulation that deals with memorial potlatches and
3 funeral potlatches and other potlatches associated
4 with mortuary or funerary practices. In addition to
5 that, we do issue cultural permits. So there are
6 other opportunities in addition to the ceremonial use
7 for the take of game, moose in this case, for cultural
8 purposes. So those are the two ways that it could be
9 covered.

10

11 We don't support this proposal and the reasons we
12 don't support it are several. One is, is that a
13 traditional cultural event is not defined and we're
14 unclear as to what guidance would be provided to the
15 refuge manager in determining whether or not than
16 activity falls within a traditional cultural event.
17 The way we've done it on the State side in providing
18 for those is, as I said, by cultural permits, but also
19 in regulation for recognizing for example the
20 Nuchalawoyya potlatch by going through process of
21 describing and identifying that as a customary and
22 traditional practice. So the question becomes, how
23 would the refuge manager determine that a certain
24 activity is a customary and traditional practice?
25 There's no guidance here for that.

26

27 Another comment has to do with our concern that
28 this in fact is beyond the authority of the Federal
29 Board to adopt as it's written because it doesn't
30 require a federal permit, and it's our understanding
31 that in order to implement programs under Section
32 10(B)(5)(3) of your regulations, that a federal
33 subsistence registration permit would be required.

34

35 The staff analysis did mention the situation that
36 you have in Unit 9 for the take for ceremonial
37 purposes of moose in that unit and that's by federal
38 registration permit. So that's -- you know, certainly
39 that's along the lines of what's in your regulations
40 and can be provided for that way. So if the Board
41 were to adopt this, we certainly think that there
42 should be this federal registration permit requirement
43 consistent with your regulations.

44

45 The last concern that we have has to do with the
46 real potential of impacting the current subsistence
47 uses of the other communities in Subunit 25(D) West.
48 As many of you know, the moose population there is
49 extremely low. The State has a Tier II hunt there.
50 The Federal program has a limit of 30 animals in

1 conjunction with the State, but you do have a federal
2 registration hunt for subsistence in that portion and
3 as animals are taken under regulation that might be
4 provided here, it does prevent animals to be provided
5 for subsistence use under federal regulations
6 elsewhere in Unit 25(D) West. So that's another
7 concern that we have. But we do think that certainly
8 the registration permit aspect should be addressed and
9 also that some guidance on what is going to constitute
10 a traditional cultural event and how to identify that
11 as being a customary and traditional practice is going
12 to be carried out by the refuge manager. Thank you,
13 Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Thank you. We
16 have no requests for additional public comment at this
17 time. Regional Council comments?

18
19 NAT GOOD: Eastern Interior does support
20 this proposal. When you look at the information here
21 which states that they will be within their 30 bull
22 moose harvest quota, the number of moose taken will
23 not be changed whatsoever. The only thing that might
24 be adjusted may the time of the taking. It might be
25 more appropriate for some events in the communities,
26 and as we looked at this, we saw also that Beaver,
27 Birch Creek and Stevens Village find it really awkward
28 to just run and get a permit someplace to take a
29 moose. Look at their isolation here. This proposal
30 does give a bit more local control, at least we
31 believe it does, and gives a little more control to
32 the local people in this area. Thank you.

33
34 CHAIRMAN DEMIENTIEFF: Thank you.
35 Additional Regional Council comment?

36
37 BILL THOMAS: Mr. Chairman?

38
39 CHAIRMAN DEMIENTIEFF: Mr. Thomas.

40
41 BILL THOMAS: Contrary to what they said
42 about permitting and everything, I'll bring it back to
43 8.01. 8.01 is to provide for the continuation of the
44 opportunity for subsistence and it lists some of the
45 reasons, and the reasons include economic,
46 traditional, cultural existence to Native physical,
47 economic traditional and social existence. And this
48 proposal satisfies all the requirements. This is a
49 depiction of subsistence in one of its truest forms.
50 A requirement for special permits are unnecessary.

1 Not only are they unnecessary, but they're an invasion
2 of the spirit and the cultural practice of those
3 people that -- of their social and cultural
4 existence.

5
6 For as many times as they're going to use this
7 for those ceremonial purposes, there's no way it can
8 have a negative impact on the population of that
9 area. Another thing is, the burden of constituting
10 the practice should not be left to the burden of the
11 users. And if somebody's got a problem with the
12 constituting of that practice, then they should bring
13 that list with them. But this is a perfect proposal.
14 It depicts subsistence in one of its truer and purer
15 forms. I support the recommendation by that Council,
16 Mr. Chairman.

17
18 CHAIRMAN DEMIENTIEFF: Ron?

19
20 RONALD SAM: Thank you, Mr. Chairman.
21 Western Interior supports this proposal. Number one,
22 because of the quota that's set and if it stays within
23 that sustainable yield, we support the proposal
24 wholeheartedly. The other reason that we do not want
25 to see tags is that it's part of our beliefs and we
26 hold animals in sort of reverence. We do not say we
27 will shoot a moose on this day for this potlatch with
28 a tag. It takes an all-out effort. We do not even
29 guarantee that we take moose for these ceremonies. At
30 times, we cannot find anything. So I don't see that
31 it would hurt any existing regulation. Thank you.

32
33 GRACE CROSS: Mr. Chair, I understand the
34 Department to be saying we cannot celebrate
35 Thanksgiving Day with moose, too.

36
37 CHAIRMAN DEMIENTIEFF: Dan?

38
39 DAN O'HARA: Chair of Bristol Bay. In
40 the Bristol Bay Region, we have set this policy in
41 place and it's worked very well. It's year-round and
42 we have five villages that are within a national park
43 and they take these ten moose, if they want them, for
44 ceremonial purposes and we have the Yup'iks and the
45 Athabascans within the five villages together and this
46 works very well and I don't certainly see a problem
47 with it and it's been going on and there hasn't been
48 any ripples made on this program at all and I think
49 it's just a good example of traditional use and think
50 it should continue and we support it wholeheartedly.

1 CHAIRMAN DEMIENTIEFF: Other Regional
2 Council comments?

3
4 FENTON REXFORD: Mr. Chair, yeah, North
5 Slope supports the proposal submitted.

6
7 CHAIRMAN DEMIENTIEFF: Any other Regional
8 Council comment?

9
10 VINCENT TUTIAKOFF: Mr. Chair, Vince
11 Tutiakoff with Kodiak/Aleutians. We support this
12 proposal on the basis of the information and our
13 beliefs that Mr. Thomas has brought forth. It's a
14 true traditional subsistence type use. The Aleuts and
15 the Alutiiq have had a ceremonial service for various
16 animals and in most cases have been driven to
17 extinction, to the point of extinction because we're
18 not allowed to practice those and we are trying to
19 bring those back, and this is a good example to keep
20 it going. Thank you.

21
22 WILLIE GOODWIN: Mr. Chairman?

23
24 CHAIRMAN DEMIENTIEFF: Yes.

25
26 WILLIE GOODWIN: Northwest supports the
27 proposal. It's C&T in its truest form.

28
29 CHAIRMAN DEMIENTIEFF: Any other
30 comment? We're ready for a Board action?

31
32 DAVID ALLEN: Mr. Chairman?

33
34 CHAIRMAN DEMIENTIEFF: Yes.

35
36 DAVID ALLEN: Mr. Chairman, I would like
37 to move that we adopt the proposal as recommended by
38 the Eastern Interior Regional Council with minor
39 clarifications in regulatory language.

40
41 CHAIRMAN DEMIENTIEFF: Is there a second
42 to the motion?

43
44 SALLY WISELY: Second.

45
46 CHAIRMAN DEMIENTIEFF: Been moved and
47 seconded.

48
49 DAVID ALLEN: Mr. Chairman?

50

1 CHAIRMAN DEMIENTIEFF: Yes.

2
3 DAVID ALLEN: One of the issues that was
4 raised by the State and I just want to clarify, this
5 regulation does not require that the refuge manager
6 make any determination as to the validity of a
7 traditional or ceremonial event. The regulation
8 simply requires that whoever wishes to take a moose
9 under this regulation simply notify the refuge manager
10 in advance of that and once the animal is taken, to
11 report it has been taken and the purposes for which it
12 was taken, and that no additional permits would be
13 required to take a moose under this provision.
14 However, any moose taken under the provisions of this
15 regulation, do count against the current quota of 30
16 moose.

17
18 It should be noted that prior to this year, the
19 largest number taken under this system in recent years
20 has been 17, 17 moose. Last year I believe the number
21 was 25. Thank you, Mr. Chairman.

22
23 CHAIRMAN DEMIENTIEFF: Further
24 discussion? Final Regional Council comment?

25
26 BILL THOMAS: Mr. Chairman?

27
28 CHAIRMAN DEMIENTIEFF: Yes.

29
30 BILL THOMAS: If he's any kind of a
31 manager at all, he'd dance with the wolves with those
32 people.

33
34 CHAIRMAN DEMIENTIEFF: Any further
35 discussion? Hearing none, all those in favor of the
36 motion please signify by saying aye.

37
38 (Response)

39
40 CHAIRMAN DEMIENTIEFF: Those opposed,
41 same sign.

42
43 (No response).

44
45 CHAIRMAN DEMIENTIEFF: Motion carries.
46 Before we move onto Southcentral, pursuant to the
47 request by Fenton Rexford, Chair of the North Slope
48 Regional Council with regard to their hard work on the
49 muskox management plan signed recently by multiple
50 agencies, as well as the folks on the North Slope,

1 themselves, we've asked staff to draft a resolution in
2 support of that management plan and we are prepared to
3 have this read into the record by Sandy. Go ahead.

4 SANDY RABINOWITCH: Thank you very much.
5 Let me point out to the Board that we also have copies
6 of the North Slope muskox harvest plan that you all
7 got yesterday and if you like I can give you a summary
8 of that plan. It would take three or four minutes,
9 but I'll start with the resolution.

10
11 Resolution reads Federal Subsistence Board
12 Resolution, May 4th, 1999. The Federal Subsistence
13 Board recognizes that, one, muskox were reintroduced
14 on the Arctic National Wildlife Refuge and at Cape
15 Thompson in 1969 and 1970 and that the management
16 policy has been to re-establish muskoxen throughout
17 their former range; two, the North Slope residents
18 continue to express concern about the introduction and
19 re-establishment of muskox, reporting that muskox
20 cause caribou to abandon areas that caribou have used
21 in the past, that muskox trample caribou habitat,
22 berry picking areas, trapping areas and that their
23 aggressive behavior frightens people and causes them
24 to change their activities; three, there has been a
25 cooperative effort between the North Slope Borough
26 Department of Wildlife Management, the North Slope
27 Borough Fish & Game Management Committee, the North
28 Slope Regional Advisory Council, the Alaska Department
29 of Fish & Game, U.S. Fish & Wildlife Service, the
30 Bureau of Land Management, the National Park Service
31 and the villages of the North Slope to develop an
32 interim North Slope muskox harvest plan for the muskox
33 on the North Slope in order to address the concerns of
34 the North Slope residents; four, there have been
35 numerous proposals for seasons and harvest limits over
36 the past several years which at times have been
37 contentious; five, the interim plan dated December
38 9th, 1998, is not permanent but will be expanded into
39 a comprehensive muskox management plan.

40
41 The Federal Subsistence Board acknowledges and
42 appreciates the efforts of the many individuals,
43 groups and organizations who have worked on this
44 complex wildlife issue. The Board supports the
45 concepts expressed in this interim harvest plan.

46
47 CHAIRMAN DEMIENTIEFF: Before we begin
48 consideration, I'll just clarify a couple of points.
49 One is that Mr. Rexford has approved the language of
50 this, and for any concerns that anybody may have, I

1 mean, the signatories to the plan, in particular the
2 State and the Borough and the three federal agencies
3 and I think the Regional Council and the Fish & Game
4 Advisory Committee, as I remember all were signatories
5 to the plan. It really doesn't affect any change to
6 the plan and so that's why we didn't circulate it
7 amongst the signatories to the plan. The signatories
8 to the plan basically, you know, were the ones that
9 approved the context of the agreement. This
10 recognizes, of course, as the language indicates, with
11 the support and hard work -- and supports the hard
12 work that was put in by all the signatories to the
13 plan and certainly doesn't supersede any of the things
14 that the signatories had agreed to. So I just wanted
15 to make that clarification of why we wouldn't have
16 circulated it out to the signatories to the plan.

17
18 With that, to get it up for discussion, I'd
19 entertain a motion to adopt.

20
21 SALLY WISELY: Mr. Chair, I move that we
22 adopt the resolution as just read into the record.

23
24 CHAIRMAN DEMIENTIEFF: Thank you. Is
25 there a second?

26
27 JUDY GOTTLIEB: Second it.

28
29 CHAIRMAN DEMIENTIEFF: Okay, discussion?
30 Fenton?

31
32 FENTON REXFORD: Okay, three years ago
33 you sent us on the journey, so here we are. I think
34 it proves to show that we can cooperate or co-manage
35 animals, that is the muskox, which is still
36 controversial, but we all worked pretty hard at this
37 and want to thank you for pushing it through and
38 getting it here thus far and thank you for putting it
39 on Board and recognizing all our hard work.

40
41 CHAIRMAN DEMIENTIEFF: Any other
42 comments.

43
44 JUDY GOTTLIEB: Mr. Chairman, I know
45 asking work groups to get together and work out
46 cooperatively problems has been a real trend and I
47 really want to compliment Fenton and others for a
48 tremendous effort that's really been worthwhile. So
49 thank you very much.

50

1 CHAIRMAN DEMIENTIEFF: Any other
2 comments? Mr. O'Hara?

3
4 DAN O'HARA: We support Fenton's plan
5 here and it's certainly good to see that. In the
6 Bristol Bay area we really work very hard on bringing
7 the agencies together as much as we can together and
8 we appreciate very much your hard work and support
9 you.

10
11 WILLIE GOODWIN: Mr. Chairman,
12 Mr. Chairman, I also compliment Fenton in his
13 persistence in getting this thing done. He did a good
14 job and we support him.

15
16 CHAIRMAN DEMIENTIEFF: Bill?

17
18 BILL THOMAS: Mr. Chairman, compliments
19 to Fenton, his hard work, and all that participated.
20 We try to avoid burdens like that in Region 1, but
21 anyway, now that this is done, is there a projection
22 on when significant changes or improvements will be
23 made to that, to the situation that was spelled out in
24 the resolution?

25
26 FENTON REXFORD: Yeah, number five, in
27 particular, the number five, when you talk about
28 going, when we get to 2003, we'll come back with you
29 and work out the comprehensive plan with these
30 agencies that have been co-signatories on the plan.

31
32 CHAIRMAN DEMIENTIEFF: Thank you,
33 Fenton. Further discussion? Hearing none -- oh, I'm
34 sorry.

35
36 NAT GOOD: I think Eastern Interior would
37 also like to give their support and their
38 congratulations and maybe wish that sometime in the
39 future we might get wood buffalo out of Canada, back
40 into the Fort Yukon area. Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Okay. If there's
43 no further discussion, all those in favor of the
44 motion, please signify by saying aye.

45
46 (Response).

47
48 CHAIRMAN DEMIENTIEFF: Those opposed,
49 same sign.

50

1 (No response).

2

3

CHAIRMAN DEMIENTIEFF: Motion carries.
4 With that, we're going to move into the Southcentral
5 Region. Off the consent agenda item for Southcentral,
6 we have proposals 3, 4, 16, 17, 18, 19, 20, 21, 26
7 that were proposed to adopt on the consent agenda. Is
8 there any objection by Board members or Regional
9 Council members with regard to those proposals? Any
10 changes?

11

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BILL THOMAS: Could you read those again,
Mr. Chairman?

CHAIRMAN DEMIENTIEFF: On the consent
agenda, 3, 4, 16, 17, 18, 19, 20, 21 and 26. Those
are the consent agenda items.

Okay, we've got one general comment on request.
We have several for specific proposals. Is Patrick
Wright here? Can you come up for a second please?
Mr. Wright, I'm just wanting to clarify, most all of
the other proposals that are here or all the other
people we have requesting, we have one general
testimony which I'll get to after you, but I notice on
your card, you put Proposals 3 through 26. Is that
correct?

PATRICK WRIGHT: That's correct.
Although it is a general comment because our response
on all of them are exactly the same and this is why I
thought you would prefer to do it in one time.

CHAIRMAN DEMIENTIEFF: Okay, so -- okay,
that's fine. We'll go ahead and we'll allow you this
opportunity right now, then. And then so I don't need
to call you up proposal after proposal. That's the
point I'm trying to get at. Okay, go ahead.

PATRICK WRIGHT: We're talking the same
language. Thank you for the opportunity to address
the Federal Subsistence Board today. I'm Patrick
Wright, Chair of the Anchorage Fish & Game Advisory
Committee. This is the third effort in the past three
months to communicate to you our concerns. The first
was a letter and a copy of our meeting minutes
explaining the stamp of disapproval we indicated on
the proposals in the Southcentral Region. And by the
way, Mr. Chair, I have a copy of that -- let's see --
letter with me today and we could read that into the

1 minutes if you have not provided that for the folks.
2 I trust that you have provided that for all of the
3 Board members for review, but if you haven't, I have
4 that available today and I would like to have that
5 read into the record if it is not already a record on
6 account.

7
8 The second was testimony before the Southcentral
9 Subsistence Regional Advisory Council on the 23rd of
10 March, 1999. Recognizing that you give considerable
11 deference to the Council's recommendations, you can
12 imagine my dismay at finding no reference to the
13 content of the message that I brought from the
14 Anchorage Advisory Committee in the draft minutes of
15 the Regional Council meeting, even though testimony
16 from other members of the public was sometimes
17 detailed. So today, I am once again identifying the
18 resolve of the Anchorage Fish & Game Advisory
19 Committee.

20
21 It is the continuing encroachment of the federal
22 government in regards to our fundamental property
23 rights towards fish and wildlife that has prompted the
24 Anchorage Fish & Game Advisory Committee to take a
25 stand on subsistence priority issues. We are merely
26 reminding all players in the subsistence arena to be
27 aware of the protection that the constitution of the
28 State of Alaska provides for all of its citizens
29 equally. Because we are created by Alaska law, our
30 committee refuses to knowingly take actions which are
31 contrary to those laws. We were informed of an
32 agreement between the U.S. Fish & Wildlife Service and
33 the Alaska Department of Fish & Game which provided
34 for advisory committees' comments on the federal
35 subsistence proposals. Under such an arrangement, we
36 have been placed in the position to support or oppose
37 a mass of proposals that create preferences amongst
38 users. This concept violates not only common law, and
39 the example is McDowell versus the State of Alaska,
40 but also common sense. Why should Alaskans allow this
41 attack on our State's rights?

42
43 The agreement acknowledges the dual State/Federal
44 management of fish and game. Most of our committee
45 members feel this is duplicative government
46 involvement which ultimately is not in the best
47 interests of the resource or the people.

48
49 It is rather presumptuous that we are expected to
50 comment on proposals that we and our constituents,

1 nearly half of Alaska's population, are
2 disenfranchised from engaging in because of where we
3 live. Therefore, the Anchorage Fish & Game Advisory
4 Committee wishes to be on record as opposing all
5 proposals, Number 3 through Number 26. Thank you.

6
7 CHAIRMAN DEMIENTIEFF: Thank you.

8
9 PATRICK WRIGHT: Mr. Chair?

10
11 CHAIRMAN DEMIENTIEFF: Yes.

12
13 PATRICK WRIGHT: Can you acknowledge
14 whether the letter that was sent to you was made
15 available for the Board members?

16
17 CHAIRMAN DEMIENTIEFF: Is that letter in
18 the record? Who would know that?

19
20 PATRICK WRIGHT: Could I submit it now to
21 be read into the record?

22
23 CHAIRMAN DEMIENTIEFF: Hang on a minute
24 here.

25
26 TAYLOR BRELSFORD: Mr. Chairman, Taylor
27 Brelsford. Our procedure regarding public comments is
28 to put a synopsis, a summary of those in the written
29 materials, those that were received timely, based on
30 the proposal booklets that were sent out and
31 circulated among the public. For comments that were
32 received after the deadline, those have been read by
33 the coordinators over the past several days into the
34 record in the proceedings and the same opportunity
35 would be provided to Mr. Wright or any other member of
36 the public. So I don't know in particular whether
37 this letter was received before or after the
38 deadline. We would certainly do what's right at this
39 point to include it within the proceedings. So if
40 your judgment is that we ought to read it or ask
41 Mr. Wright to testify directly from the letter, either
42 way, we achieve the goal of ensuring that his concerns
43 are taken into consideration.

44
45 CHAIRMAN DEMIENTIEFF: Thank you. That's
46 just exactly what we'll do. I was just checking to
47 see if it was a duplicative thing before I responded
48 to it, but that is how we have done it. So either you
49 could read it into the record now or else we could
50 have the regional coordinator read it into the record,

1 whatever your preference is.

2

3 PATRICK WRIGHT: Thank you, Mr. Chair.
4 I'll read this into the record now and provide a
5 copy.

6

7 CHAIRMAN DEMIENTIEFF: Please.

8

9 PATRICK WRIGHT: Because this was a
10 letter to you directly and it was not sent in the form
11 of comments on the proposals, this is why it was
12 through a little different procedure.

13

14 CHAIRMAN DEMIENTIEFF: Okay, yeah.
15 That's where I was getting confused here. That's why
16 I was waiting for Tom to get back. That's why we will
17 allow you to read that directly into the record right
18 now.

19

20 PATRICK WRIGHT: I will also note that at
21 the same time it was presented to Bill Knauer of the
22 U.S. Fish & Wildlife Service, that we had provided the
23 stamp and the proposals, all of the Southcentral
24 proposals, Number 3 through Number 26 with that stamp
25 on there, which was our comments from the Anchorage
26 Fish & Game Advisory Committee on each one of those
27 individual proposals. And so that should be indicated
28 in the record, also, when those proposals come up.

29

30 This letter is dated February 15th, 1999, to the
31 Federal Subsistence Board, attention Chairman Mitch
32 Demientieff, 1011 East Tudor Road, Room 159,
33 Anchorage, Alaska 99503.

34

35 Dear Chairman Demientieff, the Anchorage Fish &
36 Game Advisory Committee is a creation of state law and
37 therefore adheres to it. In McDowell versus State of
38 Alaska, the Alaska Supreme Court found that the rural
39 resident priority of Alaska's subsistence law was
40 unconstitutional. Their four to one decision in favor
41 of the plaintiffs was based on Section 3, 15 and 17 of
42 Article 8 of Alaska's constitution.

43

44 From Section 3, which is the common use, quote,
45 fish, wildlife and waters are reserved to the people
46 for common use, unquote.

47

48 From Section 15, no exclusive right of fishery,
49 quote, no exclusive right or special fishery shall be
50 created or authorized in the natural waters of this

1 state, unquote, are classes that clearly state the
2 right of the user of Alaska fish and wildlife.

3
4 Section 7 -- correction, Section 17, the uniform
5 application, quote, laws and regulations governing the
6 use or disposal of natural resources shall apply
7 equally to all, quote, similarly situated with
8 reference to the subject matter and purpose to be
9 served by law or regulation, unquote, clearly provides
10 equal protection for use.

11
12 Therefore, this Advisory Committee respectfully
13 opposes all proposals by the public or government
14 agencies that discriminate amongst users. The
15 following stamp displays our position on the matter
16 and will be placed on the individual proposals that we
17 oppose.

18
19 That stamp reads: Proposal opposed. Proposal is
20 contrary to the Alaska constitution in McDowell one,
21 Advisory Committee, and we have indicated Anchorage,
22 Chairperson, Patrick Wright, and then the date that
23 that was submitted.

24
25 Thank you, Patrick Wright, Chairman, Anchorage
26 Fish & Game Advisory Committee.

27
28 CHAIRMAN DEMIENTIEFF: Thank you,
29 Mr. Wright. We do have a copy of that. It will go
30 into the record as will the transcript of the letter
31 and I just went back to confirm that we do have a
32 copy. So we're covered. Thank you.

33
34 Okay, I'm not sure what the name is, Calkote
35 (ph), is it Debbie Calkote?

36 TAYLOR BRELSFORD: Mr. Chairman, I
37 believe it's Deleice Calkote. She told us that she
38 was going to be involved with the census training
39 course until about 3:00, so perhaps we could hold off
40 and allow her to testify at a later time.

41
42 CHAIRMAN DEMIENTIEFF: Okay. With that,
43 are we ready for the staff report on Proposal Number
44 5?

45
46 RACHEL MASON: Would that be Number 7, 7
47 and 12?

48
49 CHAIRMAN DEMIENTIEFF: So it will be 7
50 and 12 and you wanted to --

1 JUDY GOTTLIEB: Mr. Chair and members of
2 the Board and members of the RAC, we have a couple
3 people still traveling in to speak to Number 7 and 12
4 and with the unpredictability of our schedule, would
5 ask that we postpone discussion on 7 and 12 till they
6 arrive or else first thing tomorrow morning.
7 Appreciate it.

8
9 CHAIRMAN DEMIENTIEFF: Depending on our
10 progress this afternoon, tomorrow morning, I'm going
11 to -- I mean, I'm not -- if we complete Southcentral,
12 maybe I'll just back that up right now and just speak
13 to what we have. But in the morning, we're making
14 arrangements with the Kenaitzes to begin hearing, once
15 we complete the work on the outstanding issue that we
16 have in Bristol Bay, this is providing we complete
17 Southcentral today, which if we wade our way through
18 all these proposals this afternoon, which, you know,
19 I'm hoping that we're able to do, so given that, my
20 intent would be to pick up in the morning with our
21 incomplete work in Bristol Bay, the one proposal that
22 we're working on in Bristol Bay and the Kenaitzes
23 have, you know, agreed to come in in the morning,
24 based on our progress this afternoon and begin the
25 Kenaitze testimony in the morning.

26
27 Now, I don't know, somebody can correct me if
28 they want, but procedurally, you know, we've noticed
29 the debate on Kenaitze, on the Kenaitze request for
30 1:00 tomorrow and it's at least my opinion that we
31 could not begin consideration of that proposal until
32 1:00, although I'm sure we could hear testimony on the
33 issue in the morning. So it's my intent right now to
34 complete Southcentral this afternoon and do Bristol
35 Bay first thing in the morning and then move into the
36 Kenaitze testimony and begin to debate on the Kenaitze
37 issue at 1:00, and depending on whether or not we
38 would complete the debate on the Kenaitze request, you
39 know, we could be adjourned as early as 2:30 tomorrow
40 afternoon. In any event, we'll still honor the
41 Kenaitze request, you know, to participate in the
42 March. So if we're not done, we'll arrange a schedule
43 after that, but I should have made that clear earlier,
44 just due to the progress. So we'll wait to the
45 afternoon and if they're not here, you know, then
46 we're going to proceed on and consider the proposals
47 anyway. Of course, if we get bogged down in some of
48 the Southcentral proposals, it could throw the whole
49 thing off. But tentatively, that's what my schedule
50 is. So we'll postpone 7 and 12 until last. That

1 leaves me thoroughly confused on where we're at. So
2 we go to Proposal 21, is that also a request?

3

4 GRACE CROSS: That's the consent agenda.

5

6 CHAIRMAN DEMIENTIEFF: Okay, now we're
7 back to 5 and 6. Okay.

8

9 RACHEL MASON: All right, thank you,
10 Mr. Chairman. Proposal 5 was submitted by the Healy
11 Lake Traditional Counsel and Proposal 6 was submitted
12 by the Copper River Native Association. Both of them
13 request adding Healy Lake to the communities with a
14 positive C&T for caribou in Unit 11 north of the
15 Sanford River. Currently there's positive C&T for
16 caribou in Unit 11 north of the Sanford River for the
17 residents of Units 11, 12, 13(A) through (D) and
18 residents of Chickaloon and Dot Lake. Healy Lake
19 resident testimony and ethnographic information
20 indicates that there are many kinship and marriage
21 connections, as well as links through language,
22 ecological adaptation and social organization between
23 the Tanacross Athabascans living in Healy Lake, and
24 other Upper Tanana communities including Dot Lake,
25 Northway, Tetlin, Tanacross and Tok. The Athabascans
26 who live in the Upper Tanana area also have many
27 connections with Ahtna people who live in the Copper
28 basin.

29

30 In regard to the subsistence harvesting
31 locations, Healy Lake people have traditionally used
32 many of the same areas that are used by their Upper
33 Tanana relatives and friends.

34

35 It's clear that the Copper River area and the
36 Upper Tanana River area, in those areas caribou have
37 been used by the indigenous people since long before
38 Euro-American contact. Contemporary uses of caribou
39 have been recorded in almost all of the communities
40 which use Unit 11.

41

42 In regard to harvest areas, generally the entire
43 Upper Tanana and Copper River areas are used by both
44 Ahtna and Upper Tanana Athabascans for resource
45 harvesting. Through intermarriage and clan ties,
46 these people are closely interrelated. Nonetheless,
47 there are specific areas that are associated with
48 regional groups or with individuals.

49

50 From harvest tickets and from resident testimony,

1 it appears that caribou hunting in Unit 11 by the
2 residents of Units 12 and 20(D) is concentrated in the
3 northern portion of the unit. The present day
4 residents of Healy Lake have strong ties of culture
5 and kinship to the other Tanana people and with Ahtna
6 Athabascans and the use of those ties to access
7 resources is in keeping with the traditional
8 Athabascan practices. Historically and in
9 contemporary times, the hunters from Upper Tanana have
10 traveled considerable distances in pursuit of moose --
11 excuse me, caribou. The distance of Healy Lake to
12 Unit 11 is historically within the range of the
13 hunting and supports some use of Unit 11 by Upper
14 Tanana, including the residents of Healy Lake.
15

16 While there are no recorded harvests of caribou
17 in Unit 11 by Healy Lake residents, the resident
18 testimony and the ethnographic information showed that
19 they have many connections with the Upper Tanana
20 Village, particularly of Dot Lake, which currently has
21 a C&T in Unit 11 for caribou. So the historical and
22 cultural connections warrant the inclusion of Healy
23 Lake in the same positive C&T determinations which
24 include those Upper Tanana communities. Thank you.
25 I'll turn to Helga for the --
26

27 HELGA EAKON: Thank you, Rachel. The
28 program received three written public comments for
29 Proposal 5 and Proposal 6. Both the Upper Tanana
30 Fortymile Advisory Committee and the Delta Advisory
31 Committee support Proposal 5, as does the Wrangell-St.
32 Elias National Park Subsistence Resource Commission.
33 For Proposal 6, the Copper River Native Association
34 modified Proposal 6 to retain the C&T determination
35 for Chickaloon and to add Healy Lake. The Delta
36 Advisory Committee opposes the exclusion of Healy
37 Lake, Dot Lake and Chickaloon and the Wrangell-St.
38 Elias National Park Subsistence Resource Commission
39 supports Proposal 6 saying that there are demonstrated
40 connections between Healy Lake and the Upper Tanana
41 communities and the Ahtna Athabascans. End of
42 comments.
43

44 CHAIRMAN DEMIENTIEFF: Thank you. Staff
45 committee?
46

47 KEN THOMPSON: Staff committee recommends
48 adopting Proposals 5 and 6 consistent with the
49 recommendations of the Southcentral and Eastern
50 Interior Regional Councils. The historical and

1 cultural connections warrant the inclusion of Healy
2 Lake in the same positive C&T determinations which
3 include the Upper Tanana communities.
4

5 CHAIRMAN DEMIENTIEFF: Thank you.
6 Department comments?
7

8 ELIZABETH ANDREWS: Mr. Chairman, the
9 Department supports deferring action on these two
10 proposals as well as 8, 10, 13 and 14. We certainly
11 acknowledge the tremendous amount of work that the
12 community of Healy Lake has done to bring these
13 forward. Many of our Division staff have also worked
14 with people of the Upper Tanana and Ahtna regions for
15 over 15 years and have done a lot of the genealogical
16 work that many of the -- many of the bases for the
17 kinship ties have been documented through that work
18 and that's certainly an indisputable aspect of Healy
19 Lake's involvement with the Ahtna region and people
20 there.
21

22 We thought that it was particularly helpful to
23 read through the draft resident zone analysis that the
24 Park Service staff put together as they're considering
25 adding Healy Lake to the park resident zone community
26 and even though that wasn't part of the material here,
27 it's actually very helpful in demonstrating the
28 long-term interrelationships that Healy Lake people
29 had with the Ahtna region, and was extremely helpful.
30

31 Our reason for recommending deferring action on
32 this stems more from the lack of some information in
33 the staff analysis that we think would be beneficial
34 prior to making a positive action on this, and that
35 would be to present information on the actual
36 subsistence harvesting activities of the community of
37 Healy Lake. It's a small community. It certainly
38 doesn't -- wouldn't take too much to document that,
39 that use, and bring that information forward and I
40 think would be beneficial to this process.
41

42 So that's where we're coming from on this. We
43 just think that some of that important information is
44 lacking here. The information that is in the Park
45 Service's resident zone analysis was the most helpful
46 and yet that's not even part of this record. So
47 that's where we're at in recommending deferring action
48 on this and the other proposals. Thank you,
49 Mr. Chairman.
50

1 CHAIRMAN DEMIENTIEFF: Thank you. Terms
2 of public comments, I just want to note that there was
3 a Carl Pete who signed up to testify on Proposal 16
4 and that proposal has already been adopted -- or no,
5 it's on the consent agenda and will be adopted with
6 modification at the end so we're not going to have any
7 further testimony with regard to that proposal.

8
9 Mr. Pete, let me just clarify that. Unless you
10 agree -- I mean disagree, the proposal is going to be
11 adopted with modification at the end. Okay, if you
12 disagree with that, then we'll allow you the
13 opportunity to testify, although we're not going to go
14 through the whole process for consideration. You
15 agree with that?

16
17 CARL PETE: Yeah, all right. Thanks.

18
19 CHAIRMAN DEMIENTIEFF: You agree with
20 that, okay. Okay. With that, with regard to
21 Proposals 5 and 6, in terms of public testimony,
22 Connie Friend.

23
24 CONNIE FRIEND: Mr. Chairman, and Board
25 members, staff, support people, my name is Connie
26 Friend and I'm here to represent Healy Lake. I thank
27 you for this opportunity. I would like to share with
28 you the document that the State ADF&G was referring
29 to. Don Callaway presented the ethnography to the
30 Subsistence Resource Commission and he's allowed us to
31 include that and I have a packet of information for
32 you and proof of Healy Lake's kinship ties, cultural
33 ties and so forth with the Upper Tanana and the Ahtna
34 community. And I have 12 copies so you may need to
35 share, but I'll pass those around and then if I could
36 bring up Pat Saylor and Gary Luke, the Chief of Healy
37 Lake, we can address any questions you might have, but
38 we have more information. If you would be able to
39 pause and look at the packets that we're giving to
40 you, they contain Don Callaway's ethnography and some
41 of the kinship ties and cultural ties, those things.
42 There also is a letter of agreement between Healy Lake
43 and the Copper River Native Association regarding the
44 proposal on goat which Healy Lake requested CRNA to
45 withdraw and the reasoning for that is there in your
46 packet. We tried to provide you with as detailed
47 information as we can. There are also interviews of
48 individuals from Dot Lake, Tanacross, Northway and
49 some of the Ahtna, conversations with people from the
50 Ahtna area and all of those interviews and

1 conversations that we have testify to Healy Lake's use
2 of various parts of the Wrangell-St. Elias National
3 Park and of Units 13(C), 13(B) and also Unit 11 in the
4 Southcentral Region.

5
6 So at this time, if you wouldn't mind, we could
7 just share some more from the Chief of Healy Lake and
8 Pat Saylor who's on the Council and if you have
9 questions, we can try to answer those for you and this
10 will probably just take us off of the request to speak
11 for most of the rest, unless there's a question or
12 concern, if that would --

13
14 CHAIRMAN DEMIENTIEFF: Pat is signed up
15 later, but we have one other person signed up prior to
16 him to testify, so just present your testimony I think
17 would be the best way to proceed here.

18
19 CONNIE FRIEND: All right, all right.
20 That's probably most of what I have to say. There was
21 a funeral service last year. It was an elder from
22 Healy Lake who passed away and her funeral service was
23 held in Tanacross and potlatch there and her burial
24 was at Healy Lake. So just wanted to let you know
25 that there are a lot of other additional pieces of
26 information that we could give you to demonstrate the
27 ties that Healy Lake has with all of the villages of
28 the Upper Tanana, both kinship ties and cultural ties
29 and also with the Ahtna people. So those are just a
30 few of the things that we can share with you. I don't
31 know what else to add. So if you haven't any
32 questions, I'll just conclude with this.

33
34 CHAIRMAN DEMIENTIEFF: Any questions?
35 Thank you. Gloria, Gloria Stickwan.

36
37 GLORIA STICKWAN: My name's Gloria
38 Stickwan. I work for Copper River Native Association
39 as Subsistence Coordinator. Regarding the Proposal 5
40 and 6, we support both proposals. We had a letter --
41 we had asked for an agreement on Proposal 10,
42 Proposals 23 by Healy Lake to have them put in writing
43 that we would withdraw Proposal 10 for the goat and
44 Healy Lake agreed with that, they wouldn't pursue goat
45 for Unit 11 and that was put in writing. They also
46 agreed to have, for Proposal 23 moose, 13(B), they
47 also agreed to have C&T for the Black Rapids area
48 north of -- we said in our letter that we wrote, we
49 said north of the Delta -- north of the Denali Highway
50 is what we would agree to for Proposal 23 and 24 and

1 that was agreed to, and put in writing by Healy Lake
2 Gary Luke.

3

4 CHAIRMAN DEMIENTIEFF: If you just keep
5 your comments to 5 and 6, unless you want to testify
6 through all of them today, it's going to get
7 confusing. I can call you back up with that
8 proposal. I'm just looking for 5 and 6 right now.

9

10 GLORIA STICKWAN: Okay, we agree to that,
11 north of Sanford River for Unit 11, for all of Unit
12 11's proposals, except for the goat which we
13 withdrew.

14

15 CHAIRMAN DEMIENTIEFF: Okay, I got -- I
16 was going to note when we get to it that that's been
17 withdrawn, officially. Thank you. So you want me to
18 call you back up for these other ones to see if you
19 have something?

20

21 GLORIA STICKWAN: Yes, yes.

22

23 CHAIRMAN DEMIENTIEFF: Okay, Pat Saylor.
24 Just 5 and 6 right now, Pat, okay?

25

26 PAT SAYLOR: Yeah, my name's Pat Saylor
27 from Healy Lake. On 5 and 6, Healy Lake is relatively
28 new to this kind of paperwork. Last year was the
29 first time we got to speak AT you guy's meeting. I
30 spoke for a while Isaac spoke on our behalf. So we're
31 in the process of catching up. Our village has went
32 through a lot of change and a lot of rough stuff in
33 the last 50 years, all the way up to right now. I
34 mean so we're basically behind the rest of the
35 villages in the Upper Tanana quite a ways and to catch
36 up this far this fast is pretty -- it's pretty rough
37 on us. We've always hunted, you know, and I weren't
38 so busy and all this paperwork, I'd probably be
39 hunting right now, but the numbers the State are
40 asking for, there's some there, there's numbers, but
41 we're in the process of catching up, so we hunt with
42 our folks and all that up in that area but we can't
43 say anything about it until we got all this hammered
44 out here and that's what we're here trying to do and
45 putting as much on paper so that it's not hearsay, and
46 we practice all the same potlatch with them, we sing
47 songs together like the raven song. They sing it all
48 over, Minto, Nenana, Mentasta, Northway, Healy Lake.
49 You know, all this just like the caribou, that's our
50 people, Ahtna's people, Gwich'in and as far down in

1 Mitch's country as well. So it's part of putting us
2 back together. Healy Lake is small. It's not like we
3 would just totally tear the -- tear it up or
4 anything. We'd just take what we needed and we're not
5 wasteful people because we believe if you treat the
6 animal wrongly, that he won't give himself away to
7 you. And we're just asking for a little chunk of the
8 pie. It ain't going to be enough to hurt the
9 population as much as a car driving down the road
10 hitting an animal. Probably a lot less than that. So
11 thank you.

12
13 CHAIRMAN DEMIENTIEFF: Thank you, Pat.
14 Okay, Regional Council comment?

15
16 RALPH LOHSE: Ralph Lohse, Chair of the
17 Southcentral Regional Council. Regional Council
18 supports Proposals 5 and 6. We definitely recognize
19 Healy Lake's residents and relative with the Ahtna
20 people. We've had a lot of testimony on that from
21 both CRNA and our Council and so we support Proposals
22 5 and 6.

23
24 CHAIRMAN DEMIENTIEFF: Thank you.
25 Additional Regional Council comment?

26
27 NAT GOOD: I'm Nat good, Eastern
28 Interior. I'd like to also support the proposals.
29 I'd like to also note that Eastern Interior traveled
30 to Healy Lake along with the staff and did hold a
31 hearing in Healy Lake. The Healy Lake people were not
32 only very hospitable, but very informative, as well.
33 We enjoyed our stay there. We learned a great deal
34 from them. We very strongly support the addition or
35 the passing of these proposals.

36
37 CHAIRMAN DEMIENTIEFF: Additional
38 Regional Council comment?

39
40 BILL THOMAS: Mr. Chairman?
41 Mr. Chairman, earlier we heard testimony regarding the
42 whole package of proposals for Southcentral, in which
43 case they were blanketly arbitrarily opposed to
44 because of political, philosophical differences. It
45 was pointed out that there was inequities or
46 unequalitites in what we're doing but I've studied
47 ANILCA pretty thoroughly. I haven't seen limited
48 entry mentioned in there any place. I haven't seen
49 IFQs mentioned any place. I haven't seen where they
50 would harvest herring sac roe, denying them the

1 opportunity to reproduce any place in federal
2 management. I've never seen where they have a
3 provision for turning loose dead king salmon because
4 they're trying to satisfy a treaty agreement with
5 another country.

6
7 None of those represent good management,
8 Mr. Chairman. And it's distressing to know that
9 people really support that kind of management and then
10 talk about inequities, but that's an important
11 depiction.

12
13 You look at the proposal, 5 and 6, they're one
14 and two line paragraphs. It gives you specific
15 justification and qualification on how the resources
16 are used and when they're used, and the irony of the
17 whole thing is that these proposals make reference to
18 changing C&Ts. I wish somebody would tell me what
19 they mean when they change a C&T. I was looking at
20 some of the -- at one page where it talks about the
21 eight factors. They did a good job. Those factors
22 have been in place forever. They're still in place,
23 but they've never been called C&Ts. Something needs
24 to be done in order for ANILCA, the office of the
25 Secretary of Interior, to be able to do an adequate
26 job of managing resources in a responsible,
27 conservational manner in Alaska. With that, I support
28 Proposal 5 and 6, Mr. Chairman.

29
30 CHAIRMAN DEMIENTIEFF: Additional
31 comment? We're ready for Board action. I'd ask that
32 we take action on one at a time, as opposed to lumping
33 them in terms of the motion, Proposal 5 and then
34 subsequent motion for Proposal 6.

35
36 JUDY GOTTLIEB: Mr. Chair, I move that we
37 support Proposal Number 5 consistent with the
38 recommendations of the Eastern Interior and
39 Southcentral RAC.

40
41 CHAIRMAN DEMIENTIEFF: We have a motion
42 to adopt Proposal 5.

43
44 WARREN HEISLER: Second.

45
46 CHAIRMAN DEMIENTIEFF: It's a motion to
47 adopt, correct? It's been moved and seconded.
48 Discussion? Hearing none, all those in favor, signify
49 by saying aye.

50

1 (Response).

2

3 CHAIRMAN DEMIENTIEFF: Those opposed,
4 same sign.

5

6 (No response).

7

8 CHAIRMAN DEMIENTIEFF: Motion carried.
9 Proposal 6, is there a motion?

10

11 JUDY GOTTLIEB: Mr. Chair, I move to
12 adopt Proposal 6, again consistent with the
13 recommendations of Eastern Interior and Southcentral
14 RAC.

15

16 (Unidentified Second)

17

18 CHAIRMAN DEMIENTIEFF: It's been moved
19 and seconded. Discussion? I'd just note that this
20 and the subsequent ones, it has been a long, hard road
21 for the community and I think we all, and I'm sure I
22 speak for the entire Board, appreciate the hard work
23 and perseverance they've gone through. It's been a
24 long road here. Anything else?

25

26 All those in favor signify by saying aye.

27

28 (Response).

29

30 CHAIRMAN DEMIENTIEFF: Those opposed,
31 same sign.

32

33 (No response).

34

35 CHAIRMAN DEMIENTIEFF: Motion carries.
36 Okay, the next one up is Proposal 8. Before we get
37 into it, though, I just want to note on the record,
38 these people that asked, their travel got them in late
39 but both Randy Mayo and Dewey Schwalenberg, who the
40 Tribal Natural Resources Director up there in Stevens,
41 Randy Mayo being the Chief, filed a request to testify
42 but then realized we'd already moved on into
43 Southcentral and they just want to note that they,
44 with regards to Proposals 58 and 61, that they
45 wanted -- were more than satisfied for me to note on
46 the record that they showed up, even though they got
47 here late and wanted to express their deep
48 appreciation to the Board for adopting these
49 particular proposals. So I'm going to file their
50 cards on the record, note on the record as part of the

1 transcript of this meeting that although they arrived
2 here late, they wanted to make sure their appreciation
3 got on the record.

4

5 Proposal Number 8.

6

7 RACHEL MASON: Thank you, Mr. Chairman.
8 Proposal 8 was submitted by the Copper River Native
9 Association, requests that Healy Lake be added to
10 those communities with a positive C&T determination
11 for sheep in the portion of Unit 11 north of the
12 Sanford River. I'll be very brief with this because
13 the reasons, the analysis is very similar to the one
14 for 5 and 6.

15

16 The existing C&T determination for sheep in Unit
17 11 is divided into north of the Sanford River and
18 south of the Sanford River again. And north of the
19 Sanford River, residents of Unit 12, some residents of
20 Unit 13 and some residents of Unit 11 have a positive
21 C&T for sheep, and it's similar south of Sanford River
22 with the exception that there's nobody in Unit 12 or
23 Dot Lake. I forgot to mention that Dot Lake does have
24 a positive C&T north of the Sanford River in Unit 11.

25

26 Again, the present day residents of Healy Lake
27 have strong ties of culture and kinship to other
28 Tanana and with Ahtna Athabascans and the data
29 supports their use of at least some portions of Unit
30 11. And currently, the Tanacross community of Dot
31 Lake has a positive C&T north of the Sanford River in
32 Unit 11. So the historical and cultural connections
33 warrant the inclusion of Healy Lake in the same
34 positive C&T determinations which include those
35 positive -- those Upper Tanana communities. Thank
36 you.

37

38 CHAIRMAN DEMIENTIEFF: Written public
39 comments?

40

41 HELGA EAKON: Yes, Mr. Chair, the program
42 received three written comments of support from the
43 Upper Tanana Fortymile Advisory Committee, the Delta
44 Advisory Committee and the Wrangell-St. Elias National
45 Park Subsistence Resource Commission. End of
46 comments.

47

48 CHAIRMAN DEMIENTIEFF: Staff committee
49 recommendation?

50

1 KEN THOMPSON: Staff committee recommends
2 adopting Proposal 8 consistent with the
3 recommendations of the Southcentral and Eastern
4 Interior Councils. The historical and cultural
5 connections warrant the inclusion of Healy Lake in the
6 same positive C&T use determinations which include the
7 Upper Tanana communities.

8
9 CHAIRMAN DEMIENTIEFF: Thank you.
10 Department comments?

11
12 ELIZABETH ANDREWS: Mr. Chairman, we
13 don't have any additional comments to the ones I made
14 in reference to Number 5 and 6.

15
16 CHAIRMAN DEMIENTIEFF: Connie, do you
17 wish to add additional comment at this time?

18
19 CONNIE FRIEND: No, thank you.

20
21 CHAIRMAN DEMIENTIEFF: Gloria? Do you
22 have additional comment?

23
24 GLORIA STICKWAN: No.

25
26 CHAIRMAN DEMIENTIEFF: Pat?

27
28 PAT SAYLOR: Yeah, I'd like to make a
29 comment to the sheep one. We used to hunt in the
30 upper Big Gerstle and Little Gerstle area pretty much
31 but it got contaminated from what our people are
32 gathering. They had a chemical testing site the
33 military's got there and even as recent as a couple of
34 months ago, some folks approached me, they wanted to
35 help clean up that area or do some studies on it.
36 There's some pretty bad nerve gas and things like that
37 and that's the reason why our people don't hunt up in
38 that area. That's part of the reason that we want C&T
39 with the rest of the folks up there because we have to
40 go to hunt sheep with them above Mentasta there. I've
41 been invited to go on a hunt this next coming thing
42 with my cousin there. We're supposed to go sheep
43 hunting, so I look forward to doing that with him, and
44 that's the reason. If you eat any of them sheep up
45 there, you don't know what's going to happen to you.
46 Thank you.

47
48 CHAIRMAN DEMIENTIEFF: Thank you.
49 Regional Council comment?

50

1 RALPH LOHSE: Ralph Lohse, Southcentral,
2 Chair. Regional Council supports this proposal, same
3 justification as for Proposal 5 and 6
4

5 CHAIRMAN DEMIENTIEFF: Thank you.
6 Additional Regional Council comment?
7

8 NAT GOOD: Mr. Chairman, Nat Good,
9 Eastern Interior. We support this based on our
10 testimony received at Healy Lake and the personal
11 knowledge of Council members. Just as an aside, I'd
12 like to also compliment Healy Lake on their efforts to
13 rebuild their village.
14

15 CHAIRMAN DEMIENTIEFF: Additional
16 Regional Council comment?
17

18 DAN O'HARA: It's good information for
19 us.
20

21 CHAIRMAN DEMIENTIEFF: Thank you. We're
22 ready to move this to a Board action.
23

24 JUDY GOTTLIEB: Mr. Chairman, I move to
25 adopt Proposal 8, again consistent with the
26 recommendations of the Southcentral as well as Eastern
27 Interior RACs.
28

29 CHAIRMAN DEMIENTIEFF: Thank you.
30

31 SALLY WISELY: Second.
32

33 CHAIRMAN DEMIENTIEFF: Been moved and
34 seconded. Discussion? Hearing none, all those in
35 favor, signify by saying aye.
36

37 (Response).
38

39 CHAIRMAN DEMIENTIEFF: Those opposed,
40 same sign.
41

42 (No response).
43

44 CHAIRMAN DEMIENTIEFF: Motion carries.
45 Okay, at the risk of getting derailed, what is it
46 about three now? We'll go ahead and take a break
47 here.
48

49 (Off record 2:56 p.m. to 3:16 p.m.).
50

1 CHAIRMAN DEMIENTIEFF: Okay, we begin the
2 staff report for Proposal 13 and 14.

3
4 RACHEL MASON: Thank you, Mr. Chair.
5 Proposal 13 was submitted by the Healy Lake
6 Traditional Council and Proposal 14, proposed by the
7 Copper River Native Association. Both ask that Healy
8 Lake be added to those the a positive C&T
9 determination for moose in the portion of Unit 11
10 north of the Sanford River. Under current
11 regulations, the residents of Units 11, 12, 13(A)
12 through (D) and residents of Chickaloon and Dot Lake
13 have a positive C&T determination for moose in Unit 11
14 north of the Sanford River and in the remainder of
15 Unit 11, there's a positive C&T for the same residents
16 except that residents of Units 12 and 20(D) are not
17 included.

18
19 Unquestionably, moose has been a great
20 nutritional and cultural importance to the indigenous
21 people as well as to the non-Native settlers of the
22 area in question. Harvest and sharing moose are well
23 documented in Units 11, 12, 13 and 20(D) and the
24 residents of many surrounding and more distant units
25 have harvested moose in Unit 11. According to harvest
26 tickets, between 1983 and 1997, 43% of the moose
27 harvested in Unit 11 were north of the Sanford River.

28
29 And I won't belabor this much. The reasons for
30 supporting are very similar to those for sheep and
31 caribou in the other proposals, that there are --
32 historically there have been cultural and kinship
33 connections between Healy Lake and the other
34 Athabascan people who are in the area and the
35 historical and cultural connections warrant the
36 inclusion of Healy Lake in the same positive C&T
37 determinations which include the Upper Tanana
38 communities. Thank you.

39
40 CHAIRMAN DEMIENTIEFF: Written public
41 comments?

42
43 HELGA EAKON: Mr. Chair, the program
44 received two written comments of support from the
45 Upper Tanana Fortymile Advisory Committee and the
46 Wrangell-St. Elias National Park Subsistence Resource
47 Commission. For Proposal 14, Copper River Native
48 Association modified Proposal 14 to retain Chickaloon
49 and to add Healy Lake to the C&T use determination.
50 Three comments of support came from the Upper Tanana

1 Fortymile Advisory Committee and the Delta Advisory
2 Committee and the Wrangell-St. Elias National Park
3 Subsistence Resource Commission for Proposal 14. End
4 of written comments

5

6 CHAIRMAN DEMIENTIEFF: Thank you. Staff
7 committee recommendations?

8

9 KEN THOMPSON: Staff committee recommends
10 adopting Proposals 13 and 14 consistent with the
11 recommendations of the Southcentral and Eastern
12 Interior Councils. The historical and cultural
13 connections warrant the inclusion of Healy Lake in the
14 same positive C&T use determinations which include the
15 Upper Tanana communities.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.
18 Department comments?

19

20 ELIZABETH ANDREWS: We have no additional
21 comments to those that we made for Number 5 and Number
22 6, Mr. Chair.

23

24 CHAIRMAN DEMIENTIEFF: Thank you.
25 Regional Council comments?

26

27 RALPH LOHSE: Ralph Lohse, Southcentral
28 Chair. Regional Council supports Proposals 13 and 14
29 for the same reason that we expressed in Proposals 5,
30 6 and 8.

31

32 CHAIRMAN DEMIENTIEFF: Thank you.
33 Additional Regional Council comment?

34

35 BILL THOMAS: Mr. Chair, our Region 1
36 supports 13 and 14 with the same rationale depicted in
37 5 and 6.

38

39 NAT GOOD: Mr. Chairman, Eastern Interior
40 also supports these proposals.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. I kind
43 of got ahead of myself here. Connie, did you have
44 additional public comment on 13 or 14? No? Gloria,
45 no additional comment? Pat?

46

47 PAT SAYLOR: Just a reference to the
48 earlier stuff I said.

49

50 CHAIRMAN DEMIENTIEFF: Thank you. No

1 additional Regional Council comment? We're ready for
2 a Board action on Proposal 13.

3

4 JUDY GOTTLIEB: Mr. Chair, I move to
5 adopt Proposal 13. This is consistent with the
6 Southcentral and Eastern Interior RAC's
7 recommendations.

8

9 CHAIRMAN DEMIENTIEFF: There's a motion
10 on 13. Is there a second.

11

12 SALLY WISELY: I second.

13

14 CHAIRMAN DEMIENTIEFF: Moved and
15 seconded. Discussion? Hearing none all those in
16 favor, signify by saying aye.

17

18 L (Response)

19

20 CHAIRMAN DEMIENTIEFF: Those opposed,
21 same sign.

22

23 (No response).

24

25 CHAIRMAN DEMIENTIEFF: Motion carries.
26 Is there a motion for 14?

27

28 JUDY GOTTLIEB: Mr. Chairman, I also move
29 to adopt Proposal 14 consistent with the
30 recommendations from Southcentral and Eastern Interior
31 RACs.

32

33 CHAIRMAN DEMIENTIEFF: Is there a
34 second?

35

36 (Unidentified second).

37

38 CHAIRMAN DEMIENTIEFF: Moved and
39 seconded. Discussion? Hearing none, all those in
40 favor signify by saying aye.

41

42 (Response).

43

44 CHAIRMAN DEMIENTIEFF: Those opposed,
45 same sign.

46

47 (No response)

48

49 CHAIRMAN DEMIENTIEFF: Motion carried.
50 Proposals 23 and 24?

1 RACHEL MASON: Proposal 23 submitted by
2 the Healy Lake Traditional Council requests that Healy
3 Lake be added to those communities with a positive C&T
4 for moose in Units 13(B) and 13(C). Proposal 24
5 submitted by the Delta Fish & Game Advisory Committee
6 requests that the residents of 20(D) except Fort
7 Greely be added to those communities with a positive
8 C&T determination for moose in Unit 13(D).
9 Originally, the proponents of Proposal 24 had also
10 requested that residents of Units 11 and 12 along the
11 Nabesna Road be added to the positive determination
12 for moose in Unit 13(B); however, in written comments
13 submitted in November 1998, the Delta Junction
14 Advisory Committee clarified its intention in Proposal
15 24 by omitting the residents of Units 11 and 12. So
16 as it stands, the request is only to add the residents
17 of Unit 20(D) except for Fort Greely.

18
19 Currently there is a positive C&T determination
20 for moose in Units 13(A), (B) and (D), for the
21 residents of Unit 13 and the residents of Chickaloon,
22 and in Unit 13(C) there is a positive determination
23 for the residents of Units 12 and 13 and the residents
24 of Chickaloon and Dot Lake.

25
26 It's well established that moose has been of
27 great nutritional and cultural importance to the
28 indigenous Athabascans as well as to the non-Native
29 settlers in the area covering Units 13 and 20(D). The
30 harvesting and sharing of moose are well documented in
31 communities in those units, and Upper Tanana
32 communities have harvested moose in ranges that go
33 from a few miles to 40 or more with access on foot,
34 ATV, by boat or by car, most typically. And Delta
35 Junction in Unit 20(D) is one of the communities whose
36 residents have recorded moose hunts through harvest
37 tickets in both Unit 13(B) and 13(C) and the
38 proponents of Proposal 24 state that Unit 13(B),
39 particularly the Delta River area, has historically
40 been used for moose hunting by the residents of Unit
41 20(D) and particularly Delta Junction.

42
43 The support for Healy Lake's inclusion is related
44 to the other justifications for Healy Lake's inclusion
45 in Unit 11, that the distance from Healy Lake and from
46 the other Unit 20(D) communities to Unit 13 is well
47 within the range of historic and contemporary hunting
48 and the data supports the use of at least some
49 portions of Unit 13 by the people living in Unit
50 20(D), including residents of Healy Lake, and

1 currently, the Tanacross community of Dot Lake has a
2 positive C&T determination for moose in Unit 13(C).
3 Historical uses of moose in Unit 13(B) by residents of
4 Unit 20(D) are also supported by harvest records.
5 Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Public comments,
8 written public comments?

9

10 HELGA EAKON: The Upper Tanana Fortymile
11 Advisory Committee supports Proposal 23. The Delta
12 Advisory Committee modified Proposal 24 to delete
13 Units 11 and 12 and supported the modified proposal.
14 End of comments.

15

16 CHAIRMAN DEMIENTIEFF: Staff committee
17 recommendation?

18

19 KEN THOMPSON: Staff committee recommends
20 adopting Proposal 23 and 24 with modifications as
21 recommended by the Eastern Interior Council. The
22 historical and cultural connections warrant the
23 inclusion of Healy Lake in the same positive C&T use
24 determinations which include the Upper Tanana
25 communities. The Southcentral Council recommended
26 opposing Proposal 23 because the additional
27 subsistence users would increase hunting pressure on
28 the moose population that is already subject to heavy
29 hunting pressure. Staff committee did not concur with
30 this recommendation because impact on other
31 subsistence users is not a factor in C&T use
32 determination process. Moreover, exclusion of a
33 community that otherwise demonstrates C&T uses of a
34 moose population at issue would be detrimental to the
35 subsistence users in that community, which is
36 inconsistent with Title VIII.

37

38 The Eastern Interior Council recommended
39 supporting Proposal 24 with modifications to add
40 residents in Unit 12 and 20(D), except Fort Greely.
41 The staff committee supports adding only Unit 20(D),
42 except Fort Greely. The proponent amended his
43 original proposal and withdrew consideration of Units
44 11 and 12 along the Nabesna Road.

45

46 CHAIRMAN DEMIENTIEFF: Department
47 comments?

48

49 ELIZABETH ANDREWS: Mr. Chairman, for
50 Proposal 23, I'd just refer to our comments for Number

1 5 and 6 again. For Proposal 24, we support the
2 proposed modification. Thank you, Mr. Chair.

3

4 CHAIRMAN DEMIENTIEFF: Thank you. Public
5 comments? Connie Friend, do you have additional
6 public testimony on 23 and 24?

7

8 CONNIE FRIEND: Yes. Mr. Chairman and
9 staff and members, for Proposal 23, it is critical for
10 us that that be approved because that is the northern
11 part of the Park and in Healy Lake has C&T for Unit 12
12 which runs into that area and now for Unit 11 and with
13 13(C), that would give them the freedom to hunt that
14 whole northern section, and without it, it becomes
15 immensely confusing as to which is allowable and which
16 is not. And we have within your packet, there's data
17 and proof that residents of Healy Lake have hunted
18 there for many years, dating back from when some --
19 some residents of Healy Lake went to Benzulnetas, the
20 village that is now extinct, but anyway, they went
21 there at that time and hunted with their relatives and
22 so that's kind of a critical part for them. So we
23 would really appreciate your supporting in this.
24 Thank you.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Gloria
27 Stickwan, do you have additional comment on 23, 24?

28

29 GLORIA STICKWAN: Proposal 23, we had an
30 agreement with Healy Lake that they would -- they put
31 it in writing, I think it's in your packet, it's a
32 letter from Healy Lake to have it north of Black
33 Rapids, but we said we'd agree with north of Delta
34 River for 13(B) and we think that this should be for
35 Proposals 23 and 24, to have it north of the Delta
36 River. And then for full 23 and 24, 13(C), we said
37 that -- we agreed to have them -- give them 13(C).
38 That was the agreement that was written between Healy
39 Lake and CRNA and it's in your packet, I think, these
40 two letters from CRNA and Healy Lake.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Pat
43 Saylor?

44

45 PAT SAYLOR: I'm pretty much running
46 along the same lines of what Connie bumped on
47 earlier. It would get quite confusing in that area.
48 Unless it were printed like a whole map, there's not a
49 bunch other stuff right in that area to tell folks.
50 That's pretty much all I have to say, but our people

1 do hunt together all the time, people from Mentasta
2 and Healy Lake. It would kind of be strange if we're
3 both buddied up driving along and we seen one moose on
4 one side that ran over to the other side, things could
5 get quite confusing in that kind of situation. That's
6 all I have to say on that.

7
8 CHAIRMAN DEMIENTIEFF: Thank you.
9 Completes our requests for public testimony with
10 regard to Proposals 23 and 24. Regional Council
11 comments?

12
13 RALPH LOHSE: Ralph Lohse, Southcentral
14 Chair. Our Council opposed Proposal 23. Again, like
15 was stated by the staff, and it shows one of the
16 weaknesses of the C&T system, it wasn't so much that
17 we didn't recognize the kinship ties and all of the
18 rest of the ties that we've talked about in 5 and 6
19 and 8 and 13 and 14. It was the idea that this was
20 another impact on an area that's already highly
21 impacted for moose and I guess we should recognize
22 that that's not a reason for denying C&T. But we did
23 vote against it as Council.

24
25 We voted to support Proposal 24 with
26 modifications and that modifications were that it
27 would be except Fort Greely and north of Denali
28 Highway.

29
30 CHAIRMAN DEMIENTIEFF: Additional
31 Regional Council comment?

32
33 BILL THOMAS: Mr. Chairman, I speak in
34 support of both 23 and 24. Any time the expression
35 "with modification" is used, I have a difficult
36 understanding modification when I hear it or see it,
37 especially when it makes reference to C&Ts. Again, it
38 makes reference to positive C&T. It would be a much
39 cleaner modification if all reflections to positive
40 C&Ts was left out of the modification, because that's
41 why people come up. They're confused. You know, if
42 it was a point of clarification, that's one thing, but
43 that's not the case.

44
45 So that's an observation I would like you guys to
46 take a look at, but I speak in favor of the Eastern
47 Council's proposals.

48
49 NAT GOOD: Mr. Chairman?
50

1 CHAIRMAN DEMIENTIEFF: Mr. Good.

2
3 NAT GOOD: Eastern Interior does indeed
4 support both of these proposals and feel that there is
5 excellent justification for doing so. Eastern
6 Interior has, as I suspect you're well aware, done the
7 best they can not to increase the number of lines in
8 game units or draw further divisions. We don't like
9 to see further lines added anywhere for the problems
10 that they cause with enforcement, and you know, maybe
11 better fences do make better neighbors. I don't
12 know. I really don't like to think I have to have a
13 fence between me and my neighbor. I do feel that the
14 proposals are justifiable and that they have asked for
15 very limited portions of the Unit 13. They haven't
16 asked for all of Unit 13, just for limited areas, and
17 I think that they were both responsible in their
18 request. Thank you.

19
20 CHAIRMAN DEMIENTIEFF: Thank you.

21
22 GRACE CROSS: Mr. Chair?

23
24 CHAIRMAN DEMIENTIEFF: Yes.

25
26 GRACE CROSS: Seward Peninsula Regional
27 Advisory Council made all our rules and regulations
28 consistent with the State and Federal government for
29 the very reason that the Healy residents were talking
30 about to avoid confusion and I would like to commend
31 the Healy Lake residents for the tremendous work that
32 they have done. I'm impressed and I thank the Board
33 for supporting them.

34
35 CHAIRMAN DEMIENTIEFF: Additional
36 Regional Council comment? We're ready for a Board
37 action on Proposal 23. Is there a motion?

38
39 SALLY WISELY: Mr. Chair, may I ask for a
40 point of clarification before we go to a motion? I
41 confess I'm a little confused in terms of public
42 testimony with what appeared to be some modifications
43 and my question is were the modifications that were
44 suggested consistent with the modifications that have
45 been outlined here? Are they one in the same or are
46 we talking two different things?

47
48 RACHEL MASON: Mr. Chairman, the Black
49 Rapids are further north than the Denali Highway,
50 which is what the modification that was suggested by

1 the Southcentral Regional Council. The proposed
2 modification I have on a map here, it would be a
3 little bit -- well, I don't see it. They're not on
4 this map here, but it would be a line that in the
5 northern corner of both 13(C) and 13(B) there, but the
6 main point that you should understand is that north of
7 Black Rapids would be a more restricted area than what
8 north of the Denali Highway would be.

9

10 SALLY WISELY: Thank you.

11

12 NAT GOOD: Mr. Chairman.

13

14 CHAIRMAN DEMIENTIEFF: Yes.

15

16 NAT GOOD: It would not only be a more
17 restricted area, but there is no federal land north of
18 Black Rapids with the exception of Fort Greely, which
19 is by definition a form of stealth federal land. That
20 is, it's federal land on which we do not have any
21 subsistence priorities.

22

23 CHAIRMAN DEMIENTIEFF: Is there a motion
24 on Proposal 23?

25

26 SALLY WISELY: Mr. Chair I move that we
27 adopt Proposal 23 as recommended by the Eastern
28 Interior Regional Council.

29

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

32

33 JUDY GOTTLIEB: Second.

34

35 CHAIRMAN DEMIENTIEFF: Moved and
36 seconded. Any discussion? Hearing none, all those in
37 favor signify by saying aye.

38

39 (Response)

40

41 CHAIRMAN DEMIENTIEFF: Those opposed,
42 same sign.

43

44 (No response).

45

46 CHAIRMAN DEMIENTIEFF: Motion carried.
47 Proposal 24, is there a motion? Is there a motion on
48 Proposal 24?

49

50 WARREN HEISLER: Mr. Chair, finally, make

1 a motion to accept the Eastern proposal, Proposal 24
2 as modified.

3
4 CHAIRMAN DEMIENTIEFF: Thank you. We
5 have a motion to adopt Proposal 24. Is there a
6 second?

7
8 DON OSTBY: I second.

9
10 CHAIRMAN DEMIENTIEFF: It's been moved
11 and seconded. Discussion? Hearing none? All those
12 in favor of the motion, please signify by saying aye.

13
14 (Response)

15
16 CHAIRMAN DEMIENTIEFF: Those opposed,
17 same sign?

18
19 (No response).

20
21 CHAIRMAN DEMIENTIEFF: Motion carries.

22
23 RALPH LOHSE: We need a clarification on
24 which modification you're talking about, though.
25 There's a modification proposed by the Southcentral
26 Regional. There's a modification proposed by CRNA
27 and, he said Eastern Interior and Eastern Interior
28 does not have a modification on there. So we --

29
30 NAT GOOD: Yes, we do.

31
32 RALPH LOHSE: Oh, you have a modification
33 on yours? Okay, I'm sorry. I'll take that back.
34 Thank you. That was a misunderstanding on my part.

35
36 CHAIRMAN DEMIENTIEFF: No problem. Okay,
37 with that, we move on to staff report on Proposal 15.

38
39 ROBERT WILLIS: Thank you, Mr. Chair.
40 Proposal 15 was submitted by the Copper River Native
41 Association and it would modify the general
42 regulations contained in our federal regulations
43 booklet under the section entitled Possession
44 Transportation Wildlife. It would eliminate the
45 requirement that portions of the external sex organs
46 remain attached to the carcasses to provide evidence
47 of sex for moose in Units 11 and 13. This proposed
48 regulatory change is specific to moose in Units 11 and
49 13. Because it's a statewide regulation, it would
50 also have implications for the remainder of the

1 state. The current regulation reads: If the
2 subsistence taking of an undulate, except sheep, is
3 restricted to one sex in the local area, no person may
4 possess or transport the carcass of an animal taken in
5 that area unless sufficient portions of the external
6 sex organs remain attached to indicate conclusively
7 the sex of the animal. However, this does not apply
8 to a carcass of an undulate that has been butchered
9 and placed in storage or otherwise prepared for
10 consumption upon arrival at the location where it is
11 to be consumed. We find identical requirements under
12 State regulations.

13
14 The federal land we're dealing with here include
15 Wrangell-St. Elias National Park and Preserve. Denali
16 National Park and Preserve, a small portion of the
17 Chugach National Forest and the lands administered by
18 the Bureau of Land Management in the Glennallen
19 district. The Federal Subsistence Board has
20 previously dealt with this issue of evidence of sex,
21 the 1991/92 regulatory cycle. The reference in your
22 book to Proposal 28 in 1994/95 is incorrect.

23
24 On the previous occasion, the Board voted to
25 retain evidence of sex requirement on the grounds that
26 it was a reasonable requirement that was necessary to
27 protect undulate populations and was also present in
28 State regulations. The evidence of sex regulation is
29 in place wherever there is a requirement that within
30 the harvest restrictions that only one sex of animal
31 may be taken, whether it's male or female. In Units
32 11 and 13, we find regulation limiting the harvest to
33 antlered bulls only and so this regulation applies in
34 both of those units.

35
36 Requiring evidence of sex to remain attached does
37 several things. First of all, it provides for
38 enforcement of the regulations to make sure that only
39 bulls are harvested. It's been suggested that antlers
40 can be substituted for the sex organs; however, it's
41 quite possible, in fact has often been done to carry a
42 set of antlers from a previously harvested moose back
43 into the field and bring them out with the meat of a
44 cow in order to harvest additional animals. It's
45 impossible to tell whether the antlers came from the
46 meat, antlers and meat came from the same animal
47 without either visiting the kill site and examining
48 the pelvic bones or by taking a meat sample and
49 sending it to the forensics lab and waiting several
50 months for a read out.

1 The second thing this requirement does is allow
2 subsistence hunters to leave the heavy bulky antlers
3 in the field, which most of them prefer to do and
4 instead retain only a small patch of skin attached to
5 the hind quarter with a portion of the penis sheath,
6 the scrotum or the vagina orifice attached. If the
7 animal is properly field dressed to begin with, this
8 in no way spoils the meat as has been stated by the
9 proponent.

10
11 And finally, requiring evidence of sex to be left
12 attached also allows for a late season hunt after the
13 antler drop has occurred. Currently we don't have
14 sufficient animals in Units 11 and 13 to allow late
15 season hunts for bulls, but this does not preclude the
16 opportunity to do that in the future. That concludes
17 the staff analysis.

18
19 CHAIRMAN DEMIENTIEFF: Written public
20 comment?

21
22 HELGA EAKON: The program received five
23 written comments on Proposal 15. The Denali National
24 Park and Preserve Subsistence Resource Commission
25 opposes this proposal and recommends retaining the
26 existing regulations governing evidence of sex and
27 identity for the reasons stated in the staff analysis
28 justification.

29
30 The Delta Advisory Committee supports saying that
31 as long as the antlers remain attached, sex is
32 certainly established. The Upper Tanana Fortymile
33 Advisory Committee supports Proposal 15 and would like
34 Unit 12 included in the proposal.

35
36 The Wrangell-St. Elias National Park Subsistence
37 Resource Commission supports this proposal by a vote
38 of 4 to 1. The opposition feels that if passed, this
39 will lead to an enforcement nightmare. And a couple
40 of days ago, we received a facsimile from the State of
41 Alaska Department of Public Safety Division of Fish &
42 Wildlife Protection addressed to the Chair of the
43 Federal Subsistence Board and signed by Major Joe
44 D'Amico, Enforcement Commander and he wrote that the
45 Department of Public Safety strongly opposes this
46 change. The regulation requiring the evidence of sex
47 was established to help reduce the amount of cow moose
48 that were illegally taken. In many of these cases,
49 hunters used antlers from other moose to transport
50 with the cows in an effort to escape detection.

1 We have experienced hunters in the Copper River
2 basin who are transporting moose antlers into their
3 hunting camps just for this purpose. If this change
4 were enacted, it would be virtually impossible to
5 determine the actual sex of a moose in the field
6 because of the ease a set of antlers could be, quote,
7 smuggled, end quote, into camp. Only a very small
8 portion of the sex organs need be attached to the
9 meat. This will not cause meat spoilage if the animal
10 is otherwise properly field dressed and cared for.
11 The moose population in the Copper River basin is not
12 healthy enough to allow the taking of cows which this
13 regulation change would most likely facilitate.
14 Please do not implement this change. End of written
15 comments, Mr. Chair.

16
17 CHAIRMAN DEMIENTIEFF: Thank you. Staff
18 committee recommendation?

19
20 KEN THOMPSON: Staff committee recommends
21 rejecting Proposal 15, contrary to the recommendation
22 of the Eastern Interior and Southcentral Councils.
23 Although the Eastern Interior and Southcentral
24 Councils supported this proposal, the staff committee
25 recommends rejecting the proposal because it would
26 violate established principles of wildlife
27 conservation. This rule allows for the option of late
28 season bull moose hunts after the bulls have shed
29 their antlers.

30
31 CHAIRMAN DEMIENTIEFF: Public comments?
32 Gloria Stickwan. Gloria, you're not going to
33 testify? Okay, he's got a card here, too. Morris
34 Ewan.

35
36 MORRIS EWAN: My name is Morris Ewan and
37 I serve on the Subsistence Board of Gulkana Village
38 and represent Copper River Native Association. I
39 totally disagree with the Board recommendation to
40 grant bringing moose sex parts. That has no cultural
41 value to us and you know, I have a very strong feeling
42 about this here. Otherwise, I wouldn't be here and
43 you know, I'm not feeling that well and I have a real
44 strong feeling about this thing here that they should,
45 it should pass where you don't have to bring in the
46 sex part. I don't know what -- what value that has to
47 you or anybody else, but I think that you're putting
48 kind of a hardship on my people. So I hope I'm not
49 too harsh with you. I hope you understand me. I
50 thank you for listening to me and hope you do not pass

1 this resolution here. Thank you.

2

3 CHAIRMAN DEMIENTIEFF: I'm going to back
4 up here and take State comments.

5

6 ELIZABETH ANDREWS: Mr. Chairman, the
7 Department of Fish & Game concurs with our Department
8 of Public Safety Division of Fish & Wildlife
9 Protection in opposing this proposal and that letter
10 by Major D'Amico was read into the record.

11

12 CHAIRMAN DEMIENTIEFF: Thank you.
13 There's no request for additional public testimony at
14 this time. Regional Council comments?

15

16 RALPH LOHSE: Ralph Lohse, Southcentral
17 Regional Council Chair. Our Council voted to support
18 Proposal 15 because of the cultural practices of the
19 Ahtna people. We probably recognize that if it's all
20 Ahtna people, the regulation wouldn't need there, but
21 we do recognize also that there are other people in
22 the area that might take advantage.

23

24 CHAIRMAN DEMIENTIEFF: Additional
25 Regional Council comment?

26

27 NAT GOOD: Mr. Chair, Eastern Interior
28 also supported this proposal. In fact, they felt that
29 keeping the sex organs attached was contradictory to
30 customary and traditional ways of handling harvested
31 moose. I noted also that the pelvic bone was
32 mentioned here as a way of identifying sex. I can't
33 imagine very many moose coming out of the field
34 without a pelvic bone. There's a lot of meat attached
35 there.

36

37 CHAIRMAN DEMIENTIEFF: Ron?

38

39 RONALD SAM: Thank you, Mr. Chairman.
40 When you define subsistence, you're defining edible
41 and usable meat, and I mean edible. When you harvest
42 a bull moose early in the season, you're all right,
43 but it's still our practice throughout the season to
44 eliminate all the sexual organs because you're right
45 in the middle of the rutting season and that really
46 spoils the meat to the point to where it's inedible in
47 a bull moose at the end of the season. And as we
48 define subsistence, you're talking about edible,
49 usable meat and I support, fully support Southcentral
50 and Eastern Interior, because I do not feel that

1 leaving the sexual organs attached enhance the taste
2 of usable and edible meat. Thank you.

3
4 BILL THOMAS: Mr. Chairman, this is a
5 very sensitive issue, but I do speak in support of
6 Eastern and Southcentral with regards to this. It
7 jeopardizes the last longstanding status symbol, but
8 Mr. Sam was right. You can't properly take care of
9 your meat by leaving those organs attached. So I
10 speak in favor of the proposal.

11
12 CHAIRMAN DEMIENTIEFF: Further comment?

13
14 DAN O'HARA: Mr. Chairman, Dan O'Hara,
15 Bristol Bay Chair. We support the Councils on this
16 proposal and I don't think it's reasonable at all. I
17 understand it's probably an enforcement issue, but we
18 are going to have to side with the Councils on this
19 one.

20
21 CHAIRMAN DEMIENTIEFF: Additional
22 Regional Council comment? Ron?

23
24 RONALD SAM: Mr. Chairman, in our
25 harvesting of bull moose during rutting season, one of
26 the first things we do is to remove all the sexual
27 organs and then hang out the whole pelvic bone and the
28 whole back section out to dry to eliminate taste, the
29 rutting taste and that makes it more edible. Thank
30 you, Mr. Chair.

31
32 GRACE CROSS: Seward Peninsula in support
33 of the motion and it does -- keeping the sexual
34 organs, especially of a male, does spoil the meat.
35 Thank you.

36
37 CHAIRMAN DEMIENTIEFF: Bill?

38
39 BILL THOMAS: Thank you, Mr. Chairman. I
40 respect the concept being introduced, but there again,
41 it's really a serious reflection on not having the
42 knowledge needed to properly care for animals when you
43 harvest them. There might be some user groups that
44 can take an animal and leave everything from the
45 shoulders back without impacting their attitude of
46 harvest, but that doesn't work with subsistence.
47 Thank you.

48
49 CHAIRMAN DEMIENTIEFF: We're ready for a
50 Board motion.

1 DAVID ALLEN: Mr. Chairman, there's some
2 issues that I want to discuss, but for the purposes of
3 doing that, I'm going to go ahead and move that we
4 reject the proposal, contrary to the recommendations
5 of the Eastern Interior and the Southcentral Regional
6 Councils.

7
8 CHAIRMAN DEMIENTIEFF: There's a motion.
9 Is there a second? Is there a second?

10
11 SALLY WISELY: Second.

12
13 CHAIRMAN DEMIENTIEFF: It's been moved
14 and seconded. You have discussion?

15
16 DAVID ALLEN: Yeah, I guess one of the
17 first questions I have, Mr. Chairman, is that you
18 know, with respect to the concerns that have been
19 raised about cultural practices, and I don't really
20 know the answer to this, but based on current
21 subsistence harvest regulations in Units 11 and 13 for
22 moose, will this action somehow render at least some
23 aspects of our current regulations void in terms of
24 our ability to actually enforce those regulations? I
25 don't know the answer. Perhaps staff could tell us
26 what the current regulation is as they affect moose.

27
28 RACHEL MASON: Mr. Chairman, on Page 198,
29 the regulation is there.

30
31 ROBERT WILLIS: Mr. Chair, that's the
32 regulation dealing with possession and transportation
33 of wildlife. I think Mr. Allen is speaking to the
34 harvest regulations rather than TO the regulations on
35 possession and transportation; is that correct?

36
37 DAVID ALLEN: Yes. And I guess what my
38 question is, do we have regulations in the books right
39 now that have been made with the understanding in the
40 past that this requirement would allow us to enforce
41 those regulations. So what are the harvest
42 regulations?

43
44 ROBERT WILLIS: Harvest regulations for
45 the subsistence hunter are one antlered bull. So in
46 the case of bringing out antlers in lieu of having sex
47 organs attached, that would not have any impact on our
48 current harvest regulations, at least at first blush
49 it would not, unless there's something that doesn't
50 occur to me off the top of my head. I can't think how

1 this would, substituting antlers for a portion of the
2 external sex organs in the regulations would not have
3 any impact on our seasons and harvest limits in those
4 regions.

5
6 CHAIRMAN DEMIENTIEFF: Additional
7 discussion?

8
9 DON OSTBY: Mr. Chair, I still remain
10 confused, I guess in the sense of I'm assuming that
11 the practices that are proposed to be removed have
12 been in place and have been used as a matter of game
13 management and I guess what I have no clear feeling of
14 at this point is what we would replace that with in
15 terms of keeping some sense of what's going on out
16 there in terms of hunting. I don't know who to
17 address the question to, but it doesn't seem to leave
18 us with any ability -- the one we were chatting about
19 here is a pair of antlers and potentially bringing out
20 a cow. I honestly don't understand. Perhaps you can
21 clarify it for me.

22
23 ROBERT WILLIS: The original intent of
24 that regulation was to address a problem with people
25 retaining the antlers of a previously harvested bull,
26 taking them back in the field, harvesting a cow and
27 bringing out the meat of the cow with the antlers of
28 the bull. That's the reason that regulation is
29 created to begin with, some years ago. What this
30 proposal would do would be to substitute the antlers
31 for a portion of the external sex organs so that it
32 would say, under possession and transportation in the
33 general regulations that the antlers would have to
34 accompany the meat rather than saying a portion of the
35 external sex organs would have to remain attached
36 until the animal got to the place where it's going to
37 be butchered or consumed.

38
39 DON OSTBY: Mr. Chairman, what I'm
40 hearing is that if this is passed, there will be no
41 base -- really no effective way of monitoring. Is
42 that what I'm hearing?

43
44 ROBERT WILLIS: That's correct.

45
46 CHAIRMAN DEMIENTIEFF: I think this is a
47 real tough issue and it's been kind of a contentious
48 point for a long time and it does ruin meat. There's
49 no doubt, and I think it really depends on who eats
50 what and how much of it, and that's, you know, that's

1 kinds of a separate issue, but most Native people,
2 when they're out in the field recover everything,
3 everything that's edible. And to have, you know, this
4 distasteful practice forced on us some years back, I
5 remember years ago when it first came into effect, we
6 had one ol' boy in Nenana who of course went out, at
7 that time moose horns weren't in, and yet this is
8 another dynamic, too, moose horns are worth about five
9 bucks a pound now. So consequently, subsistence
10 people, you know, bring those horns back in to
11 market. I mean, if you can get five bucks a pound for
12 them, you're not going to leave them out there in the
13 field, which was common practice at the time this
14 practice was first brought in. We'd cut them off and
15 leave them out in the field, cut the horns off. Old
16 timer pulled in Nenana with his boat, game warden's
17 right there, said where's the horns and he showed him
18 the head. He says, well, where's the horns, where's
19 the horns. He said oh, I cut them off, threw them
20 away, showed him the head where he cut the horns off.
21 Then he asked him, well, where's the external sex
22 organs, and the old timer looked at him and said, oh,
23 that's the first thing I eat.

24
25 But you know, it cuts two ways. I mean, I
26 recognize the enforcement issue. You know, it's hard
27 for me to support, you know, the motion that's on the
28 table. I mean, I'll tell you right now I can't, never
29 could and never -- never probably will be able to
30 support that, you know, the regulation that's on the
31 book just because I know how contrary it is to, you
32 know, to our common practices in the field. You know,
33 the way we've been taught to take care of meat in the
34 field. But I know one thing, I can sure tell the
35 difference between a cow moose track and a bull moose
36 track and I was wondering how come they didn't make
37 them leave those legs on there, you know, as an
38 alternate. I always wondered that, why wasn't that --
39 I can sure tell the difference. And I know, like I
40 said, now, I know. These days, in recent years,
41 that's been a recent phenomena, this horn selling
42 business. There are damn few subsistence people out
43 there who will leave the horns in the field simply
44 because that five bucks a pound is going to go a long
45 ways towards your gas and things that you need to go
46 out there.

47

48 SALLY WISELY: Mr. Chair?

49

50 CHAIRMAN DEMIENTIEFF: Yes.

1 SALLY WISELY: I don't know if maybe
2 there's another alternative here or another option for
3 us to consider. Perhaps that would be to ask staff,
4 the staff committee to work with subsistence users and
5 just engage in more of a direct dialogue to see if
6 there is an alternative to what's being talked about
7 such that something that is more culturally sensitive
8 and at the same time achieves the conservation concern
9 that people have. It might be worth at least trying
10 to sit down and have that conversation.

11
12 CHAIRMAN DEMIENTIEFF: You know, I would
13 tend to agree and that's why I say I couldn't support
14 the motion because it's an outright rejection and it's
15 common when we've wrestled with tough issues, we've
16 gone to deferral process to take another hard look at
17 it, see if there is some way, because I know, like I
18 say, I know it's an offensive practice.

19
20 DAVID ALLEN: Mr. Chair.

21
22 CHAIRMAN DEMIENTIEFF: Yes.

23
24 DAVID ALLEN: Based on some of the things
25 that you just said, seems to me that there might be an
26 opportunity to consider an either/or option as it
27 relates to either antlers or external sex organs being
28 removed from the animal to address the concerns
29 relative to both enforcement and biological
30 monitoring. And that may take care of federal
31 regulations, and I don't know if this is accurate, but
32 it's been suggested to me that regardless of the fact
33 that we take care of it in federal regulations, since
34 many subsistence users use navigable waters to
35 transport of their moose, would we be subjecting them
36 to citations by the State by this action or maybe more
37 properly stated -- I mean, this isn't -- I realize
38 this isn't our problem. It's just a concern that it
39 raises in the mind of subsistence users where our
40 regulations would say one thing, yet the State
41 possibly might take action based on what they view
42 would be proper action with their regulation while
43 they were transporting animals. I think the State
44 didn't offer some comment on that. But before they
45 do, I'm certainly willing to reconsider my motion with
46 something that might offer an either/or approach for
47 the time being and perhaps that could be used as an
48 entre to what was suggested, that maybe there needs to
49 be some further deliberation on this issue.

50

1 CHAIRMAN DEMIENTIEFF: I mean, I guess
2 either/or, I mean, I'm not exactly sure where you're
3 going with that, Dave, but I'm not suggesting
4 modifying the language right here and now. You know,
5 I share the same concerns that you raised which is a
6 very valid point. When you have people going in under
7 different management regimes, you know, you could be
8 legal for a hundred yards and illegal for another
9 hundred yards, could pose all kinds of problems for
10 subsistence users in the field. But I guess what I'm
11 getting at is I'm wondering if this isn't something
12 that maybe we should engage, you know, in discussions
13 with the State and defer the proposal, you know, till
14 we have the opportunity to do that and also to look
15 for other recommendations, you know, with regard to
16 the proposal, to leave it there, leave it on the books
17 and let's look for other alternatives. There's, you
18 know, there's got to be other ways. Or you know,
19 there's got to be other ways to deal with it. That's
20 all. Because I do share the same concerns, you know.
21 But outside a rejection of the proposal, I think would
22 take it off the table and I think I'm much more
23 inclined to try to work towards some kind of long-term
24 solution here, even if it does take a little bit
25 longer.

26
27 DAVID ALLEN: If we were to defer action
28 on this proposal at this time, did you have some time
29 frame in mind where we might try to bring some
30 resolution to the issue?

31
32 CHAIRMAN DEMIENTIEFF: Even if it took up
33 to the next year, I think that one of the things that
34 I would be interested in doing, too, is because it's
35 limited to just the one certain -- how many game
36 management units is that? Two, 11 and 13, you know,
37 we're hearing at least right here at this table, you
38 know, from our own chairmen that it's probably an
39 issue, you know, in their own areas, as well. Maybe
40 less of an issue, depending on -- but the regulation
41 is there. It may be less of an enforcement issue in
42 more remote areas of the state, but nevertheless, the
43 same regulation is on the book. With the State
44 regulation on the book, you know, in other federal
45 areas I'm talking about would be on the book in the
46 State regulations, but that's such an antiquated
47 approach to a legitimate enforcement issue, it may be
48 time to examine to see if there's another way to
49 resolve it, you know, across the state. That's the
50 whole point I'm getting at. I know it may not satisfy

1 residents in the short-term for Units 11 and 13, but
2 if we took it a year out and elevated the discussion
3 to the rest of the regions and to the State and this
4 challenge, challenge us to be able to come up with
5 some way, you know, to resolve it.

6
7 DAVID ALLEN: Mr. Chairman, I would agree
8 with that approach. It seems to me if we're going to
9 address this kind of an issue, we ought to be willing
10 to do it consistently across all areas.

11
12 CHAIRMAN DEMIENTIEFF: The same
13 regulation is statewide with regard to transportation,
14 and the same regulation statewide in the State
15 regime?

16
17 ELIZABETH ANDREWS: That's correct

18
19 CHAIRMAN DEMIENTIEFF: So I mean we'd
20 just be solving one little piece of the puzzle here
21 and like I said, while it might be not good for those
22 residents of 11 and 13, this proposal is still
23 something that I think if we defer and put that on the
24 front burner over the next year, come back with
25 something. There must be some way to resolve this.
26 All undulates, yeah, so it's multi species.

27
28 SALLY WISELY: Mr. Allen, are you willing
29 to withdraw your motion, then?

30
31 DAVID ALLEN: Well, I'd just defer to the
32 Chairman. Is there anything I need to do to --

33
34 CHAIRMAN DEMIENTIEFF: Yeah, withdraw the
35 motion with a the consent of the second and then --

36
37 DAVID ALLEN: And then an action of
38 deferral. I'm willing to do so, withdraw my motion.

39
40 CHAIRMAN DEMIENTIEFF: Who seconded that.

41
42 SALLY WISELY: I did.

43
44 CHAIRMAN DEMIENTIEFF: There's a motion
45 made and seconded to withdraw the motion and the Chair
46 at this time would entertain another motion.

47
48 DAVID ALLEN: Mr. Chairman, pursuant to
49 the discussion by the Board with regard to Proposal
50 15, I move that we defer any action on this proposal

1 until such time that the Federal Subsistence Board and
2 staff can interact more fully with Alaska Department
3 of Fish & Game and all of the regional advisory
4 councils to address this issue more broadly in Federal
5 Subsistence Regulations.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Is
8 there a second to that motion?

9

10 SALLY WISELY: Second.

11

12 CHAIRMAN DEMIENTIEFF: Okay. And I urge
13 all of you, you know, chairmen as you go back home to
14 report, to take a hard look at this issue and give
15 your Regional Council, you know, a heads up as much as
16 you can. We certainly will, you know, as we begin the
17 process, but you know, if the motion is successful,
18 let's all try to get the word out there right away and
19 we'll certainly do what we can to advance it to the
20 State and I would ask also the same thing as you
21 report back, that you know, maybe it is time for us to
22 look at that, but let's try to do some kind of
23 cooperative approach here as opposed to everybody just
24 kind of falling on their swords over the deal. Let's
25 take a hard look at it.

26

27 Okay, is there any further discussion? Yes.

28

29 RALPH LOHSE: Mr. Chair, Ralph Lohse,
30 Southcentral. If we're going to do anything about
31 this, it really behooves the Federal Board to work
32 with the State simply because we are going to be
33 putting people in a position of being prosecuted by
34 the State if they take federal animals across State
35 line without evidence of sex. So it's going to --
36 it's a pretty big job on your shoulders because you're
37 going to have to convince the State that you can come
38 up with something that will work for both of you.

39

40 CHAIRMAN DEMIENTIEFF: Yeah, that's the
41 intent. Further discussion? Yes.

42

43 BILL THOMAS: Mr. Chairman, I think that
44 was wise to reconsider. If you had not, I was
45 prepared to read you and remind you the criteria for
46 rejecting recommendations. I'm going to anyway.

47

48 CHAIRMAN DEMIENTIEFF: You can remind us,
49 Bill.

50

1 BILL THOMAS: The Board may reject
2 Council recommendation if, one, it is not supported by
3 substantial evidence; two, violates recognized
4 principles of fish and wildlife conservation; three,
5 would be detrimental to the satisfaction of
6 subsistence needs.

7
8 None of those criteria were mentioned or found in
9 any part of the discussion.

10
11 Second part of my comment, if the Department
12 feels a strong need to save those parts of the animal,
13 I would support giving them the responsibility of
14 coming up with a customary and traditional use in
15 doing so. Wouldn't need any factors, just list a C&T
16 for doing so.

17
18 CHAIRMAN DEMIENTIEFF: Any further
19 discussion?

20
21 GRACE CROSS: Mr. Chair, I agree with
22 you. There's many, many ways that this problem can be
23 resolved. Nature made males and females very, very
24 different, not just in sexual organs and it is
25 offensive to many of us Native people to have to cut
26 out sexual organs and take them to Fish & Game. It's
27 not the way we do it, except for walrus.

28
29 CHAIRMAN DEMIENTIEFF: Any final
30 discussion?

31
32 BILL THOMAS: Mr. Chairman, would there
33 be a urologist on-site when we brought them in?

34
35 CHAIRMAN DEMIENTIEFF: I think we've
36 about exhausted all the discussion we can go. Using
37 the discretion of the Chair, all those in favor of the
38 motion, signify by saying aye.

39
40 (Response).

41
42 CHAIRMAN DEMIENTIEFF: Those opposed,
43 same sign.

44
45 (No response).

46
47 CHAIRMAN DEMIENTIEFF: Motion carries.
48 Okay, it's looking like I expect us to have some
49 lengthy discussion on individual C&T. I'm not sure
50 we're going to be able to complete everything by

1 5:00. Yeah, we've got a couple other issues, so I'm
2 going to kind of move. The people we've been waiting
3 for on Proposal 7 and 12 have all arrived, so we're
4 going to go ahead and move into that discussion and
5 we'll go as far as we can until 5:00 today. If we
6 finish, we'll open up in the morning as I indicated
7 previously. Otherwise, as it gets close to 5:00,
8 we'll figure out exactly where we're going to start
9 out in the morning. But it's clear we still are ahead
10 of schedule. Even if we do get hung up somewhere,
11 we're still going to be ahead of schedule. So we'll
12 adjust that accordingly. Okay, Proposal 7 and 12.

13
14 RACHEL MASON: Proposal 7 was submitted
15 by the Copper River Prince William Sound Fish & Game
16 Advisory Committee and requests adding the residents
17 of Unit 6(C) to those with a positive C&T
18 determination for sheep in the portion of Unit 11
19 south of the Sanford River. Proposal 12, also
20 submitted by the Copper River Prince William Sound
21 Fish & Game Advisory Committee requests that residents
22 of Unit 6(C) be added to those with a positive C&T
23 determination for moose in that portion of Unit 11
24 south of the Sanford River, and the two proposals have
25 been combined for analysis.

26
27 The existing C&T determinations for both sheep
28 and moose in Unit 11 are divided as we heard before
29 into north and south of the Sanford River and Unit
30 6(C) does not have a positive C&T determination for
31 either species anywhere in Unit 11.

32
33 As to sheep, the five study years in which
34 subsistence harvest surveys have been conducted in
35 Cordova, only in 1993 did Cordova residents report
36 taking any sheep, and in that year, they harvested
37 less than 0.5 pounds per capita. Harvest ticket data
38 showed that Cordova residents took a total of 54 sheep
39 anywhere in Alaska between 1983 and 1997, averaging
40 about 3.6 sheep per year.

41
42 On the other hand, moose at 22 pounds per capita
43 and 65 pounds per household was in 1985 the single
44 largest component of wildlife resources used by
45 Cordova residents.

46
47 At the March 1999 meeting of the Southcentral
48 Regional Advisory Committee -- or Regional Advisory
49 Council in Anchorage, the proponents of Proposals 7
50 and 12 represented by Tom Carpenter brought forward

1 considerable information concerning the past uses of
2 the southern portion of Unit 11 by Cordova residents
3 for sheep and moose. The proponents collected the
4 names of 42 present or former Cordova residents who
5 had taken moose and sheep in that area in the past and
6 they had letters and testimony from some of them.
7 There was also testimony that historically, if people
8 in Unit 6 wanted to get moose they had to go to Unit
9 11 to get it and also that trade up and down the
10 Copper River predates Caucasians living in the area.

11
12 In regard to use areas for sheep, harvest tickets
13 show that between 1983 and 1997, 14, or 26 percent of
14 the total of 54 sheep taken by Cordova residents were
15 in Unit 11. Cordova hunters also harvested sheep in
16 other places around Alaska and of the total sheep
17 taken in Unit 11 by any residents of Alaska between
18 1983 and 1997, about 78% were south of the Sanford
19 River. Actually that was total sheep taken by
20 anyone. And all of the 14 sheep taken by Cordova
21 hunters in Unit 11 during this period were from south
22 of the Sanford River.

23
24 As for moose, Cordova residents harvested two of
25 the total 618 moose reported taken in Unit 11 between
26 1983 and 1997 and both of these moose were taken in
27 UCU south of the Sanford River. During the same
28 period, Cordova hunters took 1,154 moose throughout
29 the State of Alaska and almost all of these were in
30 Unit 6. But it should be noted that by regulation,
31 Cordova residents have not generally been permitted to
32 harvest in Unit 11, harvest moose there.

33
34 There was more information that was brought
35 forward at the spring meeting of the Southcentral
36 Regional Advisory Council. Again, Mr. Carpenter
37 brought forth information on Cordova residents' access
38 to the area that comprises Wrangell-St. Elias National
39 Park. He said that access has occurred by snowmobile
40 as well as by boat and highway vehicle after taking
41 the ferry to Valdez, ATV and airplane. There was
42 testimony that access to the park used to occur via
43 the Copper River Railroad, a railroad between Cordova
44 and Chitina that existed between 1909 to 1940. And so
45 with the additional testimony that was offered at that
46 Regional Council meeting, that seemed to be good
47 evidence of the historical uses of the southern
48 portion of Unit 11 for sheep and moose by the
49 residents of Unit 6(C).

50

1 CHAIRMAN DEMIENTIEFF: Written public
2 comments?

3
4 HELGA EAKON: The Wrangell-St. Elias
5 Subsistence Resource Commission opposes Proposal 7 and
6 12. The commission feels that there is not
7 substantial information to support the proposals. End
8 of comments.

9
10 CHAIRMAN DEMIENTIEFF: Thank you. Staff
11 committee recommendation?

12
13 KEN THOMPSON: Staff committee recommends
14 adopting Proposals 7 and 12 consistent with the
15 recommendation of the Southcentral Regional Council.
16 We believe there is sufficient evidence of historical
17 uses of the southern portion of Unit 11 for sheep and
18 moose by Unit 6(C) residents to support the proposed
19 C&T use determinations.

20
21 CHAIRMAN DEMIENTIEFF: Thank you.
22 Department comments?

23
24 ELIZABETH ANDREWS: Mr. Chairman, the
25 Department recommends deferring action on Proposals 7
26 and 12. We think that the information that was
27 brought forward to the Southcentral Council at the
28 March 24th Council meeting was an excellent start in
29 providing additional information about the use of Unit
30 11 sheep by residents of 6(C). The local Fish & Game
31 Advisory Committee brought forward information which
32 is exactly the kind of information we think that the
33 Council needs to examine, which they did. There's
34 certainly basis for different interpretations of that
35 information, so we think that it needs probably a
36 closer examination and review by the staff, as well as
37 other members of the public, such as the Copper River
38 Native Association and that at this point, we think
39 that it definitely is good information, but we think
40 it just needs further review by the affected areas and
41 by the Council. So that's the basis for our
42 recommendation. We're not certain that it would be
43 the appropriate decision to make for a C&T finding for
44 all of Unit 11. There's probably a portion of Unit 11
45 that would be appropriate for positive finding of
46 sheep by Unit 6(C) residents. So we don't think it
47 should be wide open for Unit 11, but we would ask the
48 Council to review that information a little more
49 carefully. So that's the basis for our recommendation
50 to defer action on Proposals 7 and 12. Thank you,

1 Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Gloria
4 Stickwan?

5

6 GLORIA STICKWAN: Mr. Chairman, members
7 of the Board, I represent Copper River Native
8 Association and I'm also a member of the Wrangell-St.
9 Elias Subsistence Resource Commission. I was
10 appointed recently by the Governor of Alaska. I'd
11 like to thank you for the opportunity to speak to
12 Proposals 7 and 12. As you know, these proposals
13 would approve, grant C&T for moose and sheep for the
14 entire unit to the residents of the town of Cordova.
15 You may remember that the communities of Dot Lake,
16 Tanacross, Tetlin, Northway and Healy Lake requested
17 C&T in Unit 11. The Board reached their decision on
18 these C&T requests based on information and reports
19 prepared by staff. Residents were interviewed and a
20 thorough report was written and how their request
21 could be viewed using the eight factors found in Title
22 50, CFR Section 100.16(b). I was present during the
23 Southcentral Regional Advisory Council meeting in
24 April when Proposal 7 and 12 were presented. The
25 original recommendation by staff was to deny this
26 proposal -- these proposals.

27

28 Mr. Tom Carpenter of Cordova presented these
29 proposals to the Council. The chair of the Regional
30 Advisory Council, Mr. Ralph Lohse of Cordova also
31 spoke in support of these proposals. There was
32 inadequate information presented to conclude the eight
33 factors analysis had been conducted. The vote was in
34 favor of two to three of these proposals. However,
35 two members of the Council were absent. The vote
36 might have been different if the two Council members
37 had been present. Robert Marshall, one of our
38 respected elders of the Ahtna and a member of
39 Wrangell-St. Elias Subsistence Resource Commission
40 said that those people hunted only as far up the
41 Copper River as the Bremner River. It may be possible
42 that some people or families have ties to the Ahtna
43 hunted near Chitina.

44

45 We have made agreements with the people of
46 Northway, Tanacross, Tetlin, Dot Lake and Healy to
47 allow for customary and traditional use hunting by the
48 Upper Tanana in portions of Unit 11. More research is
49 needed to understand and document the historical
50 patterns of use of Unit 11 by the Cordova community

1 before a decision is made. One of the biggest
2 concerns we have among our Ahtna people is a potential
3 is if the federal government takes over management of
4 fisheries that C&T could easily be granted for the
5 town of Cordova regarding fisheries. That's a concern
6 we have among our Ahtna people. There's a potential
7 there of them getting C&Ts if federal management takes
8 over.

9
10 If the Federal Board decides to defer this
11 proposal and research is done, Copper River Native
12 Association would like to be involved in these
13 interviews and research. We oppose Proposals 7 and 12
14 for moose and sheep in all of Unit 11 for the town of
15 Cordova as they are presented. Thank you for
16 listening to me.

17
18 CHAIRMAN DEMIENTIEFF: Thank you.
19 Dr. Rose M. Hamilton.

20
21 ROSE HAMILTON: My name is Dr. Rose
22 Hamilton. I am an Ahtna shareholder and a tribal
23 member of the village of Chitina. I've Delia Fennison
24 Triber (ph) is my mom. She was born in Chitina and I
25 was actually born in Cordova but moved to Chitina and
26 that's where I'm actually living now. I'm currently
27 running for the Traditional Council of Chitina. So
28 I've got a lot of feelings for the area and a lot of
29 love for the people. Actually, growing up in Cordova,
30 too, I can honestly say that I was there during the
31 '40s, '50s and '60s and the only people I ever
32 remember leaving town to go hunt moose in the Chitina
33 area was my mother and it was really quite a big thing
34 because Cordova was very small and they had to rent a
35 small plane just to get up into the Chitina area and
36 it was very expensive and everybody in town was very
37 excited about them finding or getting a moose and
38 bringing it back.

39
40 But right now, I'm representing CRNA and the CRNA
41 opposes Proposals 7 and 12 C&T for Unit 11 for sheep
42 and moose for Cordova. The proponents wish to gain
43 C&T for Unit 11 for sheep and moose. CRNA opposes the
44 proposal because it's too broad in nature. There is
45 no substantial evidence to show use of Unit 11 for
46 sheep and moose. There needs to be substantial
47 evidence to show customary and traditional use for
48 Unit 11 by Cordova for sheep and moose.

49
50 The Federal Subsistence Board requested that

1 Healy Lake Traditional Council provide the Board with
2 substantial evidence to show use in Unit 11. The same
3 standard should be held for the community of Cordova
4 and any other community requesting C&T determination.
5 The eight criterion for which customary and
6 traditional use determined are not met by the
7 community of Cordova. The criterion of consistent use
8 of Unit 11 by the Cordova community has not been
9 demonstrated. The community of Cordova does not
10 currently use the park for hunting and does not
11 justify having customary and traditional use in the
12 park. The criterion of a pattern of consisting of
13 methods and means of harvest which are characterized
14 by efficiency and economy of effort and cost
15 conditional by local characteristics has not been
16 demonstrated by the community of Cordova. The expense
17 and efficiency of methods and means to subsistence
18 users to hunt in the park is costly and difficult.
19 Access for hunting in Unit 11 for sheep and moose
20 would have to be by air or by the Copper River. It
21 would be difficult for the Cordovan residents to
22 access Unit 11 by the Copper River. Airplane use for
23 hunting in the park is not allowed. The criterion of
24 proximity to the resources by the community of Cordova
25 to the whole of Unit 11 is certainly not met. The
26 community of Cordova is not close to the park nor is
27 it reasonably accessible to the park. The residents
28 of Cordova would have to cross through the Chugach
29 Mountain Range to get to the northern part of Unit 11
30 to harvest moose and sheep where there is no history.
31 CRNA opposes Proposals 7 and 12 as it the written.
32 Thank you for listening to me.

33
34 CHAIRMAN DEMIENTIEFF: Thank you.
35 Mildred Buck.

36
37 MILDRED BUCK: Good afternoon. My name
38 is Mildred Buck, better known as Millie, and I am
39 originally from Chitina. I now live in Glennallen. I
40 am the daughter of Margaret Billum Goodlataw and the
41 late Capp Marcus Goodlataw. I have served on the
42 Chitina Corporation Board, which I am now president of
43 and also member of the Village Council Board for
44 Chitina.

45
46 I am here with concerns about Proposals 7 and
47 12. I do not believe that Unit 6 should have
48 customary and traditional use of moose and sheep in
49 Unit 11 for the following reasons. I do not agree
50 that Cordova should have customary and traditional use

1 in Unit 11 for sheep and moose. To my knowledge, the
2 people in Cordova did not have historical use of the
3 park. I have not seen them hunt in the park and they
4 have not met the eight criteria of ANILCA to have
5 customary and traditional use of the park.

6
7 The Ahtna people do not remember the people who
8 were at the mining company to have historically hunted
9 in Unit 11. By the mining company that I mention
10 here, is there used to be a train in Chitina that
11 hauled ore out of Chitina around 1930s. The Ahtna
12 people do not remember them there. They did not hunt
13 the park for game animals. They left the area in
14 1938, whoever was working for the railroad. At that
15 time, the railroad shut down.

16
17 The Eyaks came up to Copper River below Taral.
18 The Eyaks did not come up often. My grandfather would
19 have mentioned the strangers or the Eyaks to the Ahtna
20 territory and this story would have been very
21 newsworthy. Stories of people from other areas a long
22 time ago coming into the Ahtna territory were well
23 remembered and told often to relatives. There were
24 not many stories told about the Eyaks coming up the
25 river.

26
27 My mother, Margaret Eskilido was born in 1910 and
28 is 89 years old. She does not recall any Eyaks or
29 non-Natives coming up the Copper River to hunt in
30 Unit 11 because they never came up the Copper River to
31 take wild game. This would have been a big event and
32 she would well remember the stories and also would
33 have distinctly remembered seeing them travel up the
34 river. The Cordova people would not be familiar with
35 Unit 11 today if they came up to hunt now. We doubt
36 if they would be familiar with the park and where the
37 game animals would be.

38
39 Traditionally, the Ahtna and other Natives have
40 great respect for each other's hunting territory. If
41 they hunted in another village territory, they would
42 get permission to hunt in that area from that
43 village. They never infringed on each other's hunting
44 territory. The Ahtna people hunted as far as the
45 Copper River flats for ducks, seals and clams. The
46 Aleuts did not come into the Ahtna territory. Growing
47 up in Chitina in '30s and '40s, we never saw any
48 Natives or non-Natives come up the Copper River in
49 Unit 11 to hunt wild game. They did not come up the
50 river in Unit 11 to hunt at all. The Ahtna people

1 would have surely noticed them coming up the river to
2 hunt.

3
4 Besides this, I would like to say that we feel
5 very squeezed, I think, in Unit 13, Game Management
6 Unit 13. From what I heard here today, I wish I had a
7 broader view of what was going to go on here. I did
8 not, and so I came so very unprepared. If I knew, I
9 would have been prepared to the hilt for something as
10 important as this. And we feel like we're being
11 squeezed because the Ahtna people are only 1,000 or so
12 strong. We're not that many in the Ahtna area. We
13 feel like we're being squeezed from up here from the
14 north and then we're being squeezed from the south,
15 which is Cordova. And we have very limited areas to
16 hunt down there. We have only the federal lands,
17 which is very limited to us to hunt on.

18
19 And another problem, you got to have measuring
20 tape when you go hunting because you have to make sure
21 you shoot a moose that has 50 inch horn or spike
22 horn. So that even makes it rougher on us. And most
23 of the people now say that the moose is very limited
24 in the Unit 13. Hardly anybody gets any.

25
26 And then other problems we have is people going
27 out there with four-wheelers. They shoot the moose up
28 before we even have a chance to see them on the road
29 to even get one. So how do they bring a whole moose
30 out in one of these four-wheelers? It's not big
31 enough to haul hardly a person. Thank you.

32
33 CHAIRMAN DEMIENTIEFF: Thank you. Wilson
34 Justin?

35
36 WILSON JUSTIN: Thank you for the
37 opportunity to testify before the Board. My name is
38 Wilson Justin. I was born and raised at Nabesna,
39 Alaska, the headwaters of Tanana River. I'm here
40 today to represent Chistochina Village Council and
41 also Mount Sanford Tribal Consortium who I work for as
42 a health director. I'm going to generalize just a bit
43 in order to put into context some of the earlier
44 remarks regarding the Ahtna in this particular
45 locality that we're talking about. Historically --
46 and I'm going to use these numbers rather loosely. I
47 don't want anybody to get into argument over the
48 numbers I'm using. I'm very much aware of how numbers
49 are used in terms of creating dissension. I will use
50 these numbers basically to bolster our opinion, not

1 for accuracy.

2
3 It can be said there that historically, before
4 the 1900s, there were 11 Ahtna clans. One of them,
5 the Althsetnae', who I belong to, have members in
6 Northway, Dot Lake, Tanacross, Tetlin and some of the
7 smaller communities in the area. The members of this
8 clan that I belong to are prominent in the activity
9 related to acquiring the right to come back into Unit
10 11 and hunt for moose and caribou. Other clans that
11 are still strong and prominent today are clans that
12 were related to these areas that we call our trading
13 areas. They are connected by trading trails. My
14 clan, the Althsetnae', had control of one trail, the
15 Althsetnae' trail, which ran up in the mountains, not
16 along the river, from just north of Sanford River all
17 the way down the White River, all the way halfway to
18 what we call the White -- community of White Horse
19 today. We met the Chitinas at the pass where the
20 White River and the Chitina met. These very same
21 trails, the same trail that we had control of also
22 were controlled by other clans in the Ahtna region in
23 the lower area. Significant to the clan and the
24 control of the trail is a fact that you could not
25 approach these trails without permission from the
26 people who basically owned the trail. No Althsetnae'
27 would ever go down Chitina without having received
28 permission first to go down those trails.

29
30 The Eyak was the basis of a trading community
31 that operated historically among all of the Native
32 groups of the coast and the interior. They did not
33 hunt or fish in a classic sense of the word in terms
34 that you would know. They held the right to trading
35 grounds on behalf of all the tribes.

36
37 Today, the C&T process has gotten to the point
38 where it is no longer a hunting matter. The great
39 fear, and the Village Council that I represent has
40 articulated this fear many, many times. The C&T
41 process that the State originated is now evolving into
42 a huge trespass issue. Now, we're talking about
43 Native lands. We're talking Ahtna. We're talking
44 Chitina, who is independent of Ahtna, but we're
45 talking about virtually every inch of this particular
46 locality that you're talking about for a C&T
47 determination being Native lands. Now, if you stop
48 and think about it, you're authorizing trespass on
49 Native lands because nobody ever asked the land owner
50 whether or not hunting can be done.

1 This is the very problem that we face up at
2 Chistochina, the Chistochina River and the Slana River
3 where external hunters have pushed out the local
4 hunters to the point where there is no subsistence
5 activity. Now, it's in my opinion, the C&T process is
6 detrimental to Indian interest today as it's being
7 practiced, because at one time it was meant to protect
8 and preserve our interest. Now it allows the
9 opportunity for others to play this numbers and
10 statistics game and come into our back yard over and
11 above our objections. I take note of the fact that it
12 was mentioned several times about the high standards
13 that was required of these northern communities, my
14 own clan members, to prove the right to access a
15 particular locality that we were in. And yet we knew
16 all along through marriage, hunting and just by the
17 very fact that we grew up alongside of each other that
18 they were always a part of the hunting pattern of that
19 particular area in Unit 11 and 12 and 13 that we were
20 at.

21
22 The other note that I would like to bring to your
23 attention is the fact that in every case where I have
24 testified, I have always brought up the fact that we
25 cannot ever accept the use of data provided by the
26 State of Alaska Department of Fish & Game, because it
27 is skewed in one direction only in terms of supporting
28 sport hunting. And I dispute the fact that the
29 Federal Fish & Wildlife managers need those numbers at
30 all, because the end result is inevitable if that
31 happens and Native subsistence hunters will simply get
32 squeezed out of more and more area. There'll be more
33 and more trespass issues come up along more and more
34 of these drainages and these lakes and these rivers.
35 The ultimate result, in my estimation, is that we're
36 creating a monstrous little entity here that's going
37 to backfire and hurt all of us. I don't doubt that
38 there are sporadic and occasional take of game by
39 Cordova residents in this locality. I don't doubt
40 they go to a lot of places and hunt and fish and take
41 game. But I seriously doubt that the data would
42 support, if fairly and objectively reviewed their
43 right to come into Unit 11, and I live just north of
44 the area that's being talked about, to hunt and fish
45 in the same manner that I do and be competitive to my
46 interest in terms of take that I rely on through the
47 winter. And make no mistakes about it, I am a
48 subsistence user. There are very, very few people
49 today who come in front of you and cannot only make
50 that testimony, but say proudly, I have never been on

1 a four-wheeler, I have never even driven one and I
2 don't deal with snow machines. I don't care what
3 people do with those things. I know how to hunt. My
4 hunts last maybe 45 minutes, maybe an hour in the
5 locality that I hunt. Long before the Fish & Game
6 Department come and tell me what mooses are there, I
7 can tell you what mooses are there, how long they're
8 going to be there, when they're going to leave and in
9 what manner they're going to leave. I am truly a
10 subsistence expert. And I would appreciate it when
11 these requests come in, as they do all year long, I
12 don't envy you your job, I would appreciate it that
13 the first person you should ask is the people who do
14 know.

15

16 Ending on that, I will thank you again for the
17 opportunity to testify before you and I appreciate
18 very much the fact that the Copper River Native
19 Association is here and also those people from
20 Chitina. Thank you.

21

22 CHAIRMAN DEMIENTIEFF: Thank you,
23 Wilson. Regional Council comments?

24

25 RALPH LOHSE: Ralph Lohse, Southcentral
26 Regional Council. First of all, I'd like to point out
27 that these proposals do not deal with all of Unit 11.
28 They deal with that portion of Unit 11 in the south,
29 what we consider the south part of Unit 11 from the
30 Sanford River. The Regional Council supported
31 Proposals 7 and 12. Again, like Gloria said on split
32 vote just like we've supported many or proposals.
33 With that, if the Board wishes, I can give you some
34 other information on it. Otherwise, I will just leave
35 it at that.

36

37 CHAIRMAN DEMIENTIEFF: Additional
38 Regional Council comment?

39

40 BILL THOMAS: Mr. Chairman?

41

42 CHAIRMAN DEMIENTIEFF: Yes.

43

44 BILL THOMAS: In light of the fact of the
45 testimony that we've heard from the public, I strongly
46 oppose any consideration to defer. I'd like to remind
47 members of the Board, members of the Department that
48 you are just seeing the tip of a needle with regards
49 to the way we're trying to apply two letters that were
50 never intended to be used that way in the legislation

1 of ANILCA. A needle is small on one point and it gets
2 larger as you move up toward the other end. Any time
3 you drive an instrument like that into something,
4 you're going to break something. You're splitting;
5 you're dividing. The one thing that is not customary
6 and traditional are for tribes to be in confrontation
7 with each other over territory, over resources. That
8 is not C&T. That is contrary to it. I would real
9 urge you at this far down the road, go back and take a
10 look at the C&T because it's not going to get any
11 better. Every time you mentioned C&Ts you wind up
12 with a dilemma. You've had to backtrack. Whenever
13 you made a decision, you were confused in the process
14 of doing so. There's no justification for it. I
15 would really encourage you to revisit that.

16
17 Earlier it sounded like fun and games. There
18 never was a place for it. And I always felt that
19 there was a reason for it being introduced based on
20 the history of the attitude that was demonstrated
21 toward the subsistence community before ANILCA. Those
22 same philosophies are intact. Look at the legislature
23 now on what they're trying to do. They're not doing
24 anything to make subsistence a usable means. If
25 anything positive is going to happen with subsistence
26 in Alaska, this is probably our only opportunity.

27
28 I mentioned to people before that I'm very
29 confident and privileged to serve with the minds that
30 are in this room that take the time to review and to
31 deliberate the issues that are brought before us.
32 Let's use that good sense to come up with good
33 results. With that, I support the proposal.

34
35 CHAIRMAN DEMIENTIEFF: Additional
36 Regional Council comment?

37
38 NAT GOOD: Mr. Chairman, I listened to a
39 great deal here and I found it very interesting. I
40 have some history in the Cordova area, myself. I
41 lived there for 12 years at one time. During that 12
42 years, I'm definitely aware of people who owned
43 property and really maintained two residences off the
44 McCarthy Road and in McCarthy, itself, and where I did
45 not travel there to hunt, I do know that others did.
46 I don't know to what extent. I do know that there was
47 definitely a history and a pattern there and I
48 personally am always concerned about eliminating the
49 qualified subsistence hunter from the opportunity to
50 hunt. So I would support this.

1 CHAIRMAN DEMIENTIEFF: Additional
2 Regional Council comment? Go ahead, Dan.

3
4 DAN O'HARA: Mr. Chairman, we appreciate
5 very much the public testimony. We haven't had very
6 much of it and I appreciate very much them taking time
7 to come and talk to us today. We thank you for that.
8 And we're very much in support of this proposal.

9
10 CHAIRMAN DEMIENTIEFF: Additional
11 Regional Council comment? I guess as far as beginning
12 the Board deliberation process, you know, the thing
13 that concerns me, and I've listened to all of it, all
14 of this, you know, we've gone through these
15 processes. I don't really ever remember, you know,
16 unless it was a clear cut case, well documented, us
17 rushing into a C&T determination. We've made people
18 wait in some cases two, three years just to make sure
19 we had things that were documented and this is the
20 first I've heard of this proposal. And we've got
21 some, I think some conflicts within the neighboring
22 area, at least, in terms of where C&T ought to be. I
23 mean, how long have we been trying to do black bear in
24 Unit 26 and we're still, you know, we're closer than
25 we've ever been, but we're a long ways from ever
26 getting that resolved. And rather than rush into
27 something or seeing where there's an area where
28 there's a potential conflict, my inclination is to,
29 you know, my own personal inclination, and I think the
30 Board's going to vote wherever they want to go on
31 this, but my own personal inclination right now is to
32 defer this for a year. Let's take a harder look at
33 this. I agree with, you know, a lot of things. I
34 don't -- I'm not saying I'm necessarily opposed to
35 it. But how do we evaluate a copper mine that worked
36 in Alaska for, what was it, 30 years or something like
37 that. Where did those people come from in that copper
38 mine prior? You know, we've made exceptions in rural
39 areas for military bases and for, oh, timber towns.
40 Is, you know, the Chitina Copper Mine -- I mean the
41 copper mining operation, is that an exception? It was
42 just there and then it wasn't, it was gone. Now, I
43 know there are other people out there. But is that a
44 reason to build a C&T process?

45
46 I got some real questions about it. Now, I'm not
47 saying I'm opposed to this. Right now, my
48 understanding is that the people in Cordova can go in
49 that area and hunt; is that correct? Under existing,
50 they can't because it's park; is that correct?

1 SANDY RABINOWITCH: Yes, Mr. Chairman, if
2 I could explain, the preserve lands are open to sport
3 hunting under any State regulation in Wrangell-St.
4 Elias Preserve but the park land, you need to also
5 have C&T from the Board, which they're seeking, so
6 obviously they don't have that currently. You also
7 need Park Service eligibility, which comes through
8 either resident zone status, which the community of
9 Cordova currently does not have, but is seeking, okay,
10 or you need an individual what we call a 13.44 permit
11 and I can tell you that there are currently no
12 residents of Cordova who have such a permit. So for
13 the park land, there's no opportunity presently. For
14 the preserve land, under State regulation, of course,
15 there is.

16
17 JUDY GOTTLIEB: Mr. Chairman --
18

19 CHAIRMAN DEMIENTIEFF: I guess the bottom
20 line of what I'm trying to say is I'm wondering if we
21 might not be better served to give this thing a year
22 and allow the groups to get together which we've
23 required in other areas of the state, but here, you
24 know, it doesn't seem like -- it seems like we're
25 waiving that requirement and I think we just need to
26 get a closer look at it.

27
28 JUDY GOTTLIEB: Mr. Chair, I certainly
29 agree with what you've said. I have a letter from the
30 superintendent of Wrangell-St. Elias National Park and
31 Preserve, which is over 90% of the federal lands that
32 we are talking about here. We have Hunter Sharp here
33 prepared to read it into the record, but I guess in
34 the interest of time we can certainly waive that and
35 submit it, but our concern is just as you've stated,
36 that we have not had adequate time to do the kind of
37 interviews and research that we've heard about for
38 example in Healy Lake and other places. We do want to
39 do a good and thorough job on this before rushing into
40 it and we would approach that with an open mind and so
41 we would like to see this deferred for a year to do
42 that kind of work and be consistent with the kind of
43 good, thorough decisions this Board has been making
44 during these sessions. I'm prepared to make that a
45 motion, if you are ready for that.

46
47 I move that we defer action on Proposals 7 and
48 12. This will allow for additional data to be
49 gathered with which we can better evaluate the
50 proposals. At this time, there does not appear to be

1 adequate information on the eight factors to support a
2 C&T use determination for each of the two proposals.

3

4 WARREN HEISLER: Second.

5

6 CHAIRMAN DEMIENTIEFF: It's been moved
7 and seconded. Ralph, don't misunderstand the intent
8 of the Board. The intent of the Board is clearly to
9 be consistent. The folks up at Healy Lake that we
10 approved a lot of their C&T for today, we ran them
11 through the hoops for three, four, five years. I
12 don't intend for that to happen and that's one issue I
13 want to speak before we vote, you know, that this
14 doesn't go on in the Healy Lake situation, that we
15 work to some kind of resolve in this next year is my
16 intention and I would hope that the Board by voting to
17 defer is going to, you know, make that commitment, or
18 at least make that request, you know, to our staff or
19 we'll have to do what we did at last year's meeting
20 where we got kind of testy. We the Board got testy
21 with staff in the Healy Lake situation because of the
22 year after year referrals and it was a little testy.
23 I don't want this same situation. I would like to see
24 us resolve this in this next year. I think there's --
25 you know, the groups can work together. It's the same
26 lifestyle, there's ways to work it out. That's all
27 I'm getting at.

28

29 JUDY GOTTLIEB: Mr. Chairman, our plan is
30 to meet with residents in Cordova. I think we have
31 some dates set up for this summer. We've had some
32 previous dates set up which didn't quite work out but
33 our intention is to move as quickly as we can on
34 this.

35

36 CHAIRMAN DEMIENTIEFF: Please, when
37 you -- go ahead.

38

39 RALPH LOHSE: Mr. Chair, I think that
40 that's totally acceptable. I think that in this case,
41 we're going to find that documentation is going to
42 probably be easier than at any time that you've had.
43 I'd like you to take into account that a lot of our
44 game documentation that we're using from '83 to '97
45 after it had become a park, and so consequently, there
46 is not much harvest once it become a park.

47

48 From 1906 to 1971, almost all of the access to
49 the Chitina valley was from Cordova, from 1906 from
50 the start of the steam ships up there, 1911 they

1 started the railroad up there, 1938 the railroad
2 closed and access to the Chitina valley was through
3 Chitina Air Service which is based in Cordova.
4 Cordova residents have used that.

5
6 What you're really going to have to decide is if
7 ANILCA applies both to Natives and non-Natives.
8 Cordova is a rural community composed of Natives and
9 non-Natives and both of which have made use up in that
10 area, both of which have made it in recent historical
11 time and while the non-Natives cannot go back
12 thousands of years, the idea is if the senators
13 included non-Natives in ANILCA, they obviously took
14 for granted that you didn't have to go back thousands
15 of years because our history in the state does not go
16 back thousands of years.

17
18 CHAIRMAN DEMIENTIEFF: I was just going
19 to point out, Ralph, with regard to that part of it,
20 that decision's already been made. We've never
21 questioned that. We've never looked at this, you
22 know, as a racial thing. I mean, that's not a
23 factor. It's not one of the eight factors.

24
25 RALPH LOHSE: I was just pointing out
26 that you'd have to use more recent history.

27
28 CHAIRMAN DEMIENTIEFF: Yeah, sure. I
29 understand that. Thank you. Bill?

30
31 BILL THOMAS: Mr. Chairman, with all due
32 respect to the wishes of the Board, in you deferring,
33 going back to committees, visiting communities,
34 putting all these groups together with the hopes of
35 coming out with a workable C&T, knowing going in that
36 a C&T has been a fence every time it's been put in
37 place, I am interested to see how you will find areas
38 of different units that have established C&T without
39 imposing on each other. Where in the past it was
40 accepted practice, now it's an imposition. That -- I
41 really struggle with that. I'm surprised that I'm the
42 only one that does and since I am the only one that
43 does, I wish somebody would relieve me of that or just
44 shoot me, one of the two.

45
46 CHAIRMAN DEMIENTIEFF: Any further
47 discussion? Seeing as how I didn't bring my gun, all
48 those in favor of the motion, please signify by saying
49 aye.

50

1 (Response).

2

3 CHAIRMAN DEMIENTIEFF: Those opposed,
4 same sign.

5

6 (No response).

7

8 CHAIRMAN DEMIENTIEFF: Motion carries.

9 Okay, just so we know what's going on in the morning,
10 we are going to recess right now for the day. We have
11 a time specific proposal for Bristol Bay on at 8:30.
12 We will reconvene, that issue will be before us, and
13 then we'll postpone the consideration of that until
14 after we complete Southcentral. Then we'll come back
15 and finish the Bristol Bay proposal. And then we'll
16 begin the Kenai process. Just so everybody knows
17 where we're going in the morning. So we will
18 reconvene at 8:30 in the morning.

19

20 (Off record 5:02 p.m.)

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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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26 My Commission Expires: 5/10/01

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