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

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Other Staff Members in Attendance:

Pat McClunahan
Dave Fisher
Jerry Berg
Greg Bos
Barbara Armstrong
Helen Armstrong
Donna Dewhurst
Rachel Mason
Robert Willis
Cliff Edenshaw
Helga Eakon
Terry Haynes
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.
Also, we find that this is a small area, I realize, but you need to keep in mind that the people from Perryville, Ivanof and the Chigniks for the last two, maybe three years, and I could be wrong on three years, but at least two years they completely shut this area down to caribou to try to bring back that herd. So they have made a concerted effort to go ahead and try to bring back these animals and so when they ask you for a closure, they have made a great sacrifice to do this.

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

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

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

And the last thing I want to mention before you go on to your next item, Mr. Chairman, is the fact
that decline in the caribou herd has put these people in jeopardy, as far as getting a resource and I feel badly about that. The caribou have gone away, and they may never walk over there. I don't know, but I think this is an opportunity for you as a Board to take a look at this proposal and say that, yes, we will give these people this opportunity to have their hunt and I thank you very much, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

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

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

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

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

CHAIRMAN DEMIENTIEFF: Fenton, did you have a comment?

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

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

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment? We're ready to advance this to Board deliberation.
DAVID ALLEN: Mr. Chairman, I'm prepared to make a motion. I recognize that this is, using the words of the Council chairman, a very interesting proposal in a lot of ways and I think it probably deserves some deliberation on the part of the Board. For that purpose, I would like to recommend that with regard to Proposal 6 I would move that we concur with the recommendation of the interagency staff committee, which is to modify the proposal by extending the season but to not close public lands to federally qualified hunters.

WARREN HEISLER: Second.

CHAIRMAN DEMIENTIEFF: Been moved and seconded. Discussion?

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

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

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

CHAIRMAN DEMIENTIEFF: Additional Board discussion?

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

UNIDENTIFIED PUBLIC: May I comment on that?

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

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

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

CHAIRMAN DEMIENTIEFF: Elizabeth?

ELIZABETH ANDREWS: Thank you, Mr. Chairman. While we don't have information on the air taxi operators, we do know from our harvest
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reports that from the area that's being proposed to be
closed from 1994 to '98 that ten moose per year has
been the average harvest in that closed area.

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

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

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

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

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Further discussion? Final Regional Council comment?

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

GRACE CROSS: Mr. Chair, because of situations like this where nobody knows exact number of animals there within a given region, we're kind of
playing like Russian roulette. It would result
something like what False Pass has done to many of our
communities. Thank you.

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

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

RECORDER: Could hear you through here.

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

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

CHAIRMAN DEMIENTIEFF: Thank you. Any
final Board discussion? I guess you know, my final
comment is that I'm going to have to vote against the
motion because I do support the Regional Council's
considerations, and again, the reason is that
especially in areas where we don't have absolute hard
data, it's clear in my mind that the people who live
there and depend upon that resource for their
livelihood are the first to usually see any changes in
that resource. And that's just the way it is. That's
why they're there, because they are dependent on those
resources, and in this particular case, you know, I
think that their considerations are going to rule my vote.
So is there any final comments from the Board?
Hearing none, all those in favor of the motion, please signify by saying aye.
(Response).
CHAIRMAN DEMIENTIEFF: Those opposed, same sign.
(Response).
CHAIRMAN DEMIENTIEFF: Let's do a roll call vote.
TOM BOYD: Those in favor of the motion, just go from my left to right, Ms. Wisely.
SALLY WISELY: Aye.
TOM BOYD: Mr. Ostby.
DON OSTBY: Aye.
TOM BOYD: Ms. Gottlieb.
JUDY GOTTLIEB: No.
TOM BOYD: Mr. Demientieff.
CHAIRMAN DEMIENTIEFF: No.
TOM BOYD: Mr. Allen.
DAVID ALLEN: Aye.
TOM BOYD: Mr. Heisler.
WARREN HEISLER: No.
CHAIRMAN DEMIENTIEFF: Motion fails. Let's take just a short break here for a moment.
(Off record 9:03 a.m. To 9:11 a.m.)
CHAIRMAN DEMIENTIEFF: Okay, we have had a tie vote on the motion to accept the interagency staff committee recommendation. Is there any other
WARREN HEISLER: Yes, Mr. Chairman. I'd like to make a motion to support the Rural Advisory Council recommendations to close the lower portion of 9(E) for one year with the added provision that we have a survey completed at the time the Board will -- at the time the Board will review the regulations. That make sense?

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

JUDY GOTTlieb: Second.

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

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

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

CHAIRMAN DEMIENTIEFF: Any further discussion?

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

DAN O'HARA: Mr. Chairman, Dan O'Hara, Chair of Bristol Bay. I think that the information that we're getting from the local people, and I'm surprised really that there wasn't a bigger ground swell of support for our proposal, in all honesty, but
I think the competition is from those who, the non-residents who hunt in the area have the equipment and to be able to go out and take animals and it's very difficult for the local people to -- you know, they don't have airplanes and expensive equipment to go out and get animals and that's always a problem throughout the whole region and I think the main concern that we had in this proposal was that they have this local area that they could use for subsistence because they could reach it within their area. And they're not going to go way up the Meshik and they're not going to go way up the coastline of the Alaska Peninsula on the Pacific side. They're going to hunt locally in the Chignik lakes and Black Lake and on the Chignik River and along the shoreline with seine skiffs and those type of thing. It's a complete different situation than you find with guides who have high-tech type equipment to do these type of things.

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

DAVID ALLEN: Mr. Chair?

CHAIRMAN DEMIENTIEFF: Yes, Dave.

DAVID ALLEN: An awful lot has been said about the need for the survey. I mean, if that's the issue, even though we can't do a perfect survey, certainly I think in everyone's interest, we can attempt to do the best survey possible before frankly we need to make a decision on this, on this particular proposal, because we have time to do that. But if it's the will of the Board to move ahead with respect to a vote on this proposal, I will have to vote against it and I believe it would be very unfortunate that this one possibly would also fail, which would leave us with the existing regulations, because I felt that the aspect of the proposal that is responsive to the local subsistence needs, and that is the extra 20 days at the season, while I have no information to back this up, the implication has been all along that the extra 20 days was really targeted to give local residents an extra opportunity anticipating that there
I would likely not be any competition. Don't know that for a fact, but that's my understanding of the reason for the extra 20 days at the end.

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

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

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

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

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

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

    SALLY WISELY: I concur, as well.

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

    DAVID ALLEN: Yes, sir.

CHAIRMAN DEMIENTIEFF: Proceed.

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

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

    DAVID ALLEN: Schedule the reconsideration of the motion?

CHAIRMAN DEMIENTIEFF: Yeah.

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

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

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

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

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

(Unidentified Second)
CHAIRMAN DEMIENTIEFF: It's been moved and seconded. Discussion? Hearing none, all those in favor signify by saying aye.

(Response)

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response)

CHAIRMAN DEMIENTIEFF: Motion carries.

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

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

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

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

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

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

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

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

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

That's all I have, Mr. Chairman.

JERRY BERG: There were no written public
comments for Proposal 40.
CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendation?

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

CHAIRMAN DEMIENTIEFF: Department comments?

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

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

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

ELIZABETH ANDREWS: Yes.

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

Thank you.
CHAIRMAN DEMIENTIEFF: Additional Regional Council comment? Mr. Rexford.

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

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

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

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

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

SALLY WISELY: Second.

CHAIRMAN DEMIENTIEFF: Been moved and seconded. Discussion? Question's been called for. All those in favor, signify by saying aye.

(Response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

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

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HARRY WILDE: (Indicates affirmatively).

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

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you.

RALPH LOHSE: Mr. Chair, could I speak to
this issue, too, since this issue has been brought up
in our area? And if you're going to defer, that means
you're going to discuss this same issue later and I
don't know if there's a piece of information that you
realize. In terms of real dollars, beaver are at the
lowest price they've been in probably two centuries
right at the moment. And so consequently, the effort
of taking beaver in the bush is not as great as it
used to be. We had testimony at our last meeting of
exactly the same thing he was talking about, of beaver
damming up streams, salmon streams, king salmon
streams to the point that the king salmon weren't
capable of getting up there, and part of the reason is
is because there's no effort for beaver. So if you
take that into account, take into account what he said
just now, it's probably pretty logical that the beaver
are exploding in the country that they're living in.
They just liberalized the bag limit down in the
Cordova area because beaver are exploding. In
interior, they're exploding. I don't know if, you
know, I don't know if you need to defer this
proposal. This proposal is something that, as Ida
Hildebrand discussed with me when we were at
Southcentral, beaver are a very accessible subsistence

food at all times of the year and are capable of being
taken with a rifle, and because of the low prices you
do not have a problem of overharvest at this point in
time. You have a problem with exploding population
that dramatically is affecting salmon runs. He was
talking about black fish and other fish. It's
changing a lot of running streams into a series of
dammed pools. Thank you.

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

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

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

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

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Any written public comments?

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

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendation?

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

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

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments?

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

CHAIRMAN DEMIENTIEFF: Thank you. There are no requests for public testimony on this matter.

Regional Council comments?

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

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment?

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

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment?

VINCE MATTHEWS: Mr. Chairman, due to travel things, I need to give some information to Eastern Interior. They don't have the same material.
They did comment on it.

NAT GOOD: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: He'll turn it on.

NAT GOOD: Mr. Chairman, Eastern Interior took basically the same positions that you've just heard here. We were very concerned about limiting access to a resource on the part of the subsistence users.

CHAIRMAN DEMIENTIEFF: Any other Regional Council comment? Ready to advance this for a Board motion?

SALLY WISELY: Mr. Chair --

CHAIRMAN DEMIENTIEFF: Yes, Sally.

SALLY WISELY: I move that we reject Proposal 43 consistent with the recommendations of Western Interior, Eastern Interior and YK Delta Councils.

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

DAVID ALLEN: Second.

CHAIRMAN DEMIENTIEFF: Any discussion?

Final Regional Council comment?

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

(No response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Proposal 44, staff report.

PETE DeMATTEO: Mr. Chair, Proposal 44 was submitted by Michael Stickman (ph) of Nulato. This proposal would close the northern unit of the Innoko National Wildlife Refuge in Unit 21(D) to

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

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

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

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

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

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

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

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

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

This concludes the analysis.
 Chairman Demientieff: Thank you.

Written public comments?

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

Chairman Demientieff: Thank you. Staff committee.

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

Chairman Demientieff: Thank you.

Department comments?

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

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

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

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

Thank you, Mr. Chairman.

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

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

One of the problems that is not reflected in the
proposal is the influx of hunters that are hitting the
Lower Koyukuk Region, Lower Unit 24 and I guess that
whole area is being overrun by outside hunters. It is
an oversight on our part to not have a proposal before
you. However, we do have two resolutions passed at
our Council meeting down at Galena addressing the
Koyukuk co-moose management or the problems with the Lower Koyukuk River area and the influx of hunters. We have those two rivers almost meeting at the same place and while we have more hunters going up the Koyukuk, we are concerned about this proposal and that's why we ask for this deferral. And I'd like to again call your attention to our two resolutions concerning the Lower Koyukuk River area.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment?

DAN O'HARA: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

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

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

TOM ELEY: That's correct.

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

TOM BOYD: No, they support the deferral.

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

Okay, additional Regional Council comment?

Hearing none, we're ready for a Board motion -- oh, I'm sorry, Ron.

RONALD SAM: Mr. Chairman, just for your information, while we do not have a proposal before you, we will have one sooner or later on the Koyukuk co-moose management efforts. While the local residents haven't really gotten off the ground, we did start a working group with the State Board of Game -- I mean, with State, with the backing of the State Board of Game and Alaska Department of Fish & Game. We do have a working group and I'd just like to inform...
you that we will have some proposals addressing the
Lower Koyukuk moose crisis that we see at the present
because of outside hunters. Thank you, Mr. Chairman.

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

DAVID ALLEN: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

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

SALLY WISELY: Second.

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

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

CHAIRMAN DEMIENTIEFF: Any further
comments? Any final Council comments? Hearing none,
all those in favor of the motion to defer, please
signify by saying aye.
(Response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Proposal 45, staff report.

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

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

Harvest reports for Unit 21(E) indicate a relatively consistent success rate by rural residents. Average hunter success rate for Unit 21(E) communities with 78% during the 15 year period of 1983 through 1998. Adoption of the proposal would not
restrict non-local and non-resident hunters from
harvesting moose in Unit 21(E) during the proposed
reduced season as non-local hunters may hunt moose
under State regulations during September 5 through 25
in that area.

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

This concludes the analysis.

CHAIRMAN DEMIENTIEFF: Written public
comments? None?

VINCE MATTHEWS: No comments.

CHAIRMAN DEMIENTIEFF: Staff committee
recommendation?

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

CHAIRMAN DEMIENTIEFF: Department
comments?

ELIZABETH ANDREWS: Mr. Chairman, the
Department doesn't support this proposal. The
information presented again by Mr. DeMatteo clearly
shows there's no biological reason to limit moose
hunting opportunity in this unit. This proposal also
would be a 40% reduction in the federal season.
That's pretty considerable, and it would throw the alignment of State and Federal seasons further out of alignment and as you could see from the mixed land status, again, in that area, it would be even more confusing to hunters as to where people can legally hunt. Thank you, Mr. Chairman.

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

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

CHAIRMAN DEMIENTIEFF: Thank you. Additional Regional Council comment?

HARRY WILDE: Mr. Chairman, Yukon-Kuskokwim Regional Council opposes this proposal.

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

SALLY WISELY: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

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

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

DAVID ALLEN: Second.

CHAIRMAN DEMIENTIEFF: Been moved and seconded. I, too, intend to support the motion and...
just speaking to the differences, I think, between the Yukon-Kuskokwim and the Western Region, even though it's my cousin that made the proposal, but I support the reason for rejecting over deferral because of the fact that there's no biological problem and even in the proposal, if you read the proposal that Phillip Demientieff does make, it says even though I know -- what's that say? I know that the 21(E) has a very high moose population. And that's, you know, the reason I can balance out supporting the rejection over a deferral.

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

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

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

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

(No response)

CHAIRMAN DEMIENTIEFF: Those opposed by the same sign.

(No response)

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

RONALD SAM: Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Southeast, Proposal 1 has been withdrawn by the proponent. We will just note for the record that Proposal Number 1 has been withdrawn by the proponent. We will at this time postpone Proposal Number 2 until later on in the day. Apparently the Chairman, Mr. Thomas, is at a doctor's appointment this morning, and while we might
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get it done quicker without him, we'll go ahead and go
on with the requests. You can tell him I said so.
We've got a long history of both confronting each
other.

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

Proposal 28, staff report.

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Written public comments?

HELGA EAKON: There were none.

CHAIRMAN DEMIENTIEFF: Staff committee recommendation?

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

CHAIRMAN DEMIENTIEFF: Thank you. State comments?

ELIZABETH ANDREWS: Mr. Chairman, the Department does not support this proposal. You've
heard in the staff analysis that there isn't evidence to support a positive finding and in fact states that there is no evidence that subsistence use of brown bear currently takes place. That's what's stated in the staff analysis.

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

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

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

VINCENT TUTIAKOFF: Mr. Chair, Vince Tutiakoff with the Kodiak/Aleutians. We did discuss as was mentioned the use by the various communities, King Cove, Sand Point and Cold Bay, historical use. There was discussion where we invited a discussion in King Cove with the elders that were in the area, brought in from Sand Point also. They have a traditional knowledge and use of brown bear. They would request in regards to the eight C&T factors that they, through the cultural change of appetite and of course the early use of the bear for substance, that they be allowed to do so and bring this tradition back into their lifestyle. I would ask that this Proposal 28 be passed. Thank you.

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

DAN O'HARA: Mr. Chairman, Dan O'Hara, Bristol Bay. We support this proposal.
GRACE CROSS: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

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

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment?

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

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

DAVID ALLEN: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

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

TOM ELEY: You're one ahead.

DAVID ALLEN: Am I one ahead?

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

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

Unbelievable.

We're talking about Proposal 28; correct?
CHAIRMAN DEMIENTIEFF: That's correct.

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

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

SALLY WISELY: Second.

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

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

(No response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Proposal 29, staff report.

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

Currently, there's no federal subsistence priority for moose in Unit 9(D). There's no federal open season for moose hunting. Proposal to establish a hunt under State regulation has been approved. It will be a drawing hunt for 10 bulls. Moose were rare in Unit 9(D) until recently and it's only in the last two or three years that their population has been sufficient to warrant any consideration of a hunting season.
All of the Unit 9(D) communities and False Pass use some moose. Not all of them have recorded harvests in the study years that have been recorded by the ADF&G Division of Subsistence. Some Unit 9(D) residents have reported that they hunt and harvest moose in unit 9(E), as well as elsewhere in Alaska. Harvest ticket information shows that none of the Unit 9(D) communities, however, harvested any moose in Unit 9(D).

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendation?

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

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

With regard to the C&T request, the recommendation for a positive C&T comes from the perspective that subsistence uses are opportunistic, occurring for all species available in the area. With regard to the Subpart D request to open a season, there aren't sufficient numbers of moose to justify opening a hunt on federal public lands. Thank you.
CHAIRMAN DEMIENTIEFF: Department comments?

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

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

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

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

VINCENT TUTIAKOFF: Mr. Chair, Kodiak/Aleutians Regional Council recommendation was to modify. The Regional Council voted five-and-o to adopt the staff recommendation to modify the proposal, includes the residents of Cold Bay, Nelson Lagoon, Sand Point, King Cove in a positive customary and traditional use determination of moose in 9(D). We did oppose the portion of the proposal addressing Subpart D regulations, followed the staff recommendation to close the moose hunt in 9(D). The Regional Council understood the moose census conducted by Izembek showed that there were few moose in the federal public lands. The Council supported the State's recommendations of a winter hunt with no more than ten moose be taken. They acknowledge that
residents of these communities have all the information and permits they need to hunt. Council stated for the record that if moose counts increased the following year that this hunt would be proposed on federal lands in the Unit 9(D). Thank you.

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

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

CHAIRMAN DEMIENTIEFF: Willie?

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

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

GRACE CROSS: We would support their position.

CHAIRMAN DEMIENTIEFF: Bill?

BILL THOMAS: Thank you, Mr. Chairman. Apologize for being late this morning, but listening to what little discussion I heard with regard to this proposal, it sounds like there's been an element of confusion, even at the point of reaching a recommendation and it looks like the better of two
evils for this particular proposal. That being the case, and after Willie's comments, I'll support that recommendation from the Council.

CHAIRMAN DEMIENTIEFF: Ralph?

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

CHAIRMAN DEMIENTIEFF: Ron?

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

CHAIRMAN DEMIENTIEFF: Bill?

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

CHAIRMAN DEMIENTIEFF: Ralph?

RALPH LOHSE: Which as Bill has pointed out in the past is one of the problems with the whole
C&T process. It's one of the processes, and in doing that, it's one of the things that -- it's a discrepancy that we deal with that puts the process in -- I don't like to use the word jeopardy. It actually makes the process, I'll say, ridiculous for lack of a better way of putting it. I mean, it makes it so that it destroys confidence in the process, the fact that we have written regulations that differ from the way that we act in dealing with these determinations, while at the same time, the determinations reflect reality.

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

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

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

JUDY GOTTLIEB: Second.

CHAIRMAN DEMIENTIEFF: Moved and seconded. Discussion?

DAVID ALLEN: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

DAVID ALLEN: I'd just like to react a little bit to the rather interesting discussion relative to C&T and the various interpretations of the Board's actions. I think the Board's actions, number one, stand for -- send a very clear message as to how the Board interprets the eight point factors as it relates to conducting its responsibilities. It used the eight points as guidelines. That's what our regulations say they are. That's all they are. They
are clearly open to broad interpretation, but our
actions clearly speak for themselves in that our
primary responsibility is to address the needs of the
rural residents relative to their subsistence
lifestyle, and I believe our actions have consistently
reflected that. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

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

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

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

Any further Board discussion? Final Regional
Council comment?

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

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

CHAIRMAN DEMIENTIEFF: Bill?

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

VINCENT TUTIAKOFF: Mr. Chair?

CHAIRMAN DEMIENTIEFF: Yes.

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

Some of the points that were made by the various agencies here is that there is no long-term consistent pattern of use, therefore it's not justifiable totally. I mean, there needs to be -- and I would support we look at the C&T as a guideline and that's what they are. They're guidelines. They're not set
in stone. I think that we as a Regional Council
should take that into consideration when we look at
the eight factors. If only one of them is justified,
then we should use it as a justification for
subsistence. Thank you.

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

(Response).

CHAIRMAN DEMIENTIEFF: Those opposed,
same sign.

(No response).

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

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

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

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

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

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

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

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

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

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

We looked at data provided by the Alaska Department of Fish & Game and U.S. Forest Service on the difference in harvest between the regulation which existed prior to 1996 and the one that's been in place since that time. What we found was very little difference in harvest. I have several charts that I'll put up here which indicate the local and the non-local portion of the harvest and how that harvest has changed or has not changed over the last three years. The idea behind the change in the regulation to begin with was to put more of the harvest into the local community, and what we found is that this is not happening. This chart shows the local versus non-local in the area west of the Dangerous River.
which is the 30 bull quota area. This is the percent
local and non-local harvest in all of 5(A). This is
percent local harvest both west of the Dangerous River
in the light green in all of 5(A) in the dark green.
And then just another way to look at that is the local
harvest west of the river and all of 5(A) for the
years 1990 through 1998, that's six years under the
previous regulation and three years under the current
regulation. As you can see, there's been a minimal
change in the number of moose taken by the local
community under the current regulations.

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

CHAIRMAN DEMIENTIEFF: Thank you.

Written public comments?

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

CHAIRMAN DEMIENTIEFF: Thank you. Staff
committee recommendation?

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

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In accordance with the intent of Title VIII, the staff committee deferred to the judgment of the Southeast Regional Council and supported the Council's recommendation to reject the proposal and retain the October 8th opening date. The staff committee is concerned about the divisiveness created by among local resident by the earlier federal opening and supports continued efforts by local residents and wildlife managers to resolve the issue. In fact, it is our understanding that the Yakutat Ranger District will take the lead in continuing these discussions and we anticipate that a new proposal may come before the Board next year.
CHAIRMAN DEMIENTIEFF: Thank you. We have no requests for additional public testimony at this time. Regional Council comments?

BILL THOMAS: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Mr. Thomas.

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

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment?

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

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

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

WILLIE GOODWIN: Mr. Chairman, we support the Council.

CHAIRMAN DEMIENTIEFF: Board, will advance this to Board deliberations.

DON OSTBY: Mr. Chairman, I did sit in the Southeast Council session observing what was going on, although I didn't see the abuse the Chair is referring to. This really has been a divisive issue for the Yakutat community and I wanted to express my appreciation to the Regional Council and to the people of Yakutat and to the Forest Service folks and the folks locally who've worked really hard to explore options in this case, and in terms of providing a priority for moose hunting on federal lands in Yakutat.
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without creating a biological problem. I have talked
to the unit manager out there, the ranger district
manager, Meg Mitchell, and she expressed a desire and
willingness to be very active in the community in
terms of exploring alternatives over this next year,
although she did not feel it appropriate that she be
regarded as the lead of that process. She felt that
that belonged in the hands of the members of the
community, other than herself.

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

SALLY WISELY: Second.

CHAIRMAN DEMIENIEFF: It's been
seconded. Discussion?

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

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

(Response).

CHAIRMAN DEMIENIEFF: Those opposed,
same sign.

(No response)

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

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

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

Connie Friend.

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

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

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

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

CHAIRMAN DEMIENTIEFF: Sure.

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

(Brief moment off record for technical reasons)

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

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

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

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

The alignment between the Federal and State regulations would provide the BLM and the National Park Service administrative authority to close the Federal August 10 through September 30 seasons consistent with the Fortymile caribou herd management plan. Recently the Alaska Board of Game changed the
existing fall harvest allocations under State regulations and you'll find those allocations on Page 76 of the analysis. The allocations are 15 bulls for Unit 20(D), 55 bulls for Unit 20(E) and 30 bulls for 25(C), which add up to 100 bulls for the fall harvest.

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

CHAIRMAN DEMIENTIEFF: Thank you.

Written public comments.

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

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendation?

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

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments?

ELIZABETH ANDREWS: Mr. Chairman, the

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment? Yes, Ron.
RONALD SAM: Yes, Western Interior supports Eastern Regional Council with their modification.

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

SALLY WISELY: Mr. Chair?

CHAIRMAN DEMIENTIEFF: Yes.

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

CHAIRMAN DEMIENTIEFF: There's a motion.

JUDY GOTTlieb: Second.

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

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

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

NAT GOOD: Right, to respond to that, you know, these are the regulations that are going to go out to your John Q. Average subsistence hunter here and I don't want to see him confused by the fact that to me, the way -- it's just a matter of just maybe
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cleaning up a little bit, but the way it addresses the
150 total in two separate units, and the average
person might conclude that that meant it could be 300
rather than 150. The total of 150 should be overall
and actually include a third area that isn't addressed
here because there is no federal land.

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

NAT GOOD: Right, exactly.

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

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

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

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

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

(No response).

CHAIRMAN DEMIENTIEFF: Those opposed,
same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carried.
Okay, I do need to clarify, I was misunderstanding
with regard to Proposal 58 as I went through the material. Proposals 57 and 58 were combined for analysis only but 58, it was not on the consent agenda so we're going to at this time consider 58, get a staff report.

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

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

Research also conducted by Alaska Department of Fish & Game during the same period documented the normal harvest period for bears for the residents of Stevens Village is from April through October, but did not distinguish between black and brown bear harvests. Additional research also revealed intermittent or incidental harvest of black bear during July through October when black bears are present in fish camps. Several reports documented brown bear meat is rarely if at all consumed by residents of the Yukon Flats communities. Brown bears, the population of brown bears continue to be abundant within the unit, according to the Alaska Department of Fish & Game. The estimated brown bear population for the unit is approximately 385 bears and the harvestable surplus for brown bears in that unit is 19 bears. No brown bears were reported taken.
during 1997 through 1998 or in the fall of 1998. However, harvest levels are presumed level over the maximum sustainable limits.

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

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

CHAIRMAN DEMIENTIEFF: Written public comments?

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

CHAIRMAN DEMIENTIEFF: Staff committee recommendation?

IDA HILDEBRAND: The staff committee recommendation concurs with the Regional Council that the creation of a federal season for brown bears from June 1 to August 1 would not adversely impact the
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brown bear population and would align Federal and State regulations without anticipation of additional harvest. The proposed changes would be less confusing and less restrictive to subsistence users and are supported by staff analysis, testimony of users and testimony regarding ceremonial and opportunistic harvesting patterns of brown bear. In addition, the administrative modification to strike the language for, quote, no tag fee, unquote, is supported by the fact that tag fees are not currently required.

CHAIRMAN DEMIENTIEFF: Department comments?

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

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

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

NAT GOOD: Mr. Chairman, Eastern Interior Pacific Rim Reporters
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1 supported this proposal and felt very strongly about it. We felt that there is an ample supply of bears in this area and in fact, there's currently an undersupply of hunters of those bears. We felt that anything we could do to help the situation out was worth doing here. And we also feel that in terms of hunting, it's opportunistic, especially bears. You don't plan to go shoot a bear usually and just go get one. They tend to travel and they travel long paths and when you happen to cross their path, we think that the people of Stevens Village should be given the opportunity to end that path.

CHAIRMAN DEMIENTIEFF: Thank you.

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

CHAIRMAN DEMIENTIEFF: Bill?

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

CHAIRMAN DEMIENTIEFF: Ron?

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

CHAIRMAN DEMIENTIEFF: Thank you.

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

CHAIRMAN DEMIENTIEFF: Additional comment?

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

CHAIRMAN DEMIENTIEFF: Ready to advance this to Board action.

DAVID ALLEN: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

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

CHAIRMAN DEMIENTIEFF: Is there a second to the motion?

JUDY GOTTLIEB: I second it.

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

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

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

(Response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Staff report on Proposal 61.

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

When the federal program assumed management in its regulations it adopted several provisions that were already in the State regulation allowing for the take by Athabascans of moose for mortuary and funeral potlatches and as such recognized ceremonies as Nuchalawoyya and stick dance. As the program has evolved, this body has advanced that opportunity to communities currently not covered under the state. For example in Southeast Alaska in Units 1 through 5, residents can take resources for funeral and mortuary potlatches. In Unit 9, there was provision allowed for certain residents of that unit to take moose for ceremonies not restricted to funeral or mortuary practices but other purposes. In addition the existing Subpart D regulations, the changes that the body has made, there have been a number of special actions that this group has acted upon including the elders potlatch in Kaltag last December and the August assembly of the Tanana Chiefs Conference in which moose were allowed to be taken for communal feasting. Among Athabascans and other Alaska Natives, communal feasting is a very important part of cultural activities. It is primarily within this context today that we see knowledge transferred about sharing, the transmission of knowledge of folklore, the preparation 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 It's also important to note that the proponents
8 of this proposal have worked strongly with the Refuge
9 in trying to make sure that the current harvest
10 guidelines established for 25(D) West, the 30 cap, is
11 not expanded because of this proposal. They recognize
12 the need for conservation. It would also provide a
13 better reporting requirement for the federal land
14 managers than currently exists under the State
15 provisions to take mortuary and funeral potlatch
16 moose. That's the, unless there's questions, end of
17 my comments

18 CHAIRMAN DEMIENTIEFF: Written public
19 comments?

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

23 CHAIRMAN DEMIENTIEFF: Staff committee?

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

37 CHAIRMAN DEMIENTIEFF: Department
38 comments?

39 ELIZABETH ANDREWS: Thank you,
40 Mr. Chairman. Let me preface my comments by saying
41 that it's certainly correct the Department does
42 provide for ceremonial use. That's a regulation that
43 was adopted by the Board of Game by working with a
number of local Native groups and that's the basis for
the regulation that deals with memorial potlatches and
funeral potlatches and other potlatches associated
with mortuary or funerary practices. In addition to
that, we do issue cultural permits. So there are
other opportunities in addition to the ceremonial use
for the take of game, moose in this case, for cultural
purposes. So those are the two ways that it could be
covered.

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

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

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

The last concern that we have has to do with the
real potential of impacting the current subsistence
uses of the other communities in Subunit 25(D) West.
As many of you know, the moose population there is
extremely low. The State has a Tier II hunt there.
The Federal program has a limit of 30 animals in
conjunction with the State, but you do have a federal
registration hunt for subsistence in that portion and
as animals are taken under regulation that might be
provided here, it does prevent animals to be provided
for subsistence use under federal regulations
elsewhere in Unit 25(D) West. So that's another
concern that we have. But we do think that certainly
the registration permit aspect should be addressed and
also that some guidance on what is going to constitute
a traditional cultural event and how to identify that
as being a customary and traditional practice is going
to be carried out by the refuge manager. Thank you,
Mr. Chair.

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

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

CHAIRMAN DEMIENTIEFF: Thank you.
Additional Regional Council comment?

BILL THOMAS: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Mr. Thomas.

BILL THOMAS: Contrary to what they said
about permitting and everything, I'll bring it back to
8.01. 8.01 is to provide for the continuation of the
opportunity for subsistence and it lists some of the
reasons, and the reasons include economic,
traditional, cultural existence to Native physical,
economic traditional and social existence. And this
proposal satisfies all the requirements. This is a
depiction of subsistence in one of its truest forms.
A requirement for special permits are unnecessary.
Not only are they unnecessary, but they're an invasion of the spirit and the cultural practice of those people that -- of their social and cultural existence.

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

CHAIRMAN DEMIENTIEFF: Ron?

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

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

CHAIRMAN DEMIENTIEFF: Dan?

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

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

CHAIRMAN DEMIENTIEFF: Any other Regional Council comment?

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

WILLIE GOODWIN: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

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

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

DAVID ALLEN: Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

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

CHAIRMAN DEMIENTIEFF: Is there a second to the motion?

SALLY WISELY: Second.

CHAIRMAN DEMIENTIEFF: Been moved and seconded.

DAVID ALLEN: Mr. Chairman?

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

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

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

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

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Before we move onto Southcentral, pursuant to the request by Fenton Rexford, Chair of the North Slope Regional Council with regard to their hard work on the muskox management plan signed recently by multiple agencies, as well as the folks on the North Slope,
themselves, we've asked staff to draft a resolution in
support of that management plan and we are prepared to
have this read into the record by Sandy. Go ahead.

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

Resolution reads Federal Subsistence Board
Board recognizes that, one, muskox were reintroduced
on the Arctic National Wildlife Refuge and at Cape
Thompson in 1969 and 1970 and that the management
policy has been to re-establish muskoxen throughout
their former range; two, the North Slope residents
continue to express concern about the introduction and
re-establishment of muskox, reporting that muskox
cause caribou to abandon areas that caribou have used
in the past, that muskox trample caribou habitat,
berry picking areas, trapping areas and that their
aggressive behavior frightens people and causes them
to change their activities; three, there has been a
cooperative effort between the North Slope Borough
Department of Wildlife Management, the North Slope
Borough Fish & Game Management Committee, the North
Slope Regional Advisory Council, the Alaska Department
of Fish & Game, U.S. Fish & Wildlife Service, the
Bureau of Land Management, the National Park Service
and the villages of the North Slope to develop an
interim North Slope muskox harvest plan for the muskox
on the North Slope in order to address the concerns of
the North Slope residents; four, there have been
numerous proposals for seasons and harvest limits over
the past several years which at times have been
contentious; five, the interim plan dated December
9th, 1998, is not permanent but will be expanded into
a comprehensive muskox management plan.

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

CHAIRMAN DEMIENTIEFF: Before we begin
consideration, I'll just clarify a couple of points.
One is that Mr. Rexford has approved the language of
this, and for any concerns that anybody may have, I
mean, the signatories to the plan, in particular the
State and the Borough and the three federal agencies
and I think the Regional Council and the Fish & Game
Advisory Committee, as I remember all were signatories
to the plan. It really doesn't affect any change to
the plan and so that's why we didn't circulate it
amongst the signatories to the plan. The signatories
to the plan basically, you know, were the ones that
approved the context of the agreement. This
recognizes, of course, as the language indicates, with
the support and hard work -- and supports the hard
work that was put in by all the signatories to the
plan and certainly doesn't supersede any of the things
that the signatories had agreed to. So I just wanted
to make that clarification of why we wouldn't have
circulated it out to the signatories to the plan.

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

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

CHAIRMAN DEMIENTIEFF: Thank you. Is
there a second?

JUDY GOTTLIEB: Second it.

CHAIRMAN DEMIENTIEFF: Okay, discussion?

Fenton?

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

CHAIRMAN DEMIENTIEFF: Any other
comments.

JUDY GOTTLIEB: Mr. Chairman, I know
asking work groups to get together and work out
cooperatively problems has been a real trend and I
really want to compliment Fenton and others for a
tremendous effort that's really been worthwhile. So
thank you very much.
CHAIRMAN DEMIENTIEFF: Any other comments? Mr. O'Hara?

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

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

CHAIRMAN DEMIENTIEFF: Bill?

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

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

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

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

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

(Response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.
(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

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

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

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

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

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

It is rather presumptuous that we are expected to comment on proposals that we and our constituents,
nearly half of Alaska's population, are
disenfranchised from engaging in because of where we
live. Therefore, the Anchorage Fish & Game Advisory
Committee wishes to be on record as opposing all
proposals, Number 3 through Number 26. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

PATRICK WRIGHT: Mr. Chair?

CHAIRMAN DEMIENTIEFF: Yes.

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

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

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

CHAIRMAN DEMIENTIEFF: Hang on a minute
here.

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

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

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

CHAIRMAN DEMIENTIEFF: Please.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Now, I don't know, somebody can correct me if they want, but procedurally, you know, we've noticed the debate on Kenaitze, on the Kenaitze request for 1:00 tomorrow and it's at least my opinion that we could not begin consideration of that proposal until 1:00, although I'm sure we could hear testimony on the issue in the morning. So it's my intent right now to complete Southcentral this afternoon and do Bristol Bay first thing in the morning and then move into the Kenaitze testimony and begin to debate on the Kenaitze issue at 1:00, and depending on whether or not we would complete the debate on the Kenaitze request, you know, we could be adjourned as early as 2:30 tomorrow afternoon. In any event, we'll still honor the Kenaitze request, you know, to participate in the March. So if we're not done, we'll arrange a schedule after that, but I should have made that clear earlier, just due to the progress. So we'll wait to the afternoon and if they're not here, you know, then we're going to proceed on and consider the proposals anyway. Of course, if we get bogged down in some of the Southcentral proposals, it could throw the whole thing off. But tentatively, that's what my schedule is. So we'll postpone 7 and 12 until last. That
leaves me thoroughly confused on where we're at. So we go to Proposal 21, is that also a request?

GRACE CROSS: That's the consent agenda.

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

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

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

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

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

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

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

HELG A EAKON: Thank you, Rachel. The program received three written public comments for Proposal 5 and Proposal 6. Both the Upper Tanana Fortymile Advisory Committee and the Delta Advisory Committee support Proposal 5, as does the Wrangell-St. Elias National Park Subsistence Resource Commission. For Proposal 6, the Copper River Native Association modified Proposal 6 to retain the C&T determination for Chickaloon and to add Healy Lake. The Delta Advisory Committee opposes the exclusion of Healy Lake, Dot Lake and Chickaloon and the Wrangell-St. Elias National Park Subsistence Resource Commission supports Proposal 6 saying that there are demonstrated connections between Healy Lake and the Upper Tanana communities and the Ahtna Athabascans. End of comments.

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee?

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

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments?

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

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

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

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

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

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

CARL PETE: Yeah, all right. Thanks.

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

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

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

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

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

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

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

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

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

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

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

GLORIA STICKWAN: Yes, yes.

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you.

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

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

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

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

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

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

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

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

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

WARREN HEISLER: Second.

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

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(Response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carried.

Proposal 6, is there a motion?

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

(Unidentified Second)

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

All those in favor signify by saying aye.

(Response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay, the next one up is Proposal 8. Before we get into it, though, I just want to note on the record, these people that asked, their travel got them in late but both Randy Mayo and Dewey Schwalenberg, who the Tribal Natural Resources Director up there in Stevens, Randy Mayo being the Chief, filed a request to testify but then realized we'd already moved on into Southcentral and they just want to note that they, with regards to Proposals 58 and 61, that they wanted -- were more than satisfied for me to note on the record that they showed up, even though they got here late and wanted to express their deep appreciation to the Board for adopting these particular proposals. So I'm going to file their cards on the record, note on the record as part of the
transcript of this meeting that although they arrived
here late, they wanted to make sure their appreciation
got on the record.

Proposal Number 8.

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

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

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

CHAIRMAN DEMIENTIEFF: Written public
comments?

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

CHAIRMAN DEMIENTIEFF: Staff committee
recommendation?
KEN THOMPSON: Staff committee recommends adopting Proposal 8 consistent with the recommendations of the Southcentral and Eastern Interior Councils. The historical and cultural connections warrant the inclusion of Healy Lake in the same positive C&T use determinations which include the Upper Tanana communities.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments?

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

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

CONNIE FRIEND: No, thank you.

CHAIRMAN DEMIENTIEFF: Gloria? Do you have additional comment?

GLORIA STICKWAN: No.

CHAIRMAN DEMIENTIEFF: Pat?

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

CHAIRMAN DEMIENTIEFF: Thank you.

Regional Council comment?
RALPH LOHSE: Ralph Lohse, Southcentral, Chair. Regional Council supports this proposal, same justification as for Proposal 5 and 6.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment?

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

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you.

SALLY WISELY: Second.

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

(No response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay, at the risk of getting derailed, what is it about three now? We'll go ahead and take a break here.

(Off record 2:56 p.m. to 3:16 p.m.).
CHAIRMAN DEMIENTIEFF: Okay, we begin the
staff report for Proposal 13 and 14.

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

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

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

CHAIRMAN DEMIENTIEFF: Written public
comments?

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

Three comments of support came from the Upper Tanana
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Fortymile Advisory Committee and the Delta Advisory Committee and the Wrangell-St. Elias National Park Subsistence Resource Commission for Proposal 14. End of written comments

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendations?

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

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments?

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

CHAIRMAN DEMIENTIEFF: Thank you.

Regional Council comments?

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

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment?

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

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you. No
additional Regional Council comment? We're ready for
a Board action on Proposal 13.

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

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

SALLY WISELY: I second.

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

L (Response)

CHAIRMAN DEMIENTIEFF: Those opposed,
same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

Is there a motion for 14?

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

CHAIRMAN DEMIENTIEFF: Is there a
second?

(Unidentified second).

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

(Response).

CHAIRMAN DEMIENTIEFF: Those opposed,
same sign.

(No response)

CHAIRMAN DEMIENTIEFF: Motion carried.

Proposals 23 and 24?

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RACHEL MASON: Proposal 23 submitted by the Healy Lake Traditional Council requests that Healy Lake be added to those communities with a positive C&T for moose in Units 13(B) and 13(C). Proposal 24 submitted by the Delta Fish & Game Advisory Committee requests that the residents of 20(D) except Fort Greely be added to those communities with a positive C&T determination for moose in Unit 13(D).

Originally, the proponents of Proposal 24 had also requested that residents of Units 11 and 12 along the Nabesna Road be added to the positive determination for moose in Unit 13(B); however, in written comments submitted in November 1998, the Delta Junction Advisory Committee clarified its intention in Proposal 24 by omitting the residents of Units 11 and 12. So as it stands, the request is only to add the residents of Unit 20(D) except for Fort Greely.

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

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

The support for Healy Lake's inclusion is related to the other justifications for Healy Lake's inclusion in Unit 11, that the distance from Healy Lake and from the other Unit 20(D) communities to Unit 13 is well within the range of historic and contemporary hunting and the data supports the use of at least some portions of Unit 13 by the people living in Unit 20(D), including residents of Healy Lake, and
currently, the Tanacross community of Dot Lake has a
positive C&T determination for moose in Unit 13(C).
Historical uses of moose in Unit 13(B) by residents of
Unit 20(D) are also supported by harvest records.
Thank you.

CHAIRMAN DEMIENTIEFF: Public comments,
written public comments?

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

CHAIRMAN DEMIENTIEFF: Staff committee
recommendation?

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

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

CHAIRMAN DEMIENTIEFF: Department
comments?

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Additional
Regional Council comment?

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you.

GRACE CROSS: Mr. Chair?

CHAIRMAN DEMIENTIEFF: Yes.

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

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

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

RACHEL MASON: Mr. Chairman, the Black Rapids are further north than the Denali Highway, which is what the modification that was suggested by
the Southcentral Regional Council. The proposed
modification I have on a map here, it would be a
little bit -- well, I don't see it. They're not on
this map here, but it would be a line that in the
northern corner of both 13(C) and 13(B) there, but the
main point that you should understand is that north of
Black Rapids would be a more restricted area than what
north of the Denali Highway would be.

SALLY WISELY: Thank you.

NAT GOOD: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

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

CHAIRMAN DEMIENTIEFF: Is there a motion
on Proposal 23?

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

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

JUDY GOTTLIEB: Second.

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

(Response)

CHAIRMAN DEMIENTIEFF: Those opposed,
same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carried.

Proposal 24, is there a motion? Is there a motion on
Proposal 24?

WARREN HEISLER: Mr. Chair, finally, make
a motion to accept the Eastern proposal, Proposal 24 as modified.

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

DON OSTBY: I second.

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

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

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

NAT GOOD: Yes, we do.

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

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

ROBERT WILLIS: Thank you, Mr. Chair. Proposal 15 was submitted by the Copper River Native Association and it would modify the general regulations contained in our federal regulations booklet under the section entitled Possession Transportation Wildlife. It would eliminate the requirement that portions of the external sex organs remain attached to the carcasses to provide evidence of sex for moose in Units 11 and 13. This proposed regulatory change is specific to moose in Units 11 and 13. Because it's a statewide regulation, it would also have implications for the remainder of the
state. The current regulation reads: If the subsistence taking of an undulate, except sheep, is restricted to one sex in the local area, no person may possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal. However, this does not apply to a carcass of an undulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed. We find identical requirements under State regulations.

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

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

Requiring evidence of sex to remain attached does several things. First of all, it provides for enforcement of the regulations to make sure that only bulls are harvested. It's been suggested that antlers can be substituted for the sex organs; however, it's quite possible, in fact has often been done to carry a set of antlers from a previously harvested moose back into the field and bring them out with the meat of a cow in order to harvest additional animals. It's impossible to tell whether the antlers came from the meat, antlers and meat came from the same animal without either visiting the kill site and examining the pelvic bones or by taking a meat sample and sending it to the forensics lab and waiting several months for a read out.
The second thing this requirement does is allow subsistence hunters to leave the heavy bulky antlers in the field, which most of them prefer to do and instead retain only a small patch of skin attached to the hind quarter with a portion of the penis sheath, the scrotum or the vagina orifice attached. If the animal is properly field dressed to begin with, this in no way spoils the meat as has been stated by the proponent.

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

CHAIRMAN DEMIENTIEFF: Written public comment?

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

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

The Wrangell-St. Elias National Park Subsistence Resource Commission supports this proposal by a vote of 4 to 1. The opposition feels that if passed, this will lead to an enforcement nightmare. And a couple of days ago, we received a facsimile from the State of Alaska Department of Public Safety Division of Fish & Wildlife Protection addressed to the Chair of the Federal Subsistence Board and signed by Major Joe D’Amico, Enforcement Commander and he wrote that the Department of Public Safety strongly opposes this change. The regulation requiring the evidence of sex was established to help reduce the amount of cow moose that were illegally taken. In many of these cases, hunters used antlers from other moose to transport with the cows in an effort to escape detection.
We have experienced hunters in the Copper River basin who are transporting moose antlers into their hunting camps just for this purpose. If this change were enacted, it would be virtually impossible to determine the actual sex of a moose in the field because of the ease a set of antlers could be, quote, smuggled, end quote, into camp. Only a very small portion of the sex organs need be attached to the meat. This will not cause meat spoilage if the animal is otherwise properly field dressed and cared for. The moose population in the Copper River basin is not healthy enough to allow the taking of cows which this regulation change would most likely facilitate. Please do not implement this change. End of written comments, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendation?

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


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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

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

CHAIRMAN DEMIENTIEFF: Ron?

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

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

CHAIRMAN DEMIENTIEFF: Further comment?

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

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment? Ron?

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

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

CHAIRMAN DEMIENTIEFF: Bill?

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

CHAIRMAN DEMIENTIEFF: We're ready for a Board motion.
DAVID ALLEN: Mr. Chairman, there's some issues that I want to discuss, but for the purposes of doing that, I'm going to go ahead and move that we reject the proposal, contrary to the recommendations of the Eastern Interior and the Southcentral Regional Councils.

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

SALLY WISELY: Second.

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

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

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

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

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

ROBERT WILLIS: Harvest regulations for the subsistence hunter are one antlered bull. So in the case of bringing out antlers in lieu of having sex organs attached, that would not have any impact on our current harvest regulations, at least at first blush it would not, unless there's something that doesn't occur to me off the top of my head. I can't think how
this would, substituting antlers for a portion of the external sex organs in the regulations would not have any impact on our seasons and harvest limits in those regions.

CHAIRMAN DEMIENTIEFF: Additional discussion?

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

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

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

ROBERT WILLIS: That's correct.

CHAIRMAN DEMIENTIEFF: I think this is a real tough issue and it's been kind of a contentious point for a long time and it does ruin meat. There's no doubt, and I think it really depends on who eats what and how much of it, and that's, you know, that's
kinds of a separate issue, but most Native people,
when they're out in the field recover everything,
everything that's edible. And to have, you know, this
distasteful practice forced on us some years back, I
remember years ago when it first came into effect, we
had one ol' boy in Nenana who of course went out, at
that time moose horns weren't in, and yet this is
another dynamic, too, moose horns are worth about five
bucks a pound now. So consequently, subsistence
people, you know, bring those horns back in to
market. I mean, if you can get five bucks a pound for
them, you're not going to leave them out there in the
field, which was common practice at the time this
practice was first brought in. We'd cut them off and
leave them out in the field, cut the horns off. Old
timer pulled in Nenana with his boat, game warden's
right there, said where's the horns and he showed him
the head. He says, well, where's the horns, where's
the horns. He said oh, I cut them off, threw them
away, showed him the head where he cut the horns off.
Then he asked him, well, where's the external sex
organs, and the old timer looked at him and said, oh,
that's the first thing I eat.

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

SALLY WISELY: Mr. Chair?

CHAIRMAN DEMIENTIEFF: Yes.

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

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

DAVID ALLEN: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

DAVID ALLEN: Based on some of the things that you just said, seems to me that there might be an opportunity to consider an either/or option as it relates to either antlers or external sex organs being removed from the animal to address the concerns relative to both enforcement and biological monitoring. And that may take care of federal regulations, and I don't know if this is accurate, but it's been suggested to me that regardless of the fact that we take care of it in federal regulations, since many subsistence users use navigable waters to transport of their moose, would we be subjecting them to citations by the State by this action or maybe more properly stated -- I mean, this isn't -- I realize this isn't our problem. It's just a concern that it raises in the mind of subsistence users where our regulations would say one thing, yet the State possibly might take action based on what they view would be proper action with their regulation while they were transporting animals. I think the State didn't offer some comment on that. But before they do, I'm certainly willing to reconsider my motion with something that might offer an either/or approach for the time being and perhaps that could be used as an entre to what was suggested, that maybe there needs to be some further deliberation on this issue.
CHAIRMAN DEMIENTIEFF: I mean, I guess either/or, I mean, I'm not exactly sure where you're going with that, Dave, but I'm not suggesting modifying the language right here and now. You know, I share the same concerns that you raised which is a very valid point. When you have people going in under different management regimes, you know, you could be legal for a hundred yards and illegal for another hundred yards, could pose all kinds of problems for subsistence users in the field. But I guess what I'm getting at is I'm wondering if this isn't something that maybe we should engage, you know, in discussions with the State and defer the proposal, you know, till we have the opportunity to do that and also to look for other recommendations, you know, with regard to the proposal, to leave it there, leave it on the books and let's look for other alternatives. There's, you know, there's got to be other ways. Or you know, there's got to be other ways to deal with it. That's all. Because I do share the same concerns, you know. But outside a rejection of the proposal, I think would take it off the table and I think I'm much more inclined to try to work towards some kind of long-term solution here, even if it does take a little bit longer.

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

CHAIRMAN DEMIENTIEFF: Even if it took up to the next year, I think that one of the things that I would be interested in doing, too, is because it's limited to just the one certain -- how many game management units is that? Two, 11 and 13, you know, we're hearing at least right here at this table, you know, from our own chairmen that it's probably an issue, you know, in their own areas, as well. Maybe less of an issue, depending on -- but the regulation is there. It may be less of an enforcement issue in more remote areas of the state, but nevertheless, the same regulation is on the book. With the State regulation on the book, you know, in other federal areas I'm talking about would be on the book in the State regulations, but that's such an antiquated approach to a legitimate enforcement issue, it may be time to examine to see if there's another way to resolve it, you know, across the state. That's the whole point I'm getting at. I know it may not satisfy
residents in the short-term for Units 11 and 13, but
if we took it a year out and elevated the discussion
to the rest of the regions and to the State and this
challenge, challenge us to be able to come up with
some way, you know, to resolve it.

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

CHAIRMAN DEMIENTIEFF: The same
regulation is statewide with regard to transportation,
and the same regulation statewide in the State
regime?

ELIZABETH ANDREWS: That's correct

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Who seconded that.

SALLY WISELY: I did.

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

DAVID ALLEN: Mr. Chairman, pursuant to
the discussion by the Board with regard to Proposal
15, I move that we defer any action on this proposal
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until such time that the Federal Subsistence Board and
staff can interact more fully with Alaska Department
of Fish & Game and all of the regional advisory
councils to address this issue more broadly in Federal
Subsistence Regulations.

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

SALLY WISELY: Second.

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

Okay, is there any further discussion? Yes.

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

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

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

CHAIRMAN DEMIENTIEFF: You can remind us,
Bill.
BILL THOMAS: The Board may reject Council recommendation if, one, it is not supported by substantial evidence; two, violates recognized principles of fish and wildlife conservation; three, would be detrimental to the satisfaction of subsistence needs.

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

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

CHAIRMAN DEMIENTIEFF: Any further discussion?

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

CHAIRMAN DEMIENTIEFF: Any final discussion?

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

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

(No response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

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

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

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

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

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

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

At the March 1999 meeting of the Southcentral
Regional Advisory Committee -- or Regional Advisory
Council in Anchorage, the proponents of Proposals 7
and 12 represented by Tom Carpenter brought forward
considerable information concerning the past uses of
the southern portion of Unit 11 by Cordova residents
for sheep and moose. The proponents collected the
names of 42 present or former Cordova residents who
had taken moose and sheep in that area in the past and
they had letters and testimony from some of them.
There was also testimony that historically, if people
in Unit 6 wanted to get moose they had to go to Unit
11 to get it and also that trade up and down the
Copper River predates Caucasians living in the area.

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

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

There was more information that was brought
forward at the spring meeting of the Southcentral
Regional Advisory Council. Again, Mr. Carpenter
brought forth information on Cordova residents' access
to the area that comprises Wrangell-St. Elias National
Park. He said that access has occurred by snowmobile
as well as by boat and highway vehicle after taking
the ferry to Valdez, ATV and airplane. There was
testimony that access to the park used to occur via
the Copper River Railroad, a railroad between Cordova
and Chitina that existed between 1909 to 1940. And so
with the additional testimony that was offered at that
Regional Council meeting, that seemed to be good
evidence of the historical uses of the southern
portion of Unit 11 for sheep and moose by the
residents of Unit 6(C).
CHAIRMAN DEMIENTIEFF: Written public comments?

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

CHAIRMAN DEMIENTIEFF: Thank you. Staff committee recommendation?

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

CHAIRMAN DEMIENTIEFF: Thank you. Department comments?

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

CHAIRMAN DEMIENTIEFF: Thank you. Gloria Stickwan?

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

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

We have made agreements with the people of Northway, Tanacross, Tetlin, Dot Lake and Healy to allow for customary and traditional use hunting by the Upper Tanana in portions of Unit 11. More research is needed to understand and document the historical patterns of use of Unit 11 by the Cordova community.
before a decision is made. One of the biggest
cconcerns we have among our Ahtna people is a potential
is if the federal government takes over management of
fisheries that C&T could easily be granted for the
town of Cordova regarding fisheries. That's a concern
we have among our Ahtna people. There's a potential
there of them getting C&Ts if federal management takes
over.

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

CHAIRMAN DEMIENTIEFF: Thank you.

Dr. Rose M. Hamilton.

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

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

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Healy Lake Traditional Council provide the Board with substantial evidence to show use in Unit 11. The same standard should be held for the community of Cordova and any other community requesting C&T determination. The eight criterion for which customary and traditional use determined are not met by the community of Cordova. The criterion of consistent use of Unit 11 by the Cordova community has not been demonstrated. The community of Cordova does not currently use the park for hunting and does not justify having customary and traditional use in the park. The criterion of a pattern of consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost conditional by local characteristics has not been demonstrated by the community of Cordova. The expense and efficiency of methods and means to subsistence users to hunt in the park is costly and difficult. Access for hunting in Unit 11 for sheep and moose would have to be by air or by the Copper River. It would be difficult for the Cordovan residents to access Unit 11 by the Copper River. Airplane use for hunting in the park is not allowed. The criterion of proximity to the resources by the community of Cordova to the whole of Unit 11 is certainly not met. The community of Cordova is not close to the park nor is it reasonably accessible to the park. The residents of Cordova would have to cross through the Chugach Mountain Range to get to the northern part of Unit 11 to harvest moose and sheep where there is no history. CRNA opposes Proposals 7 and 12 as it the written.

Thank you for listening to me.

Chairman Demientieff: Thank you.

Mildred Buck.

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

I am here with concerns about Proposals 7 and 12. I do not believe that Unit 6 should have customary and traditional use of moose and sheep in Unit 11 for the following reasons. I do not agree that Cordova should have customary and traditional use
in Unit 11 for sheep and moose. To my knowledge, the people in Cordova did not have historical use of the park. I have not seen them hunt in the park and they have not met the eight criterions of ANILCA to have customary and traditional use of the park.

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

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

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you. Wilson Justin?

WILSON JUSTIN: Thank you for the opportunity to testify before the Board. My name is Wilson Justin. I was born and raised at Nabesna, Alaska, the headwaters of Tanana River. I'm here today to represent Chistochina Village Council and also Mount Sanford Tribal Consortium who I work for as a health director. I'm going to generalize just a bit in order to put into context some of the earlier remarks regarding the Ahtna in this particular locality that we're talking about. Historically -- and I'm going to use these numbers rather loosely. I don't want anybody to get into argument over the numbers I'm using. I'm very much aware of how numbers are used in terms of creating dissension. I will use these numbers basically to bolster our opinion, not
It can be said there that historically, before the 1900s, there were 11 Ahtna clans. One of them, the Althsetnae', who I belong to, have members in Northway, Dot Lake, Tanacross, Tetlin and some of the smaller communities in the area. The members of this clan that I belong to are prominent in the activity related to acquiring the right to come back into Unit 11 and hunt for moose and caribou. Other clans that are still strong and prominent today are clans that were related to these areas that we call our trading areas. They are connected by trading trails. My clan, the Althsetnae', had control of one trail, the Althsetnae' trail, which ran up in the mountains, not along the river, from just north of Sanford River all the way down the White River, all the way halfway to what we call the White -- community of White Horse today. We met the Chitinas at the pass where the White River and the Chitina met. These very same trails, the same trail that we had control of also were controlled by other clans in the Ahtna region in the lower area. Significant to the clan and the control of the trail is a fact that you could not approach these trails without permission from the people who basically owned the trail. No Althsetnae' would ever go down Chitina without having received permission first to go down those trails.

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

Today, the C&T process has gotten to the point where it is no longer a hunting matter. The great fear, and the Village Council that I represent has articulated this fear many, many times. The C&T process that the State originated is now evolving into a huge trespass issue. Now, we're talking about Native lands. We're talking Ahtna. We're talking Chitina, who is independent of Ahtna, but we're talking about virtually every inch of this particular locality that you're talking about for a C&T determination being Native lands. Now, if you stop and think about it, you're authorizing trespass on Native lands because nobody ever asked the land owner whether or not hunting can be done.
This is the very problem that we face up at Chistochina, the Chistochina River and the Slana River where external hunters have pushed out the local hunters to the point where there is no subsistence activity. Now, it's in my opinion, the C&T process is detrimental to Indian interest today as it's being practiced, because at one time it was meant to protect and preserve our interest. Now it allows the opportunity for others to play this numbers and statistics game and come into our back yard over and above our objections. I take note of the fact that it was mentioned several times about the high standards that was required of these northern communities, my own clan members, to prove the right to access a particular locality that we were in. And yet we knew all along through marriage, hunting and just by the very fact that we grew up alongside of each other that they were always a part of the hunting pattern of that particular area in Unit 11 and 12 and 13 that we were at.

The other note that I would like to bring to your attention is the fact that in every case where I have testified, I have always brought up the fact that we cannot ever accept the use of data provided by the State of Alaska Department of Fish & Game, because it is skewed in one direction only in terms of supporting sport hunting. And I dispute the fact that the Federal Fish & Wildlife managers need those numbers at all, because the end result is inevitable if that happens and Native subsistence hunters will simply get squeezed out of more and more area. There'll be more and more trespass issues come up along more and more of these drainages and these lakes and these rivers. The ultimate result, in my estimation, is that we're creating a monstrous little entity here that's going to backfire and hurt all of us. I don't doubt that there are sporadic and occasional take of game by Cordova residents in this locality. I don't doubt they go to a lot of places and hunt and fish and take game. But I seriously doubt that the data would support, if fairly and objectively reviewed their right to come into Unit 11, and I live just north of the area that's being talked about, to hunt and fish in the same manner that I do and be competitive to my interest in terms of take that I rely on through the winter. And make no mistakes about it, I am a subsistence user. There are very, very few people today who come in front of you and cannot only make that testimony, but say proudly, I have never been on
a four-wheeler, I have never even driven one and I
don't deal with snow machines. I don't care what
people do with those things. I know how to hunt. My
hunts last maybe 45 minutes, maybe an hour in the
locality that I hunt. Long before the Fish & Game
Department come and tell me what mooses are there, I
can tell you what mooses are there, how long they're
going to be there, when they're going to leave and in
what manner they're going to leave. I am truly a
subsistence expert. And I would appreciate it when
these requests come in, as they do all year long, I
don't envy you your job, I would appreciate it that
the first person you should ask is the people who do
know.

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

CHAIRMAN DEMIEN'TIEFF: Thank you,
Wilson. Regional Council comments?

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

CHAIRMAN DEMIEN'TIEFF: Additional
Regional Council comment?

BILL THOMAS: Mr. Chairman?

CHAIRMAN DEMIEN'TIEFF: Yes.

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

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

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

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

CHAIRMAN DEMIENTIEFF: Additional Regional Council comment?

NAT GOOD: Mr. Chairman, I listened to a great deal here and I found it very interesting. I have some history in the Cordova area, myself. I lived there for 12 years at one time. During that 12 years, I'm definitely aware of people who owned property and really maintained two residences off the McCarthy Road and in McCarthy, itself, and where I did not travel there to hunt, I do know that others did. I don't know to what extent. I do know that there was definitely a history and a pattern there and I personally am always concerned about eliminating the qualified subsistence hunter from the opportunity to hunt. So I would support this.
CHAIRMAN DEMIENTIEFF: Additional Regional Council comment? Go ahead, Dan.

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

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

I got some real questions about it. Now, I'm not saying I'm opposed to this. Right now, my understanding is that the people in Cordova can go in that area and hunt; is that correct? Under existing, they can't because it's park; is that correct?
SANDY RABINOWITCH: Yes, Mr. Chairman, if I could explain, the preserve lands are open to sport hunting under any State regulation in Wrangell-St. Elias Preserve but the park land, you need to also have C&T from the Board, which they're seeking, so obviously they don't have that currently. You also need Park Service eligibility, which comes through either resident zone status, which the community of Cordova currently does not have, but is seeking, okay, or you need an individual what we call a 13.44 permit and I can tell you that there are currently no residents of Cordova who have such a permit. So for the park land, there's no opportunity presently. For the preserve land, under State regulation, of course, there is.

JUDY GOTTLIEB: Mr. Chairman --

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

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

I move that we defer action on Proposals 7 and 12. This will allow for additional data to be gathered with which we can better evaluate the proposals. At this time, there does not appear to be
adequate information on the eight factors to support a
C&T use determination for each of the two proposals.

WARREN HEISLER: Second.

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

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

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

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

From 1906 to 1971, almost all of the access to
the Chitina valley was from Cordova, from 1906 from
the start of the steam ships up there, 1911 they
started the railroad up there, 1938 the railroad
closed and access to the Chitina valley was through
Chitina Air Service which is based in Cordova.
Cordova residents have used that.

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Any further
discussion? Seeing as how I didn't bring my gun, all
those in favor of the motion, please signify by saying
aye.
(Response).

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No response).

CHAIRMAN DEMIENTIEFF: Motion carries.

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

(Off record 5:02 p.m.)
STATE OF ALASKA)  

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

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

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

Notary Public  
State of Alaska  

My Commission Expires:  5/10/01  

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