MEMBERS PRESENT:

21 Mr. Mitch Demientieff, Chair
22 Mr. Fran Cherry, Bureau of Land Management
23 Mr. Gary Edwards, U.S. Fish and Wildlife Service
24 Ms. Judy Gottlieb, National Park Service
25 Mr. Charles Bunch, Bureau of Indian Affairs
26 Dr. Wini Kessler, U.S. Forest Service
27
28 Mr. Keith Goltz, Solicitor
PROCEEDINGS

(On record)

CHAIRMAN DEMIENTIEFF: We'll go ahead and call the meeting to order. My name is Mitch Demientieff, I'm the Chairman of the Federal Subsistence Board. And with that, I'd like to welcome everybody here for a few days of hard work in some real important matters that we have facing us on the agenda. In the first part of our meetings we just like to kind of go around the table and have everybody introduce themselves and their affiliation. With that, we'll welcome the presence of the state of Alaska and ask Terry to go ahead and introduce himself.

MR. HAYNES: Thank you, Mr. Chairman. I'm Terry Haynes with the Alaska Department of Fish and Game.

MS. CROSS: I'm Grace Cross. I'm the Chair of Seward Penn.

MR. LOHSE: Ralph Lohse, Chair of Southcentral.

MR. THOMAS: Bill Thomas, Chair of Southeast.

MR. USTASIEWSKI: Jim Ustasiewski, Office of the General Counsel, Department of Agriculture.


MR. THOMPSON: Ken Thompson, Forest Service.

MR. BUNCH: Charlie Bunch, Bureau of Indian Affairs.

MS. HILDEBRAND: Ida Hildebrand, BIA Staff Committee.

MR. BRELSFORD: Taylor Brelsford, BLM Staff Committee member.

MR. CHERRY: Fran Cherry, BLM.

MS. FOX: Peggy Fox, Office of Subsistence Management.
00003
1 MR. BOYD: Tom Boyd, Subsistence Office,
2 Fish and Wildlife.
3
4 MR. JACK: Carl Jack, Native Liaison, Fish
5 and Wildlife Service.
6
7 MR. EDWARDS: Gary Edwards, Fish and
8 Wildlife Service.
9
10 MR. BOS: Greg Bos, Fish and Wildlife
11 Service, Staff Committee member.
12
13 MS. GOTTIEB: Judy Gottlieb, National Park
14 Service, Board member.
15
16 MR. RABINOWITCH: Sandy Rabinowitch,
17 National Park Service, Staff Committee.
18
19 MS. GOLTZ: Keith Goltz, Solicitor's
20 Office.
21
22 MR. SAM: Ron Sam, Chairman, Western
23 Interior.
24
25 MR. WILDE: Harry Wilde, Yukon-Kuskokwim
26 Chair.
27
28 MR. REXFORD: Fenton Rexford. I'm from the
29 North Slope region.
30
31 MS. TRUMBLE: Della Trumble, Chair,
32 Kodiak/Aleutians.
33
34 MR. GOODWIN: Willie Goodwin, Chair from
35 the Northwest.
36
37 MR. NICHOLIA: Gerald Nicholia, Chair of
38 the Eastern Interior.
39
40 MR. O'HARA: Dan O'Hara, Chair of Bristol
41 Bay.
42
43 MR. LaPLANT: Dan LaPlant, Office of
44 Subsistence Management.
45
46 CHAIRMAN DEMIENTIEFF: Now, that we know
47 all the microphones work, I guess we'll go ahead and get
48 about our business. First item of business this morning
49 will be the corrections and additions to agenda, if there's
50 any agenda change items now would be the time to bring
those up. Gary.

MR. EDWARDS: Mr. Chairman, in looking at the agenda, I would ask that we move Proposal 22 in front of Proposal 17. I think given the nature of these two requests, I believe that it would allow the discussion to be more fruitful by doing that. And with regards to the three special actions on fisheries, I.....

CHAIRMAN DEMIENTIEFF: Gary, let's go ahead and deal with that first. Dan, is there a problem with that, for us to flip-flop 17 and 22?

MR. O'HARA: (Shakes head negatively)

CHAIRMAN DEMIENTIEFF: No, problem, okay. Go ahead.

MR. EDWARDS: Mr. Chairman, with regards to the three special actions dealing with fisheries, particularly the two dealing with the harvest on the Yukon and the Kuskokwim, I think it would help focus the discussions that if both of those proposals would be made in their entirety with the associated rationale and then we go into specific discussions on them as to how we want to proceed.

CHAIRMAN DEMIENTIEFF: Harry, do you have a problem with that, with grouping them together? The Special Action Requests?

MR. WILDE: No.

CHAIRMAN DEMIENTIEFF: We'll take individual action on them, of course, but as far as the information sharing it will make it probably a little more streamlined. I should have asked, is there any Board objection to any of the changes?

(None noted)

CHAIRMAN DEMIENTIEFF: Anybody else have anything? Terry.

MR. HAYNES: Mr. Chairman, is this the time to request removing an item from the consent agenda?

CHAIRMAN DEMIENTIEFF: Yes, it is. We will right now.
MR. HAYNES: Mr. Chairman, when I met with the Staff Committee to review proposals and recommended actions last month, on Proposal No. 50, that proposal was tentatively placed on the consent agenda depending Department comments; we had not reviewed and commented on that proposal. Subsequent to having reviewed it, our position on that proposal is not in line with the other parties so we would request that it be removed from the consent agenda.

CHAIRMAN DEMIENTIEFF: Okay. Actually, it's so noted anyway. Because the only other item I had before that was public comment for non-agenda items and we have no requests and so I'll just note that that we do not have any requests for public comment with regard to non-agenda items. Then we'll just go ahead and go through the consent agenda items, which at any time in the meeting when you're issues are being debated by a region, they will be the final item, so we'll have opportunity throughout the meeting, if any of the consenters wish to pull those items off of the agenda, you can do so any time up until then. I would prefer that if you were going to pull an item off of a particular region that we do it while we're considering that region but this opportunity right now is fine and noted.

We have statewide Proposals 1 and 2. Southeast No. 5. Southcentral 12 and 48. 50, which has been requested to be pulled so it's duly noted that we will deliberate No. 50. Kodiak/Aleutians 15(a) and 15(b). Bristol Bay 18 and 19. Yukon-Kuskokwim doesn't have any proposals. Western Interior 23, 24, 25 and 27, 28, 31, 30, 32, 33 and 34. Seward Penn 35. Northwest Arctic has no proposals on the consent agenda. Eastern Interior 36(a), 36(b), 37, 38, 39, 40, 41, 42, 43, 44. North Slope 45 and 46(b).

So those are the consent agenda items and again, they will be adopted at the end of the meeting.

MR. O'HARA: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. O'HARA: Where did 22 go under, what part of the agenda, for Bristol Bay?

CHAIRMAN DEMIENTIEFF: It's switched with 17. So we'll do 16, then go 22.
MR. O'HARA: Okay.

CHAIRMAN DEMIENTIEFF: And then swap and go back to 17 at the end.

MR. O'HARA: Because it lines up with the other proposals on that same issue?

CHAIRMAN DEMIENTIEFF: Pardon?

MR. O'HARA: It aligns with the other proposals that will be brought up at that time?

CHAIRMAN DEMIENTIEFF: No, actually not. I don't believe so or, Gary?

MR. EDWARDS: Mr. Chairman, what I suggested is given the nature of those two proposals, I just think that it would help with the overall discussion by doing that, by leading with that one first and then followed by the other one.

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

CHAIRMAN DEMIENTIEFF: Is that still not a problem with you, I mean, Dan, if it's a problem we could.....

MR. O'HARA: No, I just wanted to make sure that it got in there.

CHAIRMAN DEMIENTIEFF: With that, we'll move into the Southcentral region first. Southcentral wildlife Proposal 01-07. And let me see, who's going to do the analysis on this, Dan, okay.

MR. LaPLANT: Good morning, Mr. Chairman, members of the Board. For the record my name is Dan LaPlant, with the Office of Subsistence Management. And the first proposal, No, 7, deals with Unit 13 caribou, the Nelchina Caribou Herd. The proposal was submitted by Wayne Crowson of Delta Junction. And Mr. Crowson has proposed that the winter season for the Nelchina Herd in Unit 13 be eliminated, that portion of the season that runs between October 21st and March 31st.

As you may know the Nelchina Caribou Herd has been declining in recent years. As an example, in 1996, the population was about 50,000 animals and the inventory last fall of 2000 was down to 29,600. The
decline is attributed to calf predation by wolves and poor 
summer range. So Mr. Crowson has recommended the 
elimination of the winter season to eliminate the shooting 
of pregnant cows and slow the decline of the herd.

The State harvest right now is limited to 
one bull and the Federal harvest is currently two caribou 
and the Federal season has been at two caribou since the 
program began in 1991. Herd productivity is currently 
quite low. The cow calf ratio of the herd is down to 20 
calves per 100 cows, that's the lowest it's been observed 
in the last 30 years according to the Department of Fish 
and Game. The herd also has a pretty high mortality rate. 
It's up to 15 to 25 percent, a normal annual mortality on 
their radio-collared cows has been around 10 percent. So 
we have increased mortality as well.

The State harvest, in recent years, has 
been around 2,000 in 1999 and last year they reduced the 
number of permits from 6,000 down to 2,000 and the harvest 
so far this season -- well, the season's over now, but the 
harvest this winter has been somewhat something over 700. 
It was 700 in mid-winter and most of the animals moved out 
of the area so it's probably something a little bit more 
than that, but a significant reduction from previous years.

The Federal harvest in 1999 was 389 
animals, 181 of those were cows, and this past winter as of 
mid-April it was reported 167 animals harvested, 55 of 
those being cows. If you look at Table No. 1 on Page 10 of 
your binder, it displays the percent of the Federal harvest 
as compared to the overall harvest. And as you can see,
the Federal harvest has been significantly a small part of 
the overall harvest, between four to six percent over the 
years. But, however, the last two years, the '98 and '99 
seasons, the harvest has jumped up to approximately 16 
percent. So the Federal harvest is becoming a more 
significant piece of the overall harvest.

Also on Table 2, on the next page, it shows 
the distribution of the hunt by the Federal subsistence 
hunters showing that 65 percent of the harvest has taken 
place during that winter season from October 21st to March 
31st. So basically then the effect of this proposal would 
be a 65 percent reduction or a potential 65 percent 
reduction in the opportunity for subsistence hunters. That 
would equate to about 94 cows per year based on what the 
harvest has been over the last three years and with our 
cow-calf ratio of about 20 calves per cow, so if we add 
about 19 calves to that, it would be a savings of about 113
caribou per year, what that 65 percent reduction would equate to.

We looked at other considerations in doing this analysis. One of them, of course, was to close Federal lands to non-subsistence users. However, Federal lands only comprise about two percent of the overall land area within Unit 13, so non-Federal subsistence hunters would have an opportunity on 98 percent so that wouldn't have much of an effect.

We also looked at closing the Federal season by a special action when the harvest reached a specific quota, perhaps maybe 200 cows. That option has merit. There's a concern that if the herd was to cross the Richardson Highway during the hunting season with the Federal subsistence program issuing about 2,500 permits each year, that a significant number of animals, maybe up to 1,000 cows could be harvested if that should occur.

The other option that we looked was to change the season to a bulls only season and eliminate the cow season so making it a two bull per year for subsistence hunters. That would be a more effective method of protecting the cow segment of the population.

That concludes my presentation on Proposal 7.

CHAIRMAN DEMIENTIEFF: Okay, before we get to the summary of public comments, I was seriously amiss in not reminding people that if you wish to testify on these proposals, you get the blue proposal form and they're available at the Staff table immediately outside the door and then we'll be able to go ahead and proceed on and they'll get them to me and I'll call you up as that happens. Summary of written public comments.

MS. WILKINSON: Mr. Chairman, yes, there are comments. Mr. Don Quarberg of Delta Junction supports this proposal as a way of preventing the take of pregnant females.

The Upper Tanana Fortymile Fish and Game Advisory Committee supports this proposal with a suggested amendment. They prefer a one bull caribou bag limit. Due to the Nelchina Caribou Herd decline, our advisory committee supports the provision to allow the State and Federal Game Department to correlate the bag limit and sex.
The Wrangell-St. Elias Subsistence Resource Commission opposes the proposal stating that it is not likely to have a positive effect on the herd but will have a negative effect on subsistence users since 65 percent of the caribou taken by Federal subsistence users are taken between October 21st and March 31st.

The Denali Subsistence Resource Commission is unanimously opposed to this proposal. Local rural residents have a very limited opportunity to hunt in Unit 13 under the State's Tier II program due to the complexities of the State system. Local rural subsistence hunters would have a limited biological impact on the caribou population. The need to reduce non-subsistence hunters on Federal lands before reducing local rural resident hunters opportunities.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: Mr. Chairman, the Department supports the Eastern Interior Regional Council recommendation to limit the caribou harvest to bulls only in Unit 13 but to retain the winter season. The Nelchina Caribou Herd continues to decline and reducing cow mortality is essential for promoting herd growth necessary for recovery for this important wildlife resource.

Board members may recall that we raised a concern a year ago about the cow harvest and said at some point the Department might come to you and ask for an elimination of the cow harvest, and so we were pleased to see that as an option that's before you now.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Gilbert Denti, we're now open for public testimony. Gilbert, did you want to testify?

MR. DEMENTI: I'm Gilbert Dementi from Cantwell. I want to thank the Board for allowing me to testify here. On Proposal 7, Cantwell residents oppose this proposal. Ann stated what Cantwell residents feel so I think we should vote the way she says, the Denali Commission, and I'm on the Denali Commission so my testimony is just short. We're opposed to Proposal 7.
CHAIRMAN DEMIENTIEFF: Is that the only one you want to testify on?

MR. DEMENTI: Proposal 11 also.

CHAIRMAN DEMIENTIEFF: Well, you can go ahead and add that now, it's on the consent agenda item.

MR. DEMENTI: I could?

CHAIRMAN DEMIENTIEFF: Yeah.

MR. DEMENTI: Okay, thank you. On Proposal 11, I think Ann will read the Denali Commission -- no, or Hollis, maybe, will read it. Ann Wilkinson will read the comments.

CHAIRMAN DEMIENTIEFF: So we'll hold off here.

MR. DEMENTI: Okay.

CHAIRMAN DEMIENTIEFF: We're going to go ahead and take a little break here.

(Pause)

CHAIRMAN DEMIENTIEFF: We're going to deliberate Wildlife Proposal 11 when we get to the Eastern Interior region so that's going to be a little bit later on in the meeting.

MR. DEMENTI: Okay, I'll hold my comments then.

CHAIRMAN DEMIENTIEFF: Okay, thank you very much, Gilbert.

MR. DEMENTI: Thank you.

CHAIRMAN DEMIENTIEFF: Regional Council recommendation.

MR. LOHSE: Mr. Chair, Southcentral Regional Council opposed this proposal. We opposed the modifications for the proposal. Some of our reasonings, we were informed that currently predation is at an all time high and that as the rabbits and everything else goes down, it's likely that some of the predators will go down, too. The range is poor but it's on the upcline because of
smaller herd not impacting it as good. And so the theoretical growth that would take place if we didn't take any cows is based on the current level of survival and in the long term it may have or may not have any effect. Our main reason though is that there is a State season in effect, and if there's a State season in effect then we didn't feel like the subsistence season should be curtailed, and that's kind of a policy of the Southcentral Regional Council.

CHAIRMAN DEMIENTIEFF: Thank you very much.

Staff Committee.

MR. THOMPSON: Mr. Chairman, the Staff Committee recommends that the Board modify the proposal as recommended by Eastern Interior Regional Advisory Council so the regulation would be two bulls by Federal registration permit August 10 through September 30 and October 21 through March 31st.

The reason we recommend this is the Nelchina herd has declined from an estimated population of 50,000 to 30,000 in the past four years. As the State's harvest quota has been reduced, the Federal either sex harvest has had a progressively larger impact on the herd's population trend. This modified proposal would address conservation concerns about the herd's status. Elimination of the cow harvest would provide some reduction to the herd's decline and would be consistent with the current State Tier II harvest regulation which does not allow a cow harvest. Eliminating the October through March season would likely result in a 65 percent reduction in the Federal subsistence harvest. This would result in unnecessary restriction of rural subsistence users in violation of the protections afforded in Sections .802 and .805 of ANILCA, Title VIII.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. With that Staff Committee recommendation we'll now advance it to Board deliberation and included, of course, in that will be our Regional Council representative, Ralph.

MR. LOHSE: I'd like something clarified for the Board and for myself. We always talk about this herd declining from 50,000 to 30,000. At the level that it reached, they said that it was overpopulated. They put regulations into effect to take more caribou and if I remember right, I believe the goal for this herd is around
38,000, and I’d like somebody to answer that. Because there’s a total difference between the herd declining by 20,000 or being 8,000 below the desired level.

CHAIRMAN DEMIENTIEFF: Dan.

MR. LaPLANT: Yes, Mr. Chairman, the Department of Fish and Game’s management objective for the herd is 35 to 40,000, and the population was around 50,000 in 1996 and has declined and the population has, you know, cycled over the past several decades as caribou populations normally do. But right now it is in a downward trend and it’s predicted to continue down given the current harvest strategy.

CHAIRMAN DEMIENTIEFF: State comments.

MR. HUGHES: Thank you, Mr. Chair. My name is Jeff Hughes and I work for the Department of Fish and Game, Division of Wildlife Conservation and I’m the regional supervisor for Region 2, Southcentral. At the recent Board meeting, the Board of Game adopted a population objective as Mr. LaPlant has told you of 35 to 40,000. Over the past five or even 10 years, the Board has allowed the number of Nelchina caribou to go up over 50,000. You may recall at one time we had a Tier I and a Tier II hunt and our best thinking now is that the range, the actual habitat, caribou range, the number that we can probably support out there would be in the neighborhood of 35 to 40,000. The Board has gone back and forth a bit on that number but as has been pointed out, the number that has been adopted as of March was 35 to 40,000.

I might also point out that I was here last spring and urged the Board to consider sharing the conservation burden by reducing the harvest of cows. Any cow harvest will deepen the decline, exacerbate the condition that’s already out there, we feel, and probably delay the recovery of this herd some.

Thank you.

CHAIRMAN DEMIENTIEFF: Does that satisfy you, Ralph, or do you have a follow up question?

MR. LOHSE: Yeah, it does satisfy me because it shows that they recognize that at the ranges that they allowed it to get to they were doing damage to the range and I submit my thoughts on it that if the range has been damaged by that and we're dealing with slow growing lichens
and that, the fact that the herd is at 30,000 right now, it's going to continue to decline until the range improves and the predators go down. We actually don't feel like the -- from what we understood with calf survival and everything, that the amount of animals that are taken by the subsistence hunters really amounted to much and if the range is down, it's possible this herd will have to go down quite a bit farther to have that range recover from the high levels that they let it reach to begin with.

CHAIRMAN DEMIENTIEFF: Additional comments, questions. Willie.

MR. GOODWIN: Thank you, Mr. Chairman. Willie Goodwin from Northwest. You know, in the Northwest we have a fairly large herd and we've been hunting caribou for a long, long time. Historically, we try to get the bulls in the fall time, early fall before the rutting season. And it don't make any sense to allow a subsistence user to only hunt bulls in the winter time when they're real skinny, not for us anyway. There's no fat on them in the wintertime. So we have a cow harvest up there. And to cut out a resource that's important to the subsistence user surely don't make any sense to me.

Thank you.

CHAIRMAN DEMIENTIEFF: Additional comment. Yes, Ralph.

MR. LOHSE: Mr. Chair, one of the suggestions or one of the comments that came up was the idea of putting a cap on it so that after a certain amount of cows were taken just in case they ended up hanging along the road where they were totally accessible, I was wondering if there's anything in place that allows our managers the EO authority to put a stop to the season if they feel like there's an excessive amount of caribou being taken?

CHAIRMAN DEMIENTIEFF: Tom.

MR. BOYD: I may look for some assistance from a regulatory specialist, however, we do have emergency action authority in the regulations to take appropriate steps for conservation concerns. I'm not exactly sure what you're suggesting, Mr. Lohse, but the mechanisms are in place, yes.

MR. LOHSE: Basically what I was asking was
that if the take suddenly shot above the historical take or
the take in recent years because of conditions that kept
caribou close to the road and accessible, do you have the
authority in place that you could shut that season down if
that kind of situation arise?

CHAIRMAN DEMIENTIEFF: Dan.

MR. LaPLANT: I believe we do, Mr.
Chairman. One of the problems that we have to overcome is
the reporting. Currently the permits require reporting of
harvest within five days of the harvest, so we'd have to
put in some stipulations that would require a reporting of
harvest within 24 or 48 hours, something like that. I
believe that could be done.

CHAIRMAN DEMIENTIEFF: Any other comment.

Ralph.

MR. LOHSE: Well, Mr. Chair, I submit that
the conditions that they're worried about taking place are
very evident to everybody in the community including the
BLM managers and the people of the community there. I don't
think if that kind of situation arose that it would be any
secret that all of a sudden the caribou harvest was going
higher than it should go. So consequently the lack of
reporting conditions under five days shouldn't hinder the
biologists from seeing what's going on.

CHAIRMAN DEMIENTIEFF: Any other comment.

MR. BOYD: Yes, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Tom.

MR. BOYD: I think going back to the point
raised by Ralph, I think there is a concern about the
practicality of being able to exercise closure authority
within an appropriate time constraints. It depends on a
number of variables. For example, if you've got a large
number of caribou at the road and you got a lot of hunters
out there it's a possibility that you may exceed, or
overharvest a certain element of the population and that is
a concern. So it's kind of a gray area. While we have the
mechanisms in place, I'm not sure practicality we can
effect a closure of the kind that you're speaking to.

CHAIRMAN DEMIENTIEFF: Any other comment.

Ralph.
MR. LOHSE: Well, knowing the area I'd doubt if you'd have that many hunters out there that fast because it takes awhile for the word to get around. Is there a possibility that you can put language into it that would give you that authority on a quicker basis?

CHAIRMAN DEMIENTIEFF: Dan, do you have a response to that?

MR. LaPLANT: Mr. Chairman, I'm not certain if possibly the authority could be given to BLM to change the season, they're the land manager in the area that would be most closely monitoring the situation. But there's a possibility if they were given the authority to close the season on a very short notice, that would be the most effective way of doing it. But again, the practicality of getting that information and making that decision in a timely manner, I'm not sure.

CHAIRMAN DEMIENTIEFF: Ralph, I've got a question, was this part of the Regional Council or did you deliberate this issue in the Regional Council?

MR. LOHSE: No, this didn't come up until after we were done with our deliberations and that's why I'm asking questions, not making suggestions. I was wondering if the authority was in place. The thing is the BLM has a new protection officer that patrols that road in the wintertime. What I'm saying is things up there don't happen in a vacuum. They don't happen in the kind of speed that you're talking about and so I'm just wondering if you have the ability in place right now to do that if there was an emergency.

CHAIRMAN DEMIENTIEFF: Any other comments.

Fran.

MR. CHERRY: Mr. Chair, the BLM does have a law enforcement officer in place up in the Glennallen area now and also a wildlife biologist and as Ralph indicates, if problems appear along the highway there and we're certainly patrolling that highway we could be cognizant and aware by our patrols of any changes that might take place and would be prepared to come quickly forward for some emergency action with the rest of the Board.

CHAIRMAN DEMIENTIEFF: Any other comment.

MS. GOTTLIEB: Mr. Chair.
CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: First, I want to thank Gilbert for making the effort to come down here today and relay what the Denali SRC had to say. I did attend the Wrangell Subsistence Resource Commission meeting and they also were concerned about elimination of a winter hunt.

CHAIRMAN DEMIENTIEFF: Thank you. Ken, let me ask, did the Staff Committee look at the visibility of BLM personnel during their deliberations?

MR. THOMPSON: No, we did not, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Terry, from the State perspective, did you realize the enhanced protection officer as well as a wildlife biologist up there?

MR. HAYNES: Mr. Chairman, our concern is with reducing the cow harvest and we hadn't thought about the issue of BLM personnel being more visible. I think it's just essential for conservation purposes to reduce that cow harvest.

CHAIRMAN DEMIENTIEFF: Gerald, was that part of your deliberations at all in terms of knowing that BLM had two additional personnel up there?

MR. NICHOLIA: No, sir, at the time that this came up we thought that it would be mostly done with State because there's hardly any Park Service lands or BLM lands around there. We only had one Council member that opposed this proposal and the rest of the Council supported it to a bulls only harvest.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: You know, by taking this action and making it bulls only is not intended to be a permanent action. Certainly if changes occurred in the population size, there would certainly be opportunity to go back at a later date. So I'm assuming it's not something that's going to be written in stone.

CHAIRMAN DEMIENTIEFF: Any other deliberation, comments, discussion items. Dan.
MR. O'HARA: Mr. Chairman, when do the Chairs get to make a comment on this or do we?

CHAIRMAN DEMIENTIEFF: Pardon?

MR. O'HARA: To the Chairs get to make a comment on this?

CHAIRMAN DEMIENTIEFF: You mean yourself?

MR. O'HARA: Yes.

CHAIRMAN DEMIENTIEFF: Yeah, go ahead, that's fine.

MR. O'HARA: It looks like the problem is that there's still a pretty high harvest in the winter months, apparently, Mitch, and I'll just give you an example of what took place in Bristol Bay. Back in the '70s we did same day airborne hunting and the local people killed a lot of bulls in the wintertime because they were bigger and they were more meat and what happened with the formula for the cow/bull ratio, the bulls were going away and so we made a proposal to, in those days it was the Game Board, that you could only shoot an animal from January on to March 31st that did not have horns, that meant the pregnant cows because they are the ones that lose their horns, and that was kind of contrary to what we would do in the way of hunting. But within about five or six years, that herd turned around and, of course, they brought the regulation off.

So I think if the Alaska Department of Fish and Game can figure out how to just harvest bulls only in the winter season, if that's what you need to do to preserve the animals, then shoot the animals that have horns.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. EDWARDS: You meant that pregnant cows maintain their horns, right?

MR. O'HARA: I'm sorry, it's the other way
Pregnant cows maintain their horns because everything that's within the animal is taking care of the little ones. The bulls lose their horns first so we would shoot an animal with the horns, you're right, thank you for that correction. It'd be bad if we got that regulation backwards.

CHAIRMAN DEMIENTIEFF: Bill.

MR. THOMAS: Thank you, Mr. Chairman. I was out for a little while during some of the deliberations and this bulls or buck only thing occurs in other parts of the state and I guess I don't understand the biology in shooting bulls only for any given amount of time when the bull is required in the developing of calves. I've never seen anything in this proposal that would satisfy the concern here. This is micromanagement at its best and it really comes up with not definitive resolve.

That was an observation and I'm sorry I didn't have better comment than that. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any other discussion. If not, we're ready for a motion.

MR. CHERRY: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. CHERRY: I move that we adopt the modifications to the proposal as recommended by the Eastern Interior Regional Council and the InterAgency Staff Committee. The result is to retain the winter season but to revise the harvest limit to two bulls rather than to two caribou. This addresses conservation concerns for the herd by protecting the cow component and retains the winter harvest opportunity for Federal subsistence users.

If I could continue, while this would not be a part of the official motion, I would like to make it noted that BLM would continue its patrols in the area during the winter period, and if larger than average take is noted, we, in concert, with the Department of Fish and Game would come forward with additional recommendations if we note that there are problems in the area.

CHAIRMAN DEMIENTIEFF: Is there a second to the motion?

MS. KESSLER: Yes, I'll second.
CHAIRMAN DEMIENTIEFF: Okay. Further discussion on the motion. If there are none, I guess we're ready for a vote. All those in favor of the motion, please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries. We're going to go ahead and move on to Proposal 50, do we have to do a Staff change?

MR. BOYD: No, Dan is going to do it.

CHAIRMAN DEMIENTIEFF: Go ahead, Dan, if you could do the analysis.

MR. LaPLANT: Thank you, Mr. Chairman. Proposal No. 50 deals with moose in Unit 15(A) remainder. Unit 15(A) remainder happens to be most of Unit 15(A) with the exception of the Skilak Loop Management Area, so we're looking at the majority of 15(A). This proposal was submitted by the Office of Subsistence Management. It's in response to an order from the U.S. District Court of Alaska that declared the current season to be invalid. The matter was remanded back to the Federal Subsistence Board for the purpose of adopting a new moose season that provides a more meaningful preference.

The current season or, I guess, we could say the old season now since the court has said it's not valid, runs from August 18th to September 20th. The State season, the current State season goes from August 20th to September 20th, so this season that's on the books right now provides the Federal subsistence users with a two day advantage over the State hunters. We're proposing that the Federal season begin on August 10th and extend through September 20th, giving Federal subsistence users a 10 day advance hunt over the State season.

The other issue here in the mix is that there's currently an archery season, a State archery season that runs from August 10th through August 19th when the rifle season opens on the 20th. So one thing I'd also like to note here is that the court didn't recommend that a 10 day preference was acceptable, they did say that the two
The existing season was established in 1996, following court action in a suit of Ninilchik Traditional Council when the Board, at that time, established customary and traditional use for Ninilchik, Port Graham, Nanwalek and Seldovia and then after that C&T was determined, the Board provided for a harvest season with that two day priority. The concern at the time that was expressed in the transcripts is that the subsistence season may conflict with the current State archery season.

The Federal season that we currently have in Units 15(B) and 15(C) are from August 10th to September 20th, so this proposal would make the season consistent throughout Unit 15 with the exception of the Skilak Loop Management Area. We're recommending a harvest limit of one antlered bull with spike-fork or 50-inch, three brow-tine restriction. I'd also like to note that under the current season, Federal subsistence season, that two day advance, there has been no moose harvested under this regulation. There's been four hunters who have reported participating in the hunt, but no harvest.

As far as the population of the herd, the management goal by the Department is 3,600 moose with a 15 bull per cow ratio within the Refuge on Federal land. The management objective is 25 bulls per 100 cows. The current population information that we have on the herd is from 1998 in the most recent surveys taken and at that time the bull/cow ratio was 30 bulls per cow [sic] so it meets both the State and Federal objective and the population itself was between 20 and 2,500 animals, somewhat below the State objective. However, we've had two pretty mild winters here recently so we expect the population to have increased and be pretty close to what the population objective is.

The effects of this proposal to provide this eight additional days to qualified Federal subsistence users depends upon the Board's action on Proposal 49 which is a C&T proposal. For one thing, though, it does eliminate what appears to be an unnecessary restriction and it would make all of Unit 15 consistent with the same season. If the Board does not approve Proposal 49 to provide customary and traditional use Kenai Peninsula residents of moose, then this would basically have no effect. That average of four hunters participating will probably have a minimal effect on the population. However, if Proposal 49 is approved, there is a potential there that
up to 1,200 additional hunters would participate in the Federal season. Now, those would be more likely 1,200 hunters that are currently participating in the State season but if they have customary and traditional use they would have the opportunity to begin hunting early on the August 10th date under the Federal regulations so there's a potential there for those 1,200 hunters to be in conflict with archery hunters in the State's season that's currently taking place. Again, those would not be additional hunters, those would be the same hunters that are currently participating in the State, they would just be hunting earlier.

That concludes the presentation.

CHAIRMAN DEMIENTIEFF: Summary of written public comments.

MS. WILKINSON: Yes, Mr. Chairman. The Central Peninsula Advisory Committee supports this proposal. Since the State allows a special archery season to begin at that time, subsistence hunting should be allowed. This proposal will also align the subsistence season in all portions of Unit 15.

Mr. Art Copoulos, a part-time resident of Hope supports the proposal because opening the season earlier will avoid confusion with subsistence hunting.

Mr. Rod, I don't know how to pronounce his last name, Chiappone and Mark Drizer, Robert Wall and Jerry each sent in comments opposing Proposal 50. They expressed concern that the meat will spoil so early in August. They're also opposed to moose hunting in August altogether. One gentleman recommended a late season hunt instead. Mr. Kizer said he would rather see a late season hunt every year, excuse me, a late season hunt every other year rather than an annual early August season.

Thank you.

MR. HAYNES: Mr. Chairman, the Department recommends that action be deferred on this proposal until the Board acts on the Kenai rural request for reconsideration. Action is being deferred on two other Kenai Peninsula proposals until the Board acts on that request for reconsideration. We think it's appropriate to do the same with this proposal as well.

As Mr. LaPlant has pointed out, if the
entire Kenai Peninsula retains its rural status and if a
C&T determination is made in Proposal 49 it substantially
increases the number of hunters eligible for this hunt.
The additional hunting opportunity early in the season
creates a very new and different situation and we believe
that it's important to analyze the effects of this
proposal, we need to know very clearly whether or not the
current four communities will be the eligible hunting
population or whether maybe all Kenai Peninsula residents
will be eligible. It's not just a matter of the same
hunters shifting to an early season and the effect being
the same. We think that there's some other dynamics that
may well occur in having a large number of hunters in the
field early in the season and that has effects for the
remainder of the season.

So we feel we'd be in a better position to
analyze the effects of this proposal if we knew for certain
what the eligible user population was going to be.

Thank you.

CHAIRMAN DEMIENTIEFF: Keith.

MR. GOLTZ: Mr. Chairman, with all respect
to Dr. Haynes, one of the things we can't do on this
proposal is defer. We have told the U.S. District Court
that we would be acting today and I have told the
Department of Justice that I would be reporting at the end
of this week as to what this Board did.

CHAIRMAN DEMIENTIEFF: There are no
additional requests for public testimony at this time.
Regional Council recommendation.

MR. LOHSE: The Regional Council supports
this proposal. We felt that the 10 days would probably be
adequate to meet the requirements. We're hoping, I guess,
that it is. And we recognize, you know, that it could be
the whole Kenai Peninsula because we're the ones the
submitted that the whole Kenai Peninsula be rural. We did
not change the antlered bull, spike-fork 50-inch, three
brow-tines and so the same animals will be eligible for
being taken from August 10th that are eligible to be taken
all the way to September 20th; and there's only a certain
amount of those animals anyway.

CHAIRMAN DEMIENTIEFF: Thank you. Staff
Committee recommendation.
MR. THOMPSON: Mr. Chairman, the Staff Committee recommends the Board adopt this proposal as recommended by the Southcentral Council. The reason we recommend this is that the action would align the season with the harvest seasons in Units 15(B) and 15(C) to minimize subsistence user confusion and eliminate what appears to be an unnecessary restriction.

The moose population in Unit 15(A) is stable and near carrying capacity of the habitat. The antler restriction contained in this proposal should provide adequate protection from overharvest of breeding age bulls. The proposal is anticipated to have no significant impact on the total moose harvest in this unit and is consistent with the conservation of healthy moose populations. Most, that is 80 to 85 percent of the State general season hunters are local residents. In the event that these individuals become eligible Federal subsistence users through the approval of Proposal 49, they will have the opportunity to harvest moose earlier in the season. The total number of participants and moose harvested in Unit 15(A) should not increase.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Is there any deliberation on this issue from Board members, Regional Council.

MS. GOTTlieb: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTlieb: Well, taking a cue from Chairman Thomas, I think eliminating confusion is good and being consistent's even better. So I think this is a good suggestion here, appreciate it.

CHAIRMAN DEMIENTIEFF: Other discussion.

Gary.

MR. EDWARDS: Mr. Chairman, Council certainly clarified any lingering doubts that I might have and I'm prepared at this time to make a motion.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. EDWARDS: I move that we adopt Proposal 50 as recommended by the Southcentral Regional Council and the Staff Committee. It's been stated on several
occasions, the adoption of this will align the season dates
with those of Units 15(B) and 15(C) and hopefully it will
provide a meaningful preference to subsistence that are
consistent with the guidelines from the court decision.

CHAIRMAN DEMIENTIEFF: Thank you very much.
There's a motion, is there a second?

MS. GOTTLIBE: Second.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

That's it for Southcentral.

MR. BOYD: That's it.

CHAIRMAN DEMIENTIEFF: Okay. I think while we shift gears into Southeast, we'll go ahead and take just a real brief break if you guys want to stand up and stretch and we'll get our Staff changed around.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: We'll call the meeting back to order. Is Gloria Stickwan or Carl Pete here yet? Before we start into Southeast, I did get a couple of late requests for a couple of people to offer public testimony on Southcentral proposals and so at this time we'll allow them to testify and then we'll begin deliberation of the Southeast proposals. Gloria Stickwan.

MS. STICKWAN: My name is Gloria Stickwan. I work for the Copper River Native Association. I just want to make comments on Proposals 12 and 44. We support the consensus. Proposal 41, we support that consensus. Proposal 48, we support that, too. I wanted to make comments on Proposal 7 but it's already done with now.
CHAIRMAN DEMIENTIEFF: Okay, thank you very much. Carl Pete.

MR. PETE: Hello. My name's Carl Pete. I'm sorry that I was late this morning. It's an honor to give my testimony to all of you. It's on Proposal 7, I'm here to give public testimony on Proposal 7 by Wayne Crowson. I am opposed to eliminating the winter hunt or to change the hunt to bulls only. The subsistence users who hunt in Unit 13 on Federal public lands will not cause in that first impact up on the caribou herd. The Alaska Board of Game at the last Board of Game meeting did not change this hunt. And the Federal subsistence hunt in Unit 13 should not be changed. We want to keep it as it is.

The caribou herd may be on the decline but it's not due to Federal subsistence users taking the caribou. It is mostly the wolves and the brown bears that are taking the calves of the caribou as well as the urban hunters. So we would like to please leave Unit 13 caribou hunt as it is under the Federal subsistence management.

I'd like to thank you all for listening to me. I also forgot to tell you that I'm from the Native village of Klutina, and I'm the Chairman of the shareholders of that village. Thanks.

CHAIRMAN DEMIENTIEFF: Thank you. Again, before we go too far, I'll remind everybody that wants to testify, the blue request to testify cards are available at the table immediately outside the door of the meeting room.

With that, we'll move into Southeast regional proposals. One proposal on the consent agenda, that being Proposal No. 5, and at this time, we'll consider wildlife Proposal No. 103 and we'll call on the analysis from Dave.

MR. JOHNSON: Mr. Chair, Board, for the record my name is Dave Johnson. The proposal was submitted by the East Prince of Wales Advisory Committee and requests the elimination of the antlerless deer harvest in Unit 2. Unit 2 includes the area of Prince of Wales and the several smaller islands adjacent to Prince of Wales. This proposal has been around for several years. It's come before the Board almost every year in recent past. The existing population based on harvest data and based on deer pellet transect data collected indicates there is no conservation concern for harvest of the antlerless deer.
That concludes my presentation.

CHAIRMAN DEMIENTIEFF: Okay, thank you.

Summary of written public comment, Fred.

MR. CLARK: Thank you, Mr. Chairman. For the record my name is Fred Clark. There was one written public comment for this proposal, it's in support of the proposal from Gretchen Goldstein of Point Baker who writes on behalf of the Sumner Strait Fish and Game Advisory Committee. The Sumner Strait Fish and Game Advisory Committee believes that the deer population on Prince of Wales Island has declined to the point of not being able to support a hunting season.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: Mr. Chairman, the Department supports adoption of this proposal. We believe the overall stability of the deer population in Unit 2 demonstrates the effectiveness of the existing State management strategy in the current season and bag limit. We support elimination of the antlerless deer season in Unit 2 and consider limiting harvest to antlered deer only as being important for providing long-term sustainable deer harvest in Unit 2. Doe harvests are appropriate when the management objective is to reduce deer numbers due to inadequate or limited habitat, that is, when carrying capacity has been reached or exceeded.

The Unit 2 deer population is below the carrying capacity of the available habitat while recruitment and survival rates are high. In Unit 2, does are taken in easily accessible roaded areas and can affect local populations. For example, harvesting 300 does along the road system may not be critical to the well-being of the overall Unit 2 deer population but this level of harvest can substantially affect localized populations.

The areas most affected by this local reduction in deer numbers are the same areas where local residents traditionally hunt for bucks. If each of the 300 harvested does in this example produced an average of 1.5 fawns, the local population has effectively been reduced by 750 deer over a two year period. If we extend these numbers out for several more years, the number of deer that never enter the population because of the doe harvest rises
Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. We have no request for public testimony at this time. Regional Council recommendation.

MR. THOMAS: Thank you, Mr. Chairman. Can we bring the map of Region 2 back up there? Okay, everything you're hearing references Unit 2. In reality, the reference areas, if you draw a line between Klawock and Thorne Bay and go north to Point Baker, that is the concentrated area of the harvest that's taking place. That's also an area that has been heavily logged for the last 50 years. The habitat has been destroyed. The watersheds have been destroyed. And so there are a lot of contributing factors to the populations and in spite of all that, there's no conservation concerns.

The references you're hearing does not include any of those other islands that you see adjacent to Unit 2. And those islands are very sizeable, like Dall Island there, Dall Island is almost 50 miles long. Prince of Wales, itself, is 150 miles long and 50 miles wide at its widest point. And with the advent of logging having been curtailed, the roads that were built to do the logging created more access to the alpine area. Okay, now, those roads are growing with alders, they're not being maintained. There's an outcry from the same people that wrote this proposal to clear those roads so they can hunt some more, but that's not happening.

So you never got a good true picture of what Unit 2 was being expressed here. And it's been mentioned that there's no conservation concerns, that the biological support for that proposal is just nonexistent. This is about the seventh time it's been submitted. Every year that goes by, we deal with the same proposal. At one point it was brought to our attention that the levels of populations were in jeopardy. We recommended instituted .804 and in a matter of months, the population went from nonexistent to an over abundance. And so our recommendation to apply restrictions designed by Title VIII weren't used.

So giving you some of that history, the Regional Council opposes this proposal.

Thank you, Mr. Chairman.
CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee recommendation.

MR. THOMPSON: Yes, Mr. Chairman, the Staff Committee recommends the Board reject this proposal as recommended by the Southeast Council. The reasons for our recommendation is, again, the deer population Unit 2 is stable and at a healthy level. The antlerless deer harvest has not had a significant impact on the overall deer population. The antlerless Unit 2 will be evaluated on a regular basis and adjusted, if necessary, during those years with severe winter snowfall.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Board discussion and/or Regional Council discussion. Is someone prepared to make a motion at this time?

MS. KESSLER: Move to reject the proposal.

CHAIRMAN DEMIENTIEFF: There's a motion to reject, is there a second?

MR. EDWARDS: Second.

CHAIRMAN DEMIENTIEFF: Discussion on the motion.

MS. GOTTLIB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIB: I do agree that this has come up several times before. I support what the RAC is saying, especially keeping in mind that we can evaluate and make adjustments as necessary.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.
With that we'll move on to wildlife Proposal No. 4, Staff analysis.

MR. JOHNSON: Mr. Chair and Board, Proposal 4 was submitted by the Forest Service to remove the provision for taking ungulates from a boat in Unit 4. If you look at the map you'll see where Unit 4 is located. It takes in the ABC Islands, or what's commonly referred to as the ABC Islands, Admiralty, Chichagof and Baranof.

The current regulation, 36 CFR, Section 242.25(k)(4)(3)(a), specifically allows subsistence users to shoot ungulates from a boat in Unit 4 but the regulation does not apply to the marine waters of the Tongass National Forest, Section 242.3(b)(28). Since subsistence users in Unit 4 shoot ungulates from boats in marine waters only, this Federal regulation fulfills no purpose.

Furthermore, the State is prosecuting or at least has prosecuted one hunter who was shooting from a boat in marine waters because there currently is a State regulation which prohibits that practice and the State asserts jurisdiction in marine waters.

Just a brief discussion, Mr. Chair. The current regulations permitting ungulates from a boat has been in place since 1994 and the Federal Subsistence Board's intention, I believe, based on the record, was that they wanted to provide shooting from a boat in marine waters because that was a traditional practice in Southeast. This was also in response to the State's regulatory restriction of harvesting deer from a boat which has been in place since 1972. Currently Units 1 through 5 are the only ones in the state that shooting ungulates from a boat is not permitted. In 1999 the Federal Subsistence Board excluded the marine waters of the Tongass from the application of the Federal regulations concerning subsistence because that's when we took jurisdiction in fisheries.

That includes my analysis, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Summary of written public comments.

MR. CLARK: Thank you, Mr. Chairman. There was only one written public comment for this proposal. Zeb Strong of Tenakee Springs, Alaska writes in opposition to this proposal stating that the existing regulation reflects the reality of how subsistence users harvest ungulates and
that banning shooting from a boat would probably not affect how people hunt for meat.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. State comments.

MR. HAYNES: Mr. Chairman, the Department supports this proposal. Adoption of the proposal would align the State and Federal regulations and eliminate the current confusion that exists due to differences in the State and Federal regulations. This action also would reduce the likelihood of Federally-qualified subsistence hunters being cited in violation of State regulation.

I should note that the Board of Game will consider a similar proposal at its January 2002 meeting in Juneau. So we think it's important to keep the State and Federal regulations aligned until such time that the State Board of Game would have an opportunity to look at this issue and consider making changes.

Thank you.

CHAIRMAN DEMIENTIEFF: We have no additional requests for public testimony at this time.

Regional Council recommendation.

MR. THOMAS: Thank you, Mr. Chairman. The Southeast Regional Advisory Council opposes this proposal. A motion to pass to amend the proposal included some provision shall extend marine waters as an exemption and the exclusions stated in 36 CFR 242.3(b)(28). The rationale. The word, take, refers to where the animal is standing not from where the hunter is shooting.

Testimony presented documentation that regulation to allow hunting deer from a boat is necessary to prevent interference with the Native way of life and cultural identify. The testimony documents that the regulation to allow hunting deer from a boat is necessary to prevent the loss of an important means of acquiring subsistence foods. There are three legal foundations for jurisdiction to extend this for, concurrent, there's a Federal interest in deer standing on Federal land. If the person shooting the deer is on State water, the State has an interest, too. So there is a shared interest in a shared jurisdiction. Exclusive, of not defining the original boundaries of the Tongass shows that boundary
extending miles into marine waters. Extraterritorial, in
order to protect customary and traditional hunting and
fishing, this regulation extends into marine waters to the
extent necessary to protect a Federal right.

    But anyway, we oppose this proposal and
there's been much more discussion about it. That concludes
my comments, Mr. Chairman, thank you.

    CHAIRMAN DEMIENTIEFF: Terry, I should ask
the question, what date did you say the Board of Game was
going to take up the ungulate issue?

    MR. HAYNES: Mr. Chairman, I believe the
Board had originally recommended taking this up at its fall
meeting in Kotzebue but then a change was made, I was told,
to take it up at the statewide meeting in Juneau since it
would be appropriate to discuss that issue closer to the
area that's affected by the proposal.

    CHAIRMAN DEMIENTIEFF: And when would that
be again?

    MR. HAYNES: Next January.

    CHAIRMAN DEMIENTIEFF: This coming January,
okay, I just wanted to clarify that.

    MR. HAYNES: Mr. Chairman, if I'm in error
I will get back to you but I believe this was a change that
was made after the Board acted on setting that date at its
last meeting.

    CHAIRMAN DEMIENTIEFF: Okay. Staff
Committee recommendation.

    MR. THOMPSON: Mr. Chairman, the Staff
Committee recommends the Board defer this proposal. While
recognizing that the Southeast Council recommendation was
to oppose the proposal, the Staff Committee recommends a
deferral. The State Board of Game, as you've heard, will
convene apparently now next January to consider an
identical proposal. If the Board of Game adopts the
proposal, the problem of confusion about State and Federal
regulations would be eliminated.

    Thank you.

    CHAIRMAN DEMIENTIEFF: Okay, with that
we'll advance this on to Federal Subsistence Board
deliberation, Regional Council discussion before we move on.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: I guess I'm trying to understand, I guess two things. What are sort of the on-the-ground implications of deferring it and two, what then if, in fact, when the Game Board does meet in January, they consider to continue to support it, what are the on-the-ground implications of that and then what further action, you know, by deferring it would be coming back to the Board and what does it all mean?

CHAIRMAN DEMIENTIEFF: Ken.

MR. THOMPSON: Yes, Mr. Chairman and Dave, help me, but where we had considered the Board of Game addressing the shooting from boat issues, next fall, I believe we would still, depending on how quickly the Board could, our Board could react to whatever action the Board of Game took, may or may not be able to take advantage of the shooting from boats next season, you know, under our regulations.

Either way, though, it's contrary to our regulations as the regulations stand. So I would say the effect of it being January instead of November probably doesn't make a whole lot of difference. Now, how soon after it would be taken up by the Board after the January meeting, I think that's up to the wishes of the Board, it could probably be fairly immediate but, of course, the next opportunity would be the following fall or when the next deer season would be. The other question you had Gary?

MR. EDWARDS: Well, you know, if the Board maintains it and we continue to have this difference, I mean I thought that's what we were trying to address and I'm just unclear. If the Board takes up the proposal, you know, they can either go one way or the other and what are the implications of either of those decisions. And then where does that leave us and what action would be coming back to us to address?

MR. THOMPSON: Well, technically, if the Board of Game maintains their current regulation, making itillegal to shoot from boats, regardless of what they do, our regulations as they are now, as we interpret
our jurisdiction, it would remain illegal as it currently
is and we're simply trying to clarify the regulations so
that we don't have a confusing set of regulations to the
users out there.

So unless we were to change our
interpretation of jurisdiction, we would not be
entertaining a -- legally I don't think we'd be
entertaining a proposal to allow for shooting from boats.

CHAIRMAN DEMIENTIEFF: Other discussion.

MR. THOMPSON: Dave has a comment.

CHAIRMAN DEMIENTIEFF: I'm sorry, Dave.

MR. JOHNSON: Mr. Chair, normally I don't
disagree with my boss, however, in this particular case
deferring to the Council, I believe that most of the
harvest of deer in Unit 4 occurs during the month of
January when the deer have moved down to the beach. And so
historically, a lot of the deer are taken at that time.
And so by deferring, it may raise some questions with
regard to the users and, again, I would defer to the Chair
or the Council on that.

CHAIRMAN DEMIENTIEFF: Bill, do you have
additional comment?

MR. THOMAS: Some of what Mr. Johnson said
is true, is that some hunting occurs in January. But I
don't recall what the seasons are in that particular unit.
But it was brought to us on many occasions that for
subsistence purposes, that that was the preferred time for
harvesting. So that's all I would have to add to Mr.
Johnson, thank you.

CHAIRMAN DEMIENTIEFF: Ida.

MS. HILDEBRAND: Thank you, Mr. Chair. Ida
Hildebrand, BIA Staff Committee member. It failed to come
up in the discussion but at the Regional Council meeting in
Southeast, the Council passed a resolution in opposition to
removal of this Federal regulation. They stated they
wanted the Federal regulation to remain and that the
Federal Board was obligated by Title VIII to protect the
subsistence practices of the local people and shooting deer
from a boat is a local practice that also occurs in Federal
waters.
CHAIRMAN DEMIENTIEFF: Yes.

MS. KESSLER: Yes, I just want to clarify that in making this proposal it was our intention to continue recognizing shooting from boats, as a traditional and efficient practice. It's not the intention to in any way discourage that, but rather the focus was on this program of appearance in the regulations that we are authorizing that which we felt placed hunters at risk for prosecution.

Ultimately what we desire is to have this traditional practice fully legal. The most direct way to bring the regulations into alliance with the State is our preferred approach which is to work with the Board of Game and have the change made there. In view of that and many excellent discussions took place at the Council meeting, I much more fully understand the Council's reasons why they have a concern about changing the regulation, why they have a concern about this proposal. Although we would hope the Board of Game would have brought this up in November, the fact that they are choosing, instead to bring it up in January, still leads me to believe that the best way to act on this would be to defer it so that we can take the preferred route of resolution as our first case and proceed with that.

MS. GOTTLIEB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: As I recall from the Southeast RAC meeting, there was also agreement that a representative from that Council would then attend the Board of Game meeting and convey their position.

CHAIRMAN DEMIENTIEFF: Bill.

MR. THOMAS: Thank you, Mr. Chairman. That's correct. Although I would really draw your attention to the summary of written public comment by Zeb Strong of Tenakee Springs. That's a very brief statement but that's the sentiments of the subsistence hunters. This is going to continue on whether the regulations align or not.

Thank you.

CHAIRMAN DEMIENTIEFF: Mr. Clark.
MR. CLARK: Thank you, Mr. Chairman. One additional point came up during the Regional Council meeting that I think gets to one of Gary Edward's questions and is important to have on the record. That's that the customary and traditional users in Unit 4 fully understand that it's not legal to hunt deer from boats under the Federal regulations and under the State regulations except for from freshwater. And it was our understanding going into the Regional Council meeting that essentially all of the hunting took place in marine waters from boats but it became apparent at the meeting that people do take their boats up into the mouths of rivers and streams and shoot deer from there. So taking this regulation away, even the way it's written now, would mean that they could no longer practice shooting deer from boats from freshwater which is an existing customary and traditional practice.

Thank you, Mr. Chair.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: With that said, could one modification be to write it in such a way that it acknowledges the right to shoot from a boat in freshwater but doesn't acknowledge the right to shoot from a boat in marine water?

MR. THOMAS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. THOMAS: This whole thing, I guess, just for the peace of mind of people that don't understand this practice. I haven't seen any biological support for supporting this. Confusion is a part of life. I mean you got a room full of confusion here and we're trying to prevent confusion from people that are going to read the material we develop. But to try to consider making cultural practices of providing for themselves legal or illegal is irrelevant within the community.

Thank you.

CHAIRMAN DEMIENTIEFF: Let me see, the State has decided not to prosecute the one case; is that correct, at this time? Did I hear that, Terry do you know? Anybody?
MR. HAYNES: Mr. Chairman, I don't know.

MR. JOHNSON: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. JOHNSON: My understanding was that the
individual was prosecuted but was acquitted. I don't know
the nature of why there was an acquittal but there was one
prosecution under the State system.

CHAIRMAN DEMIENTIEFF: Any other
discussion. Bill, do you an idea of how many different
people utilize this practice?

MR. THOMAS: There wouldn't be as many that
are in this room. Not very many because this is a practice
that was used by earlier generations. And it's a skill
that was developed a long time ago. There were no
boundaries, there was no ownership, there was no legals,
there was nothing illegal. Whenever the opportunity
presented itself, people harvested. The strongest argument
against this was the mortality, the potential mortality
rate. But the rationale that people of this area use, if
you can shoot a seal on the high seas, you're not shooting
from a stable platform, you're shooting from one wave when
your target's on another wave and you only get one shot,
and you never go home without a seal. So what's the
problem from shooting deer from a boat?

So it's a waste of a lot of good time and
energy. Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Any other
discussion. If not we're ready for a Board motion.

MS. KESSLER: I move to defer this
proposal.

CHAIRMAN DEMIENTIEFF: There's a motion to
defer, is there a second?

MR. BUNCH: I second it.

CHAIRMAN DEMIENTIEFF: It's been moved and
seconded to defer this proposal. Discussion on the motion.
Let me just clarify, I think I'm going to vote to oppose
the motion at this time based on the fact that, you know,
we could jeopardizing our mandate by limiting subsistence
opportunities. Now, granted, we've been over this trail
many times, our mandate differs somewhat from the mandate of the State of Alaska currently. But we have a job to do and for no apparent biological reason, certainly there has not been significant risk to subsistence users, but it can be an educational item in terms of educating the limited number of hunters that utilize that practice. And with significant effort, or not with significant, but with effort on our part as well as the State of Alaska, we can clarify exactly where their standings are if these are the only people that we're talking about doing it.

Certainly although there's been a lot of confusion in this room we're getting very well educated on this issue and it can be done. And so for those intents, I intend to oppose the proposal to defer, and let the State do as it may, because in my estimation we're not putting subsistence users at risk but we are limiting by deferring this proposal pending that.

MR. EDWARDS: Mr. Chairman, it's my understanding if, in fact, we would vote to defer the regulation would stand as is, which, in fact, would it not continue to allow the practice of shooting from a boat?

CHAIRMAN DEMIENTIEFF: Well, I guess let me clarify that. I understand that that would be the condition. But then, you know, basically it leaves the door open which certainly doesn't limit somebody from turning in a new proposal. But in continuing a regulation that allows this practice, without, you know, having this proposal hanging over the head more or less, I guess, of the subsistence user. You know, that's the question as far as I'm concerned. I think our mandate is very clear, and I'm just willing to stand by my own personal decision to oppose the proposal and be done with it.

Further discussion.

MS. KESSLER: Just to clarify that, what it will do is continue to allow, if we defeat this, continue to allow shooting from boats in freshwater but there was only ever the appearance that it authorized shooting from saltwater, it didn't really -- so in that respect that wouldn't change.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. THOMAS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.
MR. THOMAS: Is it permissible for Regional Council comments.

CHAIRMAN DEMIENTIEFF: Go ahead, Bill, I'll call upon you.

MR. THOMAS: You brought out an important point in the responsibility of this Board. The responsibility you find very clearly in Title VIII. And this is what is meant by providing a priority for people that have been identified and to defer is not taking appropriate action.

Thank you, Mr. Chairman.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign. Aye. Motion carries. We now move on to Proposal 6.

MR. JOHNSON: Mr. Chairman, Board. Proposal 6 was submitted by Patricia Phillips.

CHAIRMAN DEMIENTIEFF: We'll call on the analysis.

MR. JOHNSON: I'm sorry.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. JOHNSON: Thank you. Proposal 6 was submitted by Patty Phillips of Pelican. It requests an extension of the marten, mink and weasel trapping season on Chichagof Island in Unit 4. Changing it from December 31st as the end of the season to February 15th to align it with the existing State season. It would allow trappers to harvest hides when they're prime and also would align it with the rest of Unit 4.

An additional issue that was identified is that the current ban on use of motorized vehicles on Chichagof for marten, mink and weasel trapping is more restrictive under Federal subsistence regs than under the State subsistence regs. Removing the special provision would allow for increased opportunity for harvest of those three furbearers.
If you'll look at the map, the area up around the northeast portion where you see Hoonah, the white portion is on Native lands. If you draw a line basically from just slightly to the east of that arrow and down, basically that whole block up there of green that's separated by white is the special controlled area of Chichagof.

The existing biological information indicates that marten populations in Unit 4 are healthy and that they're also cyclical in that they go up and down with the availability of prey species. In the early '90s is when the marten population declined on the northeast Chichagof area and it was at that time when the road restriction was put into place. Recent information for the 1999 and 2000 season indicate that marten populations are up, however, there was a concern identified that marten populations in proximity to roads can be locally depressed.

Basically the effect of the proposal will still allow for the conservation of marten mink and weasel while increasing the opportunity as well as eliminating the confusion over two different sets of regulations in terms of the season and also would make it less restrictive for the subsistence user.

That concludes my analysis Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Written public comments.

MR. CLARK: Again, there was one written public comment for this proposal. Zeb Strong from Tenakee Springs writes in favor of Proposal 6, stating that a longer season for mink, marten and weasel might result in a decreased population for these animals allowing the birds in the area to recover their numbers.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: We've made some revisions to our comments that appear in your meeting materials to try to clarify exactly what our position is. The Department supports adoption of a modified proposal. We're concerned that lengthening the trapping season by one and a half months for marten, mink and weasel in the northeast Chichagof Controlled Use Area on Chichagof Island in Unit 4
might result in overharvest of the marten population there. Although mink and weasels are generally non-targeted species in Unit 4, these two species are usually taken with marten sets. Consequently where mink and weasels are targeted, the extended season for these two species would likely result in significant marten by-catch.

We agree the current harvest levels probably have little effect on unitwide marten populations but in localized areas, a high percentage of the available marten could be taken.

The Department has no biological data to support the assertion that "marten, mink and weasel populations are plentiful," in Unit 4, but we do know that vole populations, the primary prey fluctuates significantly from year to year. The proposal also suggests the pelt quality is best at the end of December and in January and February. Pelt primary is a function of day length and we believe there is no difference in fur quality from December through February. Early December marten and mink pelts examined by our Sitka area wildlife biologists are fully prime. However, mink pelts can get a singed appearance in late January and February which reduces their value on international markets. This apparently is not a factor with marten pelts that are taken in January and February.

The Department supports retaining the December 1 through 31 marten, mink and weasel trapping seasons in the northeast Chichagof Controlled Use Area and extending the closing date of February 15 for the remainder of Chichagof Island and the remainder of Unit 4. In doing so, we note that this action would result in consistent State and Federal seasons throughout Unit 4.

Thank you.

CHAIRMAN DEMIENTIEFF: We have no request for public testimony from the floor at this time. Regional Council recommendation.

MR. THOMAS: Thank you, Mr. Chairman. Southeast Regional Council recommends to support the Staff modification of the proposal to change the hunting and trapping season for marten, mink and weasel in Unit 4. Extending the length of the season would provide more subsistence opportunity on healthy populations and allow for the take of pelts when more of them are in their prime.

That's the end of our recommendation.
Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. THOMPSON: Mr. Chairman, Staff Committee, like the Council just suggested, we urge the Board to adopt the proposal as modified and as recommended by the Council. So the regulation would be to include marten, mink and weasel in all of Unit 4, December 1 through February 15. Justification of the modified proposal will provide subsistence users the opportunity to harvest marten, mink and weasel when pelts are in prime conditions. It will also provide consistency in the seasons between Federal and State regulations in Unit 4 except in the Controlled Use Area allowing the conservation of marten, mink and weasel populations.

Thank you.


MR. EDWARDS: Mr. Chairman, just to clarify, Ken, so we're not asking for any change in the Controlled Use area, in other words we're not being asked to rescind the restrictions on motorized land vehicles, you know, for taking of marten, mink and weasels?

MR. THOMPSON: Mr. Chairman, if I may. No, I believe the difference that remains between us and the State is the season length. I think, maybe you could correct me if I'm wrong, but I think the State season is December 1 through December 31 where we're recommending the additional six week period. But no, there's no recommendation regarding the use of motorized vehicles.

CHAIRMAN DEMIENTIEFF: That is correct, Terry?

MR. HAYNES: Yes, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Okay. Any other discussion. We're ready for a motion at this time.

MS. KESSLER: Mr. Chair, I move to adopt the modified proposal as recommended by the Southeast Alaska Regional Advisory Council.

CHAIRMAN DEMIENTIEFF: Is there a second to
that motion?

MS. GOTTLIEB: Second.

CHAIRMAN DEMIENTIEFF: Moved and seconded.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

With that we complete our work in Southeast.

MR. THOMAS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. THOMAS: Region 1 would like to thank the Board for their participation in this, thank you very much.

CHAIRMAN DEMIENTIEFF: With that we'll go ahead and take another brief break while we change Staff for the Kodiak/Aleutians.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: We'll go ahead and call the meeting back to order. With that we'll move into the Kodiak/Aleutians region with our first proposal being wildlife Proposal No. 01-13, and with that we'll call on the analysis. Is that going to be you, Dave?

MR. FISHER: Thank you, Mr. Chairman. For the record my name is Dave Fisher. I work in the Office of Subsistence Management. This proposal was submitted by Della Trumble from King Cove and what this proposal would do would establish a brown bear subsistence harvest season for those Federal public lands in Unit 9(D) and Unit 10, Unimak Island. It would be one brown bear by Federal registration permit. The proposed seasons would be October 1st through December 31st and the spring season would be May 1st through the 25th. The Federal public lands
involved here consist of the Izembek National Wildlife
Refuge.

The current estimated brown bear population
for Unit 9 is around 6,000 animals. Overall this
population is stable. The Unit 9(D) population estimate is
around 900 bears. Unit 10, Unimak Island population
estimate is somewhere around 200 to 250. In both areas the
population is considered stable. Over the years, 90s
averaged approximately 45 bears harvested in the fall and
65 in the spring. Unimak Island has averaged harvest about
eight animals, eight bears per year.

What this proposal would do would establish
Federal subsistence harvest seasons for hunting on the
Izembek National Wildlife Refuge in 9(D) and also Unimak
Island. The proposal, as modified, would add ceiling
requirements as established by the Federal Subsistence
Board for other brown bear management areas, and also the
spring seasons would be aligned with the current State
regulations.

As discussed at the Staff Committee
meeting, we may need to establish a separate brown bear
management area for 9(D) and Unimak Island.

That's all I have Mr. Chairman, thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Summary
of written comments.

MS. CHIVERS: Thank you, Mr. Chair. For
the record my name is Michelle Chivers. We received two
comments. We have one comment in opposition from Henry D.
Tiffany, IV, who is a professional guide from Esther. He
writes in opposition of Proposal 13 because he believes it
is unnecessary as the existing State regulations already
allow brown bear hunting.

The second comment is from the Aniakchak
National Monument SRC. The SRC supports this proposal as
submitted by the proponent. While the game units are
outside the Aniakchak Monument and Preserve, Unit 9(D)
 borders the Monument and Preserve. The SRC feels strongly
that a subsistence season be added for the residents of
Units 9(D) and 10.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. State
MR. HAYNES: Thank you, Mr. Chairman. The Department supports this proposal with modification. We support establishment of a Federal registration permit hunt for brown bear in Units 9(D) and 10 as requested in the proposal. However, we request that the permits specify that any hides to be removed from the area be sealed by the Fish and Wildlife Service in Cold Bay at which time the front claws and skin of the head must be removed to destroy trophy value.

We also request that if a brown bear management area is adopted in the context of this proposal, that it clearly state that only Federal public lands are included in the management area. We further recommend that if such a management area is adopted, that its provisions resemble as closely as possible those of the State's Chignik Alaska brown bear management area in Unit 9(E).

To add to our comments, we handed out a new Proposal 13 specifying some language for sealing and we have some problems with the recommended sealing requirements. It's suggested that Department Staff in Cold Bay be included in providing the sealing and the Department has Commercial Fisheries Staff in Cold Bay in the summer and they have their hands full doing commercial fisheries work so we're not ready to recommend that they have this additional work placed on them. We also note that King Salmon is not a transportation hub for the communities in Units 9(D) or 10 so it would not necessarily be a good advantage to include King Salmon as an alternate sealing site.

So with those caveats we do support some aspects of this proposal.

CHAIRMAN DEMIENTIEFF: Thank you. We have no request for additional public testimony at this time on this issue. Regional Council recommendation.

MS. TRUMBLE: Thank you, Mr. Chair. A couple of items I'd like to bring forth. First of all, in our meeting in Old Harbor and discussing this, we have a problem with the issue of the sealing. There's two things here that basically says that the time the front claws and skin of the head be removed to destroy trophy value. The whole purpose of us wanting us to do this is to bring back, not only the practice of harvesting a bear for subsistence but to also use the skin of the bear for dance purposes,
which is that we would like to have it sent out to taxidermist, brought back to the community so the King Cove Aleut dancers can use this as part of their dance group. In reference to this, Paul Gunderson who is from Nelson Lagoon stated that the intent of the hunt is that a lot of those parts and pieces of the animal have been used in traditional dances and decorations. That was the intent of taking the animal in the first place. By taking those away it nullifies the purpose. It's our understanding that Kodiak also has a subsistence hunt and Al Cratty from Old Harbor, when asked what their practice was in regard to this, he stated that it was part of their requirements and that they had thrown it out because of traditional and cultural practices.

There is someone from ADF&G in Cold Bay that does the sealing during the State hunts. And I don't see a problem with that sealing being done but we do have a problem with removing and retaining the skin and the front claws. The whole idea is if there are trophy hunts in place already by the State, and if that was our intention we could have done it under those guidelines.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. O'HARA: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, go ahead, Dan.

MR. O'HARA: Excuse me, I have a question, are you under Chairs now or something else?

CHAIRMAN DEMIENTIEFF: We're just going to hear the Staff Committee recommendation and move onto that. Go ahead.

MR. BOS: Thank you, Mr. Chair. The Staff Committee recommends the Board adopt the proposal as modified consistent with the recommendations of the Kodiak/Aleutians Regional Council. Proposed regulatory wording has been passed around to the Board members and, I believe, to the audience. It differs from that that appears on Page 4 of your Board book. If you'd like I can read that language into the record or just proceed.

CHAIRMAN DEMIENTIEFF: Dan. Are you done?
MR. BOS: Well, I can give you the reasoning of the Staff Committee, the adoption of the proposal will establish a Federal subsistence brown bear hunting season in Units 9(D) and 10, Unimak Island. The brown bear populations in Unit 9(D) and Unimak Island are stable and capable of sustaining subsistence harvest under the proposed seasons and harvest limits. Requiring sealing of bear skins and skulls only if removed from the area recognizes local customary and traditional practices in the area and is consistent with the sealing requirements adopted by the Board for other subsistence brown bear management areas.

Thank you.

CHAIRMAN DEMIENTIEFF: Dan, I failed to realize that you guys, in fact, do have a stake in this particular issue and I should have called upon you at the same time so I apologize for that. It's this recent separation thing.

(Laughter)

MR. O'HARA: The audience hasn't a clue what you're talking about.

(Laughter)

MR. O'HARA: And we still like Della a lot.

(Laughter)

MR. O'HARA: Okay, thank you, Mr. Chair, this is fine. I figured you'd give me an opportunity to speak. I guess the concern we have is since the Kodiak/Aleutians Council met, the Bristol Bay Council has not had a chance to meet. And so I want to be careful of what I say because our Council has not addressed this issue yet and I was wondering if 9(D), does that take in the Chigniks? I don't know if we have a map that will show that or not. But while she's looking -- no, that's okay. I was just kind of wondering, the State of Alaska said that King Salmon was not a hub, part of 9(D), State of Alaska is part of that hunt area, the Chigniks is a part of the King Salmon hub. Is that right?

MR. THOMAS: It's up on the wall.

MR. O'HARA: Okay.
UNIDENTIFIED VOICE: The Chigniks are in 9(E).

MR. O'HARA: Okay, so the State of Alaska was right. And the second thing I'd like to address, Mr. Chairman, is in the past meetings, the Bristol Bay Advisory Council has gone on record stating that we do oppose this sealing type method where if it's a subsistence bear you cut the head and claws off if you want to take it out of the region, and that is just the most ridiculous thing I have ever heard in my life. It's a most discriminatory thing that Western Alaska Brown Bear Management would take a group of people and say, this guy is paying $15,000 for his hide, he can go do anything he wants with it, if I go eat the animal and try to take the hide out of the area then I'm penalized by this type of practice. Somewhere along the line this has to stop, you know. Somebody has to have a conscious here somewhere in dealing with this issue.

So the reason I mention it, Mr. Chair, is because we have already acted on this in other proposals that have come before our Council before. But I'm going to be very clear that we have not acted, Mr. Chairman, on this one.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you, Dan. We'll now move on to Board deliberations.

MR. EDWARDS: Mr. Chairman, I'm trying to reconcile what I heard from both the State and the Council. I thought the State basically supported it but had some concerns about, I guess, on having a representative always present, right now the language reads that sealing could occur by either a State or Federal representative, but I thought the State indicated that it would prefer that it would be jointly done or did I misunderstand that?

MR. HAYNES: Mr. Chairman, I said nothing about a joint -- about joint sealing.

MR. EDWARDS: So this language that says either or is fine with the State on sealing?

MR. HAYNES: I'm going to let Jeff Hughes speak to that, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Go ahead.
MR. HUGHES: Thank you, Mr. Chairman. Our contention is that we don't have any Staff in Cold Bay and our one person in King Salmon would be out of the unit and similarly, typically not available. The best way to do this would be to have Fish and Wildlife Service do it at Cold Bay.

MR. EDWARDS: You would have no problem with that?

MR. HUGHES: (Nods negatively)

MR. EDWARDS: All right. Then my other question, I guess, for the Council, what I understood is that there wasn't a problem with the sealing per se but there was a problem with not being able to keep the hide?

CHAIRMAN DEMIENTIEFF: I guess, and I don't know if you can remember this, but originally in the State process there was a lot of concern when these regulations first came into effect within the State Board of Game process, didn't want to create some kind of industry out of a sport hunt. I can certainly understand that, sport hunters coming in and then going off somewhere and selling bear claws and those kinds of things. But under our mandate, we have to recognize the traditional practices of the people in the harvest and that being an important of it. I know it is at home in Nenana, I've seen stuff, quite frankly from all over the state, different types of jewelry items, I mean all kinds of different things. It's a common practice, I believe.

But you know, the actual separation in the mandate is that the State does not want to create a little business off the side out of a sport hunt. But of course, our mandate is quite different.

Other discussion. Bill.

MR. THOMAS: Mr. Chairman, I think that the Federal Board is being asked to spread themselves too thin. Your mandate is to deal with subsistence concerns of the state of Alaska and you're not involved with the sport hunt. And so I don't see where that this Board should concern themselves with a user group that they don't even have any jurisdiction management capabilities of. And the second thing is I don't understand how we can even have a sport harvest of anything in Alaska and be worried about conservation issues and this kind of thing. It's just a conflicting situation. If you're not going to use the
resource you take for your welfare but to use it as
something like a sport hunt, and I don't understand why
it's called sporty anyway, if it bleeds, to me, it's not
sporty. So I disagree with this and I don't even know who
wrote this proposal. But I don't think that the sealing
and the removal of those parts should be supported because
it is very contrary to the traditional practices of
established subsistence communities.

Thank you, Mr. Chairman.

Ralph.

MR. LOHSE: I just have a question,
something that Della said there. Am I correct in assuming
that the way this is written that if a resident of Unit 9
or 10 takes a bear under subsistence registration permit
that they cannot send the whole hide out to have it tanned
and returned to themselves, I mean even if it ends up back
in 9 and 10? In other words, basically they're limited
from sending their complete hide out to a tannery and
having it tanned and come back whole? I mean it's not a
case of them sending it out of the area to get rid of it
and sending it out of the area, it's a case of sending it
out to have it tanned to come back into the area and they
can't do that; am I right, under this proposal?

CHAIRMAN DEMIENTIEFF: Greg.

MR. BOS: Yes, Mr. Chair, maybe I could add
a little information on a couple of points here. First,
the place of sealing, at Cold Bay, many bears taken under
State regulations are sealed by Federal Staff at the
Izembek National Wildlife Refuge headquarters in Cold Bay.
We've cooperated with the Department of Fish and Game in
helping seal bears and it'd be the Federal intent to seal
bears there if this proposal is adopted recognizing that at
times the Staff of the Department of Fish and Game,
Commercial Fisheries Division may be able to assist in
sealing bears as they do now with the State seasons. We
included King Salmon as another sealing point because the
Regional Council requested that the provisions exempting
the sealing of bears be applied to bears that are moved
within Unit 9, people share bears from Units 9(D) and 10
with other residents of Unit 9. And if bears were to move,
bear skins and parts were to move to Unit 9(C), if then
they were taken out of the unit, King Salmon would be a
more convenient place of departure for the sealing to take
place and that's why we included King Salmon. We had
consulted with Dick Sellers, the area biologist at King Salmon and he was fully supportive and would help seal bears under those provisions.

The requirement to devalue the trophy value of a brown bear in these brown bear management areas goes way back to 1991 and '92 when the Federal Board, in concert with the Department of Fish and Game, established special brown bear management areas. There were two areas established at that time, the Northwest Alaska Brown Bear Management area, the area around Kotzebue and the Western Alaska Brown Bear Management area, which began initially with Unit 18 and has since been expanded to include parts of Unit 9 and Unit 17, 19, and 21. At that time there was strong concern that some local residents would take advantage of the more liberal provisions in the Federal regulations, that is, one bear every year to basically hunt bear for trophy purposes and that concern was particularly directed to the larger communities in those areas, communities like Nome, Kotzebue and Bethel, which had residents there that might take advantage of the more liberal regulations. That provision may or may not be necessary in the Southern Alaska Peninsula where the communities are much smaller and the practices may be different, but those restrictions were acceptable to subsistence users in the Western and Northwestern Brown Bear Management areas and they worked well for 10 years and there hasn't been any strong objections raised.

We crafted this regulation to be consistent with the previous Board actions for special brown bear management areas and that's why you have that in front of you. You can deliberate whether further changes are in order.

MR. LOHSE: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Ralph, and then Ron, you're next.

MR. LOHSE: Mr. Chair, I still didn't get an answer to the question I asked, though, and that was whether a person that lives in 9 or 10 can send their hide out, because it says, you know, if they're going to have it it's not going to be removed from 9 or 10, it's going to stay in 9 and 10, can they send it out to have it tanned and have it come back to 9 and 10 without removing the skull and the claws?

MR. BOS: Mr. Chair, Ralph, no, they could
not as this regulation is worded. And that would be
similar to the provisions in those other brown bear
management areas. Residents living in those areas, a
resident in Bethel who takes a bear under the Federal
subsistence provisions cannot send the bear out of the hunt
area to have it tanned and have it returned to them without
having the skin of the head and the claws removed. He can,
however, take a bear under the State regulations, have it
sealed and have the entire skin, head and claws retained
for other purposes.

CHAIRMAN DEMIENTIEFF: Ron.

MR. SAM: Thank you, Mr. Chair. As with
you, I have seen all kinds of jewelry and stuff made out of
this, one of our revered animals, and if you recall we did
have a prosecution of one of our residents from Huslia who
sold some stuff and then I just question the practice of
removing the paws and the head skin. Because if you cut
off the paws, you inadvertently are creating an industry
because the only thing it will be good for, is the claws,
to make jewelry and stuff that is used automatically barter
and trade or you know, keep it in the family or it may be
creating an industry in itself because you could make all
types of jewelries and stuff for keepsakes out of teeth and
the claws. So it may be self-defeating to remove the claws
and the head skin.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Della first and then
Bill.

MS. TRUMBLE: I think I just kind of want
to try to, again, clarify something. There is a process
already in place under the State for the sport hunt. Our
intention is only to use this for, like I say, the two
purposes and it is to develop and establish our customary
trade practices which we have basically lost to quite a
degree in our region, and it's only been the last three to
five years that we've been able to start even looking at
the village sites in the eastern Aleutians, and this is
just part of that as us learning and being able to
understand our culture that we've basically totally lost.

CHAIRMAN DEMIENTIEFF: Bill.

MR. THOMAS: Mr. Chairman, thank you. At
the very beginning of Title VIII it mentions a commitment
that we need to support with regard to the customs and
traditions of the Native populations and I think we need to
bear that in mind. And much of the discussion I'm hearing
now is not consistent with that and I think the request
that Della's making and the rationale that she's offering
is very consistent with that provision.

Thank you, Mr. Chair.

MS. CROSS: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Grace.

MS. CROSS: If the Board passes this with
front claws and skin of the head be removed, you might as
well replace trophy with cultural value, destroy cultural
value.

CHAIRMAN DEMIENTIEFF: Willie.

MR. GOODWIN: Thank you, Mr. Chairman.

This is just another instance and case of over-regulation
of a proposal. Thank you.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: Well, I guess I'm trying to
look for some common ground here because what I heard Greg
said was that this is a practice that's been in effect for
10-plus years and up until now apparently hasn't been an
issue but now it's an issue and it does seem like some of
the rationale for wanting to change it are valid. I mean
the question is is there a way that we can accomplish
what's being requested and yet maintain some of the
rationale that's apparently been in place for 10 years. I
certainly don't have an answer but it seems to me we ought
to be able to do something. And Ida says she has an answer
so I'll yield to her.

CHAIRMAN DEMIENTIEFF: Well, let me just go
first here. In the past, you know, some of the things we
protected, where traditional or customary practice has been
regulated out of existence, and in some cases where
regulations have disrupted a practice or for other reasons,
and people are looking to reestablish a long-term practice,
you know, we have made those kinds of decisions in the
past. Just because a practice has been disrupted it's
still well-based in the culture of the people and as such,
you know, we have used that rationale in the past, Gary, to
do that.

Ida.

MS. HILDEBRAND: Thank you, Mr. Chairman. In reference to Mr. Edward's comment, it would seem that
the only differences, what I understand Kodiak/Aleutians to
be requiring is that the last line be stricken, which would
be, at the time of sealing that Fish and Wildlife or ADF&G
representatives shall remove and retain the skin of the
skull and the front claws of the bear. If you remove that
language you'd still have a sealing requirement, if it's
removed from the area but under a subsistence hunt, which
is specifically only to Unit 9(D) and Unit 10, they would
require a sealing but not the removal of the claws and the
skin of the skull.

MR. EDWARDS: Mr. Chairman, I guess, certainly for one would have no problem with that. I guess
I'd like to better understand then what is the broader
implications of doing that and for other areas, does it
have application or not?

CHAIRMAN DEMIENTIEFF: Go ahead, Ida.

MS. HILDEBRAND: As Della stated, well, mostly all of the Chairman that have spoken have stated,
this practice is already allowed for sports hunting under
the State regulations, that they can take whatever they
kill out of the region by sealing, and that the disparage
treatment of subsistence users and at the same time we're
mandated to protect the subsistence uses and practices and
this has implications, because the regulation specifically
states, Unit 9(D) and 10 only to Unit 9(D) and 10. All the
other regulations throughout the state that are Federal
regulations would remain intact unless there was a future
proposal to change those, and I don't expect that there
would be a future proposal to change them since the people
of those regions have not objected to the treatment or the
regulations for 10 years.

CHAIRMAN DEMIENTIEFF: I'm trying to wrestle with an understanding, too. Della, maybe you can
help me. Was there objection to tanning in Cold Bay or
King Salmon by the Regional Council?

MS. TRUMBLE: We can't do any tanning.

CHAIRMAN DEMIENTIEFF: Sealing, I'm sorry.
MS. TRUMBLE: Sealing, there's no objection to sealing. We already do that, the sealing in Cold Bay, just under the State sport hunt and I've done it myself even.

CHAIRMAN DEMIENTIEFF: And then we can add King Salmon, the Council's in favor of that?

MS. TRUMBLE: Yeah.

CHAIRMAN DEMIENTIEFF: It's for, not against?

MS. TRUMBLE: There's no problem with that.

CHAIRMAN DEMIENTIEFF: Okay, now, the second part of that is remove or retain the skin of the skull and front claws of the bear, that's something the Council wants to see stricken out. Because in the Staff Committee recommendation it does have that requirement, which basically -- go ahead, I'm sorry.

MS. TRUMBLE: I guess in looking at this, we're talking about one bear from Unit 9(D) and one from Unit 10. I can see if there was a problem if it had one bear per household or something under those lines, but we're only talking about one bear from each of those units.

CHAIRMAN DEMIENTIEFF: And is there a tannery available in those units?

MS. TRUMBLE: No.

CHAIRMAN DEMIENTIEFF: Is that something you would want to do?

MS. TRUMBLE: Yes, it is. And the reason for it is to use the bear for the dance groups in our region.

CHAIRMAN DEMIENTIEFF: Right. So those are really the few things that are kind of confusing about the proposal. Greg, can you answer where the regulation that prevents you from removing the bear from those units?

MR. BOS: In the other brown bear management areas?

CHAIRMAN DEMIENTIEFF: No, applying here. I'm talking about this specific proposal. Is there a
regulation that would prevent them from sending the skin of
the bear out to a tannery given that there's not a tannery
available in that region?

MR. BOS: No, we have no regulations in
place because we haven't had a Federal hunt in this area.
And what's being proposed and you have in front of you was
the Staff Committee recommended regulatory wording to
establish this special brown bear management area for the
Southern Alaska Peninsula and to put these sealing
requirements in place.

CHAIRMAN DEMIENTIEFF: Della.

MS. TRUMBLE: Someone just handed this to
me, but maybe is it an option to make it a special use
permit that can be given to the tribes that they can
regulate or have tribal members do the hunt for them as an
educational purpose and also to donate the hide to the
dance groups?

MR. EDWARDS: Mr. Chairman, it's my
understanding that we would have the authority to issue
some kind of a cultural use permit and certainly that might
be a way to go, but I guess a more fundamental question,
does that really get at the issue? I mean if that's
acceptable to the Council then I think we could do that.

And I guess my other question is just for,
maybe a matter of correctness here, is that, the way I
actually understand it, the Council is sort of modifying
their original proposal, because my understanding,
actually, the original proposal, which the Staff Committee
sort of is supporting would include the destruction so it
is technically a modification of your original proposal?

MS. TRUMBLE: Yes.

MR. EDWARDS: Okay.

CHAIRMAN DEMIENTIEFF: Dan.

MR. O'HARA: Mr. Chairman, this is not
something, Mr. Edwards, that just recently comes up, this
goes probably back before you came to this table. And Ida
may stand corrected in that this has been up in the Bristol
Bay area before and I think one of the things that we need
to look at and we need to ask Greg about is where did this
-- the people who came up with this wording, they're called
the Western Brown Bear Management Plan; is that right,
Greg?

MR. BOS: Yes.

MR. O'HARA: And who do they consist of? Who makes up this group of people?

MR. BOS: All of the rural residents of the units that are included within that unit who have customary and traditional use of brown bears in the units that are included within the management area.

MR. O'HARA: Bristol Bay has never endorsed cutting the heads and feet off these animals. And it's my understanding that there was a group of people originally who started this who were biologists and management people from the government that gave us this wording in the first place; is that right or not?

MR. BOS: Yes, this goes back to 1990 and '91 when people in the Bethel area wanted to establish brown bear Federal subsistence regulations that allowed them to take a bear every year, not to have to submit to the sealing requirements, that they use the bears at their places of residences, that they primarily use the bears for food and so the regulatory language was crafted to accommodate their needs and to satisfy management concerns about the potential for abuse of the more liberal regulations. And those regulations were adopted for the Western Brown Bear Management area and the Northwestern Brown Bear Management area. Both areas have subsequently been expanded to include additional units.

MR. O'HARA: Okay.

MR. BOS: I do know that your Council considered a proposal for brown bear harvest in Lake Clark Park and Preserve where you considered this issue and you recommended regulations which the Board subsequently adopted which did not require the devaluation of the bear.

MR. O'HARA: That's right. And that's why I say it's not an issue that has not come up before and has not been dealt with because we have dealt with that issue before, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: I think we're kind of mixing apples and oranges here a little bit. Della, I've got a suggestion. I think we understand exactly what you want, which is one bear per year for ceremonial
purposes, correct?

MS. TRUMBLE: (Nods affirmatively)

CHAIRMAN DEMIENTIEFF: And then you can
send it out -- well, there'd be nothing prohibiting you
from sending it out but then striking the removal of the
skin and claws, and that's specifically all you're looking
at, two bears per year?

MS. TRUMBLE: (Nods affirmatively)

CHAIRMAN DEMIENTIEFF: Okay. So what I'm
going to suggest is that we break for lunch and we've got
the language here so you wouldn't have to come back
annually for a permit, a separate permitting process, that
basically it would be in the regulations. And what I'm
going to suggest that we do is just have you meet, we'll
just recess right now for lunch, have you meet clean up the
language and get exactly what the Regional Council had
intended to get because the direction we're going right now
and the way I would read it is that one bear, that would be
to the whole unit, well, it might not be a Native person, a
non-Native person that goes in there and harvests that one
bear, we don't want to see that. So we could put the
regulation on the books, it's just a matter of cleaning up
the language and I think if we just broke now, you stayed
and worked with Staff over lunch, that you'd have the right
language that you're looking for; is that agreeable to you?

MS. TRUMBLE: Yes, it is. Thank you, Mr.
Chairman.

MR. EDWARDS: Mr. Chairman, I think that
that is a good solution. I guess my question is I think
we're simply just talking about deleting that last sentence
so why don't we just do that and move on.

CHAIRMAN DEMIENTIEFF: No. It reads one
bear, you know, by Federal registration. Well, that means
somebody, anybody could apply in that unit and that defeats
the purpose of that.

MR. BOS: Mr. Chair, that one bear is one
bear per hunter. It's not one bear for the unit.

CHAIRMAN DEMIENTIEFF: That's not what
you're intending to do, right, Della?

MS. TRUMBLE: That is not. I'd like to, if
we can, go ahead and take Mitch's recommendation because I think we can get this cleaned up in a lot more quicker manner than it is taking now.

CHAIRMAN DEMIENTIEFF: I think I know what you want and I think we can get that done very easily. It's just one bear per unit per year, that's all, for ceremonial purposes. We'll have it cleaned up and be done with it real quick I would imagine. So we'll go ahead and recess until 1:00 o'clock and we'll come back with this issue. Thank you.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: We'll call the meeting back to order. At this time we'll continue our deliberations with regard to Proposal No. 13, wildlife proposal 01-13. Do we have a motion on the floor?

MR. BOYD: Yes.

CHAIRMAN DEMIENTIEFF: We do have a motion floor.

MR. BOYD: Wait a minute, let me check -- no, we don't. We just finished the Staff Committee and Regional Council comments.

(Pause)

CHAIRMAN DEMIENTIEFF: Okay, we do have a proposal in front of us. Before we left for lunch, I'd asked the principals, being Kodiak/Aleutian Regional Council rep to work up some language and I believe you guys have worked up something, Della?

MS. TRUMBLE: (Nods affirmatively)

CHAIRMAN DEMIENTIEFF: Could you read that, please.

MS. TRUMBLE: Thank you, Mr. Chair. I apologize for some of the confusion, this has been a learning process for us. What we'd like to propose is that the communities of False Pass, King Cove, Cold Bay, Sand Point and Nelson Lagoon annually may each take from October 1 through December 31st or May 10th through May 25th, one brown bear for ceremonial purposes under the terms of a
Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10, Unimak Island only. The sealing requirements would be as follows: any brown bear skin or skull that is to be removed from Unit 9(D) or 10, Unimak Island shall be sealed by U.S. Fish and Wildlife Service or ADF&G personnel in Cold Bay or King Salmon.

Thank you.

CHAIRMAN DEMIENTIEFF: And while we all understand it doesn't bear the weight of the action Regional Council recommendation, in your opinion as Chairman, it does intend where the Regional Council wanted to go?

MS. TRUMBLE: Yes, that is correct.

CHAIRMAN DEMIENTIEFF: Okay. Discussion on this language?

MR. EDWARDS: Mr. Chairman, I wonder if it would be all right with the Council that after, for ceremonial purposes, we insert from Federal public lands?

MS. TRUMBLE: (Nods affirmatively)

CHAIRMAN DEMIENTIEFF: Gary, that does go without saying since that's the only area we have jurisdiction. Other discussion on the language. Terry, from your perspective, do you think that might alleviate some of the State's concerns?

MR. HAYNES: Mr. Chairman, we're comfortable with this substitute language. And the understanding would be that bears taken under provisions of this hunt would be subject to normal sealing requirements, which would allow retention of the claws and not destroy that is of concern to the Regional Council.

CHAIRMAN DEMIENTIEFF: Right. They would stay with the bear. And also the understanding is, is that the bear skin could be sent out of the region for tanning. I'm sorry go ahead.

MR. BOS: Mr. Chairman, I guess I would suggest that we don't even need to refer to sealing requirements under this special provision regulations. If normal sealing requirements would apply, we wouldn't need
to specify Cold Bay and King Salmon, people could have them
sealed anywhere as we require under our standard
regulations.

MS. TRUMBLE: That would be acceptable, Mr.
Chair. We just thought there was a requirement for
sealing, but if there isn't under this special permit use
then we're okay.

MR. BOS: There would be a requirement for
sealing under the standard sealing regulations that apply
for brown bears for most of the state, we just wouldn't
need to specify particular communities that they would need
to be sealed in.

CHAIRMAN DEMIENTIEFF: Okay. And then
again, the regulation could maximally only allow for a
harvest of five bears annually. And in terms of biological
purposes, do either biologists feel that that would cause
significant damage, either from the State or Federal
perspective?

MR. HAYNES: Mr. Chairman, no, we don't
have a concern with this right now.

MR. FISHER: No, it shouldn't cause any
problem, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Okay, good.

MR. BRELSFORD: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BRELSFORD: We had a question of
clarification on the drafting here. In the original
proposal, the May season is referred to as starting on May
1st and ending on May 25th, and somehow in the Staff
Committee recommendation and again in the language just
read to us, it refers to the May season as starting on May
10th and ending on May 25th. We wanted to make sure that
wasn't a typing error. Is there a reason for the later
start compared to the Staff analysis and the proposal as it
was submitted?

MS. TRUMBLE: No, I think it was we just
copied those dates from the original proposal.

CHAIRMAN DEMIENTIEFF: The original
proposal was May 1st, so it must be just a typo.
MS. TRUMBLE: A typo, yeah.

CHAIRMAN DEMIENTIEFF: Go ahead, Greg.

MR. BOS: Maybe Dave Fisher could speak to this, I believe this was discussed at the Council meeting and the Council agreed to change the date to May 10 so it would be aligned with the State regulation dates?

MR. FISHER: That's correct, Greg. You're correct it was discussed at the Council meeting and it was changed to May 10th.

CHAIRMAN DEMIENTIEFF: Della.

MS. TRUMBLE: That is correct. We discussed this with the State also and agreed to align those dates. Thank you.

CHAIRMAN DEMIENTIEFF: Good. Okay, any other discussion. At this time if there's no other discussion the Chair would entertain a motion to adopt the substitute language as drafted and read into the record by the Regional Council rep. Is there a motion?

MR. CHERRY: Mr. Chair, I propose that we accept this substitute language as read into the record.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion?

MS. KESSLER: Second.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Gary.

MR. EDWARDS: Could we read the language one more time so we know exactly what we're voting on?

CHAIRMAN DEMIENTIEFF: Communities of False Pass, King Cove, Cold Bay, Sand Point and Nelson Lagoon, annually each take from October 1 through December 31st or May 10th through May 25th one brown bear for ceremonial purposes under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or 10, Unimak Island only.
Other discussion on the motion. William.

MR. THOMAS: Thank you, Mr. Chairman. Is there an understanding or some indication in that language that satisfies the cultural concerns? Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: As represented by Regional Council Chair, it's agreeable.

MR. THOMAS: Thank you.

CHAIRMAN DEMIENTIEFF: Terry.

MR. HAYNES: Mr. Chairman, we still would feel more comfortable if either in the language here or in the permit itself it specified that this hunt occurs on Federal public lands since the State also issues permits for a State hunt, there could be some confusion about which permits apply to which areas. We understand that in the Federal regulations it's implicit that this hunt would occur on Federal public lands but for clarity it might be useful to either have that clarification in this language or in the permit itself that hunters would obtain.

CHAIRMAN DEMIENTIEFF: We can deal with that language in the actual permit itself if that's agreeable?

MR. HAYNES: Thank you.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing votes)


MR. FISHER: Yes, Mr. Chairman. Proposal No. 14 was submitted by the Kodiak Fish and Game Advisory Committee. What this proposal would do is change the season dates for elk hunting from September 1st to November 30th to September 25th to November 30th, one elk by State
registration permit. This would eliminate the current regulation of one elk per household and one elk per two hunters. It would also add Uganik and Kodiak Island to the hunt area.

The Kodiak Fish and Game Advisory Committee submitted a similar proposal to the Board of Game and changed the State season dates from September 25th through November 30th to October 5th to November 30th, and this was contingent upon the Federal Subsistence Board adopting Proposal No. 14, this proposal.

I would like to point out one thing, in the Staff Committee recommendation, the State season closes on November 30th, not October 22nd, as shows there. There was some confusion because the State season does close on October 22nd in other parts of Unit 8 so there is a little confusion.

Both these proposals, the one to the Board of Game and the one to us were sort of an attempt by the Fish and Game Advisory Committee, the Kodiak National Wildlife Refuge and the Alaska Department of Fish and Game to simplify the elk hunt regulations, increase the hunt area and still maintain the 10 day early subsistence season and increase the potential for more harvest for subsistence users. The elk population that we're talking about is called the waterfowl bird and it ranges anywhere from 80 to 150 animals. I think the current estimate is around 100. And this herd uses the Refuge portion of Afognak Island and occasionally gets over on the Kodiak Island portion of the Refuge. And during the fall about half this herd used the Refuge. During the past three seasons, we issued Federal registration permits although no elk have been harvested under -- have been reported harvested with the Federal registration permit.

What this proposal would do would increase the subsistence hunt area with the addition of Kodiak and Uganik Island, simply the regulations by removal of the one elk per household and one elk per two hunters in a party and would use the State registration permit instead of currently using two permits. It would set the season back and reduce the potential for meat spoilage and subsistence hunters would still have a 10 day season prior to other hunters.

That's all I have, Mr. Chairman. Thank you.
CHAIRMAN DEMIENTIEFF: Thank you. Summary of written public comments.

MS. CHIVERS: Thank you, Mr. Chair. There are no public comments at this time, written comments.

CHAIRMAN DEMIENTIEFF: Department comments.

MR. HAYNES: Mr. Chairman, the Department supports the proposal as submitted by the Kodiak Fish and Game Advisory Committee. Uniform season opening dates are needed in the State and Federal subsistence regulations to reduce pressure on the elk population in Unit 8 and to allow hunters to use a single permit. At its March 2001 meeting in Anchorage, as Mr. Fisher pointed out, the Board of Game shortened the elk season in the portion of Unit 8 that includes Federal public lands by 10 days by changing the opening date from September 25th to October 5th, contingent upon the Federal Subsistence Board implementing a September 25th season opening for the same hunt on Federal public lands. The September 25th opening would give Federally-qualified subsistence users 10 days of elk hunting opportunity prior to the State season and would allow the hunt to be administered with a single permit.

If the Federal Subsistence Board adopts the proposal as modified by the Kodiak/Aleutians Regional Council, and opens the season on September 15th, then the Board of Game action is nullified and a Federal permit may be required for the Federal subsistence season.

We also note for the record that the Regional Council was not aware of the Board of Game action when it met so it didn't have the benefit of knowing what the new State season was going to be before it discussed this issue at its fall meeting.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. We have no request for additional public testimony from the floor at this time. Regional Council recommendation.

MS. TRUMBLE: Thank you Mr. Chair. Reading from our minutes of our meeting this fall in Old Harbor, Ivan Lukin, Pete Squareoff and Al Cratty support one elk per household. It usually takes two people most of the day to get one elk out. They also support the September 15 date because it allows them to harvest their subsistence 50 elk. I believe this is something we did testify on last
year, so thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee recommendation.

MR. BOS: Yes, Mr. Chairman. The Staff Committee recommendation is to adopt the proposal as modified consistent with the recommendation of the Kodiak/Aleutians Regional Council. The proposed regulatory wording is shown on Page 13 of your book. Adoption of the modified proposal will change the elk season opening date from September 1 to September 15, which will provide subsistence users 10 days of hunting opportunity before the State season opens on September 25th.

Modifying the proposal to remove the possession limit of one elk for each two hunters in a party is less burdensome for subsistence or retention of the one elk per household limit will serve to provide the harvest opportunity to more households. The proposal also expands the hunt area to include Kodiak and Uganik Islands where elk may occasionally be encountered.

CHAIRMAN DEMIENTIEFF: Thank you, very much. We're now ready to advance this to Board and Regional Council discussion. Is there anybody who wishes to discuss the matter? If not, we're ready for a motion. Gary, you got something?

MR. EDWARDS: No, I'm going to make a motion.

CHAIRMAN DEMIENTIEFF: Okay, go ahead.

MR. EDWARDS: Mr. Chairman, I move that the Board adopt the modified proposal consistent with the recommendation of the Kodiak/Aleutians Regional Council. By doing so and adopting this modified proposal will simplify the subsistence elk hunting regulations for Unit 8 residents as well as to continue to provide a meaningful preference for subsistence users. The proposal will also add additional areas where elk may be taken if they're encountered.

CHAIRMAN DEMIENTIEFF: We have a motion, is there a second?

MS. GOTTLIEB: Second.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same
sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.
That concludes our work on Kodiak/Aleutians and we're now
ready to go ahead and move into Bristol Bay. We'll go
ahead and change Staff since we -- I'm sorry, go ahead,
Della.

MS. TRUMBLE: Mr. Chair, I just wanted to
thank everybody for their help and support in doing our
proposals. Thank you.

CHAIRMAN DEMIENTIEFF: You're welcome.
We've got the same Staff so we'll switch very quickly, we
won't take a break we'll just go at ease for a couple of
minutes here and get our paperwork together.

(Pause)

CHAIRMAN DEMIENTIEFF: I will note for the
record that there are two consent agenda items from Bristol
Bay, Proposals No. 18 and 19 are still on the consent
agenda. You ready to go Dave?

MR. FISHER: Yes, Mr. Chair.

CHAIRMAN DEMIENTIEFF: With that, we'll go
ahead and begin our Staff analysis on wildlife Proposal 01-
17 -- pardon me, correction, we are going to take -- I
forgot that we modified the agenda at the beginning of the
meeting and we are actually going to open up with Proposal
22.

MR. FISHER: Thank you, Mr. Chairman.
Proposal No. 22 was submitted by the Bristol Bay Native
Association and what this proposal would do would allow for
subsistence hunting, same day airborne land and shoot of
wolves under the subsistence hunting regulations for Unit
9(C) and 9(E). It would also allow the subsistence take
same day airborne land and shoot of free-ranging wolves
under subsistence trapping regulations in 9(C) and 9(E).
The original intent of this proposal was predator control, however, the proponent met with the subsistence Staff in our office in Anchorage in late January and specified that the intent of the proposal was to increase subsistence opportunity for the taking of wolves with the use of aircraft, same day airborne with a valid trapping license.

The current Federal subsistence hunting regulations for wolves in Unit 9 are August 10th through April 30th with a harvest limit of five wolves. The Federal subsistence trapping regulations for Unit 9 are November 10th through March 31st, harvest, no limit. Current Federal subsistence hunting and trapping regulations do prohibit same day airborne taking of wolves, however, a trapper using a firearm may dispose of or kill, dispatch fur-bearing caught in trap, same day airborne. Current Federal regulations to authorize the use of aircraft in support of trapping such as trappers checking their snares, traps, camp drop-offs, hauling in supplies and so on.

The Federal public lands involved with this proposal for 9(C) consist of the Becharof National Wildlife Refuge, BLM lands and the Katmai National Park and Preserve. In Unit 9(E), Federal public lands consist of the Becharof National Wildlife Refuge, the Ugashik and Chignik Units of the Alaska Peninsula National Wildlife Refuge and the Aniakchak National Monument and Preserve.

Customary and traditional use of wolves for Unit 9 includes rural residents of the following units, 6, 9, Unimak Island in Unit 10, Units 11 through 13, Units 16 through 26 and the residents of Chickaloon. Current National Park regulations prohibit the same day airborne take of certain species on all Park units and this includes wolves. The Bureau of Land Management, they currently have no regulations for the use of aircraft used for hunting and trapping on BLM lands in Alaska. Fish and Wildlife regulations prohibiting the same day airborne take of wolves on National Wildlife Refuges in Alaska do not apply.

Wolves in Unit 9 are abundant to increasing. We don't have a lot of good biological data on wolves. Most of the information comes from biologists doing surveys, counting other animals, out in the field talking to hunters, trappers, talking to locals and to-date, no real hardcore studies have been done to determine the status of the wolf population or their ecological
association there in Units 9(C) and 9(E). However, most
local residents and this was brought up at the Council
meeting believe that the current wolf population is stable
to increasing.

A little bit on the history, like I said,
no studies have been done so we don't have a lot of
information as far as the use of aircraft but we do know
that aircraft have been used to take wolves in the Bristol
Bay area since the late 40s, early 50s and so on. At that
time both the State and Federal governments encouraged
aerial wolf hunting and they actually provided bounties.
Wolf pelts have been traded, sold to fur buyers or used for
personal use for a number of years. However, passage of
the Airborne Hunting Act in 1974 curtailed a lot of these
activities so the same day airborne take did drop off in
the mid-70s. Like I said, we don't have a lot of direct
information regarding the subsistence take of wolves using
aircraft but we do know that aircraft and other means of
transportation have been used since the mid-70s up to the
present time. Like I mentioned earlier, trappers with
access to aircraft have used these aircraft to access their
trails, access their cabins, fly in supplies and so on.

What this proposal would do would provide
additional subsistence opportunities for the hunting of
wolves, same day airborne, to those subsistence users who
have access to airplanes. Hunters and trappers using
aircraft same day airborne could cover more areas in a
shorter period of time. However, under current customary
and traditional use determination, qualified rural
residents from 17 other GMUs could come to subunit 9(C) and
9(E) and take wolves on Fish and Wildlife Service lands and
BLM lands but currently not on Park Service or State lands.
This could potentially increase the wolf harvest. However,
by increasing the wolf harvest with outside hunters and
trappers, they would be taking wolves that local hunters
would normally get.

Some other things that possibly should be
considered when addressing this proposal which would
provide for subsistence opportunities would be to increase
the harvest limit under the hunting regulations, both the
Federal and State regulations. The current harvest limit
is five. Another item that we considered was to implement
a designated hunter permit system where somebody could hunt
wolves for another person similar to our designated hunter
permit process that we use for caribou.

Finally, if there is a problem, predator
control problem, perhaps it should be further evaluated with a meeting with the resource managers, Regional Councils and maybe discussed at a workshop.

That's all I have, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Summary of written public comments.

MR. EDENSHAW: Thank you, Mr. Chair. Inside the Board book there were three comments. One from George Siavelis, a trapper and hunter who resides in Aniak supports Proposal 22. He writes in favor of keeping wolf numbers low so that the moose population in his area will not be depleted resulting in an imbalance of the ecosystem and the local people's herds being destroyed.

David Haeg from the Secretary of Alaska's Western Wildlife Alliance writes that the organization supports Proposal 22. He writes that as a result of stopping airborne hunting of wolves in 1996, moose and caribou populations have dropped 50 percent and that effective predator control is needed for wolves.

The Aniakchak SRC supports Proposal 22 based on the modified justifications stated in the draft Staff analysis. In addition, the SRC feels this proposal may benefit subsistence users by decreasing predation on the Northern Peninsula Caribou Herd and creating more subsistence opportunities.

We received three comments. One from a private citizen and she addresses both Proposal 17 and 22 and I'll just highlight Proposal 22. This is from Karen Jensen, she strongly opposes this type of predator control. The Alaska public feels very strongly, opposed as well, as evidenced by the vote not once, but twice to ban this type of hunting in Alaska. Land and shoot consists of spotting wolves from an airplane or helicopter and harassing them until they drop from terror and exhaustion and then shooting them from the plane or herding them to people waiting to shoot them. And she goes on to further object to the proposal.

Bristol Bay Native Association also sent in written public comments and they supported both Proposals 17 and 22. On Proposal 22 they just talk about the declining status of the Northern Alaska Peninsula Caribou Herd and the moose populations.
We received a comment from the Sierra Club and they also oppose Proposal 22 submitted by the Bristol Bay Native Association, it would change an existing regulation to authorize same day airborne land and shoot subsistence hunting for wolves in Units 9(C) and (E). The purpose of the changes to reduce the number of wolves, increase subsistence opportunity, reduce predator pressure on the declining populations of Northern Alaska Peninsula Caribou Herd, again, a predator control measure is being proposed. And then they go on to further state some more additional language, but the oppose Proposal 22.

That concludes the written public comments, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you, very much. Department comments.

MR. HAYNES: Mr. Chairman, the Department has revised its position on this proposal. We are now neutral on the proposal. We have looked at the potential biological impacts of allowing same day airborne hunting of wolves only by Federally-qualified rural residents and expect that impact to be minimal.

The coastal maritime climate in Units 9(C) and 9(E) produces snow conditions that are not always conducive to aerial tracking and land and shoot hunting. Fur prices currently are relatively low and when combined with the expense involved in flying into Units 9(C) and (E), likely would discourage most non-local rural residents from flying into the area to harvest wolves under terms of the proposed regulation.

The original Staff recommendation for this proposal included a provision stipulating that hunters and trappers be 300 feet from their aircraft before taking wolves under this proposed regulation. Such a provision would help to ensure that the wolf population in Units 9(C) and 9(E) suffer no long-term effects if this proposal is adopted.

Thank you.

CHAIRMAN DEMIENTIEFF: At this time we'll open the floor for public testimony from the floor. The first person we have up is Michelle Keck. Is Michelle here? Not here, we'll call her back later then. Paul Loslin, is that the name, Alaska Wildlife Alliance? Joslin.
MR. JOSLIN: Yes, thank you, Mr. Chairman. My name is Paul Joslin and I am the executive director of the Alaska Wildlife Alliance. My background is also as a wolf biologist.

We all know what happened in 1992 when the nation became outraged about how we were managing our wolves here in Alaska. And certainly one of the most sensitive parts of it relates to the use of airplanes. We have seen the state, twice, make very clear that it objects, most strongly, that is the voters of Alaska, to the use of same day airborne hunting of wolves. It is interesting that, not only from a Federal position earlier on with respect to concern over the use of same day airborne hunting of wolves, but at the State level, the Alaska Department of Fish and Game and I notice Commissioner Frank Rue is here and I hope he will speak to it, have made very clear as to the concerns about the use of same day airborne hunting.

In essence, visualize for a moment, if you allow the use of airplanes for taking wolves in the same day, you fly out, you spot some wolves, and now what are you supposed to do, you're supposed to go off and land somewhere and get over to where your wolves are, and as a wolf biologist as I can say, you know, your wolves don't just hang around waiting for you to come and shoot them, that the temptation is huge to pursue the wolves, run them to exhaustion, maybe even attempt to shoot them from the air but that's rather more dangerous, run them to exhaustion and then land your plane and then have at them. And it's very, very difficult for enforcement to deal with that. How are they supposed to catch the offenders? It's like passing a law that can't be enforced. And so there's a lot of concern with what happens to that.

You've heard the expression of concern by the Staff with reference to how you restrict, you know, outside hunter approach to this in the terms of the use of aircraft are coming in on this issue. There's an additional problem of how you determine what your boundaries are, as to where you'll have it and where you don't in terms of being in the air and then again for enforcement to see that people follow the rule.

And finally, and this really brings us back to ANILCA, that ANILCA basically does not permit the manipulation of wildlife populations in the sense of favoring one species over another. Although on State land the issue is very different, you may manipulate. So since
that is lacking in ANILCA, then in essence we would look at this as a form of predator control. Because same day airborne hunting is such an effective technique as we all know that we would strongly urge that you oppose Proposal 22.

Thank you.

CHAIRMAN DEMIENTIEFF: Any questions.

MR. THOMAS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. THOMAS: I have a question. Bill Thomas from Region 1. I always have interest in biologists and what they do because your sense of biology and mine aren't the same since I'm not a scholar in biology in the sense that you are. Okay, with deer, we count melted pellets for biology in keeping track of deer. What is wolf biology? What does wolf biology entail? I'm not asking this to be critical, I'm just curious, when you said that you were a wolf biologist, I'm just wondering what kind of conclusions you arrive at and in three breaths, if you can, how do you get there?

MR. JOSLIN: If your question is in terms of my own wolf biology, in the background, I have worked in several countries. I've trained many government agencies with respect to wolf surveys using howling techniques. The term that's commonly used, rendezvous site, in terms of where wolves go after they den in the summertime and start these series of summer home sites that they move to. It was my particular piece of research that helped to unravel that in the early days when we didn't know much about what wolves did in the summertime in forested environments. Most of my work has been on the ground, not so much from the air. And I'm not quite sure what else to add to it. I've followed wolf packs galore.

MR. THOMAS: That's perfect. Thank you very much.

MR. JOSLIN: Okay.

MR. THOMAS: Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Any other questions. Ralph.
MR. LOHSE: Mr. Chair, I was just wondering if we could get an explanation of where ANILCA prohibits the manipulation of game populations for the advancement of species beneficial for subsistence purposes?

MR. JOSLIN: It -- the.....

MR. LOHSE: I know it does in some of the Parks but I'm not sure.....

CHAIRMAN DEMIENTIEFF: You're talking about ANILCA?

MR. LOHSE: That's the word that he used and I know that's true in some of our National Parks but I don't think that applies to all Federal land.

CHAIRMAN DEMIENTIEFF: I'll just allow you to go ahead and ask this and we'll get, maybe another response from Keith when we get into the deliberation process, but go ahead.

MR. JOSLIN: And maybe that's the best place to direct it. That if you haven't seen it yourself within the ANILCA Act itself, there's a part that talks about what you can and can't do with respect to wildlife populations and manipulation is not a part of it. I don't, off the top of my head, have the particular section, et cetera, et cetera. If you wish, later this afternoon, we can provide that for you, but I'm sure there are several experts here that know what I'm talking about.

CHAIRMAN DEMIENTIEFF: Thank you. Any other questions. Willie.

MR. GOODWIN: You mentioned that you did some research on wolves, a lot, in your research, did you find that when bounty was allowed in Alaska in the 60s and 50s, was there a population crash of the wolves?

MR. JOSLIN: I was not here in the 60s. I mean we -- I know from our history for here in Alaska that we have done very substantial manipulation in the past of both wolf and to certain extent, bear populations, but we've moved away from that as has much of the rest of the world. That we tinker and tinker very carefully now when we think it's absolutely necessary.

CHAIRMAN DEMIENTIEFF: Any other questions. Thank you very much for your testimony and appreciate it.
MR. JOSLIN: Thank you.

CHAIRMAN DEMIENTIEFF: Jack Hession.

MR. HESSON: Thank you, Mr. Chairman and members of the Board. My name is Jack Hession. I'm here today on behalf of the Alaska Chapter of the Sierra Club. I will briefly summarize my remarks and would like to testify separately on 17 when it comes up if that's permissible. In summary, we oppose Proposal 22 as a predator control measure because we find it incompatible with existing Federal laws and regulations dealing with how wildlife is managed on National Conservation System Units.

To give you an example, ANILCA, which was just mentioned a moment ago, talks about the conservation of -- this is general purposes for National Wildlife Refuges, it talks about the conservation of wildlife and habitats in their natural diversity. That's a general primary purpose of Refuges which would, by implication at least, rule out intensive predator control of the kind that's under discussion here today. More recently, Congress in the National Wildlife Refuge System Improvement Act of 1997 updated policy on wildlife management in the Refuges. And fairly recently the Fish and Wildlife Service adopted regulations. Let me quote from the key section on wildlife management in the Refuges. We manage, we, the Fish and Wildlife Service, manage populations for natural densities and levels of variation while assuring that densities of endangered or otherwise rare species are sufficient for maintaining viable populations.

So here we have a direct conflict between a Congressional mandate and the notion of managing populations for unnatural densities and desired levels of variation, ironing out or leveling off the cycle, the natural cycle of wildlife.

In the case of the National Park Service lands in the Bristol Bay area, we assume that the existing Federal regulation would govern and the Board would not attempt to supersede that regulation which, of course, prohibits same day airborne subsistence or sport hunting on these lands. It's a little trickier on the National Wildlife Refuge portions, but as I've suggested, there is this conflict between the two mandates and we would urge you to seek other alternatives in achieving the goals set forth by the Bristol Bay Native Association.

In summary, Mr. Chairman, we would urge
that Proposal 22 not be adopted. And again, I would like to briefly comment on when that matter comes before the Board. Thank you very much.

CHAIRMAN DEMIENTIEFF: I'll call you up. Again, if there is anybody else who wishes to testify, just simply pick up the blue card right outside the door, Staff will get it to us in order to get your name up here for testifying. Are there any questions.

MS. GOTTLIEB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Mr. Hession, you suggest there's other alternatives, could you give some examples of what you might have in mind?

MR. HESSON: Yes. I was struck by the Staff's acknowledgement that there's very little information available, the systematic kind for wolf populations. I think it's not sound wildlife management to operate in the dark when you're dealing with species of this importance and with lands of such National and State significance. Careful approach here is called for, I believe.

As for specific alternatives, I just might mention that since the cause of the, say, the caribou population decline is unknown, it could be a number of factors responsible, why not investigate those factors and try to determine what is the cause and act accordingly, rather than rushing in here and pin all the blame on one species.

CHAIRMAN DEMIENTIEFF: Any other questions. Thank you very much.

MR. HESSON: Thank you.

CHAIRMAN DEMIENTIEFF: Michelle Keck.

MS. KECK: Hello, thank you. My name is Michelle Keck. I'm the Alaska representative of Defenders of Wildlife. I'm here to testify in opposition to Proposal 22.

Similar to previous testimonies, my main concern is that there's not enough specific data that has been collected in Unit 9 to show that wolves are the cause
of the decline of the ungulate populations. The ungulate populations can fluctuate for lots of different reasons, you know, range conditions, weather or bears and there's no specific studies to indicate that wolves are the cause of this. And so by decreasing the wolves by land and shoot methods isn't necessarily going to result in the outcome we'd like to see.

Another concern is that land and shoot wolf hunting has long been controversial in this state. It results in many regulatory abuses such as harassing wolves, chasing them and shooting them out of the plane, and because of these reasons, land and shoot wolf hunting was banned on most of the Federal lands before we even banned it here in the state. And we voted statewide to ban the practice not once, but twice because of these reasons. In fact, the election district in which this area falls in, which I believe is 40 in this past election voted to oppose re-legalizing same day airborne wolf hunting again.

The public stated that with the initiatives land and shoot wolf hunting was acceptable only if it was shown that wolves caused the decline and that it was conducted by Department personnel and neither of those requirements is being met by this proposal.

You know, this proposal also might cause an increase in out of area hunters which might have negative impacts on people who use the methods of snaring and trapping for wolves in that region. We support subsistence trapping in this area and also support the use of airplanes to fly out and check trap and snare lines. So if it's determined that wolves are the problem, we'd like to see that those regulations be changed first before we result to land and shoot wolf hunting.

We ask that you vote in opposition to Proposal 22. Thank you.

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

MR. O'HARA: Mr. Chairman, Bristol Bay Regional Council. The purpose of 22 for the Federal Subsistence Advisory Council supporting Proposal 22 is for taking of wolves, same day airborne for the expressed purpose of subsistence opportunities. And that would be use of the animal after taking it for ruffs or mittens or whatever articles of clothing needed to take these animals and of course the animals are sold for profit as well.
It's a known fact that that is one of the reasons that we do take it.

The past few winters we've had very little snow in the Bristol Bay area where this proposal takes place. And the creeks have remained open, we've had very little snow to be able to get out in any way to utilize these animals. And they certainly are great in number.

So these are reasons that I believe that you would support this proposal.

Probably just a comment here that was briefly mentioned by the Staff and that was aircraft may have been used as far back as the 70s, it goes back to the 50s and we used aircraft for wolves prior to a snowmachine and it was a normal practice to hunt wolves with snowmachines at that time. I find it kind of interesting that we would have public testimony today when I look at these individuals who probably have never been to Bristol Bay. They've never lived with the hardships that we've lived with as far as what we're going through in the decline of fish and a lot of things that are happening in our area.

I notice that as a commercial pilot that I began spotting wolves the last few years out of a Cherokee-6, it's actually incredible that you would spot a wolf from an airplane, out of a Cherokee-6, almost unheard of. The populations have really grown. You go to the Alaska Department of Fish and Game and you will find out that the Alaska Department of Fish and Game has documented records of wolves killing calves on the Bristol Bay Alaska Peninsula, they are a predator and so are the eagle and so are the bears and so are we. We have been deprived of the use of wolves in the area in the last few years. A gentleman here who claimed to be a wolf biologist and I think he was with the Alaska Wilderness Wildlife Alliance, you could land a Supercub on a lake and walk over the hill and shoot a wolf, they don't run from aircraft anymore, you know, and that's probably something that could be held against us for that very reason, Mr. Chairman, you know, but you don't have to chase a wolf down with an airplane to kill it anymore. And I guarantee you get on that snowmachine and you'll harass that animal until its tongue is hanging out and I guarantee you I'd rather shoot a wolf from a hillside with an airplane then put a trap on his leg or a snare. So I think there's some real justification that we would be able to use these animals for subsistence opportunities.
This is what the Bristol Bay Advisory Council comes from, Mr. Chairman. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you, Dan.

Staff Committee.

MR. BOS: Yes, Mr. Chair. I'll preface the Staff Committee's recommendation with the observation that Staff Committee deliberated, recommendation based on the clarified intent of the proposal and that being to increase subsistence use opportunities. I think it's fair to say that all of the Staff Committee members recognized that predator management was an element if not the primary intent of the original proposal.

So then dealing with this proposal as a subsistence use opportunity proposal, the Staff Committee did not reach consensus on the recommendation. There are two viewpoints expressed. One view was to recommend adopting the proposal as recommended by the Bristol Bay Subsistence Regional Advisory Council. This viewpoint held that, although, no formal studies of customary and traditional use of wolves in the region have been conducted by the Department of Fish and Game or the Office of Subsistence Management and there is no literature base from which to draw details, there is sufficient direct and indirect information to document a pattern of taking wolves using aircraft to substantiate it as a subsistence practice. A better understanding of the subject would require additional research. The proposed regulatory wording can be found on Page 53. Essentially would provide an exception for wolves in Units 9(C) and 9(E) to the general prohibition on most ungulates, bear, wolves, wolverine and other furbearers to the taking on the same day airborne or under a trapping license to the use of a firearm to take wolves, same day airborne.

The other view expressed in the Staff Committee deliberation would recommend that the Board reject the proposal contrary to the recommendation of the Bristol Bay Subsistence Regional Advisory Council. In support of that view, the information presented is insufficient to show that the use of aircraft to take wolves by the land and shoot method is or was a customary and traditional subsistence practice. Aircraft were once used to shoot wolves from the air, primarily in wolf control programs. Using aircraft to land and shoot wolves, if done in a manner that does not violate the Airborne Hunting Act is not an effective method of harvest on the Alaska Peninsula and would not be a cost effective or
efficient method of harvest for subsistence uses. If same
day airborne shooting of wolves is allowed, local residents
of Units 9(C) and 9(E) who rely on ground access based
harvest of wolves to provide subsistence use benefits would
be adversely affected by an influx of non-local hunter
trappers using aircraft to remove wolves from these units.
Adoption of this proposal is not necessary to allow
subsistence hunters and trappers to access wolf hunting and
trapping areas with aircraft since such access is allowed
under existing regulations. Wolves may be legally trapped
on the same day airborne if not taken with a firearm.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. We have
a procedural matter to deal with and while I don't fully
expect it to stand up, in my mind since the Staff Committee
does not have a recommendation, the State has withdrawn its
objection and the Regional Council is in favor, technically
that puts it on the consent agenda and so without an
objection, it would go on the consent agenda and be voted
on in block with the other issues tomorrow. Gary.

MR. EDWARDS: Mr. Chairman, I guess, I
don't know if we have a parliamentarian in here or not but
isn't that, in fact, the case?

CHAIRMAN DEMIENTIEFF: That's my
understanding of the rule.

MR. EDWARDS: Then I guess if that's the
case I would move that this not be placed on the consent
agenda and that we do enter into some deliberation and some
discussion.

CHAIRMAN DEMIENTIEFF: Like I said, I
didn't expect it to stand and I wasn't certainly advocating
anything but we've got to be consistent with the procedures
that we operate under. Ida, do you have something.

MS. HILDEBRAND: Mr. Chairman, after you
make your decision whether or not this is on or off the
consent agenda, I believe it's off since there was an
objection, I would like to comment on the recommendation
that supports this proposal which I don't think was fully
discussed.

CHAIRMAN DEMIENTIEFF: Well, I didn't say
it straight out but with the objection of Fish and Wildlife
Service it is off the consent agenda and deliberation can
now begin.

MS. HILDEBRAND: Thank you, Mr. Chairman. My concern is when we're rejecting, by the mandate of ANILCA, when you reject the Regional Council's recommendation you must either have a conservation concern or it is detrimental to subsistence use or there is no substantial evidence. There is no biological reason to reject the Council's recommendation to take wolves for subsistence purposes. To deny them that practice is a detriment to subsistence uses.

Based on the testimony at the Regional Council and my personal knowledge of the use of the aircraft to shoot and kill wolves, both landing and shooting, and the fact that it does not violate the Airborne Act, the Board, in my opinion, is mandated to uphold the recommendation of the Regional Advisory Council to support this proposal.

CHAIRMAN DEMIENTIEFF: With regard to that, you've already testified Dan that there is a substantial number of wolves in the Bristol Bay region, in the areas affected here, Dave, is there a conservation concern -- a biological issue there?

MR. FISHER: Probably not. The wolf population seems to be stable to increasing. There shouldn't be a conservation concern.

CHAIRMAN DEMIENTIEFF: From the State's perspective, do we know of a conservation concern?

MR. HUGHES: Thank you, Mr. Chair. As we've said previously, we don't have a conservation concern with this proposal.

CHAIRMAN DEMIENTIEFF: Now, with regard to the next criteria then, in terms of detrimental. My understanding from your testimony, Mr. O'Hara, is you have had some detrimental conditions in the last few years in terms of being able to access those wolves for subsistence purposes, and that again was because of snow conditions?

MR. O'HARA: Because of snow conditions and the wintertime conditions that exist in Bristol Bay. And that would be totally different than over in 17(B) or (A) where they had a considerable amount of snow and we're not dealing with the gentleman and lady's position from other Councils. And when you see 25 wolves in a pack and you have many, many packs of 25, you got a lot of wolves.
CHAIRMAN DEMIENTIEFF: And that brings us to the third criteria, and I'm not sure exactly where to go with regard to that, biological concerns?

MR. BOYD: Lack of substantial evidence.

CHAIRMAN DEMIENTIEFF: Oh, lack of substantial evidence, what am I doing -- I'm making notes. In terms of harvest of wolves in the Bristol Bay region in the last few years, maybe Staff Committee could give us the rundown on the numbers or Staff, Dave?

MR. FISHER: Yes, Mr. Chairman. The table on Page 64 shows the wolf harvest by hunting and trapping, 1983 through 1999 for Units 9(C) and 9(E) by all methods of access and the harvest by aircraft access. This information was taken from the Alaska Department of Fish and Game, their harvest ticket data base. It pretty well sums up the harvest from 1983 through 1999. I don't know what else, really what else to add, unless Greg has some information that he could add or Department of Fish and Game personnel that are here today.

CHAIRMAN DEMIENTIEFF: When was the last time there was land and shoot hunting in the Bristol Bay region?

MR. FISHER: Your question was when was the last land and shoot hunting of wolves authorized?

CHAIRMAN DEMIENTIEFF: Yes.

MR. FISHER: That would probably have been prior to 1974. I believe that the Airborne Hunting Act prohibited the same day airborne and I believe that was passed in 1974. Keith may correct me if I'm wrong.

MR. O'HARA: Yeah, you're wrong it was in the 80s.

MR. GOLTZ: I don't believe that the Airborne Hunting Act actually prevents land and shoot hunting. It prevents the use of aircraft to pursue or take wolves, but it does not prohibit same day airborne hunting.

MR. FISHER: My mistake.

CHAIRMAN DEMIENTIEFF: So '74 would have been the year that.....
MR. O'HARA: No.

CHAIRMAN DEMIENTIEFF: No.

MR. O'HARA: Mr. Chairman, Chair of Bristol Bay. It was a lot later than that, I don't know the exact date. But I would venture to say it was in the late 80s and it really heated up in the 90s.


MR. BOYD: I think it was 1992.

CHAIRMAN DEMIENTIEFF: So I know all this stuff is judgmental and I'm just trying to get this out because I see in the table in Unit.....

(Pause)

CHAIRMAN DEMIENTIEFF: I was just trying to go through and complete the criteria. I would be hard-pressed, I know you have plenty of things to say but I'm just trying to establish our three criteria, you know, and then I'll open it up I mean if there's no objection to that from the Board.

(Pause)

CHAIRMAN DEMIENTIEFF: It looks to me, using the benchmark from '93 on that there has been substantial harvest or pretty consistent harvest of wolves except notably by aircraft access which has been kind of up and down. That one would be a little bit not so clear to me, the third criteria. And so with that, having established that initial round of trying to establish a criteria, the three criteria, yeah, very much so, Gary, I'll be glad to open it up.

MR. EDWARDS: Okay, Mr. Chairman, I guess I'd like to start. I'd like to address this issue, you know, strictly from a subsistence use and needs standpoint and as a result I have a couple of questions that would be helpful for me in addressing to Staff. Are we not talking about a very small percentage of Federal lands that if we would pass this proposal that would actually be allowed, this activity to occur on, particularly on 9(C)?

MR. FISHER: Yes. 9(C), as the map indicates, the yellow is the BLM lands, the east of the BLM lands is the Katmai National Park and Preserve and then
below that is part of the -- a little bit right there is Becharof National Wildlife Refuge.

MR. EDWARDS: What percentage would you say that is of the total in that unit?

MR. FISHER: Well, maybe 10 percent.

MR. EDWARDS: Okay. What about the other area?

MR. FISHER: Moving south into 9(E), we have the Becharof National Wildlife Refuge there around Becharof Lake, then we move further down we have the Aniakchak National Monument and Preserve and then we have two units of the Alaska Peninsula and National Wildlife Refuge Ugashik Unit, Chignik Unit. So those are our Federal public lands in 9(E). Probably 35 percent.

MR. EDWARDS: But that's within the Park, that's not in question here, right?

MR. FISHER: That's correct.

MR. EDWARDS: So it's a much smaller total percentage?

MR. FISHER: Yes, it would be smaller.

MR. EDWARDS: Okay. My second question is, you know, we've had considerable discussion about the use of aircraft to hunt wolves and I don't think there's any question that they've been used for a long time but I thought you said that the evidence, as it applies to the use for subsistence purposes and as a customary and traditional practice, there was not a lot of evidence to that effect?

MR. FISHER: Our research indicated really no studies that have been. Most of our information was taken by talking with locals and also information obtained at our Regional Council meeting, and that information did indicate that aircraft were used to take wolves for subsistence purposes.

MR. EDWARDS: Okay. If this proposal was allowed and this method of take was allowed, do we have any estimate of what that would do in the way of increasing subsistence opportunities or how many additional wolves would we assume might be possibly taken?
MR. FISHER: Well, are you talking just for residents of 9(C) and 9(E) because under the current regulation there are other outsiders that are qualified who would be able to come in?

MR. EDWARDS: No, I would be talking about whoever would be eligible? I mean do we anticipate that, you know, X amount of wolves would be taken?

MR. FISHER: I really hesitate to come up with a number because I'm not really -- I don't have a lot of that information to give you, a round number.

MR. EDWARDS: Okay. And then I guess maybe I'd address my last question to the Council, it was raised that if this was passed it would attract hunters from outside of Units 9(C) and 9(E), which could be to the detriment of local residents, in fact, I understand that the Council member from this affected area actually voted against the proposal.

MR. O'HARA: That's right. There was one member of the Council that voted against it and it's in your books. I believe there's a little report that went along with the fact that she did not support this proposal at all.

MR. EDWARDS: And the reason for that was?

MR. O'HARA: I was on vacation at the time so I don't know exactly. Maybe Cliff remembers, our coordinator could maybe answer that better, Mr. Edwards.

MR. EDENSHAW: Yes, Mr. Chair. Shirley Kelley from Egegik, the Council member on the Council objected, and voted against the proposal based on very few residents within Unit 9(E) she said have airplanes.

MR. EDWARDS: Okay. Mr. Chairman, that's all my questions.

CHAIRMAN DEMIENTIEFF: Further discussion.

Yes.

MS. KESSLER: Thank you, Mr. Chair. I struggle with this one. I want to just take a minute here to explain the difficulties I've had with it and at least put these discussions up for consideration.

I think that there is a lack of substantial
evidence here as to whether this is, in fact, a subsistence use proposal primarily or a predator control proposal. I find that, in fact, it's more clear about the anticipated benefits in the form of predator control effects than it explains what subsistence needs are not presently being met that, in fact, would be provided for if this proposal were to go forward.

We have two possibilities before us. One is that predator control is, in fact, a key objective here. If that were the case it would not be consistent with my understanding of ANILCA's intent, at least as explained in the final EIS, which when the question was raised, should predators be controlled and vegetation manipulated to increase wildlife populations, the answer was that habitat manipulation projects and predator control programs are beyond the scope of the document.

Now, of course, there's a second possibility and that's the one that predator control is not the primary objective. But even in that case it clearly seems to me that it's an anticipated effect. A significant effect would be realized that's perceived as being beneficial in the form of reducing predation pressures on some of the other species. Now, in that case I have a difficulty because the analysis doesn't inform us of about that suggested effect, which, in essence, is a manipulation of a predator/prey relationship.

So we're directed as a Board that we may choose not to follow recommendations if we feel they violate principles of fish and wildlife conservation and I have this concern, I fear that manipulation of a predator/prey relationship in the absence of appropriate information about that anticipated effect, may, in fact, violate principles of fish and wildlife conservation.

Those are the struggles that I've had as I've dealt with this proposal. Thank you for listening.

CHAIRMAN DEMIENTIEFF: Fran.

MR. CHERRY: Thank you, Mr. Chair. The BLM has looked very closely at this proposal, partly because of the BLM lands within Unit 9(C) and partly because of the important policy concern that it raises. We're ready to support proposals that provide for the continuation of subsistence harvest practices, however, we cannot ignore the language in the proposal stating that part of the reason for changing the regulation is to reduce the number
of wolves and to reduce predator pressure on the North Alaska Peninsula Caribou Herd.

Both of these aspects come into play in our assessment. And since these are potentially topics of widespread public concern and controversy, we're obliged to exercise special care in reaching a decision.

First, to what extent is land and shoot taking of wolves an ongoing subsistence harvest practiced in Units 9(C) and 9(E)? Here, the evidence is very limited and indirect. The Staff analysis refers to testimony on the use of aircraft noting the importance of State and Federal aerial wolf hunting and boundaries before the 1970s. ADF&G harvest ticket records indicate that aircraft have been used for the transportation in the taking of one-quarter to one-third of the wolf takes recorded for these units. Unfortunately, none of this information distinguishes between use of aircraft for transport to a trapline which is currently permitted under Federal subsistence regulation and the use of aircraft for land and shoot hunting, which is not. In fact, a Regional Council member from Subunit 9(E) objected strongly that land and shoot wolf hunting was not a tradition of the local communities and would make it harder for local hunters and trappers to successfully take wolves using ground transportation.

Secondly, the BLM has a longstanding formal policy in Alaska regarding predator control. Our 1983 MOU with the Alaska Department of Fish and Game states that predator control is a State issue. Throughout the 1990s starting with the Delta Caribou Plan, the BLM has repeatedly taken the view that any predator control elements are exclusively a State concern. In relation to the Federal Subsistence Program, we do not believe that predator control is within the scope of jurisdiction of the Federal Subsistence Board. The proponent refers to predator control in the proposal and the Council discussions in the February Dillingham meeting mentions effects on the caribou herd along with the discussions of increasing subsistence opportunity. In our view, there's an appropriate forum for raising predator management proposals and that is with the Alaska Department of Fish and Game. Some of the members may be aware of the Predator Management Task Force looking at Unit 19(D) in the McGrath area.

Taking these two concerns together, I find it necessary to oppose the proposal. To the extent that
the proposal seeks to increase subsistence harvest
opportunities, there is insufficient information to
indicate that the land and shoot hunting is a subsistence
tradition among the residents in Bristol Bay. To the
extent that the proposal seeks to reduce wolf predation and
promote recovery of the Alaska Peninsula Caribou Herd, the
proper channel to take this issue up is with the Alaska
Board of Game.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional discussion. Judy.

MS. GOTTlieb: Mr. Chairman, thank you.
I'd like to make several comments and they will be like
Fran's, a bit more lengthy than usual but I think that
reflects my strong commitment to subsistence, to this
program and to the people involved and those people
affected. I do want to commend the Chair of the Regional
Council who cares more about these issues than anyone for
his region.

My Staff Committee representative and Staff
attended the Bristol Bay RAC meeting when this proposal was
discussed. Park Superintendent Liggett and her staff also
attended. Within the Park Service we've had many
discussions about the issues involved with this proposal.
I've reviewed quite a lot of material, Congressional
history, Federal statutes, Park Service regulations and
I've read the transcript which recorded the RAC's
deliberation and vote on this proposal.

I believe the proponent is sincerely
seeking actions to benefit people in the region. As has
been explained, the caribou population is down and likely
to still go down. We all know that fishing has been poor
for several years and we all expect it to continue in this
vein. These are serious problems and in no way do I want
to make light of them. This proposal gives us only one way
to manage the problem, which is a concern about getting
enough food on the table. There are other ways to deal
with this issue but they have not yet been fully explored
or discussed.

I have three main focus areas. Our lack of
compliance with the National Environmental Policy Act and
ANILCA, Section .810. This Board's history on the issue of
predator management and mentioning the minority view from
the Bristol Bay Regional Advisory Council.
I believe this proposal is intended to accomplish the goal of predator control for wolves. Proponents wrote about predator control several times in the original submission to this Board. You can see that for yourself by looking at the various pages in our Board book. The same proponents submitted this, Proposal 162, with more explicit language to the Board of Game to accomplish the same goal and it was rejected.

This Board, our Board, has not yet analyzed predator control in an environmental assessment or an appropriate National Environmental Act compliance document like an environmental impact statement, nor in any kind of ANILCA compliance document, specifically, an .810 review. In my opinion, this is not something we should jump into based on one or two proposals. If I were to look for a model where appropriate discussion and cooperation toward ecosystem management seems to have worked, it might be the Fortymile Caribou Plan. That plan did not mask its effects or its efforts in regards to predator control, although I do not think the process was perfect, through a series of public meetings and a long-term commitment of many hardworking citizens, a course of action was developed that eventually gained public and governmental support.

Should we not do at least this much on the Alaska Peninsula? Did not many residents of the region and members of the Bristol Bay RAC do just this recently when discussing moose management in Unit 17(A) and a few years ago when discussing caribou management in Unit 9. These efforts have won the endorsement of our Board many times.

I'll point out, as Wini did, in the subsistence management EIS for public lands, Federal public lands in Alaska, the topic of predator control was not analyzed. It specifically was included under issues that were not addressed. I won't reread what Wini said, but again it was not covered in our EIS.

Although this Board has taken up a number of proposals over the years that were or might have been about predator control, we do not have a written policy on how to deal with such issues. There is no policy to support this, nor is there one to hide behind and defeat it. Yet, this is more than a vote on a single proposal. Passage of this proposal would be a major shift for this body. A shift, that has to the best of my knowledge had little direct discussion by this Board. Let us be careful. Let us consider the many sides of a longstanding issue fraught with controversy and strongly held opinions on all
sides and we've heard many of those opinions today. Those of us who have been in the state many years have seen this issue come up many times before. Last year the Governor appointed a task force for the McGrath area to work on an adaptive wildlife management team to deal with wolves and predator control. Looking at their draft report, it's apparent to me that they've put in a lot of time and effort as well as gathering a lot of public input. They have defined goals and objectives and implementation ideas. We have not done anything so thorough and perhaps we need to do so.

My interest is, if we support a predator management proposal that includes land and shoot, we may attract a wave of protest from inside and outside our state. Those are interests that might attack many parts of this program that we all agree about.

I fully understand we do not vote based on popularity or lack thereof for the proposal, nor do we decide for fear of legal challenges. The basis for our decision-making is the law, however, if we go down this road we need to do far more than have a single proposal analyzed.

I'd like to, again, mention quickly the minority view from the Bristol Bay RAC, the people in the region mostly have snowmachines and fourwheelers and the fear about more outside region people taking wolves than inside.

As you see in the analysis, regardless of the outcome of this Board's vote, the activity under consideration here, same day airborne taking is already prohibited by two National Park Service regulations, 36 CFR 13.21(d)(4) and 13.45. So I don't speak as concerned about Park Service lands, I speak as a very concerned Board member here. And I am worried that hunters could accidentally stray onto Park lands and therefore might be in violation.

You've heard some comments about difficulty of enforcing this kind of regulation with regard to the Federal Airborne Hunting Act, and I share those comments. We have an obligation not to harass the animals.

In summary, I will vote to reject Proposal 22 and the RAC recommendation based on insubstantial evidence and concerns about wildlife conservation principles. This program has not yet addressed the issue
of predator control in our NEPA and ANILCA compliance
documents and this is also a fatal flaw.

I appreciate your time and those are my
comments.

CHAIRMAN DEMIENTIEFF: Thank you. Gerald,
I think was first.

MR. NICHOLIA: Thank you, Mr. Chairman.
Coming from the Eastern Interior and being right close to
the Western Interior, we have a very big problem with
wolves. They're in large numbers, they're not afraid and
they're running out of resources. They enter our villages,
kill our dogs. We had to watch very closely over our kids.
And if it's not for the caribou, if it's not to protect the
caribou and the resources that these people depend, just
think of the personal property, the elders and the kids
because I've dealt with wolves all my life. And when
they're in large numbered pack, more than 15 and he said,
25, they wouldn't be afraid to enter a village. We had
wolves right outside of Tanana howling and we had to go out
there, people had to stay watch and people had to keep the
kids and elders off the streets. And if nothing's going to
be done now and you're just going to let them overrun it, I
don't think we're even helping our subsistence -- we're not
sticking up for the subsistence things that we're supposed
to be sticking up for.

Thank you.

CHAIRMAN DEMIENTIEFF: Gerald, for your
information -- Bill, I'll get to you in a minute, I just
want to respond, I was just doublechecking to make sure
where we were. We do have a defense of life and property
regulation. But in terms of an ANILCA mandate, that's not
within our mandate, we just provided for that opportunity.
So I just wanted to make that clear in terms of dealing
with the recommendation. Bill and then Ronny and then
Willie. Bill.

MR. THOMAS: Thank you, Mr. Chairman. With
all due respect to the views and interpretations of members
of the Board, I do have to take some exception to some of
the language that deals with potential and speculation with
regards to abuse. This is a carryover from the State
attitude for the past 30 years. I'm sorry to see it enter
into the Federal scheme of management. And there's nothing
we can do about -- if we're going to try to write our
regulations to have it abuse free, I mean we'll be
contracting all around the world for resource management.

Also I'm not so sure that I've heard a
criteria not to adopt this in our discussion. It hasn't
been plain, it's been hinted at, but it hasn't been clearly
defined as a criteria not to adopt. Another thing, with
regard to size. I don't think size of an area or
population of an area should be a consideration. If you're
going to manage a resource, manage on the merits of the
conditions of the resource that's there. But speculation
about abuses and potential other people coming in I don't
think should be considered.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Ron.

MR. SAM: Thank you, Mr. Chair. I've heard
quite a bit of fears expressed as to going into or out of
the boundaries of which we are targeting. It is so
relatively simple to stay within your realm. I did
intensive fire mapping for BLM with a Cherokee-6 from
Fairbanks, Ft. Wainwright north and south of the Brooks
Range, I didn't even need a map or anything to know where I
was at. You just naturally know all the natural landmarks
and you know exactly where you're at, you know what
boundaries, you know whose land is here and whose land is
there. And as for countries I didn't know I flew a
helicopter because I was boss of that helicopter all the
way down to Montana with a GPS and a map I had to report
every hour my exact position because I was in total charge
of that helicopter and I hadn't even seen this land. So
every hour on the hour I'd call in on the radio and tell
them exactly where I was. So with all the technology that
we have around now, that fear shouldn't even be there.
Because, like I said above Fairbanks and south of the
Brooks Range, I didn't even need a map to know where I was
at and from what I gather from this testimony we are
targeting, a few, relatively few qualified Federal
subsistence users in this area and I totally believe that
they would have full and total knowledge of the lands and
the boundaries that we are so afraid of.

There is no need for fear. Thank you, Mr.
Chair.

CHAIRMAN DEMIENTIEFF: Thank you, Ron.

Willie.

MR. GOODWIN: Thank you, Mr. Chairman. If
this was a predator control question then certainly there would be numbers that you would target if you were going to shoot so many wolves. This is a subsistence question, you know, like Dan said even in my area airplanes were used to hunt wolves long before the snowmachine came around. There were two ways they got them, they either land and shoot or they shoot them from the airplane. And in fact, which reminds me, that's the way the BIA did it when they took care of the reindeer herds. My dad was the gunner for 18 years for the BIA shooting wolves and wolverines out of the airplane. He got pretty damn good at it, so good that he shot a wolverine with a 30-30 rifle off the airplane one time. Now, that's good shooting. And he also hunted with his cousins who were pilots for a number of years, shooting wolves for subsistence purposes. And when the boundaries came around everybody started fighting over who was going to shoot for, from the airplane.

But it's unfortunate that the proposers used the word, predator, but like Dan said we're predators too. Now, later on in this meeting, you know, I can't wait to see who you guys vote on Proposal 11, to see how wishy-washy you are. Thank you.

CHAIRMAN DEMIENTIEFF: I think that depends which way the wind is blowing Willie. Any further discussion. Yes, Della.

MS. TRUMBLE: I think I just want to make some comments in regards to the wolves. I know in our region there is an overpopulation of wolves and it has affected our caribou, regardless of whether or not people want to believe it, I think the people in our region that live there do believe and understand that predators, being the wolves and the bear, and overpopulation does have a serious contribution to the decline in a species.

And I think sometimes we go to too much -- make too much effort in trying to maintain a sustainable resource in one area to the results of it declining in other species, and that it's something that balance is, I think, needs to be taken into consideration also when we're making decisions. But like I say, these wolves are in our communities which people have never seen before and there were some concerns of them having rabies also in five of our communities.

CHAIRMAN DEMIENTIEFF: Yes, Bill.
MR. THOMAS: Della brought up some interesting points. However, with regards to us being invaded by the wildlife, I think we got it reversed. Because we built right in the middle of their habitat and they're going to continue coming across from following their instincts.

And with regard to predator/prey ratios, based on what I've witnessed in Region 1 using the deer and the wolf population, there was an abundance of wolf down there for quite some time. Then we had a severe winter kill two years in a row and as a result of that winter kill of the prey, then there was a high mortality among the predators that corresponded with that. So there was a natural way of that meeting of balance. The only real imbalance to this whole equation is anything that's made of metal.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Dan.

MR. O'HARA: Yeah, Mr. Chairman -- oh, I'm sorry, was there someone else over there first.

CHAIRMAN DEMIENTIEFF: Well, let me give Ralph a shot here, okay?

MR. O'HARA: Oh, sure.

CHAIRMAN DEMIENTIEFF: Thank you. I'll come back to you, Dan. Ralph.

MR. LOHSE: Well, Mr. Chairman, we've heard a lot about that we're not supposed to manipulate any predator or prey population and isn't any time we take an animal for manipulating a population, whether we take a predator or whether we take a prey, we just ended up having a discussion on Proposal 7, which dealt with caribou in Unit 13, and the subsistence take of caribou in Unit 13, cow caribou was taking it away so that we could manipulate the caribou population to increase the herd in Unit 13, theoretically to increase the herd in Unit 13 over a long time period. We didn't take into account that the range was down. We didn't take into account that the predator population was up. We cut the subsistence take so that we could manipulate the population of that herd of caribou.

So evidently manipulating, you know, predator and prey populations is acceptable under this
process. Thank you.

CHAIRMAN DEMIENTIEFF: Dan.

MR. O'HARA: Yeah, Mr. Chairman, I think we've probably talked this as far as we need to talk it and I do appreciate the opportunity of being able to address the Council. I think that it's interesting that we have three nay votes already so it ought to be real interesting to see what happens when we put the motion on the floor.

I think there's another factor here other than predator control and that is, when you see the public testimony that took place here today, these people are a long, long ways from subsistence and a long, long ways from our problem and when you get farther away and the bigger the special interest clubs and become, they get farther and farther away. And they will mandate what the Park is going to do here and you people don't have a choice but to sit there like puppets and have somebody a long ways away tell you what to do and that's the problem you're going to always face.

So there we sit. You know, you can starve a group of people out by somebody else's interests somewhere else and that's a fact of life, Mr. Chairman. And I'd like to request that we have a roll call vote.

CHAIRMAN DEMIENTIEFF: Sure, that's not a problem. Well, everybody else has weighed in and I haven't and I'm going to do that before we go to the roll call vote.

I looked at it from two different ways. The first way I looked at it is the harvest of wolves as a subsistence resource on its own. And it's clear that we didn't have a conservation concern. You know, that lack of substantial evidence that we're being detrimentally affected, or people were, that was the weak part in the proposal, where some of the other locals were saying no. With regard to the wolves providing a conservation and a detrimental concern and we do know that we do have a lack of substantial evidence to link those, that there are a lot of other factors out there. So that part of me says we fell short in terms of this.

Given our limited mandate, now the State of Alaska doesn't have that limited mandate. In my estimation the State of Alaska can go ahead with land and shoot.
Now, I also live, hunt in rural Alaska. And, you know, the fact of the matter is is that the moose in my area, caribou just come back once every 30 or 40 years because there was one of the last areas, in my area, was where the caribou lived, was one of the last areas that had wolf hunting by air. But I know on the ground as each and every one of you that represent your rural areas and as your villagers know, that they're affecting our ability to get our game; caribou, moose, there's no doubt. In the area where I hunt, just go out there, mostly a camping trip and get our moose right away, and they're in good shape and there's no doubt on the ground that it's affecting subsistence users negatively. Because even when we have to work harder to get them and when we get them they're not near as good of shape, even the first of the year and I've heard that from elders all the way down to other hunters more my age. And the reason is is because the wolves are running them damn things to death.

And I will never be a member of the Board of Game, given this next comment, it's out of our control. We're hiding behind fancy laws passed in Washington. We're hiding behind those fancy laws. We're hiding and we're not facing up to the issue because being manipulated by outside concerns, and that has limited our ability as Alaskans to respond to this condition that is going and going to get nothing but worse and it's going to make it tougher on the Native people and non-Native people in rural Alaska who depend on this way of life. And I know that's the reason that each and every one of you and each one of the people in your areas know what's causing these kinds of declines. I know that.

So the professional side of me, and I tried to approach it, that's why I took so long at the early part because I wanted to make sure that we walked through our mandate and I was frustrated because this fancy law prevents us from going ahead. But I understand and I'm willing to live by it because of the other good that this law does. Personally, there's no way that I could support the motion, no way, because I know on the ground this is wrong where this is going. I could see it's already going down to defeat. Therefore, the only choice I have, being torn professionally on what I know I have to do and personally on what I know I have to do, and that's -- you have to understand I'm not taking a chicken's way out, it's just that I am torn, if I went and voted in good conscious I'd have to vote for the proposal. But my professional integrity tells me I have to abstain. Because I know if it came down to a vote and I had to vote strictly yes or no, I
would vote yes. But again, the professional side of me says I have to vote no, given our limited mandate. So have no choice but to abstain.

With that we'll call the roll call.

MR. BOYD: We need a motion.

CHAIRMAN DEMIENTIEFF: We need a motion, didn't we have a motion?

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Well, after the fact that we know what the vote's going to be, let's have the motion and make it official.

MR. EDWARDS: Mr. Chairman, I move that the Board oppose the proposal against the recommendation of the Regional Council. I do that in trying to look at this issue from a subsistence use and needs standpoint. I have not felt that there has been sufficient evidence that has demonstrated this method was a customary and traditional subsistence practice, particularly of the people living in the specific areas. I don't feel that it will accomplish the intent of the proposal to significantly increase subsistence use opportunities. And I remain concern that, in fact, it will be at the detriment of the subsistence users in Unit 9(C) and 9(E), given that the Council member from that area voted against this proposal.

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

MR. CHERRY: Second the proposal.

CHAIRMAN DEMIENTIEFF: It's been moved and seconded. A roll call vote has been called for. Who's going to do that, you, go ahead.

MR. BOYD: Mr. Chair, we'll start with the National Park Service.

MS. GOTTLIEB: I concur with the rejection of the proposal.


MR. EDWARDS: I agree with what I proposed.
MR. BOYD: Bureau of Land Management.

MR. CHERRY: I agree with the proposal.

MR. BOYD: Bureau of Indian Affairs.

MR. BUNCH: We oppose the motion.

MR. BOYD: National Forest Service.

MS. KESSLER: We agree with the motion.

MR. BOYD: Mr. Chair.

CHAIRMAN DEMIENTIEFF: I abstain.

MR. BOYD: Mr. Chair, you have four for the motion, one against, one abstain. Motion carries.

CHAIRMAN DEMIENTIEFF: Okay, with that we're going to take a short break.

MS. GOTTLIEB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I'm sorry, one more comment. I think this Board certainly shares the deep concerns and responsibilities of the region, and I think we'd like to do whatever we can to help address the caribou and moose situation out there and I think we would support any kind of planning efforts. I also think this Board would perhaps want to devote one of our work sessions towards further discussion on the issue.

Thank you.

MR. O'HARA: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Dan.

MR. O'HARA: Before we take a break, something on the lighter side. One of the Native people out in Bristol Bay the other day said that we have the first Native president, first Native Alaskan President in the White House, George Wasillie Bush, so you guys better be careful how you vote up there.

CHAIRMAN DEMIENTIEFF: Okay. We're going to take a short recess.
CHAIRMAN DEMIENTIEFF: At this time we'll continue on in the Bristol Bay region. Wildlife Proposal No. 01-20. Who's going to do the Staff analysis on this for us, is that you, Dave? Okay.

MR. FISHER: Yes, Mr. Chairman. There's two proposals here, 20 and 21. They both deal with moose in 17(A). Proposal 20 was submitted by the Togiak National Wildlife Refuge. It's been a deferred proposal. It proposes to establish a fall season from August 20th to September 15th, one bull by State registration permit in Unit 17(A), this is for moose. Proposal 21 was submitted by Gary Carlos from Togiak. This would also establish a fall season August 20th to September 15th, one bull and it would also propose to establish a winter season, December 1st through December 31st, one antlered bull.

There are currently no Federal seasons. There were several special actions, too, which did provide for a fall hunt. The current State season is August 20th through -- I take that back, the current State season has just been revised, it was August 20th through September 15th, but the Board of Game action here in March changed that to August 25th through September 20th.

The Federal public lands that we're concerned with are the Togiak National Wildlife Refuge and customary and traditional users are those rural residents in Unit 17, Goodnews Bay and Platinum. We should be fairly familiar by now with the biological history of the moose in 17(A). As you recall, very low numbers in the early 80s through the early 90s and then the population started to increase. The current population count was conducted here in February, this last February and the cooperative effort with the Alaska Department of Fish and Game, they counted 470 moose. Continuing on with that cooperative effort, both agencies have gone together and they have a radio-collaring monitoring program, they've done quite a bit of habitat analysis. They have collected quite a bit of good biological data on this increasing moose population.

As you recall, the Federal Subsistence Board rejected a request for reconsideration to establish a winter season and this was consistent with the Regional Council recommendation that no winter season would be held until the population reaches 600 and this is specified in
the draft moose management plan.

A little bit on that plan. This plan has been approved by the Bristol Bay Regional Council and the Nushagak Fish and Game Advisory Committee. There was a meeting scheduled on April 20th in Togiak to hopefully get approval by the Togiak Fish and Game Advisory Committee and discuss that plan but that meeting was cancelled.

What this first proposal would do is establish a Federal season, however, due to the recent Board of Game action, the season would be different from the State and we're talking possibly the need for two permit systems, a Federal permit system or a State permit system. I think Greg may address this when he gives his Staff Committee report. He has discussed the permit ramifications with Fish and Game people, so he'll update us on that. With possibly two permit systems and two different season dates, this could cause confusion for local hunters. The land status would be one of the problems. Two different seasons possibly could increase the harvest but it's not likely as those animals are fairly hard to get in that time of year, the only access is primarily by boat.

As far as the proposal dealing with the winter season, I briefly discussed that when the Board addressed their request for reconsideration. That's basically all I have, Mr. Chairman. Thank you.

CHAIRMAN DEMIENTIEFF: Okay, thank you.

Summary of written public comment.

MR. EDENSHAW: Yes, Mr. Chair, there weren't any written public comments.

CHAIRMAN DEMIENTIEFF: Department comments.

MR. HAYNES: Thank you, Mr. Chairman. The Department recommends that the Board adopt a modified proposal to establish a fall moose season in Unit 17(A) of August 25 to September 20 consistent with the State season established by the Board of Game at its spring 2001 meeting. Consistent with our position on previous proposals to establish a winter moose season in Unit 17(A), the Department continues to support provisions of the moose management plan for this area which stipulate that the winter season should be opened only after the moose population in the area reaches 600 animals. And as Mr. Fisher pointed out, the moose survey conducted this past
winter counted 470 moose there, well below the number needed to trigger establishment of a winter hunt.

If the Board adopts a season that is different from the current State season and supports a different process for issuing permits than the process currently used by the State, then we recommend the Board administer this hunt with a Federal registration permit. And if, and I understand that Greg Bos will have some other recommendations for how this permit hunt might be administered and we can comment on that at that time.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. We have no additional request for public testimony on this issue at this time. Sorry, just making sure we don't have any additional requests for public testimony. Regional Council recommendation.

MR. O'HARA: Mr. Chairman. Chair of the Bristol Bay Council, we support the dates recommended here in the proposal and you'll see the support from our Council also supporting the dates of this proposal. We do not support the winter recommendation for a winter hunt since it's been pointed out, both by the Federal and the State people that the numbers have not reached 600 yet, only at 470. And if Mr. Bos is going to talk about this a little later on, I think we would, of course, be very interested in a permit hunt of some way of controlling it.

I'd like to ask Cliff, Cliff we had a -- Edenshaw, we had thought that we might want to submit a special action on this perhaps. Was that for the five days additional or was that something else, if I could ask that, Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. EDENSHAW: Yes, Mr. Chair. When the Board of Game met in March they adopted the State season and the Federal seasons are staggered, and when the Council met in Dillingham this past February, Robert Heyano was talking with Staff as well as other Council members, bringing up the issue of the five additional days that the moose hunting season would be open, it would be open for State residents as well as residents in the region and they thought that one solution would be to close Federal lands by a special action. The other solution is to go ahead for Chairman O'Hara to poll his Council members and go ahead
and align the seasons. I think there may have been one other option, Dave, if you can help me with that one. I think those were the two that were discussed at the Council meeting in Dillingham, though, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. FISHER: Those were the two main options that were discussed.

MR. O'HARA: And Mr. Chair, the last comment will be that this Council certainly does have a moose plan in place and it seems to be working and we're working towards that number.

Thank you very much.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. BOS: Thank you, Mr. Chairman. For clarification, are we addressing both Proposals 20 and 21 at this point, because we did have different outcomes of the Staff Committee's recommendation on these. I'll address Proposal 20 first.

With regards to Proposal 20, the Staff Committee recommended adoption of the proposal as recommended by the Bristol Bay Regional Council. I'd note that the Yukon-Kuskokwim Regional Council supported the recommendation of the Bristol Bay Council. The proposed regulation can be found on Page 38 of your book. Adoption of Proposal 20 as recommended by the Council would establish as a permanent regulation the fall moose hunt in Unit 17(A), previously approved by the Board as a special action for the year 2000 season. The proposal is consistent with the draft Togiak Moose Management Plan endorsed by the Regional Council and developed through a planning process supported by the Board.

As you can see the proposed regulation calls for a State registration permit. I had discussed the permitting aspect of this hunt with Mr. Jeff Hughes, the regional supervisor for the Division of Wildlife Conservation who is responsible for management of this area under the State's season. The State would support administering both hunts with a State registration permit. The Council would like to see permits made available in several communities in the area and not just Togiak, whereas the State only issues the registration permits in
Togiak. But the State would support the Refuge staff helping to administer distribution of the permits in communities other than Togiak. So I think we can work this thing out with the State, operate this hunt under a State registration permit, that is, both the Federal and the State hunts and make sure that permits are made available to residents in the local communities.

I'll pause there for a moment to see if the State would like to comment on that.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. HUGHES: Thank you, Mr. Chair. Greg, when we spoke earlier it was my understanding we were going to align those seasons if we were going to use one permit. Is that where you're at now?

MR. BOS: No. Maybe there was a miscommunication there. The Staff Committee is recommending the dates that the Regional Council is recommending, so there would be a five day earlier opening for Federal subsistence hunters. However, the Federal Board can authorize the use of State permits as a harvest reporting mechanism for that hunt if the State can support that.

CHAIRMAN DEMIENTIEFF: You're done with that?

MR. BOS: I'm done with Proposal 20 and I was going to move to Proposal 21.

CHAIRMAN DEMIENTIEFF: Go ahead. I'm sorry, Terry.

MR. HAYNES: Mr. Chairman, I think we would still prefer to have the seasons aligned if this hunt is going to be administered with a State registration permit. We're not comfortable right now to commit to that process if the season's aren't in alignment.

CHAIRMAN DEMIENTIEFF: Basically what I was doing was doing the Staff work on both of them and then the Board, when we deliberate, we've got to treat each one differently but I just didn't want to have to go through the process twice on proposals that are linked for the same area. Did you have something else to add?

MR. BOS: I was going to go on to Proposal
CHAIRMAN DEMIENTIEFF: Go ahead.

MR. BOS: With regards to Proposal 21, the Staff Committee did not reach consensus on a recommendation. Some members would reject the proposal consistent with the recommendation of the Bristol Bay Regional Council. A differing view expressed in the Staff Committee supported adopting the proposal contrary to the recommendations of the Council.

In support of rejection of Proposal 21, rejection would disapprove a winter moose season in Unit 17(A), again, consistent with the Togiak Moose Management Plan and the recommendation of the Regional Council. Presently, the draft plan does not provide for a winter moose harvest until the minimum population of 600 moose is established in Unit 17(A). The Board in the year 2000 rejected a similar proposed winter moose hunt in its annual regulatory meeting as well as on reconsideration.

In support of adoption of the proposal, some members of the Staff Committee felt that there is no biological reason to reject the request for a limited winter hunt proposal and the denial of the request would unnecessarily restrict subsistence users. The Regional Council recommendation should also be rejected because a limited 15 day winter moose hunt for antlered bulls would not adversely impact the growing moose population in Unit 17(A). The draft plan has not gained full consensus because the local residents of Togiak and Twin Hills have not approved it.

That concludes the Staff Committee recommendation, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Okay, now procedurally, for purposes of Board discussion and Regional Council discussion we can discuss them both at once. It's just at the end of that, just so the Board understands, at the end of that we will make a motion on 20 and then another separate action on 21. But in terms of deliberation, I don't mind if we mix and match as we have up to this point.

Discussion. Dan.

MR. O'HARA: Would Mr. Wilde, from the Yukon area, would he be involved in discussion, too, since
this kind of affects their area, doesn't it, or is that right?

CHAIRMAN DEMIENTIEFF: Some of these things that we deal with, I mean you notice that we allow Regional Council discussion at any particular time because there's some broader policy implications that get raised so we don't really limit any region. Any region can participate.

MR. BOYD: They also made a recommendation.

CHAIRMAN DEMIENTIEFF: You also have a recommendation Harry?

MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta Regional Council supports recommendation of Bristol Bay Regional Council.

CHAIRMAN DEMIENTIEFF: Thank you. Greg, did you have something?

MR. BOS: I was just going to point out, Mr. Chair, that Goodnews Bay and Platinum in Unit 18 have customary and traditional use for moose in 17(A), that's why we have a recommendation from the Yukon-Delta Regional Council.

CHAIRMAN DEMIENTIEFF: Thank you. Is there any discussion on the two proposals?

MS. GOTTLIEB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I was just going to ask, I heard Dave say that the April meeting of the management planning group was postponed but I wasn't sure if I heard from you or from the Chairman if it had been rescheduled or anything?

MR. FISHER: No, it hasn't rescheduled. And what our Staff will do is talk to Aaron Archibegue, the Refuge manager and get the details and then possibly try and reschedule a meeting because that will be a very important meeting.

CHAIRMAN DEMIENTIEFF: Other discussion.

Ida.

MR. EDWARDS: Mr. Chairman.
CHAIRMAN DEMIENTIEFF: Oh, Gary, go ahead.

MR. EDWARDS: I'm still trying to sort out the, I guess, the issue on the dates and whether it's a registration hunt using State permits or not and the implications of going with what the proposal is, then what ultimately will that do for the permitting registration process and is there any opportunity for any flexibility any way? Either with the Regional Council or with the State? I guess there isn't any.

CHAIRMAN DEMIENTIEFF: Not from the Regional Council, I mean they don't have their Councils here, they already have a solid Regional Council recommendation. Terry.

MR. HAYNES: Mr. Chairman, this is another of series of cooperative planning efforts that have taken place on wildlife and in these cooperative planning efforts we've tried, so far, to have State and Federal seasons aligned and it seems to work much more effectively when these seasons are in alignment. Here we have a situation where one possible outcome is that the State and Federal season would not be in alignment and it creates a new set of issues about whether or not other hunters will be restricted from Federal public lands, the complications that can result in how the permits need to be worded to make sure that if you're using -- certain people that have a permit, that because you have differences in the State and Federal seasons, you have to ensure that the appropriate people have the permit at the appropriate time. There are a series of issues and we would prefer that the seasons be in line consistent with the usual objectives that we've seen so far in these cooperative planning efforts.

I might note, too, that the State season that is currently on the books is, in part, a product of a proposal that Mr. Carlos submitted to the Board of Game and it was acted on this spring. He also requested a winter season and the Board did not adopt that. But as I understand it, the fall season is a result of what he had submitted to the Board of Game.

CHAIRMAN DEMIENTIEFF: Any other discussion.

MR. EDWARDS: Again, Mr. Chairman, I'm trying to understand because it's my understanding that there was a little surprise by the action that the Board of
00106
1 Game took and I'm just wondering if the dates were
2 discussed as part of the planning process?
3
4 MR. HAYNES: Mr. Chairman, I was not at
5 that Board of Game meeting and Mr. Hughes doesn't recall
6 whether that topic was discussed.
7
8 MR. O'HARA: Mr. Chair.
9
10 CHAIRMAN DEMIENTIEFF: Dan.
11
12 MR. O'HARA: The State Board met and gave
13 their dates after our Council met and we gave our dates and
14 so I can't sit here as Chair and neither can the Staff and
15 say, we'd like to align these to the State regulations.
16 But taken into account what Cliff just told us, we can
17 request a special action, you know, as far as to change it,
18 because I would like to see the State and Federal regs
19 aligned as much as possible, it takes away a lot of
20 confusion. It just so happens that we don't have the
21 authority since the Council has not. I could be wrong.
22
23 CHAIRMAN DEMIENTIEFF: I don't know, and I
24 suppose, Dan, that you're going to want to go back to your
25 Regional Council for an authorization? How long are the
26 State regs in effect, when is the next Game Board meeting
27 for that area?
28
29 MR. HAYNES: Two years, Mr. Chairman.
30
31 CHAIRMAN DEMIENTIEFF: Two years?
32
33 MR. HAYNES: Yes.
34
35 CHAIRMAN DEMIENTIEFF: Yeah, whatever
36 choice -- if you're not comfortable with getting out in
37 front of your Council, the Board could take care of it if
38 you felt the Council wanted to modify it or you can go
39 back, you know, it's an extra burden on us, if you're
40 comfortable with the fact that -- you're not changing the
41 Council recommendation, we're just basically rolling you on
42 the dates.
43
44 MR. EDWARDS: Yeah, I guess, Mr. Chairman,
45 I guess that's what I was thinking in order to somewhat get
46 our Council Chair off the hook here, and given that I think
47 we do have new information and it's my understanding this
48 is one area where we've all worked very close together and
49 have the same goals. I guess I would be inclined that if
50 there's any heat to take that the Board would be willing to
step up and take the heat.

MR. O'HARA: Yeah, Mr. Chairman, I'd rather get rolled by you than by my Council, I guarantee you that. You can do what you want.

CHAIRMAN DEMIENTIEFF: I was going to say, we've become somewhat accustomed to you, so, okay, is there any further discussion? We're ready for a Board action on Proposal 20.

MR. EDWARDS: Mr. Chairman, I'm going to take a shot on this and if I'm wrong, correct me and we'll go, but it's my understanding that I'd make a motion that we modify Proposal 20, the recommendation of the Bristol Bay Regional Council and change the dates from August 25th to September 20th.

(Pause)

MR. EDWARDS: On sage advice, I'm going to change my motion to adopt Proposal 20 consistent with the recommendation of the Bristol Bay Regional Council.

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

MS. GOTTLIEB: Second.

CHAIRMAN DEMIENTIEFF: Okay.

MR. EDWARDS: Mr. Chairman, in further looking at this, I would move that we would amend that proposal to change the dates from August 20th to September 15th to August 25th to September 20th.

CHAIRMAN DEMIENTIEFF: There is a motion to roll the Bristol Bay Regional Council, is there a second? Is there a second? I don't know, do you guys feel mean today?

MR. CHERRY: Second.

CHAIRMAN DEMIENTIEFF: Okay, we got another meanie on the Board. Discussion. Hearing none, all those in favor of the motion, please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same
(No opposing votes)

CHAIRMAN DEMIENTIEFF: Despite, Daniel O'Hara's overwhelming objection, we've had to fight and roll the Regional Council on that, we now have Proposal 20 as amended before us. Discussion on Proposal 20 as amended. Okay, no discussion, all those in favor, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries as amended. Staff will write a letter to the Bristol Bay Regional Council for my signature telling them how valiantly he fought.

Okay, Proposal 21. Based on our action with regard to Proposal 20, I would entertain a motion to reject Proposal 21.

MR. EDWARDS: Mr. Chairman, I move that we reject the proposed winter hunt and support the Regional Council's recommendation consistent with the draft Togiak Moose Management Plan.

CHAIRMAN DEMIENTIEFF: So in all of that, that's a motion to reject Proposal 21?

MR. EDWARDS: Yes, sir.

CHAIRMAN DEMIENTIEFF: Okay. Is there a second to that?

MS. GOTTLIEB: Second.

CHAIRMAN DEMIENTIEFF: Discussion. All those in favor of the motion, please signify by saying aye.

IN UNISON: Aye.

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

CHAIRMAN DEMIENTIEFF: Motion carries. We now have Proposal 17 before us. Staff.

MR. FISHER: Yes, Mr. Chairman. Proposal No. 17 was submitted by the Bristol Bay Native Association. What this proposal would do is expand the brown bear harvest seasons in Unit 9(E), it would add six days in the fall and it would add 25 days in the spring. So the fall season would be September 25th through December 31st and the spring season would be April 15th through May 25th. Current regulations allow one brown bear by Federal registration permit.

We've already gone over those Federal public lands in Unit 9(E). A C&T for this unit for brown bear includes the rural residents of Chignik, Chignik Lake, Chignik Lagoon, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik and Port Heiden. I mentioned earlier when we were talking about Proposal 13, that the population of brown bears in Unit 9 was around 6,000. The estimated population for the Subunit 9(E) is considered high and it contains around 3,100 animals. So you can see 9(E) has about half the population of the entire unit. This population is currently stable. Studies in the Black Lake area which is in Unit 9(E) indicate a bear density from one bear per square mile up to one bear per seven square miles and this is pretty high when compared to the rest of the state.

Unit 9 has supported about 25 percent of the State sport harvest over the years, and if you'll look on Page 9 we have the sealing records there. Those are a little bit deceptive in the fact that it doesn't indicate all the bears that have been harvested. There have been quite a few bears that have been harvested and have not been sealed. Studies conducted by the Department of Fish and Game over the years, 1994 through 1997, and then Morris did some work in '87 indicate that the harvest efforts in Unit 9(E) have occurred primarily from August through December and some harvest has occurred as early as April. October, November, December are especially good months for harvest because of brown bear fat is real good at this time and it's used quite a bit by subsistence users in 9(E). A little bit on the harvest for communities in 9(E), again this was information that was collected in a house to house survey by Department of Fish and Game. In '94/95 there were 13 bears harvested, '95/96 18, and '96/97, eight bears.
In talking with Orville Lind, he's one of the assistant refuge managers there at the Becharof Alaska Peninsula Wildlife Refuge, he indicated that residents of Chignik Lake and Perryville would favor a spring extension based primarily on weather conditions and expansion of the spring season would provide more subsistence harvest opportunities for those people. And in talking with one of our anthropologists, Pat McLenahan, she indicated she used to live in the area there when she was working for the Park Service and is pretty familiar with the customary and traditional use of bears. She indicated that not a lot of bears had been taken but they have been taken over a long period of time and have been taken fairly consistent and they are an important subsistence resource.

The issuance of Federal registration permits started in 1992 and over the years, just a handful of permits have been issued, somewhere between one and five each year and the harvest reporting has indicated only one or two bears have been taken using the Federal registration harvest permit.

What this proposal would do would lengthen both the fall season and the spring season and based on past subsistence hunter harvest effort shouldn't impact the current population of brown bears in Unit 9(E). As I indicated there are quite a few bears in 9(E) and the population is quite stable. The proposal would provide additional subsistence harvest opportunities. However, the proposal may cause some confusion as a season in Unit 9(D) starts on October 1st, so this proposal would start the brown bear harvest season on September 25th so there possibly could be some confusion there with the hunters.

That's all I have, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Okay, thank you.

Summary of written comments.

MR. EDENSHAW: Thank you, Mr. Chair. The Aniakchak SRC supports Proposal 17 expanding the subsistence brown bear harvest seasons in Unit 9(E). The SRC supports this proposal as written based on the justification provided in the draft Staff analysis. Additionally, it provides a longer legal season for subsistence users to hunt brown bear.

The Bristol Bay Native Association also sent in a written comment regarding Proposal 17 that they support the draft Staff analysis and the Bristol Bay
Regional Council's recommendation to expand the brown bear seasons in the fall and spring.

Carol Jensen, additionally, commented on Proposal 17 for brown bear and she opposes Proposal 17.

The other written comments will be addressed by the individuals here in the room this afternoon. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you.

Department.

MR. HAYNES: Mr. Chairman, the Department recommends that this proposal not be adopted. We're unaware of any brown bears having been harvested under the current regulation for the past few years. The fact that the brown bear population is high and that there is a desire to decrease brown bear numbers is not sufficient rationale for opening the Federal fall subsistence season on September 25 in Unit 9(E). However, there may be some basis for opening the spring season earlier on the basis of traditional use patterns.

At its spring 2001 meeting, the Board of Game rejected proposals to extend the brown bear seasons and bag limit in Unit 9(E) and to establish both fall and spring seasons each year similar to what is requested in this proposal. In 1999, the Board of Game changed the fall season opening date from October 7 to October 1. The combined fall and spring harvest in the 1999/2000 regulatory year was 18 percent above the average recorded for the previous 10 years. The Department believes it is important to closely monitor the current seasons for a few more years to determine if the increased harvest rates reported last year are a trend and to determine if the current boar/sow harvest ratio remains at its current level. We also believe it is important that the State and Federal subsistence season opening dates in Unit 9(E) remain in alignment to reduce confusion for hunters.

Thank you.

CHAIRMAN DEMIENTIEFF: So on that last issue, we changed on that one, are you going to change on this one? The date alignment, I'm talking about? We have one request for public testimony at this time, Jack Hession.

MR. HESSION: Thank you, Mr. Chairman,
members of the Board. I'll be very brief given the time of day. We recommend that the Board not adopt this proposal. Again, I would urge you to evaluate it in the context of some overriding, overarching, I should say, Federal laws and policies. Earlier I talked about the Refuge Improvement Act of 1997. The latest statement of Congressional policy in this matter. Again, the Fish and Wildlife Service is charged with managing wildlife populations for natural densities and levels of variation. Predator control is the exact opposite requirement. However, the Fish and Wildlife Service can undertake predator control but certain key requirements, and these are laid out in our Staff analysis, are that predator management be compatible with Refuge purposes, biologically sound and justified subject to the provisions of NEPA, and alternative management actions must be evaluated prior to pursuing direct predator control.

I note that in this instance none of these requirements have been met. Earlier there was a reference to ANILCA and the provisions dealing with the National Park Service's management of wildlife. Just let me give you two brief quotes from that legislative history. This is from the Senate Energy and Natural Resources Committee report. Very similar wording was adopted by the House Resources Committee. Quote, it is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources. Rather, the National Park system concept requires implementation of management policies which strive to maintain a natural abundance, behavior, diversity and ecological integrity of Native animals as part of their ecosystem. And the committee intends that this concept be maintained. It concludes, the committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within National Park system units.

Under the circumstances, Mr. Chairman, and members of the Board, I don't see how this proposal complies with these congressional guidelines and I would urge you to stay within the guidelines, if you will. And finally, I note, given the Department of Fish and Game's analysis, a conservative approach here seems highly desirable.

Thank you very much.

CHAIRMAN DEMIENTIEFF: Thank you. There are no additional requests for public testimony at this
time. Regional Council recommendation.

MR. O'HARA: Mr. Chairman, Chair of Bristol Bay. Several things here that, as you can tell, we can supported this proposal. There is a C&T for Bristol Bay in this area. These dates for qualified Federal subsistence users in 9(E) is, of course, good. This is for the expressed purpose of subsistence opportunities for qualified subsistence users, very, very controlled.

I'd just like to, Mr. Chairman, address the changing dates I think is pretty important here. One is and I'm surprised the State of Alaska made a comment that they don't have record of an earlier, in the falltime, using animals for subsistence because this is really in the falltime is where the subsistence user does use the animal for fat and I don't know if you would do it or not, but if you went to some of the homes and they took some of the bear fat out with the spawned out salmon would be pretty good and it's falltime bear. And I think the earlier dates in September are good, in that, these animals have not yet left the streams yet and they're more accessible. Granted, a guy with $15,000 can have his aircraft with the wheels and floats-type plane, but the subsistence user with an 18-foot Lund doesn't have that privilege, so these earlier dates to get these animals by the subsistence user of brown bear, even just for the purpose of fat, I think are good arguments.

And then the springtime bear is coming out of hibernation, there's just a little earlier opportunity there for a subsistence user to go ahead and use this animal. So I think these are good reasons that you would support this proposal.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

MR. BOS: Thank you, Mr. Chairman. Once again, the Staff Committee did not reach consensus on a recommendation. Some members supported adopting the proposal as recommended by the Bristol Bay Regional Council. And a differing view expressed in the Staff Committee deliberation would reject the proposal contrary to the Regional Council's recommendation.

In support of adoption, additional subsistence harvest opportunities would be provided by
expanding the fall and spring brown bear subsistence season. The season expansions would have little impact on the brown bear population in Unit (E) based on past subsistence hunter effort and harvest data. Harvest of brown bears during the requested seasons would be consistent with customary and traditional practices in the area. The proposed regulatory wording is on Page 3 in your books.

In support of rejection of the proposal it was felt that if the intent of this proposal is predator control it does not conform to National Park Services policies for National Park Service managed lands. The Park Service management policy mandates that predator control will not be practiced on Park Service lands unless it is part of an approved Federally threatened and endangered species recovery program.

That concludes the recommendation, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Ready for Board deliberation. Anybody have any discussion on this?

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Gary.

MR. EDWARDS: I'd like to ask Staff, particularly about traditional subsistence uses in the spring. It was my understanding that there has been and continues to be a desire to take bears early in the spring and there's fairly strong evidence that that has been a historical practice. Is my understanding correct?

MR. FISHER: Yes, it is correct. But as I pointed out there haven't been a lot of bears taken, there's been a consistent take over the years.

MR. EDWARDS: Early in the spring?

MR. FISHER: Are you talking, when I mentioned April, I mentioned household harvest data did indicate that there was some bears taken in April, not a lot of bears, but I don't have an exact number for were taken in April but the surveys did indicate an early harvest.

MS. GOTTLIEB: Mr. Chairman.
CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I'd like to ask the Department, I understand that a very similar proposal went in front of the Board of Game and how was that treated, please?

MR. HUGHES: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. HUGHES: The Board did consider a similar proposal at their meeting in March of '99, as has been pointed out we lengthened the seasons and there was a significant increase in the take of brown bears in the area. In our Staff discussions of this, we had just had one cycle to look at and we wanted some additional time to evaluate the effects of extending the seasons and I think it's fair to say that the caution lights were on for us with the increased harvest and so we do have concerns. We're closely monitoring this and the Board agreed with our concerns and rejected those proposals to further liberalize the seasons.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. BUNCH: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. HILDEBRAND: Thank you, Mr. Chairman. Ida Hildebrand, BIA Staff Committee. Again, I raise the concerns that there is no biological reason to reject the recommendations of the Regional Advisory Council. The population is in excess of 8,500. It would be detrimental to subsistence users to reject this proposal. And there is substantial evidence that using brown bear is a customary and traditional practice of the people of the area.

CHAIRMAN DEMIENTIEFF: Further discussion.

MR. CHERRY: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. CHERRY: Thank you. This proposal brings the same complexity as some of the others in this region. On one hand it proposes to increase subsistence hunting opportunities and on the other hand the proponent refers to predator control in the proposal. This obviously
requires a close and balanced assessment.

Brown harvest for subsistence use, both fat
and for meat is well documented as a continuing part of the
subsistence harvest pattern in the Alaska Peninsula,
particularly among the Pacific drainage communities.
Formal surveys taken over many years are available,
subsistence harvest patterns are available for these
communities for many, many years. For the communities of
Chignik Lake, Ivanof Bay and Perryville, from one half to
100 percent of the household use, subsistence take in brown
bear foods most year -- in the other communities, including
those in Bristol Bay side, subsistence harvest of brown
bear begin to show up in the studies after 1994 but with a
smaller proportion of household using brown bear for food
in most year, with 10 percent or less of households
participating. The total Federal subsistence harvest of
brown bears is not large, totaling 39 bears from 1994 to
1997, compared with a total of 622 brown bears taken by all
hunters in this unit that's been documented in the sealing
records for the same period.

The proposal focuses on expanding the
season for harvest in both the fall and spring. In this
respect, we find important testimony from elders in a 1996
report of the subsistence uses of brown bear in Unit 9(E)
by Jim Fall and Lisa Hutchinson-Scarborough in 1996. They
report that the customary fall season, "Usually begins with
the first snowfall in October and lasts until most bears
have denned up in mid- to late December. Bears are
particularly fat at this time of year, especially later in
November and December which appear to be preferred over
October for hunting for this season."

In addition, the customary spring season is
reported to begin after the bears first emerge from their
dens. In an earlier study in 1985 this is displayed on a
calendar of harvest activities as occurring in April and
May. During the Regional Council meeting in February,
residents of Chignik Lake and Perryville were reported to
favor the spring extension since changing weather patterns
have limited their spring hunting activity.

This question of predator control also
arises in this proposal since decrease in the number of
years in their predation effects on caribou and moose are
noted as effects to the proposal. However, on the balance,
the extensive ethnographic record indicates that this is an
important on going subsistence hunt and that current
seasons do not fully accommodate the customary periods of
the harvest.

Based on the record regarding customary seasons, I'm prepared to support the extension of the spring season to start six days earlier, on April 25th and to close on May 25th. I do not support the proposed earlier opening in the fall since this does not appear to correspond with the customs about when the bears are best to harvest for their fat. In my view, without supporting documentation without a customary season at this earlier point, if the Board adopted that change, would be open to criticism for having succumb to the temptation to increase harvest for predator control and not to provide for subsistence traditions.

Thank you.

CHAIRMAN DEMIENTIEFF: Gary.

MR. EDWARDS: Mr. Chairman, I think I would be in agreement with Mr. Cherry's observations but I would like to ask Dan with regards to the fall hunt, with the fat on the bears, it's my understanding that salvaging meat is not all that easy or used that much given the large amounts of fat as it applies to the winter.

MR. O'HARA: Mr. Chairman. Yes, that's a good point. The bears are the fattest in the falltime. They are absolutely in excellent condition and that's when the fat is the most desired and that's when it's used and there's use of the meat as well, you know, some, if not all the meat are eaten. At least it's a lot more than what would be done in a sport hunt which we seem to be pretty liberal with.

The other thing is, the gentleman, Fran, is that your name, that just spoke, I can't see your name tag there, okay, you said that there was not very much of a record of being taken in the fall, of course, in October they're gone. They're not accessible and that's why you must have the earlier dates. That is the subsistence opportunity is that fall hunt and when it's in September because they're still there. Now, you have ice in the rivers, you know, they're not going to be able to get up those streams and just a five day difference, a one day difference, and we had a tremendous struggle just having this Board give 9(E) C&T findings, you didn't even want to do that. There's the longest record of brown bears in that area, go all the way from your arm to the ground, so, no there is great use of these animals in the falltime.
Thank you.

CHAIRMAN DEMIENTIEFF: Any further discussion.

MS. GOTTLIEB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Well, this proposal can also be seen as having more than one goal here. In one light it certainly is about subsistence opportunity and the ability of putting food on the table, another light it could be viewed as a predator control measure with the same underlying goal of putting food on the table. I believe the proponent is truly seeking results for the benefit of people in the region. Again, there are other ways that we might be able to deal with the ecosystem and habitat issues and they haven't been fully explored.

As I mentioned before, if the intent is predator control, this Board has more compliance issues to deal with. And as you've read and as has been stated, predator control does not conform with Park Service policy for Park Service managed lands.

In the testimony at the RAC, the proponent acknowledged how the proposal was poorly written and based on what ADF&G writes on the health of the population, the particular importance of the first week of October, I suggest that the proposal be rejected for biological reasons. I'd rather give consideration to conducting workshops, a series of them, again, focusing on managing the caribou and moose populations in the region at which time a suite of solutions to the real problems could be considered. The Bristol Bay region has certainly demonstrated they can capably take on those kinds of cooperative efforts.

Thank you.

MR. BUNCH: Mr. Chairman, I will agree -- excuse me.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. BUNCH: I agree there is some confusion about what the aims and goals of these proposals are but based upon that and my understanding of the Federal law is that laws that are ambiguous or open should be read in
favor of the Indian. So when you read the law as a whole, I think that when there is this confusion that seems to be abounding in these types of issues, we don't have any other goal than to come down on the side of the Natives and the last time I looked, that was mostly folks that lived out there.

Thank you.

CHAIRMAN DEMIENTIEFF: Ralph.

MR. LOHSE: Mr. Chair, I'm going to have to speak in favor of Bristol Bay's recommendation. In 1966 I went out to Ivanof Bay and taught school. At that time the moose hadn't even come out that far, they had gotten past Chignik and Perryville got their first moose about that time. We went out in the fall. We took bear on purpose and we took bear opportunistically for meat for the village. We also hunted bear in spring for meat for the village. That was, other than sea mammals, the only meat that they had out there. And from that standpoint, to think that nobody was interested in the hide, nobody was interested in anything except the meat. So, from that standpoint, I'd have to support Bristol Bay in this one here.

CHAIRMAN DEMIENTIEFF: Other discussion.

MS. KESSLER: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. KESSLER: I do need to share that some of the difficulties I had with the earlier one I've already spoken to. I found the same difficulties with this one in the sense of, to me, there really isn't a clear picture of substantial evidence as to whether this is, in fact, primarily a subsistence use or predator control issue. If it is a predator control issue, if, in deed, there are difficulties with those prey populations, this does need attention, it's a very, very important issue. But I do not believe that this is the way to go about it.

So I do have those concerns weighing on my mind about this proposal.

CHAIRMAN DEMIENTIEFF: Again, I didn't hear a word about predator control in the presentation by the Regional Council, and our obligation is not to the maker of the proposal. And so in hearing the recommendation of the Regional Council, predator control is not an issue with
regard to this proposal. The Regional Council, on the other hand, went out and took a look at this proposal for utilization of the meat. I didn't hear one -- I don't know where you're raising this except for the proposer, but we're not responsible to the proposer, which is, Bristol Bay Native Association, we are responsible to the recommendation of the Bristol Bay Regional Council. So I don't see how come you guys are ganging up on me when the Regional Council didn't even consider that as an issue in their recommendation.

Let's deal with the Regional Council recommendation on its own. Look at that.

You can reject the argument of the proposer but let's look at the Regional Council and what they're recommending and respond to that. I'm challenging my Board members here to link the Regional Council recommendation with predator control for me, please?

(Pause)

CHAIRMAN DEMIENTIEFF: Now, given that, let's have another look at it by the Board members here. I know what the proposal said, but look at who the proposer is. Look at the Regional Council recommendation. That's what we're responding to.

I think the recommendation of the Regional Council is they're looking to enhance the opportunity for additional subsistence harvest. Not one mention of predator control. You can reject that part of the proposal, well, you don't even have to consider the proposal other than the recommendation of Regional Council. We've walked this walk before on other brown bear issues. But when it finally got broken down to a pure subsistence issue, we have a responsibility, and I have not heard one person document the reasons in the criteria that we have to reject a Regional Council recommendation. Separate that from the proposal. Granted, it's a poorly written proposal but the Regional Council considered it as a subsistence resource.

MR. THOMAS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Bill, I'm trying to get through with this, unless you have something, I would just like to limit it to the Regional Council affected, if you don't mind. I would like a motion.
MR. CHERRY: Motion to adopt the proposal as recommended by the Bristol Bay Regional Advisory Council.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion?

MR. EDWARDS: Mr. Chairman, I second the motion. And in saying that, in trying to separate, in looking at both the previous one dealing with wolves and looking at this one, on its merits, I feel comfortable in seconding the motion.

CHAIRMAN DEMIENTIEFF: Discussion. I invite the other Regional Councils at this time, if you have comments. I know I deferred, but I just wanted to document that we had separated the issues, that this is not a predation proposal, it's the recommendation of the Regional Council. Bill, do you still have comment?

MR. THOMAS: Am I in order, Mr. Chairman?

CHAIRMAN DEMIENTIEFF: Yes.

MR. THOMAS: Thank you, Mr. Chairman. Your last comments are really important because I think we have a tendency to lose focus, our process, in dealing with these issues. The Regional Advisory Councils come from the beach up, or the riverbank up or wherever. And the information we bring to you satisfies the requirement of Title VIII by representing those communities with this information. The reason why we were appointed to serve on these Councils is because of our knowledge with everything that has to do with subsistence. Our only mandate is subsistence. There's going to be predators whether we do anything about it or not. But our mandate is to make an opportunity for continued access to subsistence. You know, we're starting to sound like Congress. Let's humble ourselves and be subsistence management.

Thank you.

CHAIRMAN DEMIENTIEFF: Any other discussion on the motion. Grace.

MS. GRACE: I was going to say, even though the proposal itself is poorly written, I read it to say that because of the declining number of caribou, they need extra meat, so therefore they could utilize bear meat. That's the way I read it.
CHAIRMAN DEMIENTIEFF: Again, we're dealing with the proposal number, that has no bearing on the Regional Council recommendation. Are we ready for a vote; all those in favor of the motion to adopt the Regional Council recommendation, please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed.

MS. GOTTLIEB: Aye.

MS. KESSLER: Aye.

CHAIRMAN DEMIENTIEFF: Okay, it's four to two. The proposal carries.

Okay, with that, we have some eight or nine requests on -- thank you very much for your help on this, both Harry and Dan. We are going to go ahead and move on into the next region which is Yukon-Kuskokwim, where we have two requests for special request actions. And even though I don't expect to hold us here to resolve it, I do want to go through the Staff analysis, Regional Council recommendations and those types of things, and there are some people that need to testify. There is a possibility we might be able to get through all the testimony, depending on how we go through with the original presentation. So we will deal with Special Action Request No. 01-01 and 01-02, which we will walk through together and then, again, have to deal with them each on their own merits. So as soon as the Staff is ready for the analysis, we're ready for you.

(Pause)

CHAIRMAN DEMIENTIEFF: Are we ready for the analysis or are you just getting there? Who's going to do the analysis, you, are you ready to start?

MR. BERG: (Nods affirmatively)

CHAIRMAN DEMIENTIEFF: Go ahead and start.

MR. BERG: Thank you, Mr. Chairman, members of the Board, Regional Council Chairs, members of the public. My name is Jerry Berg. I'm the fishery biologist for the Office of Subsistence Management. To my right is Mike Rearden, the Kuskokwim area inseason Federal fisheries manager, and Alex Nick, Y-K Regional Council coordinator.
This brief presentation is to provide you with an overview of information concerning the stock status and subsistence management issues for the Kuskokwim River before we move into the consideration of the Kuskokwim River Special Action Request. That was the handout that was just passed around, it's salmon colored.

First of all, I'd like to start off saying that there currently is not a comprehensive assessment of total run size for the Kuskokwim River salmon, although there are various salmon enumeration projects including aerial surveys, weirs, one test fishery, and one sonar project on the river. Efforts are being planned to address this total run size question.

Chinook salmon runs have been very poor for the past three years as you can see in the first graph up on the screen. Chinook salmon escapement goals for the Kuskokwim River are primarily based on historic mean annual peak aerial survey counts for selected streams. Chinook spawning escapements have been poor since 1998 although the ability to assess escapements in 1998 was severely hampered because of high water and adverse weather. Escapement goals were not achieved in 1999 and 2000 despite the use of specific management plans to reduce harvests. Most chinook salmon returning to the Kuskokwim are five and six year old fish. Below average returns of the five and six year old component are expected again this year based on poor returns of four and five year olds in 2000.

Chum salmon spawning escapements were generally poor in 1997, 1999 and 2000, again, as you can see in the graph on the screen. Established chum salmon escapement goals do exist for the Aniak and the Kogruklik Rivers, which demonstrate these poor returns. Recently developed salmon enumeration projects on four other rivers also support the assessment of poor escapements in these same three years. Most chum salmon returning to the Kuskokwim are four and five year old fish. The return of four year old chum salmon in 2000 was below average and, therefore, the five year old return this summer is expected to also be below average. Escapement of chum salmon in 1997 was judged to be very poor and therefore the return of the four year old salmon in 2001 is expected to be below average. We anticipate the 2001 chum salmon return to be critically low to below average based on the anticipation of continued poor productivity that has been displayed in 1997, 1999 and 2000.

As far as subsistence harvest or harvest
information, subsistence harvest of chinook and chum salmon in 2000 were among the lowest in the past 12 years. Subsistence users reported fishing harder for fewer fish and many upper Kuskokwim River residents reported not having their subsistence needs met. Lower and middle river residents generally did meet their needs. The preliminary subsistence salmon harvest data for 2000 supports these reports with the residents in the lower river harvesting 82 percent of their five year average annual harvest of chinook and 92 percent of their five year average of chum salmon. By comparison, the middle river residents harvested 71 and 73 percent of their most recent five year average of chinook and chum salmon, while upper river residents harvested only 47 percent and 39 percent of their five year average chinook and chum salmon harvest.

As you know there was a lengthy Board of Fish process this past January and based on this same information which was also presented to the Board of Fish in January, a subsistence fishing schedule was established on the Kuskokwim River to help these chinook and chum salmon stocks of concern. The goal of the schedule is to provide windows of time that will allow salmon to migrate upstream to the spawning grounds. When necessary for conservation, this schedule may be altered based on preseason or in-season indicators.

Alaska Department of Fish and Game and Fish and Wildlife Staff has discussed preseason management strategies with the Regional Advisory Councils at their spring meetings in Fairbanks and Kotlik. Also the Kuskokwim River Salmon Management Working Group met to discuss the preseason management strategy for the Kuskokwim River. ADF&G and Fish and Wildlife Service Staff have also been working together to get information out to the public about the upcoming salmon season. State and Federal Staff asked 25 villages along the Kuskokwim for their preference, for specific days of open and closed fishing times for the subsistence fishing schedule. The general consensus from the 15 villages that responded was adopted as the fishing schedule. The schedule will open subsistence fishing Wednesday through Saturday and close subsistence fishing Sunday through Tuesday.

The poster being passed around here was designed and developed by the Yukon-Delta National Wildlife Refuge and is another product of the cooperative efforts between the two State and Federal agencies. These posters are being taken to most of the villages along the river by a team of ADF&G and Fish and Wildlife Service Staff and
meetings are being held in these villages to help answer questions and to get the word out about the upcoming fishing season. State and Federal Staff are also writing a series of fishery articles which are being printed in the Delta Discovery Newspaper each week from March through May. Information is going out through the local radio and TV stations as well.

All these efforts are thought to be necessary to reduce subsistence harvest in order to assure the continued viability of chinook and chum salmon populations. A commercial fishery in 2001 is highly unlikely. Subsistence harvest of chinook and chum salmon may not be met for many upriver residents. In addition to these subsistence fishing schedules, State and Federal managers are asking for local support of a cooperative appeal for Kuskokwim River drainage chinook and chum salmon conservation. The appeal states that ADF&G, the Kuskokwim River Salmon Management Working Group and the U.S. Fish and Wildlife Service are concerned that not enough chinook and chum salmon will return to spawn and ask subsistence fishers to voluntarily reduce their chinook and chum salmon harvest this summer. The appeal for this voluntary conservation measure is currently being circulated to villages along the river asking for fishers for their support. Last year there were subsistence fishery gear restrictions and subsistence harvest shortfalls. In early July last year you may recall the need for both the Federal and State Boards to restrict subsistence harvest to gillnets with mesh size of six inches or less. Additional restrictions similar to these may become necessary again in-season this year.

This concludes my summary and I'll answer any questions or comments on this summary first before proceeding with the Staff presentation on the Kuskokwim special action before you today.

CHAIRMAN DEMIENTIEFF: Of course, we have no intention to go beyond so if there -- people might be kind of tired, you are going to be here available for questions on any of the stuff that you present us today?

MR. BERG: Yes, I will.

CHAIRMAN DEMIENTIEFF: We're just going to try to accommodate through public testimony. So I ask you to be as brief as possible and we'll just try to accommodate those people who cannot make it back, and I know of at least one and I'll be asking him to testify, if
we can get that far. I don't mean to shorten your
presentation, I know it's all important. But I think
everybody's had a good look at it, but go ahead and give it
a crack anyway.

MR. BERG: Okay, thank you, Mr. Chairman.
Special Action 01-01 was submitted by Mike Savage with
support from the Yukon-Kuskokwim Federal Regional Advisory
Council and requests a closure to sport fishing for chinook
and chum salmon on Federal waters within the Kuskokwim
River drainage, effective June 1st. Special actions are 60
emergency actions taken by the Federal Subsistence Board.

Chinook and chum salmon in the Kuskokwim
River drainage have been identified as stocks of concern by
the Board of Fisheries. In response to these critically
low runs of chinook and chum salmon, the Board of Fisheries
established a restricted subsistence fishing schedule as
part of the Kuskokwim River salmon rebuilding plan. The
Federal inseason manager for the Kuskokwim area intends to
adopt this same subsistence fishing schedule by special
action just prior to the fishing season.

The Federal regulations for this area, the
C&T use determination is for all residents of the Kuskokwim
area and they may take salmon only by gillnet, beach seine,
fishwheel and rod and reel. The State sportfish bag limits
currently are king salmon over 20 inches, three per day and
three in possession and additional restrictions on the
Aniak River include king salmon over 20 inches, two per day
and an annual limit of two. Chum salmon there's no
retention year-round on the Aniak. However, ADF&G did
issue a news release announcing their intent to reduce
sportfishing bag limits from three to one fish per day
drainage wide. Federal jurisdiction extends throughout the
lower, middle and some portions of the upper Kuskokwim
River drainage. Federal jurisdiction includes all waters
from the mouth of the Kuskokwim upstream to, and including
the lower portion of Aniak. Jurisdiction on the Aniak
extends approximately 5.6 miles upstream of its confluence
with the Buckstock river.

The Kuskokwim River has always been open to
subsistence fishing seven days a week, 24 hours a day
unless a commercial fishing period was open but as I said,
there's no expectation of any commercial fishing in June
and July.

This will be the first year that a
subsistence fishing schedule will be in place. The
schedule is intended to be implemented from the lower river upstream as the fish progress over a three week period and the schedule may be altered in-season depending on evaluation of the run strength. During subsistence fishing closures, all gillnets with mesh greater than four inches must be removed from the water and all fishwheels must not be operated. There are no preseason restrictions on subsistence rod and reel fishing.

Adoption of this schedule is intended to help spread the subsistence fishing opportunity throughout the drainage and to provide closed fishing periods for salmon to reach their spawning grounds.

Without going into the details of the biology again, since I just went over that, I'll just briefly summarize that chinook salmon runs on the Kuskokwim have been poor for the last three years and chum salmon runs have been for three out of the last four years. The outlook for both species is poor for this coming summer.

Subsistence harvest will likely be met for the lower and middle Kuskokwim residents but based on the recent salmon run performance and subsistence harvest data, upper river residents may not meet their subsistence needs this coming summer.

Sportfishing for chinook and chum salmon on Federal waters in the Kuskokwim River drainage primarily occurs on the Aniak, the Kisaralik and the Kwethluk Rivers. The Aniak River supports the largest sportfishery for chinook salmon in the Kuskokwim River. The most recent three year average of chinook caught in the Aniak River sportfishery is 7,800 fish with almost 800 of those fish actually harvested and those are a little bit updated numbers from what's in your analysis. I just received those from fish and Game recently. There have been an average of approximately 3,400 chum salmon caught and released in those three rivers with a harvest of 55 chum salmon.

The 2001 outlook and recent poor chinook and chum salmon returns in the Kuskokwim River drainage raises biological conservation concern for both species. There is always some level of uncertainty regarding salmon run outlook or forecasting of a coming salmon fishing season, however, the data available are strong indicators of expected poor returns for both chinook and chum salmon. Until there are additional indicators in-season, management actions need to be conservative for these stocks of
concern. If adopted, this special action would negatively
affect the guides, outfitters and shuttle services operated
in support of the chinook and chum salmon sport fishery.
However, sportfishing for other species would continue.

I'm prepared to answer any questions today
or I'll be here tomorrow to also answer questions. Thank
you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: I think in the
morning would be good. I don't even know if there are
people in here that can't come. I know we do have one lady
that -- you can summarize the other written public
comments. The one from Jennifer you can read it into the
record, she had to go and wanted it read into the record.
You can read that into the record in full in the morning,
first thing at 8:30. So you can summarize if there are
other written public comments, you can summarize those now,
briefly.

MR. NICK: Thank you, Mr. Chairman. We've
received public comments from AVCP, from Yukon River
Drainage Fisheries Association, and Algaaciq Tribal Council
of St. Marys.

CHAIRMAN DEMIENTIEFF: And are those in
support?

MR. NICK: Those are in support of, AVCP
and Algaaciq Tribal Council supports the special action
proposals and there's a representative here from Yukon
River Fisheries Drainage Association so she will summarize
her public comment.

Mr. Chairman, with your permission I'd like
to just cover brief highlights of two public comments
received from sport groups, one from Ultimate Rivers. They
submitted a written comment and they wanted to let you be
aware that there's growing resentment and animosity of
locals towards outsiders. And I believe you have a copy of
that with you. I won't go in detail with this one but I
will just cover very brief highlights of what they're
saying. That what they're covering in this comment is
that, you know, they believe that the sport activities
wouldn't have impact on the subsistence uses, I believe.

The other one is from Alaska Quest and,
again, I'll cover really brief highlights of the comment.
They state that the State Sportfish Division is already
intensely managing the situations as evidenced by the
closure of king and chum harvest on the Aniak. And they would like for the Board to know that they're greatly in opposition of these special action proposals. Again, I won't cover the rest of the letter.

Those are the public comments and there's one from Jennifer Hooper, but I will read the testimony when you call for that.

CHAIRMAN DEMIENTIEFF: As your request, we'll open up at 8:30 in the morning and you can read hers because she did have to go back.

MR. NICK: Okay.

CHAIRMAN DEMIENTIEFF: So we'll read her whole letter into the record first thing in the morning at her request.

MR. NICK: Thank you.

CHAIRMAN DEMIENTIEFF: Okay, Eruk Johnson, AVCP, are you going to be here in the morning?

MR. JOHNSON: Yes.

CHAIRMAN DEMIENTIEFF: Okay, we'll come back if we still have time if everybody's going to be here. I imagine most of these people have a vested interest. Paul Alred, are you going to be here in the morning? Pardon? Where are you at? You're going to want to watch the deliberations, I imagine anyway, uh, or you can testify today if you're not coming back?

MR. ALRED: I'll be here.

CHAIRMAN DEMIENTIEFF: Okay, 8:30. We might come back and take some of these anyway if everybody can be here. LaMont E. Albertson, are you.....

MR. ALBERTSON: I could be here.

CHAIRMAN DEMIENTIEFF: You're going to be here in the morning, okay. Eruk Williams.

UNIDENTIFIED VOICE: He left.

CHAIRMAN DEMIENTIEFF: Okay, we'll call his name in the morning, too. Greg, are you going to be here in the morning?
MR. ROCZICKI: Yeah, I'll be here tomorrow morning.

CHAIRMAN DEMIENTIEFF: Okay. Leo Morgan?

MR. MORGAN: Yeah, I'll be here in tomorrow.

CHAIRMAN DEMIENTIEFF: Okay. Gabe Sam, are you going to be here in the morning?

MR. G. SAM: Yeah, I live here Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Oh, right here in the room?

(Laughter)

CHAIRMAN DEMIENTIEFF: Joe Daniels.

MR. DANIELS: I'll be here in the morning.


MR. LAKE: Yes, sir, I'll be here.

CHAIRMAN DEMIENTIEFF: Okay, we're going to go ahead and take some testimony right now -- what time is it -- well, we'll take a couple of testimonies right now just to get started, it will save us that much in the morning. Erik Johnson.

MR. BOYD: Do you want to do Fish and Game first and then public testimony?

CHAIRMAN DEMIENTIEFF: Did we do you already?

MR. HAYNES: No.

CHAIRMAN DEMIENTIEFF: Oh.

MR. VINCENT-LANG: Mr. Chairman, we have comments but we have comments on both special actions and I don't know if you want to take those comments now or if you want to take them.....

CHAIRMAN DEMIENTIEFF: Maybe we'll just close with that since everybody else is going to be here in
the morning, and that will be fine. Let's hear the comments, and give them something to mull on for their testimony in the morning.

MR. VINCENT-LANG: We're going to give these comments for both these special actions.

CHAIRMAN DEMIENTIEFF: All right, that's fine.

MR. VINCENT-LANG: My name is Doug Vincent-Lang and I'm with the Alaska Department of Fish and Game. The State opposed these two Special Action Requests to close the sportfishery for chinook and chum salmon in the Federally-managed waters of the Kuskokwim River drainage upstream to and including the Aniak River upstream of the Refuge boundary and within the Yukon River downstream from the old Paradise Village. The State also opposes the Federal Staff Committee recommendation to expand these requests to close all Federally-managed waters within or adjacent to Federal Conservation Units to all but Federally-qualified subsistence users in these drainages.

The basis for the State's opposition to the Special Action Requests and the Federal Staff Committee recommendations is that we do not believe this action is necessary or is warranted as a special action. The basis of our opposition is that the action is not necessary, first off, to assure for a continued viability of the salmon stocks within these drainages nor is it necessary to provide for a subsistence priority under the State or the Federal systems or is necessary for public safety concerns.

We also note that the Federal Subsistence Board's closure authority is limited and reflects the fact that ANILCA provides for many purposes. The goals include the preservation of recreational opportunities including but not limited to fishing and sport hunting. The Federal Subsistence Board action needs to balance all of these purposes and not unduly restrict selective uses.

We also have serious process concerns as it is unclear just how Federal managers intend to manage run strength, determine whether escapement has been met or in deed, if subsistence needs are or have been met. We also believe that Staff Committee recommendation raises serious jurisdictional issues and complications. Finally, it is unclear just how many or if fish would be saved by this proposed action.
The ADF&G stands by the Board of Fisheries deliberative process and the Department's management program for addressing conservation and subsistence needs in Alaska in general and in the AY-K area in particular. Issues regarding sustained yield fishing opportunities and management options within these drainages were recently addressed by the Board of Fisheries and the Department this last year. This effort included the participation of Federal Staff and the Regional Advisory Committees and included 12 meetings which were held throughout Alaska to obtain information and public input. This culminated at the Board of Fisheries meeting in January of 2001. At that meeting, the Board of Fisheries took significant conservation based actions along the entire migratory path that affect the stocks. In the Kuskokwim River drainage, this included establishing a four day per week subsistence net fishing schedule. At least a 60 percent reduction in fishing time in Area M. A reduction of the fishing district boundary in W-4. A reduction in the bag and possession limits for chinook and chum salmon in the sportfishery. Maintaining the spawning season closures in the sportfishery for chinook salmon -- the authority to the Department to adjust bag limits for subsistence rod and reel fisheries in-season.

This suite of actions which are included in the Board adopted Kuskokwim River salmon rebuilding plan is sufficient to address the conservation concerns related to chinook and chum salmon in the Kuskokwim River drainage.

Since the Board of Fisheries meeting, the Department has issued a news release which is stating its intent to restrict preseason, the chinook salmon sportfishery to one daily, one annually and the chum salmon to one daily. We estimate that this action will reduce the harvest by up to 50 percent in this drainage. We have also stated our intent to close these fisheries if subsistence fisheries is restricted or escapement concerns are identified. This evaluation will be made in-season based on determinations of run strength.

In the Yukon River drainage, the Board of Fisheries took also a significant conservation based action along the entire migratory path of the affected stocks. These included establishing a subsistence salmon fishing schedule that will be implemented chronologically consistent with the migratory timing as the run progresses upstream. This schedule may be altered for conservation by emergency order if preseason or in-season indicators suggest this is necessary. Again, it instituted a 60 percent reduction in
fishing time in Area M. It provided the Department
emergency order authority for waters, seasons, bag and size
limits and special provisions for hook and line subsistence
salmon and resident species in the Yukon area of the AVCP
region. And finally, it modified the Yukon River summer
chum salmon management plan by establishing guidelines for
managing summer chum salmon fisheries based on projected
run size in-season. And again, the Board determined that
this suit of actions was sufficient to address the
conservation concerns related to chinook and chum salmon in
the Yukon River drainage.

The State does not support taking the
proposed actions preseason, that is, around June 1st, as
requested in this Special Action Request and a recommended
by the Federal Staff Committee. While the run outlooks, in
deed, look very poor, we believe that the runs should be
assessed and managed in-season. The salmon run outlook for
this -- for both the Kuskokwim and Yukon Rivers is not of
sufficient precision to make accurate preseason decisions.
The utility of the outlook can be approved with the
addition of in-season run strength information, which is
why ADF&G typically combines the preseason outlook with in-
season information to make in-season management decisions
in these drainages.

Further, the regulatory subsistence fishing
schedule adopted by the Board of Fisheries is intended to
provide reasonable opportunity for subsistence at most
salmon run sizes. Under State management, subsistence
fishing will not be restricted because of expected poor
returns. Only if the runs are very poor is there a
likelihood of restrictions to subsistence opportunities.
If the salmon runs are better than those occurring in 2000
then there may be no need for further restrictions to
subsistence fishing.

We strongly suggest waiting to take these
types of actions until approximately the middle of June to
the late part of June when we will have sufficient in-
season run strength data to determine if the adopted
fishing schedules should be reduced. If the subsistence
fishing schedule is reduced, then sportfishing will be
closed in State regulation and no commercial fishing will
be authorized.

Placing as much emphasis as Federal Staff
have on the preseason harvest projections and outlooks, we
believe, is a dangerous strategy for managing salmon
fisheries and frankly is quite unprecedented. We cannot
over-emphasize the benefits of coalescing preseason
projections with timely in-season information. The fallacy
of relying solely on preseason harvest projections should
be evident when realizing that most chum salmon and chinook
salmon projections have a 30 to 50 percent error rate
associated with them.

The modified Special Action Request states
that the Federal inseason manager is authorized to remove
this restriction in-season in the event that a harvestable
surplus is identified in excess of the number of fish
needed for escapement and subsistence. It is unclear what
number are being used, as the Federal system has yet to
develop mechanism or process to identify escapement or
amount needed for subsistence.

The Staff recommendation raises serious
jurisdictional issues also. Federal Staff indicate that
this action would apply to all waters within or adjacent to
Federal Conservation Units in both drainages. No maps are
included so jurisdiction is unclear also. Because
customary and traditional use determinations are made by
drainage for both the Kuskokwim and the Yukon, if the Staff
recommendation is adopted then Yukon residents will not be
able to fish on the Kuskokwim and vice versa. Similarly,
Anchorage or Fairbanks residents would not be able to fish
at home at their villages on the Yukon or Kuskokwim as they
are not Federally-qualified subsistence users. This
situation imposes an extreme burden on users and presents
enforcement issues.

Finally, the Department seeks clarification
from the Federal inseason managers as to what criteria and
benchmarks will be used to rescind this action if the
Federal Subsistence Board adopts the Staff Committee
recommendation.

In summary, the State is opposed to the
modification of the special actions to include other State-
managed fisheries in other waters within the drainages. We
are opposed to the apparent preemption of State inseason
management authority to open State managed fisheries
pending inseason run information. The Staff recommendation
specifically removes the State as the inseason manager on
waters within or adjacent to Federal Conservation Units.
The Department stands by the Board of Fisheries'
deliberative process and the Department's management
program for addressing conservation and subsistence needs
in Alaska in general, and the AY-K area, in particular.
I would also like to point out that the Board of Fisheries has submitted a letter to you raising their concerns and their standing by their Board of Fisheries deliberative process.

CHAIRMAN DEMIENTIEFF: Yes, we've all got copies of that letter, thank you.

MR. VINCENT-LANG: That concludes my remarks.

CHAIRMAN DEMIENTIEFF: You're going to be here in the morning?

MR. VINCENT-LANG: Yes.

CHAIRMAN DEMIENTIEFF: Okay. Then we will go ahead and come back together and continue public testimony at 8:30 in the morning and recess for the day. Thank you.

(PROCEEDINGS TO CONTINUE)

* * * * *
CERTIFICATE

UNITED STATES OF AMERICA

STATE OF ALASKA

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

THAT the foregoing pages numbered 02 through 135 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I, taken electronically by me on the 9th day of May 2001, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center, Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 17th day of May 2001.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/04