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FISH AND WILDLIFE SERVICE FEDERAL SUBSISTENCE BOARD
EGAN CONVENTION CENTER
ANCHORAGE, ALASKA

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VOLUME II

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14

MAY 10, 2001

15

8:30 o'clock a.m.

16

PUBLIC MEETING

17

18

19 MEMBERS PRESENT:

20

21 Mr. Mitch Demientieff, Chair

22 Mr. Taylor Brelsford

23 for Mr. Fran Cherry, Bureau of Land Management

24 Mr. Gary Edwards, U.S. Fish and Wildlife Service

25 Ms. Judy Gottlieb, National Park Service

26 Mr. Charles Bunch, Bureau of Indian Affairs

27 Dr. Wini Kessler, U.S. Forest Service

28

29 Mr. Keith Goltz, Solicitor

P R O C E E D I N G S

(On record)

CHAIRMAN DEMIENTIEFF: We're going to go ahead and call the meeting to order. Yesterday we left off with testimony on Special Action Request 01 and 02. If there are additional people willing to testify, it's still timely. Just pick up the blue testimony card at the table immediately outside the door and Staff out there will bring those up to me. The first person to testify today will be Eric Johnson.

MR. JOHNSON: Good morning everybody.

CHAIRMAN DEMIENTIEFF: Good morning. You got to push the button on there.

MR. JOHNSON: Good morning. My name is Eric Johnson from the Association of Village Council Presidents. I'm testifying this morning on both the Yukon and the Kuskokwim Special Action Requests. AVCP supports both of these Special Action Requests. You have before you today a letter from President Arthur Lake of AVCP as well as my written testimony.

Yesterday the State testified that they would close sportfishing in-season, "if subsistence activity is restricted." And the Federal Staff analysis of these two proposals already pretty clearly demonstrates that such a restriction is happening, and that these weekly subsistence closures will severely restrict subsistence. Subsistence harvests have been poor even with seven day a week fishing. There's no improvements in the abundance of king or chum salmon forecast. Reducing opportunity to four days a week or to two 36-hour openings per week under these circumstances is a severe restriction and it greatly increases the likelihood of subsistence needs not being met. Scheduled weekly closed periods also make it quite possible that all or most pulses of salmon will pass through during these closed periods. In deed, a stated purpose of the closed periods is to let pulses of fish pass through. What if most or all of the pulses of salmon are missed, leaving subsistence users to fish an empty river. People are basically prevented from fishing when the fishing is good and are told to fish by a fixed schedule instead.

Closed periods will also severely disrupt traditional subsistence use patterns. Instead of families

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1 fishing off and on in relation to their processing
2 capacity, these closures will force families to concentrate
3 fishing effort much like a commercial opening. This
4 degrades the quality of the subsistence experience.
5 Subsistence is more to the people of the AVCP region than
6 just a quantity of fish.

7
8 And the State says that despite the bleak
9 outlook for subsistence and escapement this year,
10 sportfishing should not be closed at this point but only in
11 in-season, once we know a little more about run strength.
12 But by the same logic, subsistence also might have only
13 been restricted in-season. Obviously the State has some
14 faith in preseason forecasts or there would be no
15 subsistence schedule in advance of this season.

16
17 The State claims that Federal managers will
18 be unable to assess when run strength is sufficient to
19 allow sportfish openings. As Federal Staff recognized
20 yesterday on the Kuskokwim there isn't even any real
21 information of overall run strengths. But by the State's
22 logic, the State or Federal in-season managers would be
23 equally unable to accurately assess when run strength or
24 subsistence needs would require a presumptively open
25 sportfishery to be closed.

26
27 The State should not be allowed to defeat
28 the Federal subsistence priority simply by hiding behind
29 its lack of data on the overall run strength on the rivers
30 it manages.

31
32 Federal in-season management can reopen
33 closed fisheries as easily as State in-season management
34 can close them. Both the need to ensure subsistence
35 opportunity and the need to apply precautionary management
36 to this important subsistence resource call for action
37 ahead of the season.

38
39 Neither the State nor the Federal managers
40 are even pretending that there really is any real
41 possibility of dramatically improved runs this year.
42 Allowing sportfishing in the face of severe subsistence
43 restrictions of the sort imposed here denies a meaningful
44 preference. It denies users an opportunity to come closer
45 to meeting subsistence needs that will likely not be met.
46 These are not routine use restrictions or regulatory
47 requirements imposed on subsistence, these restrictions
48 make it unlikely that needs will be met. And every fish
49 taken for sport under these circumstances increases the
50 unmet need.

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1 Under these facts, subsistence and
2 recreational fishing cannot be balanced consistent with a
3 meaningful preference and if the subsistence priority is to
4 mean anything, then surely it means that under facts like
5 these to ensure a meaningful preference for subsistence
6 this Board should close all recreational fishing on Federal
7 waters anywhere in the Yukon and Kuskokwim drainages.
8 Needs for subsistence users likely will still be unmet but
9 at least people will be a little bit closer to meeting
10 their needs.

11
12 Thank you.

13
14 CHAIRMAN DEMIENTIEFF: Thank you. Paul
15 Allred.

16
17 MR. ALLRED: Mr. Chairman. My name is Paul
18 Allred. My wife and I, Sharon, own OUZEL Expeditions.
19 We've had our business 23 years in Alaska. We operate
20 float fishing trips on the Aniak River. I am in favor of
21 subsistence use of fish and game with a preference for
22 rural residents. People in Anchorage can get jobs and buy
23 food, in the Bush it's different, food costs too much. I
24 think commercial fishing and sport fishing should take a
25 backseat to other uses of fish and game that's there. I
26 agree with the Alaska Department of Fish and Game's
27 position on this issue. I think they have much more
28 experience and are much better able to handle this plan
29 than U.S. Fish and Wildlife Service is.

30
31 I also favor the new Alaska Department of
32 Fish and Game proposal to further limit the retention of
33 only one king salmon. This would put some more extra
34 salmon in Aniak to spawn, not very many.

35
36 According to the way I understand this
37 proposal, I would still be able to take my guests fishing
38 on the Aniak River. We would be able to catch and retain
39 king salmon above the Buckstock River, above the Yukon
40 Delta Wildlife boundary area. This proposal will not have
41 the desired effect of limiting the retention of king
42 salmon. According to the proposal statistics, most of the
43 pressure on the king salmon on the Kuskokwim is on the
44 Aniak River. Since guides will be allowed to take people
45 fishing up the river to keep fish that is what they will
46 do. It will make economic sense to them. They will run
47 their motorboats up there to get their guests fish to take
48 home. There are many problems that this will generate on
49 the Aniak River. Some of them are, this will cause more
50 wake damage to an already highly silty lower Aniak River,

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1 while increasing wake damage to the middle river up to
2 where people will be able to keep king salmon, 5.6 miles
3 above the Buckstock. This will further cover up spawning
4 beds with silt, thus lowering the hatch rates for the
5 salmon. Very counterproductive to the goal of this
6 proposal. It will waste a lot of gasoline. This will
7 cause guides to take their guests way up the river and they
8 will, because for the price they pay, it will be worth it
9 to them. This will cause more traffic on the river, which
10 is difficult at best to operate on. It may even cause
11 accidents to people who are unfamiliar with the different
12 bends, log jams and the increased traffic flow. This will
13 probably create an area where the lodges and the motorboats
14 will go up to to catch and retain king salmon for their
15 clients up river, a boundary if you will, where they can
16 keep kings. The middle of the river will become busy with
17 lots of motorboats.

18
19 The actual sportfishing harvest on Aniak is
20 so small. According to the information that I've gotten
21 and at this meeting, the average annual is only 500 king
22 salmon. The records seems to be about 800. Last year, I'm
23 not sure what the sportfish catch was but it was way down
24 because the season was closed just after it began.

25
26 Please take a minute and look at the
27 Kuskokwim subsistence chinook harvest, can you put that on
28 the screen, the numbers that were actually caught and kept
29 by subsistence use. If you look at those numbers, '99 and
30 2000 and '98, the average of about 500 king salmon puts the
31 sportfishing harvest at under six-tenths of one percent of
32 the subsistence catch during 1999. It's about the same for
33 '98. During these two years, the subsistence catch was
34 64,917 fish and 73,194 king salmon. During 1995, I'm sure
35 the king salmon sportfishing was probably less than 500
36 kings. But still, if it was 500 kings, this would be about
37 one half of one percent of the subsistence catch of 96,000
38 king salmon. This does not even take into account the
39 amount of fish that were caught for commercial fishing. If
40 someone is taking a lot of king salmon from the Kuskokwim
41 it is not the group of sportfishing guides who seem to be
42 concentrated in Aniak.

43
44 I would like to now read you our company's
45 retention record for king salmon, 1995 we kept five kings.
46 1996.....

47
48 CHAIRMAN DEMIENTIEFF: Just a second, if
49 you could just hold on, how much more do you have here?

50

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1 MR. ALLRED: About one or two more
2 paragraphs.

3
4 CHAIRMAN DEMIENTIEFF: Okay, thank you.

5
6 MR. ALLRED: Thank you. 1996, six kings.
7 1997, seven kings. '98, seven kings. '95, five kings. In
8 2000 we served halibut on our fishing trips, the season was
9 closed. I know other guides who served shrimp. Last year
10 we were not even allowed to keep char, rainbow -- I mean
11 not rainbow, we haven't been able to keep them in a long
12 time, grayling or even pike. We have never kept a chum
13 salmon on the Aniak and do not intend to in the future.

14
15 We are not bad stewards of this land who
16 need to be punished. We pick the garbage, the cigarette
17 butts, the beer cans, the messes, the foil, the glass, the
18 bottles, the camp wrecks, the boat wrecks, we clean up the
19 place. We do not go around walking through the areas where
20 salmon are spawning mixing up their eggs to float stream.
21 We depend on this area, too, for our livelihoods, like you
22 do. We take care of it the best way we know how. We
23 infuse the local economy with money. We provide a service
24 to our clients and we have a right to be there and we
25 provide some jobs for the local economy, too.

26
27 We are lucky. Fish runs are not really
28 endangered out there. The habitat at the Aniak supports
29 thousands upon thousands of fish. The United States Fish
30 and Wildlife Service does not need to close the
31 sportfishing on the lower Aniak River as the king salmon
32 are not endangered there. The people upriver, along the
33 Kuskokwim do not need to worry about the guides in the
34 Aniak, because their fish are going to go right on past
35 that river. The people down river don't need to worry
36 because they've already gotten their chance to catch them
37 and they've already gone past their towns.

38
39 I would just like to say that the other
40 letters that the other guides read, all that was read by
41 them was they said, oh, they don't like it. I would like
42 to have them read.

43
44 CHAIRMAN DEMIENTIEFF: Thank you. LaMont
45 Albertson.

46
47 MR. ALBERTSON: Good morning Mr. Chairman,
48 members of the Board, audience. First I want to thank you
49 for the opportunity to come before you and address what is
50 a most important issue for the residents of the Kuskokwim

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1 River. I've lived in Aniak since 1967 and I started
2 guiding on the Aniak River in 1969. We started with a
3 catch and release operation and pretty much tried to go by
4 Trout Unlimited philosophy, abided by their philosophy.
5 I've raised six children on the banks of the Yukon and I
6 worked as an educator on the Kuskokwim for 25 years. In
7 addition to that I worked a couple summers as a fisheries
8 technician for the Alaska Department of Fish and Game where
9 we did specific surveys on the Aniak River, the Kwethluk
10 River, the Kisaralik River, the Eek River and also some
11 work in the lakes in the Kilbuk Mountains there.

12
13 I testify here this morning operating under
14 the assumption that we're all in agreement that protection
15 of our fisheries resource for future use is something that
16 there's no question in our minds about. And I, based on
17 what I've seen and the changes I've seen in the Aniak
18 River, have serious problems with any sportfish bag which
19 will include the retention or the killing of any king
20 salmon. I have problems with them trying to say one
21 salmon, in fact, I don't think that we should be killing
22 any king salmon or any chum salmon at the Aniak River.
23 And, again, this is just based on years and years of
24 observation, the numbers of fish that are coming back and
25 then the mushrooming pressure that's on that fisheries
26 population right now.

27
28 Okay, now, why do I feel that way? Well,
29 I've presented to the biologist in Dillingham in the past
30 my opinion that our fish were disappearing at a rapid rate
31 up the Aniak River, not just kings and chums but grayling
32 and char and rainbow trout also. They've come back with a
33 good argument and that is that I don't have any statistical
34 information or any research to back up the position that
35 I'm taking, and that's true. I do lack that sort of
36 information, I lack it because that sort of research simply
37 has never been done. But I do understand the difference
38 between presence and absence, and there is a serious
39 absence of fish on the Aniak River compared to what there
40 was just a few years ago in the year 2001.

41
42 I could use grayling as a specific example.
43 It used to be that the communities in the late 60s and the
44 early 70s, even up as late as 1980 would, in the falltime
45 come together and catch a lot of grayling at the mouth of
46 the Aniak River. You'd have grandparents having their
47 grandchildren out there, parents, families out there, a
48 real cultural event, a real activity in Aniak, and that
49 fishery has been completely wiped out based on just the
50 pressure of guiding and sportfishing on the Aniak River.

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1 And again, these are things that I've called to the
2 attention of the State and there has been.

3
4 And this is the second point I want to
5 take, there is zero enforcement or monitoring of the Aniak
6 River by State officials. I mentioned that I've been
7 guiding up there since 1969, that's over 30 years of
8 guiding. Once have my clients been checked by a warden.
9 Once that we've been asked to, and it wasn't by a warden,
10 it was by a biologist down at Dillingham who asked to see
11 our licenses one time, and there's just zero enforcement.
12 No monitoring, whatsoever, of what's going on up there.

13
14 Last year, I appreciated very much that the
15 State Fish and Game took in shutting down our small fish
16 fishery on the Kuskokwim and also shutting down the salmon
17 fishery but my friends who work over at the airport over
18 there, some 20-plus flights that we have, round-trip, a
19 week to Anchorage, tell me that just as many coolers and
20 boxes of fish went out last year as had gone out in past
21 years. Now where are those fish coming from? Well, I
22 don't know exactly where they come from, you don't either
23 but the point is that there's just no monitoring whatsoever
24 of what is going on on the Aniak River right now.

25
26 There is also zero educational effort being
27 made and that's one of the things that concerns me the
28 most. The most successful programs that have existed out
29 there, I think, specifically of the goose management
30 program that took place on the Yukon-Kuskokwim Delta, that
31 was successful because agencies came together and made an
32 educational effort where we teach people. We tell people
33 why regulations and rules are passed, that is not taking
34 place at all.

35
36 There is, and I don't need to address this,
37 there are better people around the table who can address it
38 and I'm just going to mention it in passing; there is a
39 serious lack of cultural understanding of how important
40 these fish are to people in Aniak. As hard as I might try
41 as a long-term resident to understand, I realize that I
42 just do not understand, truly, how important this fishery
43 is to the culture of the area out there. And like I say,
44 there are people better than me who can address that.

45
46 So basically what I'm saying is that unless
47 we get some sort of monitoring or some sort of enforcement
48 out there, I'm not sure there's going to be any changes
49 unless regardless of what we say here today and that we
50 just need some sort of follow up on what is happening.

1 I, personally, would have a great deal of
2 trouble if I were a subsistence fisherman there, accepting
3 this four day restricting unless sportfishing has to
4 release their fish also and I don't think that's going to
5 fly, and Mr. Chairman, I think that's just common sense.
6 If we're going to restrict our subsistence fishery, we need
7 to restrict sportfishing also. It troubles me greatly when
8 I see a raft, several rafts of people on one pool where you
9 got 10 or 12 people with fly rods, spinning rods, casting
10 rods or whatever standing around trying to get the three or
11 four salmon that are out in this one pool who are trying to
12 go through their spawning process, and that happens on the
13 Aniak and it happens on the Aniak every year.

14
15 When I first started guiding up there in
16 1969 there was zero molestation of the fish once they got
17 to the reds, zero. There was nobody up there harassing
18 them. Today it's an entirely different story, the
19 harassment is not intentional it's just a part of the
20 fishing when you put that sort of pressure on so few fish.

21
22 There are some changes, I think, that we
23 need to address which go beyond what's being said today
24 here and I know we have a limited amount of time and I'll
25 rush right through these. We do need to come up with a
26 policy where there's no molestation whatsoever of our fish
27 when they're on the reds. We need to keep power boats
28 completely out of the feeder streams of the Aniak River,
29 they should not -- boats should only be allowed in the main
30 channel. When there's just two or three feet of water and
31 you got a giant jet boat passing over the top of that thing
32 and there are salmon spawning there, I have to believe that
33 that interferes with the spawning process. The Buckstock
34 River is an example that I'll point out to you. There used
35 to be salmon spawning from the mouth of the Buckstock River
36 as far as you could go up that river and now the only place
37 that salmon are spawning is way up in the river and they've
38 just been completely run out of the lower part of the river
39 by the excessive usage.

40
41 All right, I realize also that this is
42 really a hot button, political issue, and I understand
43 there are two sides here and that's why we come together
44 today but I'm hoping that this Board will understand that
45 there have already been a lot of unaddressed changes that
46 subsistence users in the Bush have had to deal with,
47 they're not being enumerated. And I'm hoping that you will
48 stand your ground and not allow any sportfishing for king
49 salmon or chum salmon, I'd like to say all of our fish on
50 the Aniak River until we can bring our numbers back up but

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1 I realize that's unrealistic.

2

3 And with that, I'll close and I'd be
4 delighted to answer any questions if anybody has any
5 questions of me.

6

7 MR. BRELSFORD: Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Yes.

10

11 MR. BRELSFORD: Mr. Albertson, in relation
12 to the specific request that is before the Board, I believe
13 I understood your position, the request is to preclude
14 sportfishing for chinook and chum; it sounds as though you
15 believe that catch and release fishing might be acceptable
16 but any retention, any bag limit in which fish would be
17 retained would not be acceptable in your eyes; have I
18 understood your position correctly?

19

20 MR. ALBERTSON: Yes, you've articulated my
21 position probably better than I did. I definitely believe
22 that we shouldn't be keeping any kings or chums up there,
23 the numbers are down.

24

25 You know, we're to the point where a single
26 fish is really important and once those salmon start
27 spawning up there, they should be left completely alone.
28 I'm sure there are a lot of fishermen in this room but you
29 catch a king salmon when it's going through its spawning
30 process and it just spawns out while the angler is catching
31 it and so you've basically lost a fish. So 500 fish, maybe
32 there were just that few fish killed on the Aniak last
33 year, I suspect there were a lot more, but 500 fish is just
34 the tip of the iceberg; there's another thousand fish that
35 anglers, I think, injure and ruin the spawning process for
36 by catching them up there.

37

38 MR. BRELSFORD: Mr. Chairman, one follow up
39 question.

40

41 CHAIRMAN DEMIENTIEFF: Go ahead.

42

43 MR. BRELSFORD: You've also commented about
44 a long period of time operating as a guide on the Aniak
45 River, what would be the affect to your operation if you
46 were limited to a release policy, to no retention; would
47 your operation fold for the summer?

48

49 MR. ALBERTSON: It would be zero effect.
50 It would be zero effect. The fishermen are coming up and

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1 they realize that you run a catch and release operation,
2 they're going to come up anyhow if they know that ahead of
3 time. And more and more fishermen by completely into a
4 catch and release operation. If you sold your fishing trip
5 that you're going to send fish back with them, then that's
6 what they expect. For a long time, you know, and the
7 State, to their credit, addressed this, people were coming
8 up and wanting to smoke their fish right on the gravel bar
9 and then take smoked fish home with them, many, many pounds
10 of fish. But to answer your question, specifically, it
11 would have zero effect whatsoever.

12

13 MR. BRELSFORD: Thank you.

14

15 CHAIRMAN DEMIENTIEFF: Go ahead.

16

17 MS. KESSLER: Thank you, Mr. Chair. Just
18 so I understood a couple of statements you had which I'm
19 trying to reconcile in my mind, did you say that the act of
20 catching the chinook, it causes it to spawn out so the
21 reproductive potential is lost? I mean even if that fish
22 were let go, that opportunity for it to spawn is gone; is
23 that what you said?

24

25 MR. ALBERTSON: That is what I said.

26

27 MS. KESSLER: Okay.

28

29 MR. ALBERTSON: Once the kings get on the
30 reds, and once they start spawning and you catch a fish and
31 you fight it and put it through all that stress, it usually
32 -- you can pull a king salmon, and I regret that I've done
33 this in the past, but you can pull a king salmon into your
34 boat and it will just spew its eggs all in the bottom of
35 your boat and the same way with a male, you pull it up
36 there and it will just spray its sperm all over everywhere.
37 There's some research, I understand in talking to
38 biologists that kings that are caught like this in the
39 process of spawning that they then, often times, will not
40 expel all of their eggs if they're injured, if the injury
41 is such that their body loses its energy to spawn, they
42 just don't continue the spawning process.

43

44 MS. KESSLER: So biologically, would
45 catching a fish and releasing it have the same effect as
46 keeping it?

47

48 MR. ALBERTSON: If they're on the reds, I
49 believe that it would, yes.

50

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1 MS. KESSLER: Okay.

2

3 MR. ALBERTSON: I think there should be an
4 absolute no molestation policy whatsoever of salmon once
5 they start spawning.

6

7 MS. KESSLER: Okay.

8

9 MR. ALBERTSON: I absolutely believe that.

10

11 MS. KESSLER: Thanks.

12

13 MR. EDWARDS: I guess in following up on
14 your last, sort of observations, then might it not be
15 better to actually not target these fish as opposed to a
16 catch and release policy?

17

18 MR. ALBERTSON: I think they shouldn't be
19 targeted, yeah, you're right.

20

21 MR. EDWARDS: Not targeted?

22

23 MR. ALBERTSON: They should not be -- maybe
24 I'm not understanding your question.

25

26 MR. EDWARDS: My question is based upon
27 what you said, then would it be better not to target these
28 fish as opposed to catch and release which would indicate
29 that you weren't targeting them but you were going to
30 release them once you caught it?

31

32 MR. ALBERTSON: I think the State right now
33 has a policy of you can't bother the fish on the reds or
34 something after July 15th on the Aniak River. That's my
35 understanding and they can correct me if I'm wrong. And so
36 that policy is already in effect, but it happens all the
37 time when you've got raft-loads of people coming up from
38 the Lower 48. You know, whether the fish is targeted or
39 not. When these people have seen all these pictures of all
40 the reds in National Geographic from Bristol Bay nose to
41 nose and they come all the way up here and they're just
42 seeing very few salmon, they really hit the very few that
43 they see very hard. So what I'm saying basically is I do
44 not believe that we should even be fishing for these salmon
45 once they get on the red, we should avoid them.

46

47 And, secondly, the only time that we ought
48 to be practicing catching and release up there is when
49 those fish are on their way to the reds and then once they
50 get there we shouldn't be bothering them.

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1 CHAIRMAN DEMIENTIEFF: Thank you.

2

3 MR. ALBERTSON: Thank you, Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Greg Roczicka. How
6 do you saw it, Roczicka. Roczicka. Roczika.

7

8 MR. ROCZICKA: Keep trying. Mr. Chairman,
9 for the record my name is Greg Roczicka. I am here to
10 speak in behalf of Orutsararmiut Native Council which is
11 the tribal governing body for the community of Bethel. And
12 we would very strongly urge that you do accept the Staff
13 recommendation and the majority recommendation when you
14 take this and come to your final deliberations.

15

16 Specifically, and just following up on Mr.
17 Albertson's prior testimony on the take versus the harvest.
18 I've seen over the years various studies that catch and
19 release, depending on who sponsors it, and essentially you
20 can be looking anywhere from a five percent mortality up to
21 a 60 or 70, and I've seen some as well that even set as
22 much as an 80 percent mortality rate. So if you're looking
23 at the numbers of people coming in there, potentially,
24 catching five to 10 additional fish over the one that
25 they're allowed to keep, you're looking at a huge, huge
26 greater impact than otherwise.

27

28 We've looked at what's been called the lack
29 of data, well, in this case I think it's a significant
30 enough concern that it deserves to be recognized and that
31 you do take the conservative approach in this case.

32

33 There's been such a huge explosion in the
34 number of guides, outfitters, transporters throughout that
35 have essentially spilled over the mountains in the last 10
36 years, and we're not talking just about the Aniak. We're
37 talking about Kisaralik, Kwethluk, George, Holitna River
38 drainage as well, and of course it extends beyond your
39 jurisdiction to address here and certainly needs to be
40 looked at with a broader form.

41

42 But the bottom line I heard fairly
43 impassioned statements yesterday about what's being asked
44 regarding your management decisions of what's the right
45 thing to do versus what your legal parameters are and
46 whether something's politically, socially or emotionally
47 correct, and sadly enough that's what's been driving our
48 management. I mean there shouldn't be a reason that we're
49 here dealing with that, management in many cases has the
50 ability to provide for all uses but because of the

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1 political driving of management actions, they're not
2 allowed to occur, and that is a very sad statement on the
3 state of affairs of our management but there it is and we
4 can only try to work forward to change that in whatever way
5 we can.

6
7 So with that, I'd thank you, Mr. Chairman.
8 I'd just subscribe to the earlier statements and I won't
9 repeat them. I had several of the same issues to bring
10 forward but I believe they were well said already and in
11 the interest of time I'll stop there. Thank you, sir.

12
13 MR. EDWARDS: You'd indicated that you
14 supported the majority of the Staff Committee's
15 recommendation. Would you also support that portion of it
16 that would exclude both rural and non-rural subsistence
17 users that would not have C&T? For example, my
18 understanding is that folks in Bethel who traditionally go
19 over and subsistence fish on the Yukon will not be able to
20 do so under what's being recommended?

21
22 MR. ROCZICKA: Yes, that is a downside to
23 what is there and the Council, when they did discuss this
24 issue, specifically, talked about that and even we were
25 being asked to decide what days would be preferred for the
26 closure and looking over the prior years records which the
27 State of Alaska Subsistence Division has for Bethel, the
28 dates that are there -- not the dates but the days which
29 are set in place now, the Wednesday through Saturday, is
30 not going to accommodate the traditional times or when the
31 majority of people who reside in Bethel are catching their
32 fish, but the Council recognizing the gravity [sic] of the
33 situation said if this is what's going to provide the best
34 opportunity for the most people who really do rely on these
35 fish then this is what we'll do, this is what we'll
36 support. As far as between the two rivers, if there was
37 something you could do to accommodate that perhaps for
38 people who have chosen to come and live and work because of
39 an economic base to be able to get a paycheck, and you
40 could make it within the conservation unit or something of
41 that nature, that would certainly be appreciated.

42
43 But, yes, it was discussed and they
44 accepted that, although not happily.

45
46 MR. EDWARDS: Thank you.

47
48 MR. BRELSFORD: Mr. Chairman.

49
50 CHAIRMAN DEMIENTIEFF: Go ahead.

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1 MR. BRELSFORD: Mr. Roczicka, I believe
2 that ONC has been active in voluntary conservation measures
3 for king salmon and other species on the Kuskokwim River
4 over the years, could you talk a bit about what the impact
5 might be of adopting a closure or not adopting a closure in
6 terms of local support for the limitations, the sacrifices
7 by subsistence users?

8
9 MR. ROCZICKA: Well, the real emotion
10 surrounding the whole issue, as you know, is tremendous,
11 that people have. The Kuskokwim is the last area in the
12 state where up until this year there were no restrictions
13 on subsistence and it's only been in the last generation,
14 actually, that management, per se, came in and many people
15 have the view of managers as being at the fault of all this
16 because there was never any problems before people came in
17 and started to manage.

18
19 When you get into the issues of fairness
20 and especially in context of the current proposal or the
21 Special Action Request that you have in front of you, well,
22 Lamont put it so good, there's just such a huge gap in the
23 cultural understanding or misunderstanding, no common base
24 of perception. And it brings me back to there was one old
25 fellow from Quinhagak that put it so well, and I think I
26 mentioned it to this Board several years but I see several
27 different members here as well, and his question that he
28 could absolutely not understand when people were
29 sportfishing, catch and release fishing, was were these
30 people never taught any manners by their parents as
31 children to play with your food in such a way. When your
32 mother brought you that plate of food and sat it down in
33 front of you and you sat there and messed around with your
34 mashed potatoes with your fingers and threw it around the
35 room and essentially threw it back in her face, and he was
36 really coming from his heart, he just absolutely could not
37 understand how someone could do that. So there's such a
38 deep-seeded resentment -- or it's not really a resentment,
39 that's the wrong word to use, it's such a total confusion
40 as to how people can act that way.

41
42 One point that I guess I did hear mentioned
43 yesterday, when the State was giving their position that
44 there is no public safety concern, I would say that there
45 is something there to be considered. If we're going to be
46 having a closure for subsistence use on some of these
47 tributary rivers and you have boat loads of people coming
48 down that are there for recreational or keeping their few
49 fish that they're allowed to keep but yet subsistence users
50 are going to have to sit on the bank, there could well be

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1 concern there for somebody just blowing up and saying, this
2 is not right, and putting holes in the boats.

3

4 MS. GOTTLIEB: Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Yes.

7

8 MS. GOTTLIEB: I do want to thank you for
9 your testimony, I thought it was very informative and I
10 really appreciate your efforts and all of those people who
11 are willing to make compromises or sacrifices and hold back
12 on some of their fishing in order to make this whole plan
13 work. Thank you very much.

14

15 MR. ROCZICKA: Thank you, ma'am.

16

17 CHAIRMAN DEMIENTIEFF: Thank you, Greg.

18

19 MR. ROCZICKA: Thank you, Mitch.

20

21 CHAIRMAN DEMIENTIEFF: Leo Morgan.

22

23 MR. MORGAN: Good morning, Mr. Chairman.
24 My name is Leo Morgan. I'm the acting executive director
25 of Kuskokwim Native Association. I'm a lifetime resident
26 of Aniak and have used that river all my life.

27

28 The KNA Board of Directors haven't met and
29 they don't have a position regarding this proposal. They
30 simply haven't met yet. It's interesting to hear comments
31 and concern that are now being expressed about the Aniak
32 River, to me, because 15 years ago our cries for help was
33 but a whisper to the State, mainly, on we were concerned
34 about the record numbers of catch for commercial and no
35 record numbers of escapement on the Aniak River. I agree
36 with all what Lamont Albertson had to say about the Aniak
37 River. He used it probably more than me in my lifetime,
38 simply because he's a guide that used it every summer. But
39 Aniak River used to stink horribly of rotten fish, that was
40 just the nature of the Aniak River. Everybody that lived
41 around there knew that. And nowadays, you don't find that.
42 Even if you go further up above Buckstock, you don't smell
43 it. Even before coming into the Aniak River, down below
44 about a mile or two it would stink because of the rotten
45 fish, it was just the nature of that and now it's not
46 happening.

47

48 But it's good to see people that were on
49 the other side of the table 15 years ago when we were
50 crying for help, that they're now seeing that what we were

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1 complaining about, it's good to see the State using our
2 same arguments that we had 15 years ago. We need fish for
3 our grandchildren. I heard them the other day, it was just
4 a shock for me. But, you know, it took that long and it
5 looks like too long.

6
7 But I just have a few comments. The State
8 came to our community last Wednesday and met with the
9 community to discuss the fishing schedule and some of the
10 concerns of the community that were there, they said that
11 they're very concerned about the spawning river of the
12 Aniak, sportfishing is increasing, concern about large
13 boats in the critical spawning grounds. There's absolutely
14 no protection of them. And a lot of people were stating
15 that it was unfair for subsistence users to be restricted
16 for fishing and sportfishing is continuing on a daily
17 basis.

18
19 I know the State came out and told the
20 people that they need to conserve, but more than several
21 times they had to remind them that subsistence users do
22 conserve. They only get what they need and quit. Whether
23 it's going to be fishing four days or whether it's going to
24 be fishing seven days a week, it doesn't matter. They will
25 get what they need and quit. That's what they're used to.

26
27 But we're concerned about the -- well, I
28 am, concerned about the proposal. I don't really
29 understand the map up here, but if it's closed from
30 Buckstock down river, I'm concerned that -- for the
31 sportfishing people, they'll go and move further up river
32 and that's where our critical spawning grounds are. It
33 will impact the spawning beds more. We're concerned about
34 the jurisdiction. If I'm going up the river, I turn right,
35 that's Federal jurisdiction, if I turn left it's State. So
36 it's just confusing. And you know, where does that end,
37 how is it going to be worked out, what the penalties are
38 going to be? I know with subsistence they said there are
39 going to be write-ups, as for penalties they didn't have
40 that part worked out yet. So I don't know, if this
41 proposal is adopted, what are the penalties? Who's going
42 to enforce it? Those types of things.

43
44 Well, I just want to express that, you
45 know, all our people want to do is continue to fish for
46 their needs, whether it's four days or seven days, you
47 know, they're going to fish and I'm glad to see that, you
48 know, there is focus now in our spawning grounds up the
49 Aniak River. And there should be more focus on all the
50 other streams because those are the spawning beds that our

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1 salmon use to lay their eggs and go out to sea to make sure
2 that everybody has a chance to fish whether it's in the
3 high seas or at the mouth of the Kuskokwim or wherever, so
4 that's our concerns from Aniak.

5
6 And I agree with all what Lamont had to
7 say.

8
9 CHAIRMAN DEMIENTIEFF: Thank you very much.

10
11 MR. MORGAN: Thank you.

12
13 CHAIRMAN DEMIENTIEFF: Gabe Sam.

14
15 MR. G. SAM: Thank you, Mr. Chair. My name
16 is Gabe Sam. I am the director of Subsistence Advocacy for
17 RuralCAP. I will be testifying on behalf of the
18 organization's official position. Thank you, Mr. Chair and
19 Board members for this opportunity to testify on the issue
20 before you concerning the closure of sportfish for king
21 salmon and chum salmon on the Yukon and Kuskokwim Rivers
22 and its tributaries.

23
24 As it was stated earlier already in the
25 analysis, the fisheries have been in a disastrous state for
26 three or four years now. It is passing the point where
27 subsistence fishermen farther up the Yukon and its
28 tributaries could not meet their subsistence needs. The
29 outlook for the coming season is not looking promising
30 either. Already, before the fishing season is even
31 started, I hear rumors of possible further restrictions,
32 in-season management, predictions of the runs resulting in
33 further subsistence restrictions.

34
35 It is the recommendation of RuralCAP that
36 the conservation of the salmon resource be protected and
37 that the people that live out there in rural Alaska have
38 the opportunity to meet their subsistence needs first.
39 That is before sport and commercial as it is stated in
40 Title VIII of ANILCA. It has been brought to my attention
41 that sportfishermen take a small percentage of king and
42 chum salmon. My answer to that is it has gotten to the
43 point where we are counting every fish that is going to the
44 spawning grounds. It is no longer in the hundreds of
45 thousands that enter the spawning grounds, it is now just
46 in the thousands. Every fish counts.

47
48 And I thank you for this time.

49
50 Mr. Chairman, when I worked for Tanana

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1 Chiefs last year, we supported the closure of subsistence
2 fishing on the Kuskokwim and then further along, the season
3 came along, the State Department asked for TCCs support to
4 close on the Yukon but we could not support that because
5 the people farther up the Yukon, their subsistence needs
6 were not being met and I thought I'd bring that up.

7

8 Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. Thank
11 you, Gabe.

12

13 MR. G. SAM: Thank you.

14

15 CHAIRMAN DEMIENTIEFF: Joe Daniak, Daniels.

16

17 MR. DANIELS: Good morning. It's Daniels,
18 for the record.

19

20 CHAIRMAN DEMIENTIEFF: Your writing is as
21 good as mine.

22

23 MR. DANIELS: I have terrible handwriting,
24 sorry. Thank you, Mr. Chairman, members of the Board. My
25 name is Joe Daniels. I'm the executive director of the
26 Alaska Sportfish Council. Through direct membership and
27 affiliated groups, we represent approximately a thousand
28 sportsfishermen, sportsfishing lodges and businesses
29 associated with the sportfishing industry. For my
30 testimony, I will be referring to your Staff analysis, and
31 I would ask, for the record, my testimony may apply to both
32 Special Actions. I assume from the previous testimony
33 that's the case?

34

35 CHAIRMAN DEMIENTIEFF: Correct.

36

37 MR. DANIELS: Thank you. For the Yukon,
38 Staff analysis shows an average sport harvest of 28 chinook
39 out of a total run in 2000 of approximately 36,000 fish.
40 Sport chum harvest averages 48 fish compared to a total run
41 in 2000 of approximately 400,000 fish. For the Kuskokwim,
42 Staff reported a maximum sport harvest of 800 chinook.
43 It's been previously mentioned, this represents well under
44 one percent of the total run. Chum harvest averages 55
45 fish for the sportfishery in the Kuskokwim and in 2000 the
46 Kuskokwim subsistence harvest exceeded 51,000 fish.

47

48 For 2001, the Board of Fisheries has
49 further reduced Kuskokwim chum and chinook harvest with
50 decreases in bag and possession limits. In the Yukon, the

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1 Board of Fisheries has mandated that area managers manage
2 the sportfishery to achieve escapement goals and
3 subsistence priority. Using your criteria, this amount of
4 sport harvest is not sufficient to; 1, threaten the
5 continued validity of the fish population; 2, threaten the
6 continued subsistence uses of the fish or; 3, to threaten
7 public safety. This amount of harvest by sportfishing has
8 no biological -- little to no biological impact to the
9 chinook and chum runs within the Yukon and Kuskokwim River
10 drainages.

11
12 I urge you to weigh the cost of this
13 proposed action in human terms against the lack of benefit
14 in fish terms.

15
16 The sportfishery is being further
17 restricted. The sportfishery causes little to no
18 biological impacts, yet is already contributing a 50
19 percent reduction in harvest commensurate with the
20 reductions in subsistence and commercial. These reductions
21 will carry a significant impact to the economy associated
22 with the sportfishery in these areas. In areas that
23 already suffer economically from low fish returns, it makes
24 no sense to further burden, if it won't help the fish or
25 add to subsistence availability.

26
27 I thank you for allowing me the time to
28 testify in front of this body.

29
30 CHAIRMAN DEMIENTIEFF: Yes, Joe, several
31 years ago up on the Yukon River, between Circle and Dawson
32 there was an outfit running a large catamaran that had a
33 seven foot displacement hull, displacing seven foot of
34 water each and every time it went by and it totally changed
35 the runs. Instead of fish normally running where they run,
36 the fish runs started going just right along the bank on
37 each side instead of taking their normal route and totally
38 changed the fishing pattern. Do you think these large
39 sportfishing boats on the spawning grounds in shallow water
40 would disrupt the fish spawning on their spawning grounds?

41
42 MR. DANIELS: Mr. Chairman, I believe that
43 would be the case.

44
45 CHAIRMAN DEMIENTIEFF: Yes.

46
47 MR. DANIELS: Along those lines, if I may,
48 Alaska Sportfish Council certainly doesn't advocate any
49 kind of fishing that is disruptive and lacks a conservation
50 mentality. We support the sustainable yield policy and no,

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1 sir, I would hope that that has been stopped also.

2

3 CHAIRMAN DEMIENTIEFF: Gary.

4

5 MR. EDWARDS: Earlier, we heard testimony
6 from a gentleman from Aniak who indicated that he was a
7 guide and I don't know whether he's a member of your
8 organization or not, but he did, you know, express
9 considerable concerns about targeting salmon on the
10 spawning grounds as well as the effect that catch and
11 release has on chinook that are just prior to them getting
12 ready to spawn. How would you respond to some of his
13 concerns?

14

15 MR. DANIELS: Mr. Chair, Mr. Edwards.
16 First of all, there are policies that State Fish and Game
17 has in place to restrict any kind of fishing on spawning
18 salmon. Secondly, in regards to catch and release, I
19 believe that, again, that had to do with fishing over
20 spawning grounds and unless I'm missing something, and I
21 would apologize if I am missing that that is allowed in
22 these areas; I don't believe that it is. That is fishing
23 over the spawning salmon.

24

25 CHAIRMAN DEMIENTIEFF: Thank you very much,
26 Mr. Daniels.

27

28 MR. DANIELS: Thank you, sir.

29

30 CHAIRMAN DEMIENTIEFF: I got it right.

31

32 MR. THOMAS: Mr. Chairman.

33

34 CHAIRMAN DEMIENTIEFF: Bill.

35

36 MR. THOMAS: If I could, Mr. Chairman,
37 thank you very much. Mr. Daniels, I really appreciate your
38 comments and I very much appreciate the emotions and the
39 passions that you use in representing your group. I have a
40 lot of respect for organizations, regardless of the
41 organization. With regards to numbers and quantities, do
42 you have any idea of -- there was mention earlier about
43 what seemed to be an excessive amount of sportfish pulled
44 out of the river areas by visitors from out of state, would
45 you have any guesstimate as to what those quantities might
46 be?

47

48 MR. DANIELS: Mr. Chairman, Mr. Thomas.
49 You're assuming, I guess, numbers of pounds of fish going
50 out of, in your area, I do not, to answer that.

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1 MR. THOMAS: Okay. Another thing, you
2 mentioned a number of sportfishermen that you represent.
3 You may not have information for the second question either
4 with regards to out of state visitors that come up to fish
5 the rivers. Do you have any idea what those numbers are?
6

7 MR. DANIELS: Mr. Chairman, Mr. Thomas.
8 Not in your area specifically, no. The number for the
9 state is.....

10
11 MR. THOMAS: No, I'm talking about the
12 Yukon-Kuskokwim.

13
14 MR. DANIELS: I do not.

15
16 MR. THOMAS: Okay. No, my area is in good
17 shape, I don't have any problems down there.

18
19 MR. DANIELS: Yeah.

20
21 (Laughter)

22
23 MR. THOMAS: We have management in my area
24 so thank you very much.

25
26 (Laughter)

27
28 MR. DANIELS: I lived for three years on
29 Prince of Wales Island myself, so I know.

30
31 MR. THOMAS: Thank you.

32
33 MR. DANIELS: Thank you.

34
35 MR. THOMAS: Mr. Chairman, there's one
36 more.

37
38 CHAIRMAN DEMIENTIEFF: Yes, Ralph.

39
40 MR. LOHSE: Mr. Chair, sorry, first of all
41 I want to apologize for the fact that I was on the phone
42 and couldn't get in here but I just heard part of Mr.
43 Daniels from the back. And there was a question that I
44 wanted to ask him and I apologize if this question has been
45 asked and I just missed it. But has the State or has
46 anybody done any studies on the percent of mortality on
47 salmon for hook and release and on the different various
48 methods of hook and release, single hook, treble hook, bait
49 or anything like that? Do we have any kind of estimates at
50 all of what the percent mortality is?

00159

1 MR. DANIELS: Mr. Chair, I would believe
2 I'd be better served by passing that off to the State reps
3 here but I know there have been studies done, both fresh
4 water and saltwater. But again, I think you'll get a
5 better answer talking to the reps from the State here.

6
7 MR. LOHSE: Thank you, much.

8
9 CHAIRMAN DEMIENTIEFF: Thank you again.
10 Hart Lake.

11
12 MR. LAKE: Good morning, Mr. Chairman.
13 Before I start I'd like to acknowledge the elders from my
14 region in the room and to acknowledge the fact that they've
15 been great stewards of our resources. Good morning, Mr.
16 Chairman, Board members.

17
18 I'd like to start on an exercise which you
19 probably have not gone through before. And if you will
20 bear with me, (In Native Language). And to expand that a
21 little bit, how many in this room understand and live the
22 traditional subsistence way of life, please, raise your
23 hand? How many understand the languages of their region in
24 which they live their traditional way of life? How many
25 agency representatives and directors fully understand the
26 traditional and customary value systems of the people they
27 serve? That's Federal agency personnel please? There lies
28 the fundamental difference.

29
30 Mr. David O. David from Quinhagak, at one
31 point, did almost the same thing but he wrote his comments
32 in Yupik and gave it to the Commissioner of Fish and Game.
33 And his point was that the Department of Fish and Game did
34 not understand the cultural and traditional value systems
35 in which they were managing and regulating.

36
37 Thank you for that small exercise. I think
38 you kind of understand where that is leading to.

39
40 I am here as president of AVCP, the
41 Association of Village Council Presidents in Bethel. We
42 provide programs and services for 56 tribes in the region.
43 We advocate for and on behalf of those tribes and AVCP's
44 mission statement also says that when our way of life is
45 challenged, that we champion their causes to protect those
46 forces from within and without that challenge our
47 traditional way of life. There's a thing called hungry
48 because of no money and hungry because of no food. Our
49 people have exercised this for generations. They have gone
50 through and survived in the harshest environments in this

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1 world. It is not easy to stand up in your house, walk out
2 the door and go to the grocery store. 1, there's no jobs
3 out there; 2, there's no grocery stores that would do the
4 same things that the ones like here in Anchorage. The
5 world around us is our table, our environment is our table,
6 much like the supermarket is to yours.

7
8 When we start regulating, we should do so,
9 hopefully in understanding and being concerned about those
10 that will be affected when we manage and regulate.

11
12 I appreciate the comment of Mr. William
13 Thomas, who commented about the gentleman concerning
14 wolves, asking about his biology and our biology. I
15 appreciate the comments made by Mr. Demientieff, the Chair
16 of this body, who indicated that we are here for a purpose.
17 The Federal government's responsibility to the American
18 Indians and Alaska Natives should be one that is understood
19 by those that manage and regulate in order to assure that
20 the Federal government's responsibilities and duties to the
21 American Indians and Alaska Natives is understood.

22
23 I appreciate, Mr. Charlie Bunch's comments
24 yesterday about siding on the error with Natives, that's
25 Federal policy and regulation. Your responsibility as
26 Federal agencies is to the Alaska Native people and the
27 American Indian must be understood in order to assure us
28 that the work that you do is in keeping with the parameters
29 of the relationship that the Federal government has with
30 the American Indians and the Alaska Natives.

31
32 Getting to the subject of the Special
33 Action Request of Mr. Mike Savage of Lower Kalskag, Mr.
34 James Luke of Mountain Village. Two people in our region
35 that live the customary, the cultural and traditional way
36 of life and they did these things for a reason. And I
37 believe that one of those reasons is our cultural and
38 traditional value system that says you do not play with
39 your food. You only take what you need in order to feed
40 your family, your extended family. You do not play with
41 the food and that's exactly what it is to us.

42
43 You see people standing on the shores of
44 the rivers with a rod and reel, the fish come in, they pick
45 it up, grab it right around the gills and you see tears in
46 their mouths and they look at it and see how pretty it is
47 and throw or put it back in the river. You don't do that
48 in our culture and traditions because of the respect that
49 you have for the resource. Oh, and by the way, I'm sorry,
50 there is no such word as subsistence in my language, and

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1 when you have that definition and you know where you're
2 coming from and you try to define subsistence so that those
3 that do not understand it have some idea but it's very
4 difficult to do so. Subsistence means the taking of
5 resources or fish in this instance. To us it's a lot more
6 than that. It's the weather, it's the appreciation for the
7 greater spirit, to provide this to you. You're observant
8 of the weather and the conditions and you recall the things
9 that your elders and your parents have said concerning the
10 handling of and the respect of the resources that you're
11 going out for because you're doing this to feed your
12 family. And we do this only because so that our families
13 do not go hungry.

14
15 We do not fish for money and that's why
16 we're so concerned about the sportfishing and the
17 commercial aspects of this whole discussion. It's for
18 food. It's to provide food for our families.

19
20 A lot of comments fly back and forth, well,
21 these are the modern times, and there are modern
22 technologies and utilities that are available, that does
23 not change who and what we are. There's very few people in
24 this room and in the Federal managers that can sit at the
25 same table with me and eat stink fish and eat stink heads
26 and aged seal meat and stuff like that. These things are
27 natural to us, generations upon generations of living in
28 the harshest environment. Much like it's so easy for you
29 to enjoy hot dogs and chicken.

30
31 These things I speak about, I always say,
32 you know, I'm a pretty darn good cook but my mother-in-law
33 has a hard time, she'll eat the rice but not the other
34 things that I cook up because I use a lot of spices and
35 things like that because that's the way they are, 98
36 percent of their diet is from the land and the waters
37 around us, and yet we don't mention any of this in the
38 discussions that we have concerning the preservation and
39 the conservation of these resources. We are very concerned
40 and we will do things necessary to ensure that these
41 resources are available for our children and our
42 grandchildren and those that come behind us. And we don't
43 do it because we're concerned about anything else but the
44 continuation of the provision of food for our families and
45 to carry forth the cultural and traditional value systems
46 that go along with the harvesting of these resources.

47
48 The Special Action Request, we support and
49 we ask the Federal Subsistence Board to act in favor of
50 those Special Action Requests.

00162

1 And in one of those there's a dorsal fin
2 removal.

3
4 CHAIRMAN DEMIENTIEFF: Excuse me, that
5 issue will be taken up later, could you please summarize
6 your comments on Special Action Request 1 and 2 now,
7 please?

8
9 MR. LAKE: Yes. The people of my region
10 are very concerned about the continuation of sportfishing,
11 although they've been reduced to one. They're very
12 concerned that some people or, you know, about sitting on
13 the banks of the rivers while they see rafters go down
14 casting for fish, releasing fish. At the end of the day,
15 they're concerned about sitting at the docks watching these
16 coolers and boxes of fish leaving our region while we sit
17 with our nets out of the water because we can't do that.

18
19 There's a difference and we must
20 understand, you know, these little things that may not seem
21 like very much. Well, we reduced the sportfishing take
22 from three to one, but they're still leaving the region and
23 the rivers on a daily basis to Europe, to Japan, to the
24 Lower 48, and our people can't fish to provide food for
25 their families.

26
27 We appreciate the concern and hopefully the
28 wisdom that is made in the decisions that you make
29 concerning these Special Action Requests.

30
31 Thank you very much.

32
33 CHAIRMAN DEMIENTIEFF: Thank you.

34
35 MR. EDWARDS: Mr. Chairman.

36
37 CHAIRMAN DEMIENTIEFF: Gary.

38
39 MR. EDWARDS: Sir. Art.

40
41 MR. LAKE: Yes, sir.

42
43 MR. EDWARDS: Earlier, I asked the question
44 that as part of this recommendation it would also exclude
45 both rural and non-rural subsistence users without C&T,
46 what is your view on that exclusion because my
47 understanding is it would include some of the villages in
48 all areas that your organization represents?

49
50 MR. LAKE: Mr. Chairman, Mr. Edwards.

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1 That's not rural or non-rural, that's Federally-qualified
2 subsistence users. There's a difference there.

3

4 MR. EDWARDS: I guess my question is that
5 would exclude some subsistence users that have historically
6 used these areas for subsistence purposes.

7

8 MR. LAKE: Well, we agree that Federally-
9 qualified subsistence users should have a preference, but
10 at the same time also I think that's a question that you
11 must deal with with the tribes. It's a tribal issue. It's
12 an internal issue for them. And I think you should have
13 that discussion with the tribes, consult with the tribes
14 and discuss these things with them.

15

16 MR. BRELSFORD: Mr. Chairman.

17

18 CHAIRMAN DEMIENTIEFF: Go ahead.

19

20 MR. BRELSFORD: Mr. Lake, you've sketched a
21 rather stark picture of the differences between traditional
22 cultures and societies, and the management agencies and
23 certainly we're confronting one of the most severe
24 challenges in terms of these limitations on subsistence
25 users that we've seen perhaps ever. I think of AVCP as one
26 of the organizations that's really made a tremendous effort
27 to bridge management and cultural practices through
28 institutions like the Goose Management Plan and many
29 efforts of that sort. I understand that AVCP is actually
30 sharing in some of the voluntary conservation measures, the
31 discussions in the communities at this point. Could you
32 tell us a bit about what we might have in common in this
33 situation? I believe everyone recognizes the severity of
34 the decline of these resources and everyone supports
35 extraordinary measures at this point and it seems that
36 there's no argument about the commercial fishery being
37 suspended until the runs return. But you're active in
38 these conversations in the villages and could you tell us a
39 bit more about what it will take to have support in the
40 villages for these sacrifices this year and what risks
41 might arise if the sportfisheries are allowed to continue?

42

43 MR. LAKE: Thank you, Mr. Brelsford. The
44 joint appeal, I support, but I'm concerned about the method
45 that we're sending out. We all say that we are seriously
46 or gravely concerned about the numbers of fish that kings
47 and chums that are returning and that we are actively
48 working to reduce subsistence harvest, or closing
49 commercial fishery, but we're allowing sportfishers to
50 continue to have fish leave the region and the rivers and

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1 it's hard for my people to say, Art, or AVCP we'll sign on
2 right now because we're concerned about the fish, we're
3 concerned that our children and our grandchildren will not
4 have these resources available. But they're hesitant
5 because they say, well, if the State is also as concerned
6 as we are and knowing that subsistence is a priority for
7 both Federal and State regulations, but to continue to
8 allow the exportation of these fish is a hard pill to
9 swallow for my people. It's very difficult.

10
11 I appreciate the difficulty and yet, I know
12 if we don't do these cooperative efforts, that we will not
13 have these resources available for your children, my
14 children and the future children. We need to do that. But
15 it's a very difficult thing to do, to say, we fully support
16 and we'll go out and take all the efforts to do that. It
17 makes you kind of hesitate a minute before you do something
18 like this because of that.

19
20 MR. BRELSFORD: Thank you.

21
22 MS. GOTTLIEB: Mr. Chairman.

23
24 CHAIRMAN DEMIENTIEFF: Yes, Judy.

25
26 MS. GOTTLIEB: I truly thank you for your
27 comments and I know it's really hard for us to understand
28 each other's lifestyles and ways totally but I do feel that
29 we are very willing to be educated and hopefully capable of
30 being educated and some of the RAC Chairs try educating me
31 all the time.

32
33 I'm also struck by, I mean your main points
34 are we need to communicate and we need to share
35 information, and that's exactly the way that we approach
36 doing business. I was struck yesterday, we were handed out
37 a copy of the Koyukuk River Moose Management Plan and a
38 quote from one of the elders in the area, all of us here
39 from across the state with different lifestyles but we are
40 all here for the same reason so we can continue to hunt and
41 eat moose meat. Even if we disagree on some things, we
42 have to compromise and save the moose for future
43 generations. Well, we're not talking about moose at the
44 moment, I know you all understand that, that has to be our
45 approach on something as very important and critical as the
46 fisheries and the subsistence use on the Yukon and
47 Kuskokwim.

48
49 Thank you for your comments.

50

00165

1 MR. LAKE: Thank you.

2
3 CHAIRMAN DEMIENTIEFF: Thank you. Eruk
4 Williams.

5
6 MR. WILLIAMSON: My name is Eruk
7 Williamson. I live in Anchorage and I conduct float trips
8 on the Aniak River, guided float trips. I'm also a
9 registered guide operating in Unit 18 and 19. I have a
10 degree in wildlife biology and I'm a former member of the
11 Board of Game. I'm new to the Federal Subsistence
12 Meetings.

13
14 Public input at the State Board of Fish
15 meeting was quite diverse and the committee structure
16 allowed users to provide effective input. Compromises and
17 agreements were reached on the Kuskokwim fishery. Sport
18 subsistence and commercial fishermen all were limited and
19 the outcome of that was an innovative and conservative
20 regulation. That State regulation and the possible EO
21 authority, and the EO authority of the State should
22 actually reduce sportfishing effort and of those who come,
23 the percentage who kill king salmon will probably decrease
24 as well.

25
26 It's very difficult for float fishermen to
27 take fish home. On my trips, we kill a few when allowed,
28 jacks, to eat on the river, but no one takes any fish home
29 and we don't kill any full-size adults, of the king salmon.

30
31 The State regulations have already placed a
32 burden on the sportfish operators, especially those who
33 live along the Kuskokwim River and operate in the Lower
34 Aniak. The reduced bag limit and the uncertainty of a
35 possible EO has likely caused an unknown number of
36 potential clients to decide to fish elsewhere and this is a
37 real economic impact to people who live in the Kuskokwim
38 region.

39
40 If this Board closes sportfishing for kings
41 completely, the greatest impact will likely be on those
42 lodges and guides who use the Aniak below Buckstock and
43 most of those live in the Kuskokwim region. As Mr. Allred
44 pointed out, the main option, if this occurs, is for the
45 guides and lodges to travel further up the Aniak River
46 above the boundary which will exacerbate crowding in that
47 area and cause more environmental damage from the motorboat
48 traffic. The shoreline erosion will likely silt, you know,
49 cause increase in silting of the salmon redds and alter the
50 salmon movements.

00166

1 Regarding fishing of the salmon in their
2 spawning area, most guides do not allow their guests to
3 fish for salmon who are setting up territories or on their
4 reds spawning. Fishing effort in the upstream waters is
5 confined to light tackle intended for rainbow, char and
6 grayling. If any action is required I urge this Board to
7 amend the proposal to allow no retention of king or chum
8 salmon but leave the season as it is.

9
10 That's all.

11
12 CHAIRMAN DEMIENTIEFF: Thank you.

13
14 MR. WILDE: Mr. Chairman.

15
16 CHAIRMAN DEMIENTIEFF: Harry, let me
17 explain something here. A moment ago I allowed Bill and
18 Ralph to ask questions during Board -- when the Board was
19 taking testimony and that was just because I was so intent
20 on listening to this. It's never been done before and it
21 will never be done again under my tenure. Regional Council
22 Chairmans will get ample opportunity to discuss when we
23 move on to deliberations. Any questions from the Board.
24 Sorry, I don't mean to be disrespectful.

25
26 Thank you.

27
28 MR. WILLIAMSON: Thank you.

29
30 MR. THOMAS: We're going to leave, Mr.
31 Chairman.

32
33 CHAIRMAN DEMIENTIEFF: You just made
34 history, what are you going to leave now for?

35
36 (Laughter)

37
38 CHAIRMAN DEMIENTIEFF: John Starkey.

39
40 MR. STARKEY: Thank you, Mr. Chairman.
41 John Starkey, attorney for the Association of Village
42 Council Presidents and have been for the past 18 years or
43 so. I've had a chance to see this system evolve and been
44 involved with the State system for quite a number of years.

45
46 I guess what I'd like to focus my comments
47 on are the, what I see as a very limited snapshot of the
48 data being presented, 500 fish, 700 fish, 800 fish. You
49 know, this fishery has a long and tragic history really.
50 As Mr. Morgan pointed out, people in Aniak have been crying

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1 for help for more than a decade. Mr. Albertson's been, as
2 he noted, doing the same thing. Some of the
3 sportsfishermen here, I'm sure, have the same concerns.
4 This fish stock was a wonderfully healthy stock and now
5 we've all come to this point. So you've got the past and
6 now you've got the future.

7
8 I don't think people on the Yukon or
9 Kuskokwim, the users out there, the people that live there
10 see this as this year. I think people are digging in, you
11 know, this the future. This is not this year 500 fish,
12 this is what this means 10 years from now. Are people
13 going to have fish in the river? You know, what's the
14 Aniak River going to be in 10 years.

15
16 You know, you take, let's just play with
17 the number a little bit here. They say they caught about
18 1,800 chinook, that's what was reported as kept. Very
19 conservative numbers. We've got 7,800 caught and released,
20 conservative numbers reported. Okay. So you take the 800
21 and you take the 7,800 and let's just say that 20 percent,
22 very conservative estimate were either injured or harassed
23 to the point where they didn't spawn and you add that
24 together and you get about 22,360 fish. Okay. Well, you
25 multiply that by the spawner, the recruitment per spawner,
26 each fish, theoretically, returns about four and you're up
27 to about 9,440 fish. I mean that's the reality. That's
28 what we're looking at. We're trying to rebuild these fish.
29 It's not just five or 800 fish. So they mean a lot more
30 than these little numbers that are being thrown out
31 piecemeal for the year. This has been a long-term problem
32 and it requires people to look into the future as to what
33 these fish mean. That's why when people say, every fish is
34 important, it means every fish is important. Not as one
35 fish, but maybe four or five. And then you get four or
36 five and you've got 100 pounds of food. A hundred pounds
37 of food makes a lot of difference as things come down the
38 pike.

39
40 I guess the other thing that I'd like to
41 briefly comment on is this issue of people going above the
42 boundary to fish. I'm convinced that the people, Mr.
43 Allred and the others that have testified here, because
44 they are good stewards of the river, would not do that.
45 I'm very hopefully that they wouldn't. But if they do, and
46 that becomes a problem, then we just have to be confident
47 that the State, you know, takes whatever actions are
48 necessary to keep people from going up above the boundary.
49 But I guess I'm a bit disturbed that people who portray
50 themselves as stewards of the river would come in and

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1 suggest that your actions would be meaningless because
2 other people who are using the river would go up knowing
3 the severity of the conservation problems and try to defeat
4 it above the Buckstock. And I just don't think that that's
5 an argument that holds any water. If the State managers
6 take their responsibility seriously then they'll deal with
7 that problem and it's more of a threat, I think, it's kind
8 of a threatening argument, which I just don't believe the
9 Board should give any weight to and deal with if they have
10 to.

11
12 Thank you, Mr. Chairman. Appreciate the
13 opportunity. I'd be glad to answer any questions if there
14 are any.

15
16 CHAIRMAN DEMIENTIEFF: Thank you. That
17 concludes the public testimony on Special Action Requests 1
18 and 2. We're now going to go into the Staff report for
19 Yukon River.

20
21 MR. NICK: Mr. Chairman.

22
23 CHAIRMAN DEMIENTIEFF: Yes.

24
25 MR. NICK: We do have one written public
26 testimony.

27
28 CHAIRMAN DEMIENTIEFF: Additional one?

29
30 MR. NICK: Yes, Jennifer Hooper from
31 AVCP.....

32
33 CHAIRMAN DEMIENTIEFF: Yeah.

34
35 MR. NICK:she had to leave
36 yesterday.....

37
38 CHAIRMAN DEMIENTIEFF: Oh, yeah, that's
39 right, go ahead.

40
41 MR. NICK:and with your permission,
42 Mr. Chairman, I'd like to read that testimony?

43
44 CHAIRMAN DEMIENTIEFF: Yes.

45
46 MR. NICK: For the record, my name is Alex
47 Nick. I'm the Coordinator for Yukon-Delta Regional Council
48 and the testimony is from Jennifer Hooper, AVCP, acting
49 director of Natural Resources. This was written yesterday
50 and I'm going to read it as it is written.

1 It says, good morning -- rather good
2 afternoon, Chairman Demientieff, Board members. Thank you
3 for the opportunity to testify before you today. My name
4 is Jennifer Hooper. I am the acting director of Natural
5 Resources for the Association of Village Council Presidents
6 which represents 56 villages on the Kuskokwim River and the
7 Lower Yukon River. I am here today to speak in support of
8 the two Special Action Requests relating to closing
9 sportfishing on the Kuskokwim and Yukon Rivers before you
10 hear the chinook and chum stocks on the Kuskokwim and Yukon
11 Rivers have been deemed stocks of concern.

12
13 We will be facing quite severe restrictions
14 to our subsistence fishing schedules this summer in the
15 name of conservation. We understand the situation our
16 salmon are in and are willing to share the burden of
17 conservation as much as feel we can. We also feel all user
18 groups should as well. In your Staff's analysis it is
19 stated from ADF&G document that even with the restricted
20 subsistence schedule, based on the poor outlook for the
21 season, we do not expect to meet both escapement and
22 subsistence needs. This brings me to the sportfish issue.
23 The Sportfish Division of ADF&G has already indicated their
24 willingness to reduce the daily bag limit possession limit
25 from three to one for both species. I realize that for some
26 that is enough, to them, one fish allowed is such a minute
27 amount. But that one fish is being foregone by subsistence
28 fishermen in the lower rivers in order for it to reach the
29 spawning grounds. The restricted subsistence schedule put
30 into the regulations by the Board of Fisheries with the
31 intention to reduce subsistence harvest was deemed a
32 reasonable opportunity for subsistence fishing families to
33 meet their needs. This reasonable opportunity might be
34 applicable during a normal healthy run but we are facing
35 the probability of one of the worst returns this summer on
36 both rivers; that reasonable opportunity will not happen;
37 it will not be there.

38
39 This is why this summer, any fish swimming
40 up on rivers must go to only two places, the tables to feed
41 our families and to the spawning grounds.

42
43 Thank you.

44
45 CHAIRMAN DEMIENTIEFF: Thank you. Again,
46 as I mentioned, that concludes our testimony for both
47 Special Action Requests No. 1 and 2, Kuskokwim and Yukon.
48 I think we're going to go ahead and move onto deliberations
49 on Special Action Request 1 before we go into the Yukon so
50 that we -- there will be no additional testimony, though,

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1 on the Yukon. Staff Committee recommendation on the
2 Kuskokwim -- yes?

3

4 MR. EDWARDS: Mr. Chairman, I thought we
5 agreed yesterday that we were going to hear both of them
6 prior to following up with discussions and deliberation?

7

8 CHAIRMAN DEMIENTIEFF: Well, just
9 procedurally we may want to just go ahead and digest the
10 information on the Kuskokwim, although we've had public
11 testimony on both of them, and then hear the Staff reports
12 -- do you want to deliberate them simultaneously; is that
13 what you're saying?

14

15 MR. EDWARDS: I guess I'm concerned about
16 how we would then go about, you know, making a motion. I
17 guess I would feel more comfortable if we were in a
18 position to sort of make a motion that might address both
19 of the issues together as opposed to each one separately.

20

21 CHAIRMAN DEMIENTIEFF: Well, that's fine if
22 that's the way it goes, then we'll go ahead and ask Mr.
23 Kron to come up and give the Staff analysis on Special
24 Action Request No. 2.

25

26 MR. KRON: Mr. Chairman, members of the
27 Federal Subsistence Board and Staff. My name is Tom Kron.
28 I am a biologist for the Office of Subsistence Management.
29 With Alex and I are Fred Andersen from the National Park
30 Service in Fairbanks and Russ Holder from the U.S. Fish and
31 Wildlife Service in Fairbanks. This brief presentation is
32 to provide you with an overview of information concerning
33 the stock status and subsistence fishery management issues
34 for the Yukon River before we move into consideration of
35 the two Yukon River Special Action Requests.

36

37 I ll be referring to this yellow
38 information sheet that you have before you. Please feel
39 free to look thru the information sheet during my
40 presentation. The graphics I will be projecting on the
41 screen come from this sheet. The information sheet was
42 prepared by ADF&G with review by U.S. Fish and Wildlife
43 Service and National Park Service fisheries staff last
44 month. In the spirit of cooperation OSM technical writers
45 formatted and arranged for the printing of 6000 copies to
46 be distributed along the river.

47

48 First of all, stock Status and Recent
49 Harvest Information. Chinook salmon production on the
50 Yukon River has been depressed the past three years. This

00171

1 figure depicts the total run of Yukon River Canadian origin
2 chinook salmon over the past eight years. Canadian origin
3 chinook normally make up about half of the catch of US
4 fishers along the river. Chinook escapements in Canada and
5 most other areas along the Yukon River in Alaska have been
6 poor the past three years.

7
8 Next, summer chum salmon production in the
9 Yukon River has been depressed the past three years. This
10 figure depicts the Yukon main-stem summer chum salmon
11 estimates at Pilot Station and the escapements into the
12 Anvik River over the past five years. Some summer chum
13 salmon do spawn in tributaries downstream from Pilot
14 Station.

15
16 Next, fall chum salmon. Like chinook and
17 summer chum salmon, Yukon River fall chum salmon have also
18 been depressed in recent years. This figure depicts the
19 Yukon main-stem chum salmon estimates at Pilot Station over
20 the past five years.

21
22 2000 Harvest Information. Subsistence
23 harvests of Yukon River chinook and chum salmon in the year
24 2000 were the lowest since 1998. In 2000, many middle and
25 upper Yukon River residents reported not having their
26 subsistence needs met, while lower Yukon residents
27 generally met their needs.

28
29 Next, moving on to Board of Fisheries
30 actions and actions subsequent to that. The Board of
31 Fisheries established a subsistence fishing schedule for
32 the Yukon River last January. The goal of the schedule is
33 to provide windows of time that salmon may migrate upstream
34 unexploited. When necessary for conservation, this
35 schedule may be restricted based on pre-season and in-season
36 indicators. The Board of Fisheries also provided the
37 Department additional emergency order authority for in-
38 season management of the salmon fisheries.

39
40 In March there was a U.S.-Canada meeting
41 between delegates from both the U.S. side and the Canadian
42 side, and at that meeting it was agreed by that joint
43 panel, that subsistence salmon harvest in Alaska and
44 aboriginal fisheries in Canada should be held to no more
45 than half of the normal level this summer to help provide
46 for resource conservation.

47
48 ADF&G and the U.S. Fish and Wildlife
49 Service Staff met with the three Yukon River Regional
50 Councils at their spring meetings in Fairbanks and Kotlik.

00172

1 Presentations were also given at the Yukon River Drainage
2 Fisheries Association meeting in Holy Cross and a fishers
3 meeting called by Harry Wilde in Mountain Village last
4 month. ADF&G, U.S. Fish and Wildlife Service and National
5 Park Service fisheries staff are working together to get
6 information out to the public about the upcoming salmon
7 season. This is a major challenge given that we need to
8 cover more than a thousand miles and more than 40 villages.
9 The yellow information sheet that we passed out to you is
10 one of the products from this cooperative effort with
11 ADF&G. These information sheets are being mailed out to
12 all subsistence fishing households along the river by
13 ADF&G. They are also being sent to all Yukon River
14 commercial permit holders and personal use fishers. Ray
15 Hander from the U.S. Fish and Wildlife Service in Fairbanks
16 developed this poster, and again similar to what you heard
17 on the Kuskokwim, we were hoping to be able to put these up
18 in the stores and at the post office and around towns in
19 all the villages along the river. We have two pictures of
20 our elders on this poster; one of them is the honored Harry
21 Wilde, our Regional Council Chair from the Y-K Council.
22 Let me read Harry s statement from the poster as I believe
23 it is applicable here today and on the river this summer.

24
25 And this, again, is from Harry Wilde.
26 Respect salmon and wildlife. No waste. Think of your
27 children and grandchildren. Save salmon for the spawning
28 grounds, and I'll pass this around for your to look at. It
29 is a prototype, it does need a little bit of work. But
30 again, the intent is to work from this and to help spread
31 the word and communicate.

32
33 State and Federal Staff will be traveling
34 together to many of the Yukon River villages to talk with
35 fishers, present information and answer questions about the
36 upcoming salmon season. Information is also going out via
37 the local newspapers, radio and T.V. The Federal manager
38 for the Yukon River, Mr. Monty Millard, is currently at
39 public meetings in the lower Yukon with the ADF&G manager
40 and as such was unable to make it to this Federal Board
41 meeting today.

42
43 Based on poor returns of age four and five
44 year old chinook salmon in 2000, we expect very few age
45 five and six year old chinook in 2001. The Yukon River
46 chinook run may be as poor or worse than the 2000 season.
47 A commercial fishery in 2001 is highly unlikely; this
48 represents a five to 10 million dollar loss to Yukon River
49 villages. It is anticipated that the subsistence harvest
50 of chinook salmon will need to be reduced to at least half

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1 of the normal level in order to meet minimal spawning
2 escapement needs throughout Alaska and Canada. These
3 restrictions affect the basic food needs in the villages as
4 well as the culture and the way of life in these
5 communities. Most spawning escapement levels have been
6 poor the past three years and each additional year of poor
7 escapements compounds the problem even further. It is
8 necessary to restrict harvest in order to assure the
9 continued viability of chinook and chum salmon populations.
10 In 2001, ADF&G and the U.S. Fish and Wildlife Service will
11 be managing for escapement and spreading the subsistence
12 harvest opportunity along the entire Yukon River.
13 Subsistence harvests of chinook and chum salmon are
14 expected to be less than half of normal. The planned
15 subsistence fishing schedules are presented on the back of
16 the yellow information sheets. The Federal manager is
17 expecting to adopt a subsistence fishing schedule by
18 Special Action consistent with that adopted by the State
19 just prior to the fishing season. You will note that in an
20 effort to achieve a 50 percent reduction in subsistence
21 harvest that is spread throughout the river, subsistence
22 fishing time may be reduced from the Board of Fisheries
23 schedule as shown on the bottom of the last page of the
24 handout.

25
26 Next, a few comments about ANILCA Section
27 804. There were subsistence fishing closures and
28 subsistence harvest shortfalls in 2000. The poor salmon
29 returns to the Yukon River in 2001 are necessitating
30 fishery management actions to reduce subsistence harvest in
31 order to provide for resource conservation. We believe
32 that there is a need to address the situation relative to
33 ANILCA Section 804. ANILCA Sections 802 and 804 both
34 identify the need to give a preference to subsistence over
35 other consumptive uses on Federal Conservation Units.
36 Actions being considered for this summer address these
37 requirements. Efforts are being taken this summer to move
38 fish upriver and to distribute the allowable subsistence
39 harvest more evenly along the river and among eligible
40 subsistence users. In addition to the regulatory
41 restrictions, we are requesting that fishers voluntarily
42 reduce their catches to the extent that they are able.
43 These are among the first steps in addressing Section 804.

44
45 Section 804 further specifies that whenever
46 it is necessary to restrict the taking of fish for
47 subsistence in order to protect the continued viability of
48 such populations, priority shall be implemented through
49 appropriate limitations based on the application of
50 customary and direct dependence, local residency and the

00174

1 availability of alternate resources. There is a need to
2 proceed circumspectly to assess appropriate limitations
3 consistent with this section of ANILCA. The development of
4 a process for implementation of Section 804 will require
5 close coordination and communication with the three
6 Regional Advisory Councils along the Yukon River consistent
7 with ANILCA Section 805. There will also need to be close
8 consultation with the State of Alaska. Given recent trends
9 in Yukon River salmon production, we anticipate that draft
10 procedures for Section 804 will need to be developed over
11 the summer and early fall such that initial discussions can
12 occur with Regional Councils at the fall Regional Council
13 meetings. We will keep the Board informed on progress on
14 this issue and hope to have draft recommendations to
15 present at your fisheries meeting next December.

16
17 This concludes my summary. I'll take any
18 questions or comments on this summary first before
19 proceeding with Staff comments on the first of the two
20 Yukon River Special Actions before you today.

21
22 Thank you, Mr. Chairman.

23
24 CHAIRMAN DEMIENTIEFF: Questions at this
25 time. Judy.

26
27 MS. GOTTLIEB: Mr. Chairman, thank you.
28 First of all, thanks, Tom, that was a good presentation and
29 I appreciate all the cooperative work that has gone into
30 producing these yellow pamphlets. I think they'll be very
31 helpful and the poster will be also.

32
33 Subsistence harvest expected to be less
34 than half of normal. That's extremely serious. Is that
35 sufficient for subsistence uses and are we doing everything
36 we can to assure at least that level of subsistence
37 harvest?

38
39 MR. KRON: I think there will be an effort
40 by, you know, all of the managers to do everything they can
41 to provide fish for subsistence. But again, a major
42 concern after three years of poor escapements is, you know,
43 maintaining the resource for future generations as well.

44
45 Thank you.

46
47 CHAIRMAN DEMIENTIEFF: Thank you very much.
48 Staff Committee recommendation. Tom, you had more follow
49 up? What?

50

00175

1 (Pause)

2

3 CHAIRMAN DEMIENTIEFF: Okay, go ahead with
4 Staff analysis.

5

6 MR. KRON: Mr. Chairman, Staff analysis of
7 Special Action FSA 01-02. Special Action Request FSA 01-02
8 submitted by James Luke of Mountain Village would close
9 sportfishing for chinook and chum salmon in the Yukon River
10 and its tributaries within the Yukon-Delta National
11 Wildlife Refuge starting June 1.

12

13 First of all, customary and traditional use
14 determinations for the Yukon include the residents of the
15 Yukon area as well as the residents of the village of
16 Stebbins. Federal jurisdiction extends throughout the
17 Lower Yukon drainage within the boundary of the Yukon-Delta
18 National Wildlife Refuge. There are other Federal
19 Conservation Unit lands within the Yukon drainage which
20 also might be considered.

21

22 Within the copies of the Staff analysis you
23 have before you, I've included information about the
24 regulations. In addition to this, I'd like to provide you
25 an update that we received last Friday from ADF&G
26 Commissioner Rue. He states: "By mid-June ADF&G salmon
27 managers will determine whether early returns justify
28 further restrictions in sport and other harvest." You
29 should also note that there was a letter from the Alaska
30 Board of Fisheries yesterday.

31

32 Sportfishing for chinook and chum salmon
33 within the Yukon-Delta National Wildlife Refuge is limited
34 and occurs primarily in the Andreafsky River near the
35 village of St. Mary's. It appears that sport harvest of
36 chinook and chum salmon on Federal Conservation Unit areas
37 upstream of the Yukon-Delta are even smaller than those
38 reported for the Andreafsky. Some non-Federally qualified
39 subsistence users have subsistence fished on Federal
40 Conservation Units within the Yukon drainage in years past.
41 The effect of the original Special Action Request would be
42 to eliminate sport harvest of chinook and chum salmon in
43 the Yukon-Delta National Wildlife Refuge.

44

45 If this Special Action Request is modified
46 the non-Federally qualified subsistence harvest of chinook
47 and chum salmon would be eliminated. This would provide a
48 subsistence priority and limit the harvest to village
49 residents along the Yukon area. ADF&G has already said
50 that commercial fisheries are very unlikely this summer.

00176

1 Commercial fisheries are closed until opened by emergency
2 order by the Department of Fish and Game. If this Special
3 Action were implemented, it would result in restrictions to
4 the sportfisheries on Federal Conservation Unit lands and
5 adjacent to them. It would also limit subsistence fishers
6 to those people in the villages living along the river and
7 at the mouth of the river.

8
9 It would be important for in-season fishery
10 managers to be empowered to remove such restrictions in-
11 season in the event that it appears that escapement and
12 subsistence needs will be met. The Federal subsistence
13 management program and ADF&G both share resource
14 conservation is the highest priority. There is a
15 subsistence priority in both Federal and State law. There
16 will be regular in-season stock, status assessments and
17 conference calls with the Yukon River Drainage Fisheries
18 Association and the Coordinating Fisheries Committee. This
19 committee consists of two members from each of the three
20 Yukon River Regional Councils. The Federal manager is
21 committed to working cooperatively with ADF&G.

22
23 This Special Action would negatively affect
24 guides, outfitters and shuttle service operators in support
25 of the salmon sportfishery. Chinook and chum salmon
26 harvest in the Yukon River by non-Federally qualified
27 subsistence users have represented a small percentage of
28 the total harvest in years past.

29
30 Thank you, Mr. Chairman. That concludes my
31 Staff analysis.

32
33 CHAIRMAN DEMIENTIEFF: Thank you. Staff
34 Committee recommendation.

35
36 MR. SIMMONS: Thank you, Mr. Chair. Rod
37 Simmons, InterAgency Staff Committee for Fish and Wildlife.
38 The InterAgency Staff Committee did not reach consensus on
39 Special Actions 01 and 02 Requests but did support much of
40 the intent of these requests and I'll paraphrase the
41 regulatory recommendations of the Staff Committee.

42
43 The majority opinion of the Staff Committee
44 is to recommend the Federal Subsistence Board close
45 sportfishing of chinook and chum salmon within Federally-
46 managed waters, but also only allow Federally-qualified
47 users to take chinook and chum salmon under Federal
48 subsistence regulations. This, in effect, would eliminate
49 all non-subsistence uses for these two species within
50 Federally-managed waters within the Yukon and Kuskokwim

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1 Rivers until such time conservation and subsistence needs
2 are likely to be met.

3

4 A second opinion presented by the Staff
5 Committee is to recommend the Federal Subsistence Board
6 limit sportfishing for chinook and chum salmon to catch and
7 release fishing only but all other non-subsistence uses
8 would be otherwise eliminated until such time conservation
9 and subsistence needs are likely to be met.

10

11 Justification comment to both
12 recommendations is that the Federal subsistence priority,
13 as identified in Section 802 of ANILCA is to assure
14 continued viability of fish and wildlife populations and to
15 provide for subsistence uses as the priority over
16 consumptive uses.

17

18 Based upon the performance of the chinook
19 and chum salmon returns in recent years and the expected
20 poor outlook for the 2001 season, escapement and
21 subsistence needs are not expected to be met this year.

22

23 While there is always some uncertainty
24 regarding salmon outlook or forecasts, the data available
25 are strong indicators of expected poor returns for both
26 chinook and chum salmon. Until there are different
27 indicators in-season, conservative management actions are
28 appropriate and subsistence harvest be given priority over
29 other consumptive uses.

30

31 Since this action is before the Federal
32 Subsistence Board the Staff Committee also recommends that
33 the Federal in-season manager should have the flexibility
34 to remove these Board-approved restrictions if salmon
35 returns turn out better than expected and in-season
36 evaluation of chinook and chum salmon run strength
37 demonstrates a harvestable surplus beyond subsistence and
38 escapement needs. Without the Board granting this in-
39 season delegation removal of this restriction would require
40 a follow-up Board action. Evaluation of in-season run
41 strength will be a joint effort between ADF&G and Fish and
42 Wildlife Service managers in cooperation with the Kuskokwim
43 River Working Group and the four members of the Yukon-
44 Kuskokwim and Western Interior Regional Advisory Council
45 Coordinating Fisheries Committee members.

46

47 And that concludes the Staff Committee
48 recommendation, Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: You're done. Okay,

00178

1 thank you.

2

3 MR. BOYD: I'm not sure, did he give a
4 recommendation on both?

5

6 CHAIRMAN DEMIENTIEFF: Was that both?

7

8 MR. SIMMONS: Yes, that was 01 and 02.

9

10 CHAIRMAN DEMIENTIEFF: Okay, good, thank
11 you. Okay, at this time we're going to back up and get the
12 Regional Council recommendations for the three regions
13 affected. Harry.

14

15 MR. WILDE: Yeah, Mr. Chairman. During the
16 meeting at Kotlik, we adopted Special Action for Kuskokwim.
17 The Regional Council voted unanimously to accept Special
18 Action for Kuskokwim River, that National Wildlife Refuge,
19 a few miles above Anvik, in that river we get letter from
20 one of the Anvik people to stop the sportfishing in that
21 river of impacting too much of small fry salmon. So
22 understanding of all that, by the support of a quorum, the
23 Regional Council accepted that Special Action Request from
24 one of the members from Kuskokwim. Mr. Chairman.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. And the
27 Yukon, did you guys deliberate that as well?

28

29 MR. WILDE: Mr. Chairman, Yukon comes after
30 we were through with the Regional Council meeting.
31 However, during the meeting, the fishermen meeting in
32 Mountain Village, those fishermen they're supporting it,
33 and one of the people, they ask me, Harry, what you going
34 to do if you present this one, we need your support. Lower
35 Yukon is also -- National Wildlife Refuge, Yukon National
36 Wildlife, from below Holy Cross there, what you call
37 Cottonwood Slough all the way down to the mouth, I promised
38 those people in the Lower Yukon I will speak for them and
39 help them, their concerns as much as I can. Mr. Chairman,
40 those people are doing the first time, you see this yellow
41 thing, first time you see in the Yukon River reduce from
42 all the way down to the mouth all the way up to Canada. It
43 was our pride, our duty and responsibility for our own
44 people. I said before that I put it on the record for
45 myself, while I am doing my responsibility and helping the
46 people that I represent, not try to make myself, only for
47 the people that I represent, those people are really,
48 really concerned, even our elders. There's some of them,
49 they're saying this, we want Federal manage the subsistence
50 the way the law is supposed to. In the rural villages, it

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1 should be managed by the Federal the way the law requires.

2

3 How about the commercial, they should be
4 in-season ready. If there's more fish available there
5 should be opportunity for sportfishing and commercial.
6 Today we're living in two worlds. You got to have money in
7 order to take care of your family. You got to have
8 subsistence in order to survive your own family. I think
9 that these two that I'm looking at, the two pictures of
10 these here all over hanging in the Yukon and Kuskokwim,
11 two, one -- one from State and one from Federal. I think
12 that we do our duties and responsibility and protect the
13 people that we represent in our duties. Everything should
14 be working together.

15

16 My elder people down in Yukon says, as long
17 as we work together in Yukon River we wouldn't hurt so
18 much. We have to help upriver people. Yeah, we are
19 willing to -- we're asking, our elders been telling us,
20 three or four years now, stand aside, let the few go up
21 there. Those people up there, they want to eat too, they
22 want to live.

23

24 Mr. Chairman, I would like to see
25 something, is there's more fish then what the people expect
26 or Federal or State expect, it should be there, a clause in
27 there, right away, in-season looking at in-season if
28 there's more fish then it should be open for commercial and
29 sport.

30

31 CHAIRMAN DEMIENTIEFF: Thank you, Harry.

32 Ronny.

33

34 MR. SAM: Thank you, Mr. Chairman. At our
35 joint meeting with Eastern Interior and representatives
36 from the YK-Delta Region and their coordinator, we didn't
37 have anything specific on sportfishing but we were aware of
38 the poor run expectations so we didn't have anything on the
39 agenda to address this issue, but then a day and a half we
40 informally sat before and after and even during our meeting
41 to address this issue. At that time, both, Mike Savage who
42 was one of these instigators got an informal agreement
43 between all three Councils that we should pursue this
44 issue. And we were fortunate that YK-Delta hadn't met yet
45 so that's where these emergency actions are coming from and
46 we are in full support of the Special Action Request on the
47 Yukon and the Kuskokwim, specifically on the Yukon, simply
48 because if the fish don't pass Lower Yukon we don't eat up
49 the Yukon River.

50

00180

1 Thank you, Mr. Chairman.

2
3 CHAIRMAN DEMIENTIEFF: Gerald, did you have
4 comments.

5
6 MR. NICHOLIA: Yes, thank you, Mr. Chair.
7 As you know last year, I have just been told to speak from
8 a few of the people I represent. Last year we were cut off
9 when we got started. And one of my elders told me, how are
10 you going to cut 50 percent from zero percent? And one
11 thing that I really want to say as the Chair of the Eastern
12 Interior is that we're running out of resources to depend
13 on that we subsist on.

14
15 We have priorities and I don't have to
16 repeat them, we all know what they are, but we have to
17 respect like the president from AVCP, we have to respect
18 the cultures along the Yukon, how they respect the resource
19 and how they utilize it, they respect it. They don't play
20 with it. The way I see sportfishing is it's playing with
21 food. In my culture, that's like -- that's what we call
22 (In Native Language), it's like taboo. It shows no respect
23 for the utilization and appreciation, the provider that
24 created that food for us. It's just like a rape and
25 pillage of the resource when other people are sitting on
26 the bank that use these resources for thousands of years
27 and they're not being able to utilize it when they see
28 somebody else utilizing it. I don't think you're going to
29 have very much people besides our elders that's holding
30 back the young people in the Eastern Interior who are going
31 to follow you if you don't stick to your priorities.

32
33 I mean we don't want to be wards to the
34 government. We want to be able to provide for ourselves
35 like we have been. The last 20 years, the State, no matter
36 how much tests, studies, fish counts, one of my elders told
37 me the State, ever since they took over management have
38 been mismanaging the resources. They let too many wants in
39 without protecting the actual needs of their aboriginal
40 peoples.

41
42 Thank you, Mr. Chairman.

43
44 CHAIRMAN DEMIENTIEFF: Okay. We are going
45 to now advance this to Board deliberation. Procedurally,
46 right after -- well, we're going to take a break first, but
47 procedurally we're going to deliberate and discuss between
48 the Regional Councils and the Board, both 1 and 2
49 simultaneously because the issues are intertwined. We've
50 intertwined the discussions all the way through. Then,

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1 however, Special Action Request No. 01, the Kuskokwim, and
2 02, the Yukon, will be handled individually when it comes
3 to a final Board action. So we'll just go ahead and take a
4 break and we'll begin our discussions.

5

6 (Off record)

7

8 (On record)

9

10 CHAIRMAN DEMIENTIEFF: Before we begin
11 deliberations, I have a brief presentation I want to make
12 while all of his colleagues are here. Can I ask Fenton
13 Rexford to come forward please.

14

15 This is Fenton's last official duties as
16 the outgoing Chairman of the Arctic Regional Council, and
17 he's been the Chairman of the Arctic Regional Council since
18 the inception, not of the program, but of the Regional
19 Councils, which began in 1993. The Federal Subsistence
20 Board Outstanding Recognition Award for Distinguished
21 Service presented to Fenton Rexford, North Slope Regional
22 Advisory Council, 1993 to 2001. Fenton Rexford, resident
23 of Kaktovik, Alaska has served honorably as Chair of the
24 North Slope Subsistence Regional Advisory Council since his
25 Secretarial appointment in September of 1993. An Inupiat,
26 Fenton exemplifies all of the attributes of a Inupiat
27 leader; knowledge, respect, humility, honesty, caring,
28 sharing and spirituality. His leadership enabled his
29 Council to carefully deliberate and provide thoughtful
30 recommendations to the Federal Subsistence Board. It is
31 with great pleasure that the Federal Subsistence Board and
32 the Office of Subsistence Management recognize Fenton
33 Rexford for all of his accomplishments and thank him for
34 his years of service.

35

36 Thank you very much Fenton.

37

38 (Applause)

39

40 MS. B. ARMSTRONG: On behalf of the North
41 Slope Regional Advisory Council, I'd like to thank Fenton
42 for his grand leadership, his support, his guidance and
43 most of all his friendship. Thank you. Thank you, Fenton.

44

45 MR. REXFORD: Thank you.

46

47 CHAIRMAN DEMIENTIEFF: Do you want to say a
48 couple of words, Fenton?

49

50 MR. REXFORD: Well, I'll just say thank you

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1 very much. Harry Brower, Jr., will takeover the
2 Chairmanship and it's been great working together as
3 teamwork with the other nine regions, that's the only way
4 to go to protect our subsistence lifestyle and I know the
5 other guys will, Bill, and the other folks will keep doing
6 the good work that we're protecting as far as our
7 livelihood is concerned. Thank you very much.

8

9 (Applause)

10

11 CHAIRMAN DEMIENTIEFF: Okay, with that,
12 we'll go ahead and begin Board discussions. Again, as I
13 mentioned before the break we'll discuss both Special
14 Requests No. 1 and 2 simultaneously and deal with them
15 separately at the conclusion of the discussions. Any
16 discussion on the Special Request -- yes, Ms. Kessler.

17

18 MS. KESSLER: Thank you, Mr. Chair.
19 Basically there's two options before us and they differ
20 primarily with respect to one provides for catch and
21 release and one doesn't. So I think this would be very
22 instructive at this time to have before us whatever
23 information that might be available about the biological
24 difference between those two options. Any data that might
25 be available on mortality associated with catch and release
26 for the species in question.

27

28 CHAIRMAN DEMIENTIEFF: I'm sorry?

29

30 MS. KESSLER: Could we have, if there's any
31 statistics, any data available about mortality associated
32 with catch and release so we can understand the difference
33 in biological effect between the two options before us? Is
34 such information available? Perhaps not.

35

36 CHAIRMAN DEMIENTIEFF: Tom, you had
37 something.

38

39 MR. KRON: Mr. Chairman, I would recommend
40 that you ask ADF&G that question. I think that we provided
41 a brief summary in our Staff analysis, but I would
42 recommend that you ask them that question. Thank you.

43

44 CHAIRMAN DEMIENTIEFF: Do you have any
45 information with regard to the question?

46

47 MR. VINCENT-LANG: The most recent we have
48 comes from the Kenai River where we conducted a hook and
49 release study on chinook salmon in the lower parts of that
50 river. With the gear types that we think are being used in

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1 the Yukon River and the Kuskokwim River drainages, we're
2 estimating the mortality would be no more than about 10 to
3 12 percent.

4
5 MS. KESSLER: Thank you.

6
7 CHAIRMAN DEMIENTIEFF: That's a large
8 number, 10 to 12 percent of nothing. Gary.

9
10 MR. EDWARDS: Are we finished with the
11 answer to that question?

12
13 MR. VINCENT-LANG: Yes.

14
15 MR. EDWARDS: Mr. Chairman, I guess from my
16 perspective, these two Special Actions present a real
17 dilemma for this Board. One the one hand we've received
18 three letters, two from the Department of Fish and Game and
19 one from the Fish Board saying that these two proposals
20 unnecessary expand the reach of this Board. On the other
21 hand, we are hearing from our three Regional Councils that
22 represent the subsistence along these two drainages, that
23 given the predicted low run for these two drainages and the
24 proposed curtailment in the subsistence harvest at the
25 beginning of the season and the potential further
26 subsistence restrictions if we go deeper in the season, and
27 if that happens and subsistence needs are not going to be
28 met. You know, that being the case, then, you know, how
29 can this Board in good faith, given our clear mandate,
30 permit other uses on Federal lands until there is a clear
31 indication that subsistence as well as escapement needs
32 will be met.

33
34 However, in saying that, you know, I guess
35 I still remain willing to try to explore what little bit of
36 common ground that there may be out there to reach some
37 kind of a concurrence here. But I do have several
38 questions that I would like to address both to the Council
39 and to the Staff and to the State that would certainly help
40 me in my deliberations.

41
42 The first one I'm not sure who best can
43 address this, but it's my understanding is that the
44 proposal as written would be in effect, close commercial
45 and sportfishing for chum and chinook salmon and would
46 close subsistence fishing to all but Federally-qualified
47 subsistence users. Now, I've seen figures that have been
48 presented to us on the estimated harvest by sport anglers
49 under the State's proposed regulations but I'm not seeing
50 any predicted harvest level for subsistence users that are

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1 not Federally-qualified. I'd be curious to know if anybody
2 has an estimate of what that might be.

3

4 CHAIRMAN DEMIENTIEFF: Mr. Kron.

5

6 MR. KRON: Mr. Chairman, unfortunately we
7 don't have a good indication of what that number might be.
8 In the past we know that there have been people from other
9 areas that have fished on the Yukon and people from other
10 areas that have fished on the Kuskokwim, but we don't have
11 an estimate at this time and again, ADF&G may have some
12 comments on this issue as well.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Yes, sir.

17

18 MR. BERKSTROM: This is Dan Berkstrom. I'm
19 with Fish and Game and AY-K regional management biologist.
20 We looked a little bit into the Yukon River and we don't
21 have numbers for what would be the numbers in Federal water
22 areas, but what we've found is most of the non-rural uses
23 in the State waters area, such as the Yukon bridge and the
24 area right around Circle and near Eagle were State waters
25 so there wouldn't seem that there'd be a very large number
26 of fish that would be harvested. The biggest impact would
27 be more with relatives that come out from Anchorage or
28 Fairbanks, or those type of urban areas that go out to like
29 the lower Yukon River that would be in Federal waters.

30

31 MR. VINCENT-LANG: And I might add also
32 that one of the concerns is that the Special Actions, the
33 way they're worded would preclude Federally-qualified users
34 from the Yukon fishing in the Kuskokwim and vice versa,
35 where under State rules that would not be that kind of
36 constraint. And we know that does occur out in those
37 drainages.

38

39 MR. EDWARDS: Okay, thank you. I guess
40 then my next question and I would direct this at the State,
41 in the Commissioner's letter of May 4th, it indicates that
42 the State managers in mid-June are prepared to make
43 adjustments to sportfishing and other uses during the
44 portion of the run. I think it would certainly be helpful
45 and beneficial for the Board to know what thresholds or
46 benchmarks will managers use to make these early season
47 adjustments.

48

49 MR. VINCENT-LANG: Let me start with some
50 general comments first. In our letter we stated that we

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1 would be ready to make a call by the middle part of June.
2 That is by discussions with Federal Staff that involve
3 Federal Staff, we would be making our first decisions
4 beginning in mid-June. Whether or not there's sufficient
5 information at that point in time is unknown yet. However,
6 clearly by the latter part of June or early part of July
7 we're in a much better position to use in-season
8 information combined with the preseason projections to make
9 decisions regarding other uses.

10
11 Regarding the thresholds, I'll turn that
12 over to the two in-season managers that we have in the area
13 here. However, I would like to add another general
14 statement in that both those drainages, the sportfishery is
15 temporarily segregated and spaciouly segregated. And the
16 sportfishery is occurring primarily in the tributaries of
17 those drainages. By the time we would be making a call,
18 even in the later part of June, we would not be having
19 significant sport harvest in either of those two areas.

20
21 So if you have questions concerning
22 specific thresholds in the commercial fishery or the
23 sportfishery, we can answer those by either having Mac
24 Minard or Dan Berkstrom answer those.

25
26 MR. EDWARDS: That would be helpful for me.

27
28 MR. VINCENT-LANG: Go ahead.

29
30 MR. BERKSTROM: I wanted to just provide a
31 little bit of background with the preseason outlooks and,
32 yes, we have very poor salmon outlooks however it is
33 possible that the runs could be sufficient for escapement
34 and subsistence needs, and then as we also said, the runs
35 could also be worse than we've seen in recent years. So
36 the Department and the Alaska Board of Fish have been
37 consistent in managing the salmon runs based on the
38 preseason outlooks and on in-season run assessment so based
39 on the outlook, we have worked with Federal Staff to inform
40 user groups that the runs could be very poor. We want them
41 to be prepared in case it is very poor and so we provided
42 fishermen -- the information on the Board of Fisheries
43 establish new subsistence fishing schedule and that
44 commercial fishing is very unlikely, and that subsistence
45 fishing may have to be restricted to less than the Board of
46 Fish schedule. So that's the prep work, preseason.

47
48 However, we feel we still need to be able
49 to assess the runs in the season for management using input
50 from subsistence fishers, the test fisheries in both rivers

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1 and age composition from sampling test fish catches and
2 subsistence catches. And we also have a sonar project on
3 the Yukon River and then we'd also use our escapement
4 projects, when we can, as we get more information in the
5 season. So based on average run timing, beginning mid-June
6 is when we can make our first estimates of relative
7 abundance of chinook salmon. Prior to that it's real early
8 in the run, it's very difficult to really project ahead.
9 And that is about the quarter point of the run,
10 particularly where I'm familiar on the Yukon River, that's
11 where we would normally be making a decision whether we had
12 enough fish to be able to go commercial fishing. And so
13 that's why we're looking at that as being pretty much a
14 time period where we'd be able to say, is this run, and in
15 both rivers this is the same; is this run looking worse
16 than last year or the same and then we'd probably need to
17 take further actions. If the runs are looking to be --
18 appearing to be better than we've seen the last couple of
19 years and we get those reports from subsistence fishermen,
20 indications are that it appears better, then we would wait,
21 continue the schedule the Board of Fisheries adopted, but
22 continue to assess the runs so if it does go down then
23 after that point in time then we could still take actions
24 in the subsistence fishery to reduce the harvest. And at
25 that point, whenever we'd take any further restrictions in
26 the subsistence fishing time then the sportfishery would
27 close. And there would, of course, be no opening on the
28 commercial fishery.

29
30 So as far as the tools we have, are the
31 test fishery, subsistence reports from local fishermen
32 along the river, how do they view the run, and age
33 composition, we want to look at to see if the run's coming
34 back as we anticipated based on sibling returns and then in
35 the Yukon we have the sonar project that we can use to some
36 extent between years on how the chinook run looks. We
37 primarily use it for chum, so summer chum and fall chum in
38 the Yukon.

39
40 If you have any other questions.

41
42 MS. GOTTLIEB: Mr. Chairman.

43
44 CHAIRMAN DEMIENTIEFF: Yes, Judy.

45
46 MS. GOTTLIEB: Were you finished Gary?

47
48 MR. EDWARDS: No, I had more questions.

49
50 MS. GOTTLIEB: Go ahead.

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1 MR. EDWARDS: That's a good answer, let me
2 move on to my next question. This specifically refers to
3 the Yukon, the U.S./Canada panel recently agreed to
4 subsistence harvest restrictions of 50 percent of normal
5 subsistence harvest of chinook because of the poor runs in
6 recent years and the poor forecast for 2001. Meeting this
7 obligation clearly is going to mean a reduction in
8 subsistence opportunity under both State and Federal
9 management systems. The State's 2001 harvest outlook
10 indicates that chinook salmon harvest is expected to be
11 less than half of normal. Does the State consider this
12 restrictions of 50 percent or less in the subsistence still
13 within the guidelines of reasonable opportunity and if so,
14 what harvest level constitutes an unreasonable opportunity?
15

16 MR. BERKSTROM: Mr. Chairman, as we view
17 and the Canadians also, with this discussion at a panel
18 meeting between the U.S. and Canada, is that, it's based on
19 the preseason outlook that we'd probably have to go to half
20 of the harvest for subsistence and the aboriginal harvest
21 in Canada. They, as well as we, still look at that in-
22 season management. They would change their management
23 strategy in Canada with their project there, they have a
24 mark/recapture so they can estimate the abundance going to
25 Canada and if they have enough fish there they will harvest
26 more than half on the aboriginal and manage the run in-
27 season. So we still look at it as this is a guideline but
28 we'll still look at in-season, what the run abundance looks
29 like on the Yukon.
30

31 As far as if we do go to half of the
32 subsistence harvest, that would be below what the Board of
33 Fisheries has adopted as the amount necessary for
34 subsistence because it would be below that range that they
35 adopted.
36

37 CHAIRMAN DEMIENTIEFF: Gary, I'm going to
38 have to interrupt your line of questions for a moment. Our
39 Regional Council Chair from Seward Penn has got to go get a
40 plane and she has one village that's affected by this and
41 needs to get some information on the record before she
42 goes. I'll come right back to you though.
43

44 MS. CROSS: I'm Grace Cross, Chair of
45 Seward Penn. One of the villages that will be affected in
46 our region is Stebbins. It's a community with less than
47 600 people but they're still going to be affected by what
48 is going on today. And in talking to them, the message is
49 basically, if the Federal Subsistence Board does not heed
50 to the words of the subsistence users in the Yukon and

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1 Kuskokwim River, it is most likely that they will create a
2 Nome subdistrict in a much astronomical level.

3

4 CHAIRMAN DEMIENTIEFF: Thank you very much,
5 Grace. Gary, go ahead.

6

7 MR. EDWARDS: Mr. Chairman, I just have two
8 more questions and this one I would address both to the
9 State and to our Councils. Is that, one of the key
10 strategy elements of this years approach is to get
11 subsistence users to voluntarily reduce their catch beyond
12 what is being set by, apparently by proposed regulations,
13 is there not a concern by all that failure to restrict
14 other uses will not be a disincentive for subsistence users
15 to volunteer to reduce their catch and that harvest could
16 occur as a result of this and it's my understanding that
17 that harvest might be the most significant thing at all
18 with impact on future runs. And I guess I'd ask the
19 Councils first to address, you know, what their view is,
20 what effect of not closing other uses would have on going
21 forward with this voluntary compliance which my
22 understanding, you know, in the poster that was put out was
23 an effort that was put together both by State and Federal
24 biologists.

25

26 MR. WILDE: Mr. Chairman, it's going to be
27 really something for especially in the Lower Yukon area.
28 The people are willing to volunteer. However, they're not
29 looking at -- they don't want no sportfishermen take some
30 of the fish that they really depend on, king salmon and
31 chum salmon. In the Lower Yukon, as long as -- they say as
32 long as the whole Yukon of this reduction, we don't care
33 much about restriction, however, we don't want someone
34 taking the fish that we're trying to depend on, we may not
35 make it for winter.

36

37 That's what people are saying down there.

38

39 MR. SAM: Thank you, Mr. Chair. Mr.
40 Edwards. I know of very little, if any, sportfishing for
41 salmon up in our area up on the Koyukuk it is non-existent.
42 However, we do have sportfishing for sheefish, grayling,
43 pike and others, none of these are commercial ventures.
44 Again, most of the restrictions that are being placed on
45 salmon do not really affect the Koyukuk where I am from,
46 however, the constituency on the middle Yukon are heavily
47 impacted by this. And that area, I do not know of any
48 significant amount of sportfishing whether it's subsistence
49 or commercial, so we know that we are giving up a lot,
50 there's quite a few people that didn't get their needs met

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1 last year so we have to -- and a lot of places extended the
2 moose season and covered that with moose meat instead of
3 fish, but they were more than willing to go to a different
4 species, however much pressure we put on different species
5 for the survival of the salmon which is their mainstay.

6
7 Thank you.

8
9 MR. NICHOLIA: Yeah, thank you, Mr.
10 Chairman and Mr. Edwards. Most of the people in the
11 Interior and around Tanana, the Eastern Interior are
12 willing to volunteer to 50 percent, but like I said
13 earlier, to see a lower priority go before a higher
14 priority, that lower priority to be allowed, I don't think
15 you'll have very much volunteers within the Eastern
16 Interior Region because we're -- like I represent the Yukon
17 Flats and I mentioned earlier, they're running out of
18 resources to fall back on. I don't mean to really sound so
19 negative but we have to stick up for what we believe in.

20
21 Thank you.

22
23 MR. BERKSTROM: Yes, Mr. Chairman. We
24 understand the concerns that the fishermen have like in the
25 lower Kuskokwim and along the Yukon with the sportfishery
26 as the State envisions it being opened until further
27 restrictions on the subsistence fishing schedule the Board
28 adopted. What we would view is that, as Doug had said
29 earlier, that with the time and where the area of the
30 sportfishery occurs, if the salmon runs are very poor and
31 we have to do more restrictions in the subsistence fishery,
32 it should be well before most sportfish harvest occur. And
33 particularly like in Gerald's case in the Eastern Interior,
34 the fish aren't up there until, you know, two weeks after
35 -- more than two weeks after they enter the mouth of the
36 river, so by that time, we would have a pretty good
37 indication of how the run is going and very little
38 sportfish harvest would occur. And I think that type of
39 run, it's that poor, we have to do more subsistence
40 restrictions. People aren't going to meet their needs.
41 The sportfishery would be closed. Maybe Mac can expand on
42 when he thinks that would occur and when the fisheries
43 occur, but it seems like that with the sportfisheries in
44 those tributaries, the fishery occurs a lot later than the
45 subsistence fishery.

46
47 MR. EDWARDS: Let me follow up on that, but
48 isn't the reality, is that, we really want this voluntary
49 effort to actually start before that so if that doesn't
50 occur, haven't we missed a real opportunity to save some of

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1 those early fish regardless of whether the sportfish has
2 started or not?

3

4 MR. MINARD: Mr. Chairman, Mr. Edwards. My
5 name is Mac Minard, I'm regional supervisor for Sportfish
6 Division out of Fairbanks. I think the Department's view
7 on the voluntary side of it, particularly for the
8 Kuskokwim, is that that's in addition to actions taken by
9 the Board of Fish in January that we considered to be both
10 necessary and sufficient to meet the conservation concern
11 that we view is coming. And so consequently, I think from
12 a managers perspective, we're putting probably more weight
13 on those actions than they were significant actions that
14 were taken in January. At the start of the king salmon run
15 in the Kuskokwim and Yukon in 2001, it's not going to be
16 the same day that it was in 2000. Area M has cut back.
17 Boundaries in Quinhagak were reduced. Bag limits have been
18 changed. Schedules in subsistence fishing time have been
19 amended. Those actions, we considered to be and was
20 considered by the Board to be both necessary and
21 sufficient. Additional restrictions in the form of
22 voluntary reductions are over and above that.

23

24 MR. VINCENT-LANG: I think the question
25 that comes to mind here or comes to bear here is how much
26 weight do you place on the preseason projection versus what
27 weight do you place on having in-season information to
28 verify that. As we stated in our comments yesterday,
29 projections can be off as much as 30 to 50 percent. In
30 this case, these sportfisheries that are being discussed
31 are temporarily segregated so that not much of the harvest
32 is occurring until we have such a time to verify those
33 projections with in-season information as the time goes
34 along. The Department feels that it's very capable and
35 competent to make the decisions regarding either threats to
36 subsistence fishing opportunities or to escapement by the
37 mid- to latter-part of June at which point we would then
38 make assessments as to the sportfishery. And we feel that
39 that error rate with the projects, we decide in our
40 management capabilities, that it's better off using in-
41 season information to verify that prior to precluding that
42 opportunity beforehand.

43

44 And I want to also note that the State
45 takes its responsibility to provide for subsistence
46 priority very seriously but we also have an obligation
47 where there are harvestable surpluses above that to provide
48 for other opportunities. Closing prior to the season with
49 high error rates around projections is a dangerous
50 precedent we feel. We feel if we can verify that

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1 information with very little threat to either sustained
2 yield or to subsistence fishing opportunity, which in the
3 case of both the Yukon and Kuskokwim drainages by waiting
4 until the middle to latter part of June, we feel that that
5 is a good decision to make and a sound biological decision
6 to make.

7

8 MR. EDWARDS: Thank you, Mr. Chairman. I
9 only have one more question and maybe really it's more of a
10 statement. But as I've tried to sort through this, it's
11 been somewhat like trying to peel back the layers of an
12 onion and to a large extent, the issue almost seems one of
13 kind of semantics in timing and sort of a chicken and the
14 egg-type of situation. But, you know, really given the
15 reality that how poor these runs will probably be, isn't it
16 true that probably after all the rhetoric has died down and
17 the runs have come in and the tough decisions have been
18 made, isn't there a high likelihood that we're all going to
19 be at the same place?

20

21 MR. VINCENT-LANG: I sure wish that I could
22 take that kind of crystal ball projections to Las Vegas
23 with me sometime. I don't know. I think there's a
24 probability you could be there, how high it is depends upon
25 just what happens with salmon runs. We've been surprised
26 in the past. So I don't know.

27

28 MR. EDWARDS: Thank you, Mr. Chairman.

29

30 CHAIRMAN DEMIENTIEFF: Judy.

31

32 MS. GOTTLIEB: Mr. Chairman, thank you. I
33 believe the Department mentioned that the way these Special
34 Actions are written, it might be that people from Yukon
35 couldn't fish on the Kuskokwim and vice versa and so I was
36 going to ask, Chairman Wilde, how much people do crossover
37 from one river to the other, please.

38

39 MR. WILDE: Mr. Chairman. I think they are
40 both, they work together, Yukon and Kuskokwim. All those
41 things they're supporting the subsistence way of life, even
42 though there's no real name of subsistence. They work
43 together whatever they do so they trade also each other
44 when they need some things, like Yukon, middle Yukon or
45 Yukon River, if they don't have no seals and all that
46 stuff, they trade those things. So they depend on what the
47 resource -- what the little resources they have.

48

49 CHAIRMAN DEMIENTIEFF: Ronny.

50

1 MR. SAM: Thank you, Mr. Chairman. This is
2 quite similar with the Koyukuk and the Yukon. However, at
3 this time I think that we have more and more people going
4 down and visiting their relatives on the Yukon and staying
5 and help gather. Again, what a lot of this has to do with
6 the customary and traditional trade, but at that point in
7 time we don't have anything to trade -- at this time, you
8 know, because of the disaster. Koyukuk River has been a
9 disaster since before the flood, I think.

10
11 But as an addendum, I tend to overlook
12 testimony on our cultural perspective. Because it's so
13 eloquently covered by AVCP and some Tanana Chiefs and
14 others, but in the old days we used to stay in fish camp
15 until we get enough and then as far as moose and that's
16 where we're having some problems up in our area, when we're
17 restricted in one species we put extra pressure on another
18 species and through the ages -- and that's why through the
19 ages we still have moose up there. If there's no animals,
20 we just stop harvesting them and harvest another species
21 until they repopulate themselves. This was taught to us by
22 our grandparents and parents. And as Gerald said, it's
23 been our culture as it was so eloquently stated when we got
24 in a fight over dog food, salmon as dog food, we had a few
25 people testify that it was and it is still part of our life
26 and our culture, the use of dog teams to travel and trap
27 and race.

28
29 Thank you.

30
31 CHAIRMAN DEMIENTIEFF: Judy.

32
33 MS. GOTTLIEB: Thank you, Mr. Chairman. I
34 think, certainly the Alaska Department of Fish and Game and
35 the Board of Fisheries should be complimented on the hard
36 work that they did to reach the preseason decisions in
37 January. It's a very difficult job and it appears they've
38 tried to balance all uses. However, because we have
39 different mandates, balancing all uses is not necessarily
40 consistent with our job here.

41
42 Fish and Game and others have questioned
43 how many fish will be saved if we do this. If escapement
44 is likely not to be met, the question should be, what can
45 we do to save every fish possible. Continuing to fail to
46 reach escapement threatens the health of future populations
47 of fish stock and threatens future subsistence harvest. We
48 realize we're talking about very few numbers relating to
49 sportfishing, but it goes back to the commitment that every
50 fish must count in this situation.

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1 I think it also boils down almost to a
2 philosophy, do we close fishing and then open it in-season
3 or do we open it and then close it, possibly, too late as
4 has happened before? Both of those philosophies and
5 decisions need a lot of information. They need continued
6 cooperation and they need communication.

7
8 Thank you.

9
10 CHAIRMAN DEMIENTIEFF: Mr. Bunch.

11
12 MR. BUNCH: Mr. President [sic], I have a
13 couple of questions for the State. Where is your sonar
14 facility located on the Yukon?

15
16 MR. BERKSTROM: Mr. Chairman, it's located
17 at Pilot Station which is about 120 miles from the mouth.

18
19 MR. BUNCH: Thank you. Also, what is the
20 impact of the agreement with Canada on salmon in the Yukon,
21 kings in the Yukon? My concern is, is there going to be
22 some external pressure that's going to be outside the realm
23 of probably the State to control if that's an international
24 agreement and Canada puts pressure on us from that end?

25
26 MR. BERKSTROM: Mr. Chairman, certainly
27 with the agreement there is things that the U.S. has to do
28 to reach the agreed to harvest shares for Canada and what
29 Alaska gets. But in this case, with the subsistence
30 fishery, with the small numbers of fish, the agreement
31 doesn't put any more pressure on -- the real pressure is
32 just the low abundance of fish. So there's no, what I
33 would call, outside pressure because of that in this case.

34
35 MR. BUNCH: Is that a State responsibility?
36 Would the State jurisdiction enforce that or is that within
37 Fish and Wildlife?

38
39 MR. BERKSTROM: I think there are probably
40 more than one viewpoint but how we've done it in Southeast
41 Alaska basically and how the State views it in the Yukon
42 that it's a State responsibility.

43
44 MR. BUNCH: Thank you, Mr. Chairman.

45
46 CHAIRMAN DEMIENTIEFF: Taylor.

47
48 MR. BRELSFORD: Thank you, Mr. Chairman. I
49 have one question regarding possibilities for compromise
50 and joint action on the part of the State and the Federal

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1 programs. Has the State given any consideration to
2 revising its preseason approach so that the sportfishery
3 would be managed with even greater restrictions and those
4 could be lifted on the showing that the runs have come in
5 stronger and, in particular, I wonder if you've examined
6 and rejected the possibility of adopting catch and release
7 only as the preseason structure for the sportfishery
8 leaving yourselves latitude to go back to the one fish
9 retained bag limit when the early run assessments are
10 available in mid-June? Could you tell us your thinking, I
11 believe this has been floated, I'd like to know for sure
12 that it's been considered and set aside, if that's the
13 case.

14
15 MR. MINARD: Yes, Mr. Chairman. Taylor,
16 when we got done with the January meeting, we sat down as a
17 Staff and discussed what options were available to us given
18 the preseason outlook and fundamentally we considered, you
19 know, the sustained yield issues and at that time the State
20 priority for subsistence. And things that we recognize
21 when we evaluate that management strategy and sent it
22 forward was the fact that there are principles managing
23 these fisheries that are important and one of the
24 principles is in both the Yukon and in the Kuskokwim, is
25 that, we're really afforded essentially one click down.
26 Things are small enough and bag limits are constrained
27 enough that to try to finesse this thing and give the
28 impression that we're going to fine-tune it and get, you
29 know, some extra fish in there limits some of the options.
30 Specifically, starting off with a bag limit of three, going
31 to a bag limit of one and then going to catch and release
32 and then closing is really not a practical matter. The
33 large geographic expanse involved in trying to get the word
34 out to people who may have started trips a week in advance,
35 you know, all of those kinds of things factor into our
36 decisions when we consider an approach.

37
38 This particular season, we looked at the
39 steps that the Board had already taken and as we pointed
40 out, we don't consider today to be the same starting point
41 that we were at a year ago. We considered what level of
42 restriction we could affront that would take things down
43 substantially but not eliminate it, and so our preseason
44 announcements have indicated a bag limit of one, on the
45 Aniak, it would be a seasonal limit of one, one per year,
46 and felt that if there were -- in-season, if there was
47 evidence that the run was even weaker than we had expected,
48 that we would go to zero, close it. And we have, as these
49 Board members probably know, we have a track record of
50 having done that. We have made adjustments to

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1 sportfisheries and closed them in the Aniak River, in the
2 Kuskokwim River in the past. And so that's kind of what we
3 thought about.

4
5 One of the other principles, Taylor, and
6 you know with your background you would know this well, we
7 would shy away from imparting a catch and release
8 regulation in that part of the world, principally for two
9 reasons. One is, I don't think there's enough hours in the
10 day to answer the phone calls that would come in. And two,
11 in the past when we've taken that action in a king salmon
12 fishery, it has essentially the same effect as having
13 closed it. So if you're going to reduce effort, if you're
14 going to reduce harvest, just close it, and that's what we
15 did in the past.

16
17 So a little bit longer, but we did consider
18 an awful lot of those options that you raised and this was
19 sort of the position we came into and we felt that it
20 afforded for a protection of the subsistence priority.
21 These are temporarily removed and spaciouly removed so
22 that the activities of the fishery as we've proposed to
23 enter the season with wouldn't have an affect on this
24 seasons participation by the subsistence fishery. We felt
25 that it would afford a potential harvest that was small
26 enough so that future production didn't jeopardize future
27 subsistence opportunity. So those two things were
28 paramount in our discussions and that's how we arrived at
29 our position for this upcoming season.

30
31 Does that answer your question?

32
33 MR. BRELSFORD: (Nods affirmatively)

34
35 MR. MINARD: Thank you.

36
37 CHAIRMAN DEMIENTIEFF: Further discussion.
38 Willie.

39
40 MR. GOODWIN: Thank you, Mr. Chairman.
41 Some observations here based on the testimony and some of
42 the reports given by the Department of Fish and Game and
43 the Federal Staff. First of all, I see an effort by the
44 local areas and the Yukon and Kuskokwim to limit
45 themselves. I see no effort by the sportfishing
46 organizations to give or to have this type of advertisement
47 or effort given to their clients to only take what they
48 need. However, I have a problem with allowing catch and
49 release, knowing that there will be some mortality. Just
50 on the sheefish alone on the Kobuk River, I notice that it

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1 has been done up there on sheefish, now, granted it's not
2 king salmon or chum, but every two out of three that's
3 caught with a treble hook will die if it bleeds. So
4 there's no studies that have been done to substantiate
5 catch and release on what types of gear that these anglers
6 can use. I would surely support opening sportfishing if
7 after those studies are done to determine what kind of hook
8 is the best, especially when the runs and the areas that
9 are angled are of that significant important to the
10 spawning of those species.

11
12 I'd just like to remind the Board that they
13 have taken steps in game to allow only subsistence, they've
14 done it in my area with sheep, no sport hunting. This
15 surely can be done here in this case.

16
17 Mr. Chairman, I also note that on Special
18 Action Proposal No. 2, that by golly you got the Gates of
19 the Arctic listed on that. Just makes me wonder how the
20 fish will go up the Kuskokwim and back down the river and
21 head up north. Man, to restrict -- to make a proposal or a
22 regulation to allow an activity -- well, I support it,
23 don't get me wrong, you know, I wouldn't want to see any of
24 this stuff going on in my area either, but it's a bit of
25 overregulation again in my mind.

26
27 Thank you very much.

28
29 CHAIRMAN DEMIENTIEFF: Thank you. Further
30 discussion. Harry.

31
32 MR. WILDE: Mr. Chairman, there's something
33 that I would like to understand while I am representing
34 people. Yesterday and earlier today and I hear from the
35 sportfishermen, hook and release don't hurt fish, because
36 the gentleman over there with the white shirt and the tie
37 on, he's a sportfisherman. I'd like to ask you, why the
38 hook and release, the fish that have been reported from the
39 Kuskokwim and Yukon, something in their mouth sticking out,
40 is that line, must be line or something, and those fish are
41 dying, and you said that it don't hurt the fish, hook and
42 release, what they are, if there's anything to hurt the
43 fish that those plastics are sticking out?

44
45 MR. MINARD: Mr. Chairman, Mr. Wilde. I
46 don't think we ever said that hook and release didn't hurt
47 them at all. Hook and release has a mortality associated
48 with it. Hook and release has an influence and impact to
49 the individual fish. I would never presuppose or suggest
50 to you that it didn't have an affect, it does have an

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1 affect. Alternatively, as one of the Board members in the
2 Alaska Board of Fish likes to say, at least that fish got
3 released has an option to survive. The one that didn't get
4 released doesn't. And you know, it's conceivable that what
5 you've observed with a line coming out of the mouth is a
6 product of a hook that got caught in it and the line broke
7 and some of those fish will be affected, some of them may
8 not.

9
10 We have done some fairly extensive work on
11 catch and release mortality and those studies give us some
12 basis on which to evaluate the impacts. It's not zero. It
13 is something more than that and it varies with species and
14 it varies with gear. But, no, I understand what you're
15 saying and I've seen similar things where a fish has been
16 broken off and has gone and that's not as good as thing as
17 a fish that is released, but it's our assessment that if
18 you factor that kind of thing into it you can still manage
19 these populations in a sustainable manner.

20
21 Thank you.

22
23 MR. WILDE: Yeah, Mr. Chairman, the reason
24 I'm asking you, one of the elders in Kuskokwim report the
25 fish was dying after the sportfishermen passed, drifting
26 down river. So he was wondering because it's got something
27 in its mouth, he catch that fish, go down and get it
28 because it's half-loading and diving, half-loading and
29 diving and he bring it up in the beach, he was saying that
30 I don't want to see these fish wasted so he cut it up ready
31 to cook it. He opened the belly, there was a hook in there
32 and the line of that thing was sticking out. I wonder how
33 many more of those fish they always been floating like that
34 die after they go -- let them go down the river.

35
36 Thank you.

37
38 CHAIRMAN DEMIENTIEFF: I guess I've got a
39 question. This morning we heard testimony from some of the
40 sportfishermen that if this is done it's going to do a lot
41 of damage to the resource because the sportfishermen are
42 going to be forced to go onto the spawning grounds with
43 their large boats, right on the spawning grounds to fish,
44 to sportfish. So what their case is is that we're hurting
45 -- we would be hurting the fisheries resource by closing
46 it, was the case that they were trying to build. And I'm
47 wondering, does the State have a policy with people running
48 large boats and sportfishing on the spawning grounds?

49
50 MR. MINARD: Mr. Chairman, the State

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1 doesn't have a specific policy about running boats on
2 spawning grounds but I would remind the Board that in these
3 locations that we're talking about, one of the cornerstones
4 to managing or the suite of regulations that afford
5 management for the sportfishery is spawning season
6 protection through a spawning season closure, it's illegal
7 to take these fish after a certain date and that's already
8 in place, it's been in place. It's one of the principles
9 of managing salmon stocks that the Board and the State and
10 the users have adopted, you know, as they move through the
11 various regions. It just makes sense to draw a line and
12 say after a certain date. So to the extent that people
13 would relocate and seek other opportunities, that would
14 have to occur within the constraints of the normal open
15 season and that open season gets closed at some time that's
16 described to protect spawning stocks of salmon.

17
18 CHAIRMAN DEMIENTIEFF: The other thing that
19 was -- go ahead, Gerald.

20
21 MR. NICHOLIA: Yeah, I just want to ask you
22 this one question. If you're nursery was messed up before
23 and you put your babies there, you think those babies are
24 going to survive?

25
26 MR. VINCENT-LANG: There's been studies
27 that have looked at boat wake traffic on reds in spawning
28 areas, and those studies have had variable results but by
29 and large have shown that there isn't significant impacts
30 to those areas, enough to make decisions regarding closing
31 those areas off. We feel that the spawning season closures
32 provide sufficient protection to those areas and those fish
33 once they get up into those spawning areas to complete the
34 spawning act.

35
36 MR. NICHOLIA: Sir, you didn't really
37 answer my question. If you destroy the nursery, do you
38 think if you put those babies there, are they going to
39 survive if their nursery is messed up already?

40
41 MR. VINCENT-LANG: If you destroyed the
42 nursery, they wouldn't survive. But we don't think that
43 that level of boat traffic when we have a current
44 regulation that prohibits fishing in those areas during the
45 spawning season is destroying those areas.

46
47 MR. EDWARDS: Mr. Chairman.

48
49 CHAIRMAN DEMIENTIEFF: Gary.

50

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1 MR. EDWARDS: Mr. Chairman, I'd like to
2 follow that up, if that's the case then, you know, why have
3 we gone to a 40 horse limit on the Kenai and why have we
4 all jointly been working so much together to try to protect
5 the banks and stuff because of concerns with erosion,
6 particularly for mainstream spawners?

7
8 MR. VINCENT-LANG: The Kenai horsepower
9 restriction is based on a wide variety of different
10 factors, and probably one of the largest factors that
11 contributed to that horsepower restriction on that river
12 was, in fact, public safety concerns about the number of
13 big vessels and the speed at which they were operating.
14 Right now we are currently -- we did a study two years ago
15 or a year ago to look at the effects of boat and boat speed
16 and hull type and horsepowers on actual damage to the banks
17 of that river, on the wave height that were produced and
18 that result is coming out, but again, it's not solely a
19 function of just protection of the bank habitat was that 40
20 horsepower restriction placed in the Kenai River.

21
22 MR. NICHOLIA: Mr. Chairman, I know there's
23 egg count and studies done in the Toklat area and they said
24 that -- I heard this in Fort Yukon in one of our meetings,
25 is that, the least impact to where those eggs are laid the
26 more viable to survive, and any disturbance to the water,
27 not the banks but the ground under the water, any
28 disturbances to that it has a detrimental affect to where
29 the eggs will not be able to sit between the rocks because
30 they're disrupted and stuff. You have to protect that from
31 being disrupted. It has to be in its natural state. I
32 don't think a big boat as big as this table going through
33 10 feet of water is not going to adversely affect that. I
34 just don't believe you. I just don't believe your
35 philosophies.

36
37 CHAIRMAN DEMIENTIEFF: It's 12:00 o'clock
38 now. We're going to break until 1:00 o'clock for lunch and
39 then we'll continue on with our discussions in the
40 afternoon.

41
42 (Off record)

43
44 (On record)

45
46 CHAIRMAN DEMIENTIEFF: With that, we're
47 going to call the meeting back to order. Is there any
48 final round of discussion with regard to Special Requests
49 No. 1 and 2? Go ahead.

50

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1 MR. EDWARDS: Mr. Chairman, I would just
2 like to ask our Refuge manager, Mike Rearden, Mike, I know
3 that there's a lot going on, you know, out there on the
4 ground in the villages trying to educate folks about this
5 entire situation. Could you share with the Board some of
6 the things that are actually occurring?

7
8 MR. REARDEN: Mr. Edwards, Mr. Chairman. I
9 think you've heard some of it previously, you know, we've
10 got the posters and the radio station announcements and the
11 personal discussions with people out there. Right now
12 we're really pushing this cooperative appeal that we have
13 worked together with Fish and Game and others on and we're
14 going out to the villages and meeting with folks. And
15 frankly, it's been a pretty tough thing to push on people
16 lately because of the sportfish issue that keeps coming up.
17 It has really become the fly in the ointment out there.
18 And as you've heard before, most Delta residents don't see
19 sportfishing as a legitimate use of a resource, especially
20 in times of need and when the populations are way down.

21
22 So unfortunately, even though some people
23 could argue that it isn't a major biological issue, it has
24 become a very serious social issue that has the potential
25 to torpedo the best efforts we're making to try to minimize
26 the subsistence harvest. And I think that everybody,
27 including the Board of Fish, their intent was to try to
28 reduce the overall harvest so that we can ensure that we
29 get escapement. We had, I've heard it said many times at
30 the Board of Fish meetings, every fish that gets on the
31 spawning grounds is important, and when we're saying that
32 and then we're allowing the sportfishing to occur, people
33 are hearing us talk out of both sides of our mouth and
34 frankly it's been tough for me to tell an old lady in
35 Napakiak that I would like her to reduce her subsistence
36 harvest and then try to respond to her questions about why
37 we're continuing to allow sportfishing to occur upriver.

38
39 So I guess the one thing I want to point
40 out, we're doing our best to work with folks and people are
41 willing to reduce their harvest. We've had some local very
42 active subsistence fishermen say that they are going to
43 intentionally reduce their harvest by half of what they've
44 done in the past. That's a major effort on the part of
45 these folks. Subsistence fishing is probably one of the
46 most important activities across the entire Delta.

47
48 Will an action here today in support of
49 this solve all the issues and the problem, no, it won't.
50 But because if the sportfishing is still allowed to

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1 continue people are going to realize that it's still
2 occurring upriver, but will it save some fish, I think it
3 will save some fish and that should be the goal of every
4 fish manager out there, I think.

5
6 One concern I have, we talk about assessing
7 the run at a critical time and determining that the
8 population is low and then closing sportfishing by
9 somewhere in the middle of June. By the middle of June
10 it's too late. The cooperative appeal that we're
11 addressing right now has to be accepted by the people right
12 now, not by the middle of June. By the middle of June
13 everybody's actively subsistence fishing, they will have
14 made their decision about how many fish to catch. So even
15 though it appears to be a small issue to many people, and
16 we're talking about a very reduced sportfish harvest, it's
17 an issue much, much bigger than that. It's reaching way
18 deep into the cultural values of the people out there and
19 it's in direct conflict with what we're asking them to do.
20 And that's the problem that I've been running into.

21
22 Thank you for the chance to comment.

23
24 CHAIRMAN DEMIENTIEFF: Any other final
25 discussion.

26
27 MS. GOTTLIEB: Mr. Chairman.

28
29 CHAIRMAN DEMIENTIEFF: Yes.

30
31 MS. GOTTLIEB: I'd just like to ask
32 Chairman Wilde, I'm not quite sure I was clear before.
33 There was the comment made that these Special Actions could
34 maybe preclude Yukon River people from fishing on the
35 Kuskokwim or the other way around and I don't want to do
36 anything that might hurt those users and so I wanted to
37 know if there are people on the Yukon who do fish Kuskokwim
38 and the other way around, too?

39
40 MR. WILDE: Yeah, Mr. Chairman, the
41 estimate may be over 15 families living in Kuskokwim and
42 sometimes they go over to Yukon and fish, subsistence
43 fishing. So we're looking at right now that there's quite
44 a few.

45
46 CHAIRMAN DEMIENTIEFF: Ralph.

47
48 MR. LOHSE: Mr. Chair. While this doesn't
49 directly affect Southcentral, I'd like to share some
50 thoughts on it if I can, if you're willing to listen to

00202

1 them.

2

3

CHAIRMAN DEMIENTIEFF: Go ahead.

4

5

MR. LOHSE: Art brought up some good thoughts this morning when he talked about it's hard for us that are outside to see into somebody else and think the same way that they do, and while I'm a Federally-recognized subsistence user, non-Native, and I'm on the fringe and I deal with people who this is very important to, and I can't understand it totally, but I try to understand it. And there's two issues here that I see that it's real hard for us as people from a different descent that we have trouble understanding and that's a question of before and after. As a Westerner, I believe that, you know, with science and knowledge we can understand a lot of things so I have a tendency to say, you know, don't close something done until we see there's a problem, we have the ability to react. And yet, I know, from talking to the people that I deal with on the Council, that they're afraid that the action won't be taken, they've seen losses in the past and they would prefer to see something acted on ahead of time before there is a problem.

24

25

And that brings up the sportfishing issue and especially the catch and release part of it. If there's anything I've heard on the years I've been on the Council from the Athabaskans in the Copper River, they feel that, and it's a word that's been used a lot this morning, that playing with your food is disrespectful, their word for it is, and I apologize to any of them if I pronounce it wrong is (In Native Language), they don't believe that you should do something like that. And that's hard for us to understand, especially hard for us to understand for like a sportfishermen and we pick up and we admire the beauty of a king salmon and the iridescence on the scales or a rainbow trout or something, we think we're being respectful to it, we turn it back, but to the people that I deal with, that's a piece of food, and you're disrespectful to it because you've rejected the gift, you've put it back in the water.

41

42

And then part of it comes from knowledge. We know that there is a percentage and we all admit that there's a percentage of mortality with catch and release. And at a time when there's a shortage of fish they can't see any reason for any unnecessary death, any unnecessary loss of fish just for the sake of playing with it. They'd rather see somebody take it and take it for food. And then they have a perception and that perception is that sportfishing has got a lot of dollars behind it in the

50

00203

1 State and as Westerners, we give a lot of credence to how
2 valuable something is to the state or to the economy, and
3 consequently that becomes a fairly powerful interest. And
4 it's a powerful interest that has unlimited growth. It's a
5 powerful interest that they can see more and more people
6 taking part in. And even if it was catch and release, if
7 you have a successful two weeks or a week trip sportfishing
8 and you caught and released all the fish you got, you might
9 have killed more fish than if you took a limit of one.

10
11 And they recognize that and they perceive
12 that if we're going to look at it and come up with a number
13 for mortality it's in our interest in coming up with a
14 number that's lower than reality. They believe that
15 reality is higher than the number that we come up with and
16 they may be correct on that. We haven't got any solid
17 numbers on that ourselves.

18
19 In Prince William Sound we were having that
20 problem with rock fish. We were having a big growth in the
21 tourist industry in rock fish a number of years ago. We
22 put a proposal in as an advisory board and we backed it
23 through the Board, we put the proposal in that all rock
24 fish cannot be returned to the water, when you catch them
25 they're part of your bag limit, and when they're part of
26 your bag limit and you've reached your bag limit, your
27 fishing is done. You don't catch your bag limit and then
28 continue to catch and release. From what I know of the
29 people that I deal with on my Council, something like that
30 would be more acceptable on king salmon than an unlimited
31 catch and release fishery which has no way of telling how
32 many fish die.

33
34 And with that, I'll thank you for your
35 patience with me and be quiet.

36
37 CHAIRMAN DEMIENTIEFF: Any further
38 discussion.

39
40 MS. KESSLER: Mr. Chair.

41
42 CHAIRMAN DEMIENTIEFF: Yes.

43
44 MS. KESSLER: I just wanted to thank
45 everybody who's provided and shared their information
46 today. I think it's provided a tremendous source of
47 insight, not only about the status of this resource and the
48 people who depend on it, but as well the many social
49 perspectives and issues that are involved. From a science
50 perspective, we, of course, want to act in accordance with

00204

1 the principles of sound conservation, science-based
2 conservations and one of those principles is the
3 precautionary principle. And when we do have a resource
4 that is surrounded by risk, as this one clearly is, I think
5 we do have to -- it's very important to error on the side
6 of precaution.

7

8 Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Is there any final
11 discussion? If not, we're ready for a motion on Special
12 Action Request No. 1.

13

14 MR. EDWARDS: Mr. Chairman, as I said at my
15 opening remarks, that I was hoping that we could find some
16 common ground here because I certainly believe that there
17 is great value in this Federal Subsistence Program and this
18 Board working in a cooperative way with the State and with
19 the Board of Fish. Unfortunately after hearing all that
20 has been said, I really can't say where that opportunity
21 exists, particularly given this Board's mandate, the low
22 anticipated size of these runs and the voluntary efforts
23 that we are asking the subsistence user to take. I guess
24 the only, maybe bright light, in all of this is that
25 despite the opposing views that have occurred in this room,
26 that out on the ground as we speak, our respective agencies
27 are really working, I think well together, folks out there
28 trying to work their way through what is a very difficult
29 situation.

30

31 So saying all that, Mr. Chairman, as it
32 applies to, and I'm going to deal with the Kuskokwim first,
33 I don't know if that is the right one?

34

35 CHAIRMAN DEMIENTIEFF: Number 1, yes.

36

37 MR. EDWARDS: That I move that the Board
38 adopt the Staff Committee's majority recommendation that in
39 the Kuskokwim River or its tributaries within the Yukon-
40 Delta National Wildlife Refuge, Lake Clark National Park
41 and Preserve chinook and chum salmon may only be taken by
42 Federally-qualified subsistence users under Federal
43 subsistence regulations effecting June 1, 2001. Chinook or
44 chum salmon taken incidentally in sportfishing must be
45 released immediately. The Federal in-season manager for
46 the Kuskokwim area is authorized to remove this restriction
47 in-season if evaluation of salmon run strength indicates a
48 harvestable surplus of chinook or chum salmon beyond
49 escapement and subsistence needs.

50

00205

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

3
4 MS. KESSLER: Second.

5
6 CHAIRMAN DEMIENTIEFF: Gary, does that mean
7 you're allowing catch and release, is that what you're
8 saying?

9
10 MR. EDWARDS: Under this scenario, where it
11 says that, salmon may only be taken it's my understanding
12 that it means the directed effort could not occur towards
13 chinook and chum, however, if they were taken through --
14 under a directed take at other species then they would have
15 to be released immediately whereas the may not be harvested
16 would directly permit catch and release.

17
18 CHAIRMAN DEMIENTIEFF: Thank you. I just
19 wanted to get that clarified and out on the record. You
20 know, we're looking at our three criteria within our
21 mandate towards subsistence, conservation, clearly there's
22 a real large conservation issue, and that's detrimental,
23 you know, to subsistence because we already have had years
24 and years of reduced harvest by subsistence users. And is
25 there a lack of substantial evidence. We've heard
26 testimony by the State that in another stream that they're
27 looking at 10 to 12 percent mortality on the Kenai River,
28 you know, that is detrimental to the resource. So in terms
29 of the thresholds that we have to work with, clearly,
30 clearly this meets all of those criteria.

31
32 Further discussion.

33
34 MS. GOTTLIEB: Mr. Chairman.

35
36 CHAIRMAN DEMIENTIEFF: Yes.

37
38 MS. GOTTLIEB: I think subsistence users
39 have supported this Board strongly and vocally as we began
40 managing fisheries and we appreciate and have to live up to
41 those expectations. I think we don't always agree but we
42 see users willing to make sacrifices here and to share the
43 burden of this conservation so we have to be willing to
44 make these difficult political decisions which are actually
45 very clear management decisions based on our ANILCA
46 mandates to keep that trust. And I would intend to support
47 the motion.

48
49 CHAIRMAN DEMIENTIEFF: Any further
50 discussion on the motion. Hearing none, all those in favor

00206

1 signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN DEMIENTIEFF: Those opposed,

6 same.....

7

8 MR. BRELSFORD: Mr. Chairman.....

9

10 (No opposing votes)

11

12 CHAIRMAN DEMIENTIEFF:sign. Motion

13 carries.

14

15 MR. BRELSFORD: Mr. Chairman, I'd like to
16 offer a remark on behalf of Fran Cherry, the state director
17 of the BLM on this matter. We recognize, the BLM
18 recognizes the severity of the conservation crises and the
19 magnitude of the sacrifice and hardship as to all users to
20 promote recovery of these runs. The testimony this
21 afternoon has also been quite compelling on the importance
22 of local support for these voluntary conservation measures.
23 However, in a context of divided management, effective
24 management requires concerted action, requires joint action
25 on the part of both the Federal and the State programs.
26 The BLM is a strong supporter of the principles of joint
27 State and Federal action as outlined in our State/Federal
28 MOU, and in general, we've agreed to defer to State
29 management in light of the State's data, experience in
30 management and jurisdiction for other fisheries.

31

32 In this case it appears that some other
33 compromises that might have resulted in joint State and
34 Federal action have been considered and found unsuitable,
35 that is, deeply regrettable and as a result the BLM is not
36 able to support the motion.

37

38 Thank you.

39

40 CHAIRMAN DEMIENTIEFF: So the record is
41 five for, one against, and the motion carries.

42

43 (Pause)

44

45 CHAIRMAN DEMIENTIEFF: Okay, Special Action
46 Request No. 02, is there discussion on that? Hearing none,
47 is there a motion?

48

49 MR. EDWARDS: Mr. Chairman, given my
50 previous reasons, I move that the Board adopt the Staff

00207

1 Committee recommendation that in the Yukon River, its
2 tributaries within the Yukon-Delta National Wildlife
3 Refuge, the Innoko National Wildlife Refuge, Koyukuk
4 National Wildlife Refuge, Nowitna National Wildlife Refuge,
5 Kanuti National Wildlife Refuge, Yukon-Flats National
6 Wildlife Refuge and the Arctic National Wildlife Refuge and
7 the Gates of the Arctic National Park and Preserve, the
8 Yukon-Charlie Rivers National Preserve, Denali National
9 Park, the White Mountain National Recreational Area and the
10 Steese National Conservation Area, chinook and chum salmon
11 may only be taken by Federally-qualified subsistence users
12 under Federal subsistence regulations effective June 1,
13 2001. Chinook or chum salmon taken incidentally in sport
14 fishing must be released immediately. The Federal in-
15 season manager for the Yukon area is authorized to remove
16 this restriction in-season if evaluation of salmon run
17 strength indicates a harvestable surplus of chinook or chum
18 salmon beyond escapement and subsistence needs.

19
20 CHAIRMAN DEMIENTIEFF: There's a motion, is
21 there a second?

22
23 MS. GOTTLIEB: Second.

24
25 CHAIRMAN DEMIENTIEFF: Discussion on the
26 motion. Again, clearly, we've met the three thresholds,
27 the conservation concern which has been detrimental to the
28 subsistence users and we do not have a lack of substantial
29 evidence given the testimony given earlier with regard to
30 both sportfishing as well as catch and release. So we've
31 met or thresholds per our mandate.

32
33 Further discussion.

34
35 MS. GOTTLIEB: Mr. Chairman, I'm not sure
36 if there's a way to incorporate our same reasons that we
37 discussed before for Special Action 1 to Special Action 2,
38 but I know the basis for my vote would be for those
39 previous reasons stated.

40
41 CHAIRMAN DEMIENTIEFF: Further discussion.
42 Hearing none, all those in favor of the motion, please
43 signify by saying aye.

44
45 IN UNISON: Aye.

46
47 CHAIRMAN DEMIENTIEFF: Those opposed, same
48 sign.

49
50 MR. BRELSFORD: Aye.

00208

1 CHAIRMAN DEMIENTIEFF: Motion carries five
2 to one. Special Action Request No. 4, are we ready for the
3 analysis?
4

5 MR. KRON: Mr. Chairman, Special Action
6 Request FSA 01-04 submitted by Monty Millard of the Fish
7 and Wildlife Service Fisheries Resource Office in Fairbanks
8 would suspend the requirement to remove the dorsal fin from
9 subsistence caught king salmon in that portion of Districts
10 1, 2 and 3, which is within and adjacent to the Yukon-Delta
11 National Wildlife Refuge during the 2001 fishing season.
12

13 Regulatory history. The State of Alaska
14 subsistence fishing regulations specify that "in Districts
15 1 through 3, no person may possess king salmon taken for
16 subsistence purposes unless the dorsal fin has been removed
17 immediately after landing. A person may not sell or
18 purchase salmon for which the dorsal fin has been removed."
19 This regulation was adopted in 1994 to allow enforcement
20 officers to identify subsistence caught king salmon and to
21 help prevent subsistence caught king salmon from being sold
22 commercially. This requirement was subsequently included
23 in Federal regulations.
24

25 At a fishermen's meeting in Mountain
26 Village, Alaska on April 17th, 2001, Yukon-Delta Regional
27 Council Chair, Harry Wilde, requested a Special Action to
28 suspend dorsal fin requirements for subsistence fishermen
29 this summer when no commercial fishery is expected. There
30 was consensus that this request is in the best interest of
31 the subsistence fishers and would not adversely impact the
32 fisheries resource or enable illegal sales of subsistence
33 salmon to occur.
34

35 It is important that the Federal manager be
36 empowered to reinstate this requirement in the event that
37 the salmon run is better than expected and the State of
38 Alaska proceeds with a commercial fishery. No commercial
39 fishery is expected and it is anticipated that subsistence
40 harvest of king salmon will be less than half of normal.
41

42 Subsistence fishers have noted that cutting
43 the dorsal fin can lead to softening of the flesh. Fishers
44 dry the salmon backbone and after the flesh is removed, do
45 eat the dorsal fin.
46

47 That concludes my comments, Mr. Chairman.
48 Thank you.
49

50 CHAIRMAN DEMIENTIEFF: Thank you. Summary

00209

1 of written public comments.

2
3 MR. NICK: Mr. Chairman, I don't have
4 written comments on this proposal.

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

8
9 MR. VINCENT-LANG: Mr. Chairman, the State
10 supports both the Special Action Request and the associated
11 Staff Committee recommendation. In the absence of a
12 commercial fishery, we believe that this action will
13 relieve users from a potentially burdensome regulation.
14 However, we would note that should the State of Alaska
15 proceed with a commercial fishery the requirement to clip
16 the dorsal fin should be immediately reinstated. And I'd
17 also add that the Board of Fisheries took this up yesterday
18 and they delegated the authority to the Commissioner to
19 rescind the marking requirements when there is no
20 commercial fishery and to reinstate it in the event that
21 there would be one.

22
23 CHAIRMAN DEMIENTIEFF: Thank you. We have
24 no additional requests for public testimony on this issue
25 at this time. Regional Council recommendation.

26
27 MR. WILDE: Mr. Chairman, we had a meeting
28 in Mountain Village. We have enough, already problems with
29 the law enforcement. And that's what makes it hard for
30 subsistence, we never have no experience or enforce our
31 subsistence way of life through enforcement, we got hours
32 to work with, that many fish to work with, we wouldn't have
33 no time to do cutting up the fin fish out of subsistence.
34 Not only that, when we dry our subsistence food, as king
35 salmon and chums, we hang the backbone of the fish, that's
36 the first thing that we eat, half-dried, we save the main
37 part for the winter. We teach our children how to survive
38 with using those -- someone says that, how about it, the
39 skin, yeah, the skin is very important, that's where we
40 train for our people, our children. That's why that I
41 don't want to see anymore of enforcing cutting up the fish
42 up before we even start hanging it up. That's the reason
43 that I was willing to present this to help the people that
44 try to subsistence and try to live using this.

45
46 Thank you, Mr. Chairman.

47
48 CHAIRMAN DEMIENTIEFF: Thank you, Harry.
49 Do you have something, Ronny, Ronny Sam.

50

00210

1 MR. SAM: Thank you, Mr. Chairman. Again,
2 our practices are quite similar, while we don't eat the fin
3 itself, the bones that support the fin are sometimes the
4 richest part of the salmon at times, other than the belly.
5 With that, Western Interior would like to go on record in
6 support of Mr. Wilde.

7
8 CHAIRMAN DEMIENTIEFF: Thank you. Staff
9 Committee recommendation.

10
11 MR. SIMMONS: Mr. Chair, the InterAgency
12 Staff Committee recommends adopting Special Action 04.
13 This is a prudent measure that relieves unnecessary burden
14 placed on subsistence fishers when no commercial fishing is
15 expected to occur.

16
17 CHAIRMAN DEMIENTIEFF: Thank you. Board
18 deliberation. Hearing none, we'll.....

19
20 MS. KESSLER: Mr. Chair.

21
22 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry, go
23 ahead, discussion.

24
25 MS. KESSLER: I'll just remark, I plan to
26 support this proposal and I can only say I wish they were
27 all this easy. Thank you.

28
29 CHAIRMAN DEMIENTIEFF: Yes, I do as well
30 for reasons laid out by the Staff Committee. Is there a
31 motion?

32
33 MR. EDWARDS: Mr. Chairman, I move that the
34 Board support the Staff Committee recommendation to remove
35 the requirement of removing the dorsal fin of king salmon
36 in Districts Y1, 2 and 3 of the Yukon River within the
37 Yukon-Delta National Wildlife Refuge.

38
39 CHAIRMAN DEMIENTIEFF: Is there a second to
40 that motion?

41
42 MR. BUNCH: I second it.

43
44 CHAIRMAN DEMIENTIEFF: Seconded.
45 Discussion. Hearing none, all those in favor of the
46 motion, please signify by saying aye.

47
48 IN UNISON: Aye.

49
50 CHAIRMAN DEMIENTIEFF: Those opposed, same

00211

1 sign.

2
3 (No opposing votes)

4
5 CHAIRMAN DEMIENTIEFF: Motion carries.
6 Okay, we're now ready to move into Western Interior. While
7 the Staff is changing out, we do have a request for public
8 testimony. At this time we'd like to call on Mike Walleri.

9
10 (Pause)

11
12 CHAIRMAN DEMIENTIEFF: Any time you're
13 ready, Mr. Walleri, you're on the record.

14
15 MR. WALLERI: Good afternoon. My name is
16 Michael Walleri, I'm an attorney in Fairbanks. I'm here
17 today to represent the Koyukuk River Basin Moose Management
18 Team and I'd like to address Proposals WP 01-28 and 31.

19
20 As I understand the situation, these two
21 proposals are on the consent calendar and we would request
22 that they be removed from the consent calendar to be
23 considered by the Board. And would request that the Board
24 consider some -- we'll offer some considerations for the
25 Board.

26
27 The two proposals, basically deal with the
28 Koyukuk River Controlled Use area with regards to Federal
29 management. The proposal would be -- at the current time
30 the State plans to issue 258 permits in next year in the
31 Koyukuk River Controlled Use area, these are general hunt
32 permits, these are not subsistence permits. And it is our
33 position that that number of 258 is too high and will
34 result in an over harvest. We're recommending that 45
35 permits, the proposal calls for the issuance of 45 Federal
36 permits for use on Federal lands which would effectively
37 reduce the 258 authorized by the State to 45 and we'd
38 recommend the coordination between the State and the Feds
39 with regards to the issuance of those permits.

40
41 The difference here is that the 258 permits
42 authorizes 7.5 percent harvest rate within the Koyukuk
43 Controlled Use area. And the 45 percent permits, general
44 hunt permits result in a five percent harvest. These
45 calculations are based upon an assumption and basically
46 done by the area, the ADF&G area biologists, Glenn Stout
47 and are found in your packet on Page 65. And they
48 basically -- those calculations assume that 250 moose will
49 be harvested for subsistence uses. Please be aware that
50 that 250 moose subsistence allocation is made under the

00212

1 State system which does not recognize a distinction between
2 rural and urban subsistence users.

3

4 By way of background, this is not the first
5 time that the team has been before you. In 1998 and 1999,
6 the area biologist and the ADF&G were generally under
7 estimating the population decline, they were overestimating
8 the population in the Koyukuk River. In January of 2000
9 the ADF&G revised its population estimates to reduce the
10 estimate of population of moose in the Koyukuk Controlled
11 Use area and the Koyukuk drainage by 15 to 20 percent,
12 which reflected what my clients have been telling the ADF&G
13 all along, that they were overestimating the moose
14 population. At that time, ADF&G, in year 2000, the Board
15 authorized a 7.5 percent harvest rate, which stimulated --
16 excuse me, they began at that time the development of this
17 plan, Koyukuk River Moose Management Plan and stimulated
18 the first lawsuit by my clients against the State over the
19 issue of whether or not the State Board was making the
20 determinations necessary and provided for under the statute
21 in terms of what amount was reasonably necessary and the
22 like.

23

24 In the year 2000 the 7.5 percent harvest
25 was authorized. This brought around a second lawsuit
26 saying that the 7.5 percent was over the sustained yield
27 level. That suit is in State court and is currently been
28 fully briefed and is under consideration by Judge Greene at
29 the current time.

30

31 Last October or August, we brought before
32 the Board a Special Action Request requesting reduction in
33 the harvest of a general hunt and this Board denied it.
34 And I think it's important to review why this Board denied
35 it. Essentially the Board indicated at the time, in
36 comments, that it wanted to preserve the working
37 relationship between this Board and the State and the
38 cooperative arrangement that it was developing with the
39 State and management of the Koyukuk River Management Moose
40 Group. And what's important is after that harvest,
41 however, in December of 2000, the area biologist, ADF&G
42 area biologist met with the working group that had been
43 working on this plan and it is interesting to note that
44 this is not in your packet, although we did provide
45 supplemental comments to our original submission. The
46 ADF&G area biologist estimated that the 2000 harvest, fall
47 harvest, had resulted in a 10 percent decline in the moose
48 population and that in December the area biologist
49 recommended to the working group that they reduce the
50 general harvest permits from 258 to 158. That

00213

1 recommendation was rejected by the working group and based
2 upon that recommendation went forward to the Board of Game
3 and the Board of Game, based upon that recommendation which
4 was contrary to the recommendation of the area biologist
5 was to issue the 258 permits which is currently planned.

6
7 In reviewing the Staff analysis provided to
8 you, there are a couple of points that are important to
9 remember and there's a couple of errors in your packet.

10
11 First of all, on Page 73, there's a claim
12 that the 258 permits will result in a seven percent harvest
13 rate. That is actually incorrect. It will result in a 7.5
14 percent harvest rate within the Koyukuk Controlled Use area
15 and that is noted and the documentation of that is actually
16 in your packet at Page 65. There is some discussion that
17 the 7.5 harvest rate will result in a seven percent in the
18 GMU taking into consideration harvest in the GMUs outside
19 of the Koyukuk Controlled Use area, however, there have
20 been problems with regards to estimating that exact
21 harvest. And at the time I have not actually heard whether
22 or not those harvest calculations have been completed as to
23 whether or not -- as to what the harvest rate outside the
24 Koyukuk Controlled Use area is.

25
26 On Page 78 of your packets, it indicates
27 that the management plan was approved by the Board of Game
28 on March 2000, that is not the case. The Board of Game, as
29 of March 2000, the plan was actually continued in draft
30 form, it was not approved. And there's some question about
31 whether or not the Board actually subsequently approved it
32 in the 2001 meeting.

33
34 Basically on another issue on Page 84,
35 there's a claim that the team is confused about the 65
36 percent predation rate -- between the 65 percent predation
37 rate and the 65 percent success rate, hunter success rate.
38 There is no confusion. Actually the draft plan, the draft
39 plan on Page iii, indicates that it was, in fact, both a 65
40 percent predation rate and a 65 percent success rate. The
41 final plan that you have in your packets took that comment
42 out. And it did not replace it with an estimation of the
43 predation harvest rate.

44
45 Finally, your packets do not indicate that
46 the area biologist in December of 2000 recommended a
47 reduction in the number of permits to maintain sustained
48 yield harvest principles. He based that upon an estimated
49 10 percent decline in the Koyukuk River moose population --
50 or the moose population within the Koyukuk Controlled Use

00214

1 area, and that it was his recommendation to reduce that.

2

3

4 It's also important to note that if you
5 take a look at the plan, in terms of what criteria, you
6 know, what rate, whether or not you use a 7.5 or seven
7 percent harvest rate. The estimated population that was
8 arrived at by the area biologist is actually, under the
9 plan, would suggest a harvest rate of somewhere between 7.5
10 and five percent because it does not -- the estimated
11 projection on the moose population is actually below what
12 the plan calls for in terms of sustaining a 7.5 percent
13 harvest rate.

13

14

15 The bottom line here today is where are we
16 today? And that is that there is really no disagreement
17 about the biology in this particular case. There is no
18 disagreement that there's been a 10 percent decline in the
19 population of the moose in 2000 based upon the 2000
20 harvest. And that throughout all of the testimony of the
21 area biologist throughout all of this period, from 1998
22 onward, he has never recommended on the record a 7.5
23 harvest rate. What he has said is that the working group
24 has recommended a 7.5 and that he can agree with that but
25 that from a biological standpoint all of his
26 recommendations to the agencies have been not to exceed
27 seven percent.

27

28

29 The Western Regional Council rejected this
30 proposal and we're aware of that, primarily based on a
31 political agreement over the issue of whether or not the
32 working group could support the reduction of a hundred
33 moose. And so I wanted to make it very clear to you that
34 we understand that we are basically bucking up against the
35 Western Regional Council vote, however, please be aware
36 that it's not based upon biology, it's based upon a
37 political consideration which is to continue a cooperative
38 relationship with the State, ADF&G, which is afraid that
39 the working group will fall apart, the cooperative
40 arrangement with the working group will fall apart if they
41 actually reduce the level of harvest to the biologically
42 indicated number. And that while we have proposed that
43 only 45 permits should be issued, based upon a five percent
44 harvest rate, we could concur with the area biologist's
45 recommendation in December of reducing it to 158. At least
46 it would be consistent with the professional opinions of
47 the area biologist as to what the rate of harvest should be
48 based upon a sustained yield management.

48

49

50 There is no biological justification for a
harvest that would include the issuance of permits of 258

00215

1 permits. There is only a political justification to
2 maintain a working relationship established by the working
3 group and to continue a cooperative working relationship
4 between ADF&G and U.S. Fish and Wildlife. And I understand
5 that that's an important goal, but it should be very clear
6 that there is no biological justification that the
7 calculation of what the sustained yield level should be for
8 this moose population by the State's area biologist is 158,
9 not 258.

10
11 This sets a rather interesting dilemma for
12 the Board. This Board has rejected Regional Council
13 recommendations in the past to reduce harvest rates that
14 are not supported by a biological evidence and that's
15 actually in the regulations. But what do you do when the
16 recommendation to increase the harvest level is not
17 supported by the biological evidence. In this case the
18 Regional Council is suggesting that -- and if this Board
19 defers to the Regional Council, you'll be setting an
20 interesting precedent and that is that you will not support
21 the reduction of harvest that are not supported by
22 established biological evidence but that you will support
23 an overharvest that is not supported by the biological
24 evidence.

25
26 What that means is that in your system
27 there is an -- the system has a flaw in that it provides
28 for a bias for overharvest and that is exactly what the
29 opponents of Federal regulation have argued from Day One.
30 That the Federal government and the managing of fish and
31 game resources would exercise that power in such a way as
32 to encourage overharvest which it had done in the past in
33 Southeast. What is ironic about this situation is that
34 this effort to encourage overharvest with regards to the
35 Koyukuk River is actually being supported and led by the
36 State and this Federal Board would be following the State
37 recommendation to provide for overharvest. That is a very
38 dangerous precedent.

39
40 We understand that this proposal is not
41 supported by the Western Regional Council but we would urge
42 you to pull it from the consent calendar and consider it
43 independently. And if you apply the standard ANILCA test,
44 that the recommendation of the Advisory Committee must be
45 supported by substantial biological evidence, that
46 recommendation does not meet that standard.

47
48 If you have any questions I'd be glad to
49 answer them.

50

00216

1 CHAIRMAN DEMIENTIEFF: Questions. Thank
2 you.

3
4 MR. THOMAS: Is that limited to the Board?

5
6 CHAIRMAN DEMIENTIEFF: Yes. Thank you.
7 Western Interior Regional proposals on the consent calendar
8 are 23, 24, 25, 27, 28, 30, 31, 32, 33 and 34. With that,
9 you have in your packet, and first we'll take up the
10 Western Interior's Resolution to Endorse, which would be
11 2001-01, to Endorse the Management Plan.

12
13 MS. FOX: Well, the presentation hasn't
14 been given yet, Randy Rogers wants....

15
16 CHAIRMAN DEMIENTIEFF: Well, we've already
17 got it.

18
19 MS. FOX: You don't want Randy to give a
20 briefing?

21
22 CHAIRMAN DEMIENTIEFF: No, I don't feel --
23 everybody's looked at the plan, we've dealt with it before.

24
25 MS. FOX: Can I make a few comments and
26 then we'll ask for endorsement or do you just want to take
27 action?

28
29 CHAIRMAN DEMIENTIEFF: Unless there's some
30 questions or anything that any Board members have, have you
31 had a chance to look over the packet? We've worked at this
32 for a couple of years now. Ronny, do you have anything to
33 say?

34
35 MR. SAM: Thank you, Mr. Chair. At our
36 last meeting, we unanimously supported this plan, five
37 year plan. There was general consensus by the Western
38 Interior Council members that, while this is not perfect it
39 is working. And contrary to what you've heard that
40 reduction in the moose population wasn't created by the
41 2000 hunt. So like we said, it's not perfect but it is
42 working. And what this plan did was drop the harvest from
43 somewhere around 490 down to 258 already and so we're
44 working in that direction and that's why we want to keep
45 this working group in place. We want to fine-tune this
46 plan as we go along.

47
48 And with that, we endorse it unanimously
49 and ask that it be incorporated into the Federal
50 Subsistence Board annually.

00217

1 CHAIRMAN DEMIENTIEFF: I'm prepared to move
2 on unless there's other Board members that are unfamiliar
3 with it. We've been working at it for a couple of years,
4 I'm totally comfortable.

5
6 MS. FOX: You just need a motion then.

7
8 CHAIRMAN DEMIENTIEFF: Terry.

9
10 MR. HAYNES: Mr. Chairman, it was Randy
11 Rogers understanding that he would do a very, very short
12 overview of the final version of the plan just to kind of
13 follow-up on his short presentation before you last year.
14 We can make it very brief, I recognize the time, but Randy
15 did, if you don't mind?

16
17 CHAIRMAN DEMIENTIEFF: Go ahead, I guess.
18 We're ready to adopt the resolution, I mean, don't talk too
19 long Randy you might turn some votes against you.

20
21 MR. ROGERS: Mr. Chair, I'm perfectly
22 willing to defer. I mean the bottom line is as Ron Sam
23 stated. I do have some comments that could clarify a little
24 bit of what Mr. Walleri said and bring you up to date but
25 if you don't feel that's necessary.

26
27 CHAIRMAN DEMIENTIEFF: I don't really want
28 to debate those issues. I mean you're not a Board member.
29 If a Board member was going to ask questions with regard to
30 Mr. Walleri's statements, they would have asked them.

31
32 MR. ROGERS: That's fine. I'll be
33 available if there are questions.

34
35 CHAIRMAN DEMIENTIEFF: Yeah, I mean we've
36 all looked at it. We've worked at it for two years. If we
37 start talking too much, I'll even vote against it. Is
38 there a motion to adopt, I believe it's 2001-01, isn't it?

39
40 MS. FOX: Yes.

41
42 CHAIRMAN DEMIENTIEFF: Yes, we haven't
43 adopted the resolution which endorses that plan, is there a
44 motion?

45
46 MR. BRELSFORD: Mr. Chairman, I move that
47 the Board adopt the Resolution 01-01 to endorse the Koyukuk
48 River Moose Management Plan as recommended by the Western
49 Interior Regional Council. The resolution is available in
50 the public meeting materials and I believe does not need to

00218

1 be read again into the record. But I would like to say
2 that I think this is a longstanding issue that the Board
3 has urged upon the various stakeholders in the region and
4 we're finally seeing the results of that longstanding
5 consultation, and from that standpoint I think it's time
6 that the Board expressed its support for the results of
7 that planning effort.

8

9 Thank you.

10

11 CHAIRMAN DEMIENTIEFF: Is there a second to
12 the motion?

13

14 MR. BUNCH: Second.

15

16 CHAIRMAN DEMIENTIEFF: Again, we've worked
17 it, it's ready to go. The Regional Council has led us in
18 massaging out the differences we've had and if there's no
19 other discussion we're ready for a vote.

20

21 Go ahead, Gary.

22

23 MR. EDWARDS: Mr. Chairman, there seems to
24 be or there may be some procedural issue here, so I
25 suggest, Vince, you might have some insight into that, I
26 don't want to put you on the spot but I certainly don't
27 understand what it is and if there is something we should,
28 at least know, know it before we go forward.

29

30 CHAIRMAN DEMIENTIEFF: Where is Vince.

31

32 MR. MATHEWS: Mr. Chairman, the Resolution
33 endorses the plan which contains the actions that are
34 contained in the proposal which, now, I believe are off the
35 consent agenda 28 and 31. So the Board has not had the
36 privilege of 1, being briefed on the plan: 2, have not been
37 exposed to the analysis of Proposal 28 and 31. My guess,
38 what I'm trying to say is it may be perceived that you've
39 already made your decisions on 28 and 31 without hearing
40 the analysis by endorsing the plan, which aligns with the
41 Staff recommendations on Proposals 28 and 31 and 32.

42

43 CHAIRMAN DEMIENTIEFF: So what, you want us
44 to take it up after we adopt -- I mean the consent agenda
45 -- the consent agenda items, we've already been satisfied
46 that we've walked them through, so I don't understand why
47 we -- we don't do it for any other consent agenda item.

48

49 MR. BRELSFORD: Mr. Chairman.

50

00219

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. BRELSFORD: I'd like to offer the view
4 that I think that we have, in deed, endorsed the analysis
5 and the Council recommendation on Proposal 28 and 31. Some
6 of the concerns raised by Mr. Walleri in testimony have, in
7 fact, been addressed, I believe, to the satisfaction of the
8 Board members. So in declining to take it off of the
9 consent agenda, I think we continue to support our original
10 finding that the relevant issues have been examined. There
11 is a biological justification for the action adopted and
12 we're prepared to move on.

13

14 CHAIRMAN DEMIENTIEFF: We're ready to vote
15 on the resolution?

16

17 MR. BOYD: Yeah.

18

19 CHAIRMAN DEMIENTIEFF: That's what I said.
20 Judy.

21

22 MS. GOTTLIEB: I'll second the motion.

23

24 CHAIRMAN DEMIENTIEFF: Okay.

25

26 MS. FOX: It was seconded.

27

28 CHAIRMAN DEMIENTIEFF: Yeah, okay, you want
29 to third it. Discussion. All those in favor of Resolution
30 2001-01 please signify by saying aye.

31

32 IN UNISON: Aye.

33

34 CHAIRMAN DEMIENTIEFF: Those opposed.

35

36 (No opposing votes)

37

38 CHAIRMAN DEMIENTIEFF: Motion carries.
39 Okay, wildlife Proposal 01-26, Staff analysis.

40

41 MR. DeMATTEO: Mr. Chair, Proposal 26 was
42 submitted by the Western Interior Regional Council. This
43 proposal would eliminate the requirement for the evidence
44 of sex for organs of a moose remain attached to the carcass
45 to provide evidence of sex in Units 19, 21 and 24.

46

47 Residents of the Western Interior region
48 have expressed concerns that the current evidence of sex
49 regulations conflict with their customary beliefs and
50 traditional harvest methods and these concerns were echoed

00220

1 through the Western Interior Council in their February 2000
2 meeting. The Council offered an alternative regulation
3 that would allow the substitution of the existing
4 requirements with the option of the removal of the head of
5 the moose in addition to the current regulation
6 requirement.

7
8 Rural users of the Western Interior and the
9 Southcentral regions testified that they commonly bring the
10 head out as part of the harvest and the head is brought out
11 with the intent for human consumption. The head would
12 possess the antlers or the antler pedestals or scars, even
13 after the antlers have been dropped and this would allow
14 for confirmation of sex of the carcass during the winter
15 season as well. The head is an alternative to the existing
16 regulation would accommodate the cultural practices and at
17 the same time accommodate law enforcement methods at the
18 same time.

19
20 The C&T determinations for this are too
21 numerous for me to mention as it encompasses Units 19, 21,
22 24 but you'll find those on Pages 38 and 39, we're talking
23 basically all Federal lands in the Western Interior region.

24
25 Essentially the Federal lands that are
26 affected by this proposal is the Lake Clark Preserve, the
27 Denali Park and Preserve, Gates of the Arctic Park and
28 Preserve and the Yukon-Delta, Innoko, Nowitna, Koyukuk and
29 the Kanuti National Wildlife Refuges.

30
31 That is all I have, thank you.

32
33 CHAIRMAN DEMIENTIEFF: Summary of written
34 public comments.

35
36 MR. MATHEWS: Yes, Mr. Chairman. We had
37 three written comments on this proposal. Two in support.
38 One from the Denali Subsistence Resource Commission. They
39 support the preliminary conclusion of the analysis for the
40 reasons stated. They believe that it's a practical
41 solution to meet both cultural use patterns and resource
42 management needs.

43
44 Lake Clark National Park Subsistence
45 Resource Commission supports the proposal. They feel it is
46 not traditionally acceptable to leave external sex organs
47 attached. The moose head should be substituted.

48
49 The third written comment, I'll ask if the
50 State wants me to summarize it or if they do it. It is

00221

1 from the State of Alaska, Department of Public Safety,
2 Division of Fish and Wildlife Protection. I am prepared to
3 summarize it but they may have a representative here.

4

5 CHAIRMAN DEMIENTIEFF: Terry, are you going
6 to speak to it?

7

8 MR. HAYNES: Mr. Chairman, we had asked a
9 member of the Fish and Wildlife Protection to be here. I
10 don't see anyone in the audience so we're comfortable with
11 Vince summarizing the comments.

12

13 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

14

15 MR. MATHEWS: Okay, thank you, Mr. Chair
16 and Terry.

17

18 This is a letter dated January 10th from
19 Colonel Joel Hart (ph), Director of Fish and Wildlife
20 Protection. We do have a copy on record for those who
21 would like to see the full text. They oppose the proposal.
22 The Division is reaffirming its opposition to proposals
23 that minimizes the evidence of sex requirements in Units
24 19, 21 and 24. This regulation requiring evidence of sex
25 has withstood the test of time since statehood and it is a
26 very important enforcement tool. The regulation is used to
27 detect and deter illegal hunting. Creating an evidence of
28 sex standard different than the state regulation will
29 complicate enforcement and frustrate the public and law
30 enforcement officers. Please retain the evidence of sex
31 requirement currently in State and Federal regulations,
32 Colonel Joel Hart.

33

34 CHAIRMAN DEMIENTIEFF: Additional
35 Department comments.

36

37 MR. HAYNES: Mr. Chairman, the Department
38 does not support adoption of this proposal or of the Staff
39 recommendations. In areas where moose harvest is limited
40 to bulls only as part of a biological management strategy,
41 the ability to enforce this regulation depends, in part,
42 on having the same evidence of sex requirements in State
43 and Federal regulation. Maintaining the current evidence
44 of sex requirements helps to ensure the large trophy bulls
45 are not harvested for the antlers without the meat also
46 being salvaged. This proposed regulation also could
47 encourage additional harvest of cow moose in areas where
48 moose numbers already are low and such harvest cannot be
49 sustained.

50

00222

1 One of the most critical concerns expressed
2 by the residents of Units 21(D) and 24 during the Koyukuk
3 River Moose Management planning process was that of wasted
4 meat. Modifying the evidence of sex requirement in the
5 Federal regulations may create considerable confusion among
6 hunters and reduce the effectiveness of an important
7 enforcement tool as this regulation would apply only to
8 moose taken on Federal public lands under the Federal
9 subsistence regulations and not to those moose harvested on
10 State and private lands.

11
12 The Federal Board, last year, modified the
13 evidence of sex reporting requirements in Units 11 and 13.
14 In both of these units the harvest limit is one antlered
15 moose and each unit has the same unitwide fall season. In
16 contrast, Units 19, 21 and 24 are divided into several
17 smaller hunting areas. Each has several fall and winter
18 hunting seasons and in some areas, either bull or cow moose
19 can be taken. Thus, modifying the evidence of sex
20 requirements in these three units may greatly complicate
21 the regulations.

22
23 CHAIRMAN DEMIENTIEFF: Thank you very much.
24 We have no additional request for public testimony at this
25 time. Regional Council recommendation.

26
27 MR. SAM: Thank you, Mr. Chairman. You
28 know, we have a substantial cow moose harvest up there but
29 we are within the limits of sustainable yield. I'm still
30 slightly confused as to where this came from, I think this
31 was a carryover from the Southcentral region with their
32 battle over the evidence of sex. We've never had to leave
33 the external sex organs attached, we never did and I don't
34 think we ever will. It's not only offensive, it also
35 spoils the edible meat and I stress edible meat. The first
36 thing we do is remove all the sexual organs or their parts,
37 internal parts. It does permeate everything, especially
38 during the rutting season, the first part of the rutting
39 season that we do harvest these animals.

40
41 And I strongly request that you accept our
42 proposal to modify and substitute moose head as evidence of
43 sex because we do have substantial sized moose horns that
44 should meet all requirements.

45
46 Thank you.

47
48 CHAIRMAN DEMIENTIEFF: Staff Committee.

49
50 MS. HILDEBRAND: Mr. Chairman, Staff

00223

1 Committee recommended to accept the modified proposal that
2 would allow the taking out of the moose head instead of the
3 attached sex organs. They stated that it was a sufficient
4 means for law enforcement officers to determine the sex of
5 the animal. It was culturally offensive to local users so
6 they supported the modification of the Council.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Moving
9 on to Board deliberation and other Regional Council.
10 Fenton.

11

12 MR. REXFORD: Thank you, Mr. Chairman.
13 North Slope Regional Council recommendation was to modify.
14 The Council supported the proposal with the modification
15 recommended by the Staff which would allow additional
16 subsistence opportunities to take animals in a manner that
17 is consistent with their local customs, and to modify the
18 proposal to allow the substitution for moose head as an
19 alternative to the sex requirement.

20

21 Mr. Chairman, thank you.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. Other
24 Regional Council comment. Harry.

25

26 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
27 Delta Regional Council supporting Western Interior for
28 modifying the proposal.

29

30 CHAIRMAN DEMIENTIEFF: Other comments.
31 Discussion.

32

33 MR. THOMAS: Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Yes.

36

37 MR. THOMAS: I have a question, are other
38 users subject to this same requirement that we're dealing
39 with now?

40

41 MR. ROGERS: (Nods affirmatively)

42

43 MR. THOMAS: They are?

44

45 MR. ROGERS: (Nods affirmatively)

46

47 MR. THOMAS: Okay, thank you.

48

49 CHAIRMAN DEMIENTIEFF: Yes, Gerald.

50

00224

1 MR. NICHOLIA: Thank you, Mr. Chairman. We
2 supported it along with the Western Interior. We both took
3 it up at the same time, jointly.

4
5 CHAIRMAN DEMIENTIEFF: Thank you. Other
6 discussion. Hearing none, we're ready for a motion.

7
8 MR. EDWARDS: Mr. Chairman, I move that the
9 Board adopt the modified proposal consistent with the
10 recommendation of the Western and Eastern Regional Councils
11 requiring possession of the head of a moose as proof of
12 sex, I think is a reasonable alternative for subsistence
13 users. Although it may, you know, actually it would
14 complicate State enforcement efforts, it accommodates
15 customary and traditional practices. Subsistence users
16 will need to be aware that there is a jurisdictional
17 difference and understand those jurisdictions if they
18 intend to just use the head as proof of sex.

19
20 CHAIRMAN DEMIENTIEFF: Other discussion.

21
22 MS. GOTTLIEB: I'll second that.

23
24 CHAIRMAN DEMIENTIEFF: Okay, moved and
25 seconded. Other discussion. Hearing none, all those in
26 favor of the motion, please signify by saying aye.

27
28 IN UNISON: Aye.

29
30 CHAIRMAN DEMIENTIEFF: Those opposed, same
31 sign.

32
33 (No opposing votes)

34
35 CHAIRMAN DEMIENTIEFF: Motion carries.
36 Proposal No. 29, Staff analysis.

37
38 MR. DeMATTEO: Mr. Chair, Proposal 29 was
39 submitted by Mr. Henry Deacon of Grayling. Mr. Deacon
40 requests that the Board close the Innoko National Wildlife
41 Refuge to the use of aircraft for hunting moose.

42
43 The request would essentially create an
44 Innoko Controlled Use area and would include all Federal
45 lands in Unit 21(A) and (E) within the Refuge. Residents
46 of Grayling, Anvik, Shageluk and Holy Cross communities,
47 commonly known as GASH, have expressed concerns of
48 increased hunting pressure through the years from fly in
49 moose hunters through the Western Interior Council. Local
50 concerns favor additional restrictions for non-Federally

00225

1 qualified users within the Refuge.

2

3

4 The original proposal was to close the
5 entire Innoko National Wildlife Refuge, however the
6 proponent modified his proposal on January 18th to expand
7 the Paradise Controlled Use area to include BLM, State and
8 private lands and a portion of the Refuge, and this was
9 further clarified on March 9th at the Council meeting.
10 Essentially on the map, if we can have the map, please, on
11 the map this cross-hatched area is the existing Paradise
12 Controlled Use area and the proponent would like to expand
13 that area to the east in this gray-shaded area here. This
14 would be the expanded area of the Paradise Controlled Use
15 area.

15

16

17 If you'd like to look at the revised
18 language, it's on Page 93 of the analysis. Basically it
19 outlines the area and regulatory description. It's about
20 at the middle of the page.

20

21

22 The current customary and traditional use
23 determination for this area is rural residents of 21(E) and
24 residents of Russian Mission have customary and traditional
25 determination for moose in Unit 21(E).

25

26

27 The current biological status of the moose
28 is density estimates for the moose population within the
29 proposal area do not reflect a need for additional
30 restrictions at this time. In fact, looking at results
31 from biological surveys and looking at the various strata
32 that we're surveyed, moose densities range from 2.05 up to
33 15.3 per square mile. In individual sample units, there
34 has even been moose populations of 40 moose per square mile
35 in individual sample areas. The harvest records indicate
36 that the average hunter success rate for the GASH
37 communities is 79 percent on the average between the years
38 of 1983 and 1999.

38

39

40 There is one additional item I should
41 mention, is that, adoption of this proposal would restrict
42 access to Federally-qualified users who hunt the proposal
43 area by use of airplane. There are several families who do
44 access the proposal area by airplane for the purpose of
45 harvesting moose.

45

46

46 That's all I have.

47

48

48 CHAIRMAN DEMIENTIEFF: Summary of written
49 public comments.

49

50

00226

1 MR. MATHEWS: Yes, Mr. Chairman. There are
2 two. One that came in within the time frame for public
3 comments and that was in opposition, it's Steve White,
4 president of Willow Air Service Fly-In Hunting Operation.
5 He wrote in opposition. In his letter he said there is no
6 data showing a declining moose population within the
7 Refuge. Also he noted there is no decline in the reported
8 hunter success rate. He expressed concern about displaced
9 hunting pressure to other areas if this Controlled Use area
10 was expanded.

11
12 I believe you may have been made aware that
13 the Western Interior Regional Council submitted a letter on
14 April 18th requesting the Board to know that they support
15 the proposal but request that the Board defer this to the
16 Grayling, Anvik, Shageluk, Holy Cross Cooperative Planning
17 Group.

18
19 Thank you.

20
21 CHAIRMAN DEMIENTIEFF: Department comments.

22
23 MR. HAYNES: Thank you, Mr. Chairman. I'd
24 just like to note that our comments were listed as opposing
25 this proposal on Page 99 but on the chart on Page 88 we're
26 listed as recommending deferral, in fact, we do recommend
27 deferral of action consistent with the recommendations of
28 the Western Interior Regional Council.

29
30 The Department supports discussion of this
31 proposal and other local concerns regarding moose
32 management in the conflict resolution process that has been
33 proposed to address resource management issues in the
34 Grayling, Anvik, Shageluk, Holy Cross area. If this
35 process moves forward and is expanded to address moose
36 management issues, the Department will plan to participate
37 to the extent we can and we'd look forward to working with
38 the people in that region to address this and other
39 relevant issues.

40
41 CHAIRMAN DEMIENTIEFF: Staff Committee.

42
43 MS. HILDEBRAND: Thank you, Mr. Chairman.
44 The Staff Committee recommended deferring the proposal as
45 recommended by the Western Interior Regional Council with
46 support from the Yukon-Kuskokwim Delta Council. And the
47 Council, at the meeting, supported the proposal but also
48 simultaneously requested that the Board defer it to the
49 working group established at the GASH area and it was
50 strongly recommended by the Staff Committee that the work

00227

1 group be given an opportunity to address these local issues
2 and come up with resolutions from the participants in that
3 area.

4

5 CHAIRMAN DEMIENTIEFF: Any other Regional
6 Council comment.

7

8 MR. SAM: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Ronny.

11

12 MR. SAM: Thank you, Mr. Chairman. At our
13 March meeting in Fairbanks, we had three or four public
14 comments and they were all in favor of this proposal. We
15 are strongly in favor of this proposal, too, but we're
16 still worried about the curtailment of the subsistence
17 harvest. And as our Staff Committee stated, we are in the
18 process of forming two other working groups up in the
19 middle center of Alaska. These are spin-offs and copies of
20 the Koyukuk River Moose Working Group Plan, and I just
21 wanted to make that clear, while you have a working group
22 in place like we do on the Koyukuk, you still have some
23 user conflict and the only way that we can handle that is
24 through these working groups.

25

26 As with the one on the Huslia request to
27 expand their Controlled Use area, they cut it down quite a
28 bit, we didn't accept the Huslia one, but this request,
29 proposal was cut down quite a bit to more or less meet the
30 demands of that area. We deferred further action on
31 accepting this expansion until we formed a user conflict
32 group, another working group for that area. I think that
33 the size and the use and everyone else throughout the state
34 that uses this area will be involved in it. I would like
35 you to go ahead and pursue the formation of a working group
36 for this area.

37

38 Thank you.

39

40 CHAIRMAN DEMIENTIEFF: Thank you. I
41 understand, Vince, that you're heading up that working
42 group or coordinating with them?

43

44 MR. MATHEWS: Yes, Mr. Chairman. That's
45 happening as we're speaking.

46

47 CHAIRMAN DEMIENTIEFF: Okay.

48

49 MR. MATHEWS: So we'll keep the Board
50 informed as it proceeds.

00228

1 CHAIRMAN DEMIENTIEFF: Okay. Ron.

2

3 MR. SAM: Yeah, we asked Mr. Rogers out of
4 ADF&G to have a good part in this because of his past
5 experience with our working group.

6

7 CHAIRMAN DEMIENTIEFF: As long as he
8 doesn't talk too much why.....

9

10 (Laughter)

11

12 CHAIRMAN DEMIENTIEFF: Okay, Randy.

13

14 MR. ROGERS: Thank you, Mitch. I'd just
15 like to comment that we have gotten into preliminary
16 discussions with some of the Federal Staff about how we can
17 approach an organized working group in that area.

18

19 Just I wanted to also explain that we've
20 initiated a moose management planning process on Yukon
21 Flats, that's my priority project right now. I'm
22 supporting our Region 5, Northwest Arctic Staff in
23 developing a cooperative management plan for the Western
24 Arctic Caribou Herd. I want to be involved in helping with
25 the situation down on the Yukon and the Innoko area, but we
26 may have a little bit of limitations as far as Staff. And
27 so I just want you to be aware that it could take a little
28 while to get this all worked out. But as I've said before,
29 this is a priority of the Departments and we hope to work
30 together cooperatively on it. But it may not happen right
31 away. Hopefully we'll get something organized next fall or
32 so.

33

34 CHAIRMAN DEMIENTIEFF: Thank you very much.
35 Any other Regional Council or Board comment.

36

37 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
38 Regional Council recommends support of the deferral to the
39 home region.

40

41 CHAIRMAN DEMIENTIEFF: Any other Regional
42 Council or Board comment.

43

44 MS. GOTTLIEB: Mr. Chairman.

45

46 CHAIRMAN DEMIENTIEFF: Yes.

47

48 MS. GOTTLIEB: I would like to commend the
49 Council and Fish and Game and others for making that effort
50 to form and work on these working groups. I think that's

00229

1 just vital to the way to solve problems.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Any other Regional
6 Council or Board comment.

7

8 MR. BRELSFORD: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes.

11

12 MR. BRELSFORD: I'd join in the comments
13 from our Board member for the Park Service. Much of the
14 land involved in this question is BLM land, but much of the
15 land and some of the conflict arises on non-Federal lands
16 and the Council has wisely recognized that a slower effort
17 to achieve action, joint action and action in concert on
18 both State and Federal lands will truly solve the problem.
19 It is a pressing problem. There are serious concerns
20 raised by the community residents but I think the Regional
21 Council has shown real leadership in moving forward in a
22 more comprehensive fashion and applaud their wisdom.

23

24 CHAIRMAN DEMIENTIEFF: Any other Regional
25 Council or Board comment. If not, we're ready for a
26 motion.

27

28 MR. EDWARDS: Mr. Chairman, I move that the
29 Board defer the proposal consistent with the recommendation
30 of the Regional Council, allow the planning process to work
31 its way through.

32

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

35

36 MS. KESSLER: Second.

37

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

41

42 IN UNISON: Aye.

43

44 CHAIRMAN DEMIENTIEFF: Those opposed, same
45 sign.

46

47 (No opposing votes)

48

49 CHAIRMAN DEMIENTIEFF: Motion carries.

50 Okay, we're going to move to Eastern Interior.

00230

1 (Pause)

2

3 CHAIRMAN DEMIENTIEFF: Are we ready? Okay,
4 we'll call on Staff analysis.

5

6 MR. KRON: Mr. Chairman, my name is Tom
7 Kron with the U.S. Fish and Wildlife Service, OSM. Also
8 with me today is Hollis Twitchell from the National Park
9 Service and Dr. Lane Adams from USGS-BRD.

10

11 Proposal 11 submitted by the Alaska
12 Wildlife Alliance would close that portion of Denali
13 National Park and Preserve east of the Toklat River within
14 Unit 20(C) to wolf hunting and trapping. The proponents of
15 this proposal are interested in providing special
16 protections for wolves which near the Denali National Park
17 and Preserve road system. More Park visitors have been
18 able to view wolves recently and the proponent would like
19 to provide additional protection to Eastfork wolf pack
20 members. Approximately 90 percent of the Eastfork pack's
21 home range in Figure 1 is within Denali National Park
22 wilderness area, formally, Mt. McKinley National Park,
23 where hunting and trapping are prohibited. There were five
24 adults and five pups in the Eastfork pack during the 2001
25 winter count. The alpha male died during radio tagging.
26 There's currently nine wolves in the Eastfork pack.

27

28 Late winter counts for the Sanctuary pack,
29 which inhabitants territory along the east side of the Park
30 consisted of four wolves. The alpha female died during
31 radio tagging in March. Currently one radio collared
32 yearling is still in the area. The location of the other
33 two wolves is unknown.

34

35 The Alaska Board of Game, at its March and
36 November 2000 meetings considered a proposal to cease
37 hunting and trapping of wolves on State land adjoining the
38 northeast side of Denali National Park and Preserve. The
39 Board of Game closed wolf hunting and trapping on State
40 lands in a triangular-shaped area west of Healy, near the
41 intersection of the Savage River and Park boundary. The
42 Board of Game placed a two year sunset clause on this
43 provision.

44

45 Wolves abandon the den after about eight
46 weeks and live at sites above ground until early autumn
47 when the entire pack roams a large territory for the rest
48 of the fall and winter. Most wolves disperse from the
49 territory where they were born by three years of age and
50 form new packs when they locate disperses of the opposite

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1 sex from another pack and a vacant area to establish a
2 territory. An average of 28 percent of the Denali radio
3 collared wolves disperse annually.

4
5 From 1986 through 1999, the number of pups
6 in the Eastfork pack varied from zero to 12. As a wolf
7 pack makes its way around its territory, it may encounter
8 and engage other wolves within its territory at any time.
9 A fight to the death can occur during such encounters.

10
11 Wolf caused deaths are the largest source
12 of mortality of wolves aged nine months or older. Nearly
13 half of the loss of wolves from the population was probably
14 due to other wolves. The tenure of wolves in the Denali
15 wolf study area from 1986 through 2000 was usually limited
16 to one to three years, but some individual wolves had
17 remained in the study area for eight years, in Figure 2.

18
19 There are usually about 15 wolf packs in
20 the Denali National Park and Preserve at any time. The
21 population varied from under 50 animals to nearly 175
22 animals between 1986 and 2000. Mid-March 2000 counts
23 indicated that there are about 100 wolves in the Denali
24 population.

25
26 The area within the former boundary of Mt.
27 McKinley National Park is closed to subsistence uses. It
28 is, however, surrounded by additions to the new Park and
29 Preserve created under ANILCA in 1980. With these
30 additions the renamed Denali National Park and Preserve
31 nearly tripled in size. ANILCA provided for subsistence
32 opportunity on Federal lands created by the Act, even on
33 National Parks and as such, Denali National Park and
34 Preserve additions are open to traditional subsistence
35 hunting and trapping and fishing.

36
37 MR. TWITCHELL: Mr. Chair, Board members,
38 Regional Council Chairs, Hollis Twitchell, Denali National
39 Park. Subsistence users for Denali National Park are
40 primarily from the residents of the communities of
41 Cantwell, Lake Minchumina, Nikolai and Telida. Those
42 communities are identified as our subsistence resident
43 zones.

44
45 Other local residents who do not live in
46 these communities but have customarily and traditionally
47 engaged in subsistence uses in the Park areas may do so
48 pursuant to a permit issued by the Park Superintendent.
49 Individuals from Mckinley Village, Healy, Nenana, and
50 Tanana have received these subsistence use permits.

1 Looking at harvest history of subsistence
2 users in Denali, based on data from 1984 to 1998, wolf
3 harvest sealing records indicate that a total of 92 wolves
4 were harvested by Denali National Park Service qualified
5 subsistence users from all lands, both within and adjacent
6 to Denali National Park and Preserve. A review of all
7 sealing records, including interviews with subsistence
8 users themselves documented that 35 out of the 92 wolves as
9 having been harvested from within Denali National Park and
10 Preserve lands. That averages out to about 2.5 wolves per
11 year by subsistence users. The remaining 57 wolves harvest
12 occurred on adjacent Federal public -- on non-Federal
13 public lands, those would be adjacent State lands to the
14 Park.

15
16 Of the 32 wolves known to be harvested from
17 within the Park and Preserve additions by qualified
18 subsistence users, nine of those harvests came from the
19 community of Cantwell residents and the other 19 harvests
20 came from the Lake Minchumina area and four harvests were
21 taken by individuals with subsistence user permits.

22
23 Subsistence harvest of Denali National Park
24 and Preserve wolves averages about two percent a year from
25 the Park's wolf population as a whole. Based on harvest
26 records from the '84 to '98 period, it is most likely to
27 affect Federal qualified subsistence users from the
28 communities of Cantwell, McKinley Village, Healy and
29 Nenana.

30
31 The Eastfork pack makes very little use of
32 the area affected by Proposal 11. Could we have the map,
33 again, for Proposal 11, thank you. From 1986 to January
34 12, 2001, there were 1,800 radio locations for the Eastfork
35 pack of which seven have been in the area proposed for the
36 closure. The closure area would be this area right up in
37 here. No radio-collared wolves have been harvested in the
38 area affected by this proposal and no other wolf harvests
39 have been reported for this area since 1984.

40
41 The Sanctuary wolf pack has not used the
42 area proposed for closure at all out of the 260 collar
43 locations that have been reported sine 1995. This proposal
44 is not expected to yield additional protections,
45 specifically, to the tourist friendly wolves of the
46 Eastfork pack.

47
48 This proposal appears to be in conflict
49 with the provisions of ANILCA, which stipulates that
50 subsistence uses by local residents shall be permitted in

00233

1 the additions to the Park where such uses are traditional.
2 Management of wildlife in these new Park and Preserve
3 additions, as specified by ANILCA mandates the conservation
4 of natural and healthy populations of wildlife within the
5 Park boundaries while allowing for traditional subsistence
6 uses by local rural residents.

7
8 ANILCA further states that the National
9 Park Service may temporarily close public lands or portions
10 thereof to subsistence uses of a particular fish or
11 wildlife population only if necessary for reasons of public
12 safety, administration or to assure the continued viability
13 of such populations.

14
15 Based on wolf research conducted in the
16 park between 1986 and 2001, there is no indication that the
17 natural and healthy status of wolf population in Denali is
18 threatened at this time. The health of the wolf population
19 within Denali National Park and Preserve is based on the
20 total population within the Park and Preserve, not based
21 upon the dynamics of individual wolf packs or individual
22 animals within a specific pack. Further the proposed
23 closure would have a negligible effect on the harvest
24 levels for wolves for which protection is sought.

25
26 At their meeting in Healy, March 5th, 2001,
27 the Denali Subsistence Resource Commission unanimously
28 opposed Federal Proposal 11 to close hunting and trapping
29 of wolves inside Denali National Park east of the Toklat
30 River to the eastern Park boundary. The Denali Commission
31 believes that there is a healthy population of wolves in
32 the area and that there is no biological reason for
33 creating a buffer zone which would adversely affect
34 subsistence users of the area. The Denali Subsistence
35 Resource Commission formed under ANILCA, Title VIII,
36 Section 808(a) is charged to devise and recommend to the
37 Secretary of the Interior and the Governor of the Program
38 for Subsistence Hunting and Trapping within the Park.

39
40 Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Summary of written
43 public comment.

44
45 MR. MIKE: Thank you, Mr. Chair. Donald
46 Mike, Eastern Interior Coordinator. We received six
47 written public comments opposing the proposal.

48
49 The Upper Tanana Fortymile Fish and Game
50 Advisory Committee opposes the proposal and notes that they

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1 were disgusted to even read it.

2

3 Mr. Don Quarberg of Delta Junction opposes
4 this proposal and states that there is no biological
5 justification for it and that wolves are protected within
6 the Park and that is enough.

7

8 Patrick O'Conner of Palmer, Alaska wrote
9 against Proposal 11, stating that the proposal would be
10 illegal since use of Denali National Park lands was
11 guaranteed to those hunters who could prove C&T when the
12 Park was expanded in 1981.

13

14 Mike Cronk, on behalf of Upper Tanana
15 Fortymile Game Board Advisory Committee writes in
16 opposition of this proposal.

17

18 One postcard was received in favor of
19 hunting and trapping the Toklat wolves in Denali.

20

21 The Denali Subsistence Resource Commission
22 opposes this proposal for reasons stated in their April 19,
23 2000 letter to Alaska Board of Game. Buffer zone would
24 provide minimal protection for the packs in question
25 because they rarely travel beyond the boundary of the
26 former park. There is a healthy population of wolves in
27 the area so there is no biological reason for added
28 protection. Other packs along the Park road are becoming
29 habituated to people and could provide viewable wildlife
30 opportunities, however, the Park is not a large scale zoo
31 and is managed to follow the natural and healthy guidelines
32 of ANILCA. This may set a precedent for future buffer
33 zones to protect other animals important for subsistence
34 uses. Wolves are more threatened by proposed development
35 in the area than by hunters.

36

37 Mr. Chairman, in regards to Proposal 11,
38 there were three forms of correspondence received in favor
39 of the proposal.

40

41 1,006 postcards were received in support of
42 the Alaska Wildlife Alliance, proponent of Proposal 11 in
43 favor of establishing a no hunting, no trapping zone for
44 Toklat wolves inside Denali National Park and Preserve.

45

46 And yesterday we received another form of
47 email letter which brings up 102 form of email letters were
48 received in favor of Proposal 11.

49

50 And this morning we received one letter

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1 which brings it to 63 from 62 in form emails and letters
2 were received in favor of Proposal 11. The letter that we
3 received this morning was from Linda Fowler of Anchor Point
4 and she writes, Dear Board members. I have been a gift
5 shop owner for 24 years and I paint Alaska scenery. My
6 world wide customers come to view the wildlife and I feel
7 that it is very important that we keep the areas close to
8 our National Parks trapping and hunting free in order to
9 preserve those species near to natural living in the Parks.
10 Sincerely Linda Fowler.

11
12 Just for the record, Mr. Chair, these are
13 entered into the public comment records. Thank you.

14
15 CHAIRMAN DEMIENTIEFF: Thank you.
16 Department comments.

17
18 MR. HAYNES: Mr. Chairman, the Department
19 is neutral on this proposal. However, we note that the
20 current low level of wolf harvest on Federal public lands
21 in Unit 20(C) is sustainable and is having no detrimental
22 biological impact on the wolf population in that area.

23
24 We also have confidence in the ongoing
25 biological research that the National Park Service has
26 conducted on wolves in the Denali National Park and
27 Preserve for many years, and we frequently rely on this
28 information when the Board of Game deals with wolf
29 proposals.

30
31 CHAIRMAN DEMIENTIEFF: So you're saying
32 that there is not a conservation concern in 20(C)?

33
34 MR. HAYNES: We don't believe there's a
35 conservation in this area, yes.

36
37 CHAIRMAN DEMIENTIEFF: Thank you. We're
38 ready for public comment from the floor, Paul Joslin,
39 Alaska Wildlife Alliance.

40
41 MR. JOSLIN: Thank you, Mr. Chairman. My
42 name is Paul Joslin, the executive director of the Alaska
43 Wildlife Alliance and an old-time gray-haired wolf
44 biologist who had a connection with Denali many, many years
45 ago when Adolph Murrey used the word rendezvous and we
46 picked that up and studied that intensively and now that's
47 what we got in the literature, so I'm beholden to those
48 wolves and Murrey's work up in Denali.

49
50 And with respect to that, you know, picture

00236

1 for a moment, it's April 1939 and Dr. Adolph Murrey is
2 sitting on the hillside watching the wolves up there, it
3 was back in those days when you didn't have radio-
4 collaring, you didn't have all the tools that we currently
5 had, you had to do it by foot, and a little bit by vehicle
6 on the road but other than that it was by foot. Picking up
7 scats, following tracks, watching the wolves. It kind of
8 confined him to really working with one wolf pack, which he
9 did for a number of years. He wrote, the presence of the
10 wolves adds immeasurable richness and wilderness spirit to
11 the landscape. One need not see a wolf to benefit from its
12 presence. Being the scientist that he was, he wrote a
13 monograph and we continue to publish that monograph, it
14 continues to be sold in the bookstores up there and
15 elsewhere. Adolph Murrey is the father of wolf biology as
16 far as the field goes. He was the first one to unravel
17 what went on out there in the field with wolves in any
18 depth. And he tried hard to do what he could do to get the
19 wolves in that area protected.

20
21 That was 61 years ago. We've come some
22 ways. The old Mt. McKinley portion is still protected but
23 not where the wolves went out to the north as Congress
24 itself and its congressional record was concerned about,
25 Murrey's wolves, he has his cabin -- I mean he, himself, is
26 now dead but his cabin's been preserved, all of his
27 writings have been preserved at the University of Alaska in
28 Fairbanks, all of the slides, his films, I mean he's an
29 important figure to us people here in Alaska and what it
30 meant and you can only do it once in terms of studying the
31 first pack of wolves in the wild. No other place in the
32 world can claim that. We've got it and it's right here.
33 And we think that's now a part of our heritage and it needs
34 to be protected from the historical sense.

35
36 They need to be protected because they are
37 the most viewed wolves in the world. It's estimated that
38 roughly 20,000 people a year see them. Start adding up the
39 years and you can imagine the kind of figure you got. The
40 Alaska Department of Fish and Game calculates that it's
41 worth roughly \$300 per wolf sighting as it were in terms of
42 what people are prepared to spend in-state, which runs
43 literally into the millions per year that that pack is
44 actually in a sense contributing to the Alaskan economy.
45 If you translate that into jobs, I mean it's a summertime
46 activity, but that would correspond to perhaps hundreds of
47 jobs that that means right here to the State.

48
49 Never mind all the photographs that are
50 taken of them. Almost every time you see a photograph of

00237

1 an Alaska wolf, it happens to be he Toklat wolves.

2

3 You saw or just heard the presentation that
4 really focuses on the wolf population per se, as if that's
5 the only kind of science we can have. That, on a
6 scientific basis you would say that these are significant.
7 What other pack in the word do we have 60 years with
8 monitoring that the Park Service itself, in its own
9 publication has recognized, we've got a vertical study here
10 to correspond to the horizontal study of the entire Park.
11 And the National Park Service's mandate is to maintain, and
12 I quote, the natural and healthy populations. And perhaps
13 here, with respect to the Toklat wolves, you have to think
14 of that as the vertical strata from the science standpoint
15 that you would want to preserve.

16

17 Do they do it elsewhere? Is there any
18 precedent? Well, on Isle Royal, for 35 years in Lake
19 Superior, the Isle Royal National Park has been preserving,
20 in effect, two wolf packs and they have amounted to
21 enormous amount of understanding about the dynamics of
22 wolves, just as our own has done with respect to the Toklat
23 wolves. You see following on from Adolph Murrey's
24 monumental work came back to Dr. Gordon Haber, who should
25 be here shortly if he's not already, who spent -- he's now
26 entering his 36th year of studying wolves in Alaska with
27 particularly emphasis on the Toklat wolves. Dr. Lane
28 Adams has spent, what, 15 years at this point in his
29 studies of the wolves of Denali, of which, 15 years of that
30 has been on that Toklat wolves.

31

32 While you may see in some of the
33 presentation that says, gee, wolves have a lot of turnover,
34 well, maybe yet that's another reason why we should look at
35 the vertical importance of these particular wolves that
36 seem to be going for so long. You know, it's like that
37 Duracel battery that never quits, that it has scientific
38 value in its own right that we should be watching for.

39

40 Are they vulnerable? Well, if we kind of
41 look around a little bit, 1998, and I don't know if you all
42 have them so maybe we can pass these out, in 1998, that 60
43 year old or close to 60 year old at that point wolf pack
44 was done to two. Thank God it happened that it was a
45 breeding pair or we could have lost it at that point, to
46 which, one of the factors is the impact of humans with
47 respect to what happens to them. And the very wolf that's
48 on the cover of this, that was a pregnant female, the
49 pregnant female that still exists that just recently was
50 given an anesthetic and we're now concerned about whether

00238

1 she will produce pups or not, we could be at the critical
2 end and her mate is now dead. We don't know what's going
3 to happen with this pack, it's a critical watch at this
4 point.

5
6 If we look at the neighboring pack, because
7 essentially we're dealing with two wolf packs here that
8 constitute all the visitor side of it. We had the Savage
9 pack wiped out by a hunter in the end. The Headquarters
10 pack, the last one taken out by a -- it was a pregnant
11 female taken out by a trapper, even after Steve Martin, the
12 Denali Superintendent had specifically asked the Board of
13 Game to protect what was left of that pack. Following
14 that, a trapper last winter took out half of the Sanctuary
15 pack. This year we understand that he's taken more, we're
16 still waiting for May 30th to roll around and we'll see
17 what the take is on there. And then we had, just recently,
18 what was left of that pack, one adult and a few pups, the
19 critical adult was removed. So we've essentially lost the
20 Sanctuary pack now. So can wolves be vulnerable, they
21 certainly can.

22
23 Is there much likelihood of it occurring
24 inside Denali, pretty low, so long as the system we have
25 now in terms of if nobody touches them, we may be okay.
26 There's one trapper who, in essence, the area that we're
27 concerned about, that didn't trap there last winter. And
28 if that continues we would be in fine shape. But
29 potentially he and others can go in and trap, and you have
30 unlimited take, and I think in this day and age that we
31 need to do something here. That even though the risk is
32 pretty low, when you consider that there is about 15 packs
33 as you just heard, in Denali there's about 100 wolves and
34 we're asking for the protection of one for the State, the
35 nation and the world. When you consider that there are
36 literally hundreds of wolf packs protected under ANILCA
37 scattered around this state, again, we're asking for the
38 protection of one for the nation and for the world.

39
40 Please, I hope vote in favor of providing
41 protection for these wolves in the sense of entrench it in
42 law. They're not at great risk inside the Park right now.
43 Please think, too, that the State, the State of Alaska took
44 the bold step of beginning to protect for the Toklat wolves
45 outside the Park and will come back and take another look
46 at it coming up shortly where the Alaska Department of Fish
47 and Game, in its wisdom, has seen the importance of
48 extending that protection.

49
50 I think, from the national standpoint, you

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1 owe it to the people of Alaska, to the nation and to the
2 world to step up to the plate and take the bold step that
3 is needed. Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Yes, Mr. Joslin,
6 we've heard -- or has the National Park Service lived up to
7 its mandate in terms of keeping natural and healthy
8 populations of wolves in the Park?

9

10 MR. JOSLIN: If you define population as
11 all of the wolves in Denali National Park, of course, it's
12 doing a wonderful job. If you define it as the vertical
13 strata, dealing with this one wolf pack that has so much
14 history, so much scientific value to us, so much importance
15 to the visiting public, no, it's not, it has fallen short.
16 There are many things that it needs to do. I mean I could
17 elaborate a number of things if you want that I think could
18 be corrected to do with the Toklat wolves in terms of
19 protocols for manipulating, managing and et cetera. But
20 the point is, no, it is not done and lived up to what I
21 think the nation and the world deserves with respect to
22 this Toklat pack. It's come of age and it needs to be
23 protected.

24

25 CHAIRMAN DEMIENTIEFF: The people that are
26 trapping these wolves, are the qualified Federal
27 subsistence users in your knowledge?

28

29 MR. JOSLIN: Let me turn it around.

30

31 CHAIRMAN DEMIENTIEFF: Well, I just had a
32 simple question.

33

34 MR. JOSLIN: We understand where you're
35 coming from and we want to work with you on that aspect.
36 We're prepared to pay compensation for whatever losses in
37 the past, we'll double the rate, any other kind of
38 suggestions that we can do to help, to work this solution
39 so we can get to win/win, we're there. We want -- I mean
40 we think it's important. And you know, there's the
41 opportunity to promote the fact of what goes on with the
42 other 14 packs that operate within Denali.

43

44 But please, don't take this one pack, it's
45 so important to the nation.

46

47 CHAIRMAN DEMIENTIEFF: All I'm saying is we
48 have a very simple mandate. I mean I understand where the
49 State's coming from but our mandate is to protect
50 subsistence for our Federally qualified subsistence users.

00240

1 I understand that there are other mandates out there but
2 that happens to be ours and as such we have certain
3 criteria that we simply have to live by, and that's all I'm
4 saying.

5
6 MR. JOSLIN: Let me turn it this way. If
7 you were to tell your children that one trapper that was a
8 Park land subsistence person just happened to take out some
9 critical animals that caused that pack to disappear, would
10 that matter to you? Is that what you would want for your
11 children? You can still do all the subsistence on all the
12 others, but this one wolf pack is so critically important.

13
14 CHAIRMAN DEMIENTIEFF: All I'm saying, you
15 know, is that's our plain and simple mandate. And, you
16 know, as such if he's a Federally-qualified subsistence
17 user and he's utilizing any resource then we have a mandate
18 to protect that resource. I'm not arguing with you or
19 anything, I understand where you're coming from but you
20 also have to understand what our mandate is as a Board.

21
22 MR. JOSLIN: If it's of any help, in 1980,
23 November 18th, 1980 in the Congressional record, which was
24 at the time of ANILCA, it said, and I quote, it is
25 recognized that three blocks of adjacent State lands, these
26 are the wolf townships to the north have high potential for
27 recreational values and park quality. These occur
28 primarily in the three areas and they delineate, these were
29 the lands that were well known to be important for the
30 Toklat wolves. In 1986 the general management plan for the
31 Denali National Park and Preserve on Page 56, it says,
32 quote, the behavior and significance of the wolves of
33 Denali were most eloquently discussed in Adolph Murrey's
34 book where essentially he was focused around one wolf pack
35 which is what he had to do on foot, and that consideration
36 of the great importance of them and the range of these
37 Denali wolves, where they move, is of concern.

38
39 The fact that Steve Martin, as the Park
40 Superintendent would go to the State to try and save one
41 wolf, the Headquarters female because they recognized its
42 value, the fact that the Assistant Secretary of Interior,
43 former Assistant Secretary of Interior, Don Barry, wrote
44 such an eloquent letter saying the importance of the Toklat
45 and Sanctuary wolves, the fact that the Governor of the
46 state himself has asked as well, is there not a way that we
47 can work together?

48
49 I mean, personally, I think if you took a
50 positive view on this, it would be such a positive

00241

1 statement of willingness to work to find common ground as
2 we work to help on the other side.

3

4 CHAIRMAN DEMIENTIEFF: Other questions.

5

6 MR. EDWARDS: Mr. Chairman, I'd like to
7 ask, you know, could you elaborate a little more on when
8 you refer to the significant scientific value? You've
9 given the particular uniqueness, you've described this
10 pack, it would seem like it might have less scientific
11 value in dealing with wolf populations sort of U.S. wide
12 and even world wide than the value that other scientific
13 studies might have on other packs.

14

15 MR. JOSLIN: Can you elaborate a little bit
16 here of what you're thinking of that makes it less
17 valuable?

18

19 MR. EDWARDS: Well, you've described its
20 very uniqueness compared to other packs.

21

22 MR. JOSLIN: Yes.

23

24 MR. EDWARDS: And it seems to me that it's
25 value is in its uniqueness and I'm trying to understand its
26 scientific value as it applies to wolves in general and the
27 utilization of that knowledge to better understand, you
28 know, other wolf populations.

29

30 MR. JOSLIN: You have a vertical study
31 here. Adolph Murrey delineated what the social structure
32 was of that wolf pack in the wild, you know, the first
33 ever. We are still looking at that same wolf pack,
34 understanding its dynamics. Which dens it uses, which dens
35 it doesn't use, how it utilizes its range over time, which
36 areas it prefers, I mean you have tremendous scientific
37 knowledge being gathered around that one wolf pack, I think
38 that's of immense value. How that relates to the prey
39 population at that end of the Park?

40

41 You know, the parallel study to it is the
42 Isle Royal work for 35 years or thereabouts, has been
43 monitoring Lake Superior that concerns for the most part,
44 two wolf packs. And that very study, I might add, is some
45 of the same folks, Dr. David L. Meech, Lane Adams and
46 others here, but Dr. Meech over top of the work in Lake
47 Superior, that's the same fellow too that wrote the Wolves
48 of Denali here recently.

49

50 From a scientific standpoint, you've got

00242

1 kind of a gold mine. You also have an extra side that we
2 don't understand much from a science point of view yet, and
3 that's to deal with the association these wolves have
4 developed with respect to people. The fact that they're
5 people tolerant, this is not hand-fed, now, this is simply
6 they've become people tolerant with the use of buses and so
7 on. Part of it, I think is a management strategy, but part
8 of it at a time when we're trying to understand what's the
9 best way in Yellowstone, people, you know, they're now
10 catching up to us in wolf viewing and there's a lot of
11 learning curve to go through here, sciencewise, what works,
12 what doesn't work. Well, I think you're finding it with
13 what I think is the best actually, well, they're now up to
14 the total number of sightings. They don't match it per the
15 pack that you have, the proximity, and that may be due to
16 learning how cultural inheritance takes place. There's a
17 lot of wildlife studies now focused on cultural
18 inheritance. Well, it turns out at our own Denali pack
19 here is demonstrating some good examples of that.

20
21 This wolf that you see on the cover, that
22 mother, there's a pup going along beside her on the road.
23 Well, as a wolf biologist, I can say, boy, you can go a lot
24 of places in the world and you're not about to see a wolf
25 pup on the road next to where you're at. It's hard enough
26 to see a wolf, per se, and normally they're pretty shy, and
27 that's the problem. You've got a 12 percent chance of
28 seeing wolves when you go into this Park. From a science
29 standpoint, this is really just valuable stuff, to
30 understand what's going on here, how do you work out this
31 relationship so that, you know, a fed bear is a dead bear.
32 We don't have that, you got a different thing going on
33 here. You have like the McNeil River bears where this kind
34 of relationship works out that I think has enormous value
35 and needs to be respected from a science standpoint.

36
37 CHAIRMAN DEMIENTIEFF: Other discussion.

38
39 MS. GOTTLIEB: Mr. Chairman.

40
41 CHAIRMAN DEMIENTIEFF: Yes.

42
43 MS. GOTTLIEB: I did just want to make sure
44 Mr. Joslin knew, and I thank you for your testimony today,
45 you have brought materials and a notebook to the National
46 Park Service Office. We have made sure that other Board
47 members have seen this material before today's discussion
48 and so they are aware of the work that you have done and
49 those of your colleagues.

50

00243

1 We heard just before that the wolf
2 mortality, due to subsistence harvest from Denali wolves is
3 about two percent. I wondered if you could give us some
4 perspective on other sources of mortality and how that
5 compares?
6

7 MR. JOSLIN: The way to look at it, you saw
8 the distribution of where the take is, the bulk is in the
9 northeast corner, which is where we're mostly concerned and
10 that happens to be where the Toklat wolves happen to be,
11 that's number one. So that two applied to the whole Park
12 but not in terms of where the bulk of its occurring would
13 be applicable. Number 2, from a subsistence standpoint,
14 it's that the trappers in there, you know, Hollis Twitchell
15 said to me when we were at the Regional Council meeting in
16 Fairbanks, that the trapper didn't go in there last winter.
17 That, in essence, we're dependent upon whether a trapper
18 decides whether or not he wants to go in, and I appreciate
19 that. But these wolves are of national and world
20 significance.
21

22 The mortality rate at the moment is low.
23 With individual wolf packs, unlike an entire population,
24 two percent of the entire population is exactly that, two
25 percent, but to one wolf pack, you take a critical -- we
26 had a biologist recently inadvertently kill a single adult
27 female for a pack of wolves of what was left, and
28 essentially that destroyed that entire pack. I've already
29 mentioned with respect to what's happened on this pack now.
30 We've had the alpha male taken out and we've got a female
31 that we don't know yet if she's going to have pups because
32 she was anesthetized at the time of her being pregnant.
33 There's dynamics, you know, there's -- it doesn't take a
34 whole lot to be vulnerable. We had one trapper take out
35 half the Sanctuary pack last year and our understanding is
36 he's taken out more this year and we'll know, as I say, May
37 30th. Single individuals, when you're dealing at the pack
38 level can be so critical. So you might go four or five
39 years and nothing happens and then suddenly you're down to
40 two, you know.
41

42 This makes no sense. And also put on the
43 flip-side, the request is for so little it's one pack out
44 of 15 or taken for ANILCA, for the entire state, it's one
45 pack out of hundreds. So why even risk it? Because what
46 happens if it does happen that they get killed, it's too
47 late.
48

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

00244

1 MR. JOSLIN: Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Michele Keck. I'll
4 call her name again before we're done. Dorothy Keeler.

5

6 MS. KEELER: Good afternoon.

7

8 CHAIRMAN DEMIENTIEFF: Push the button
9 there, there you go.

10

11 MS. KEELER: Can you hear me now?

12

13 CHAIRMAN DEMIENTIEFF: Go ahead.

14

15 MS. KEELER: Good afternoon. I'm Dorothy
16 Keeler and please excuse me, I've got a really bad cold and
17 either I cough or I take a lot of medicine so I've got
18 medicine head so please be patient with me.

19

20 I believe Helga passed out a pamphlet or a
21 brochure that had Proposal 11 on the front and if you could
22 pull it out we're going to be referring to that. Does
23 everybody have that handy?

24

25 CHAIRMAN DEMIENTIEFF: Go ahead.

26

27 MS. KEELER: First of all I'd like to thank
28 you for allowing me to speak to you today, Mr. Chairman,
29 members of the Board. If you could please refer to the
30 photographs that say Toklat wolves of Denali National Park
31 and just briefly look at that we will be talking about that
32 a little more later. The next page is the State of Alaska,
33 this is a document that Larry Aumiller, probably the
34 world's foremost expert on animal habituation included for
35 us. The next is something that absolutely surprised the
36 heck out of me, I found out that eBay was sponsoring or had
37 on its site a guided Alaskan wolf hunt for Ted Nugent
38 benefit that I heard about. And then I heard about some
39 stranger, Tyler Stamper, that I've never heard of before,
40 decided to post a petition on the petition site.com
41 protesting eBay having wolf auctions on their site. Then
42 the next page, and you don't have to go through this right
43 now, but the next page is the petition that I barely two
44 days ago posted on the same site asking for the Board of
45 Game to protect these wolves and giving very, very detailed
46 reasons why and links for documentation. And in the last
47 24 hours, the next page is comments that we've already
48 gotten from the petition site on my petition. And a
49 related information from Anchorage Daily News on ANWR and
50 National lands. And the last item was a press release that

00245

1 I just sent out yesterday. So I will be referring to all
2 of these things during my testimony and I wanted you to be
3 more familiar with them.

4
5 Okay, my husband, Leo and I are wildlife
6 photographers. We have specialized in working with the
7 wild wolves of Denali National Park since 1990 and have one
8 of the largest collections of wild wolf photos from Denali
9 on earth. Dr. Meech's book, the Wolves of Denali, the
10 cover of the book is my husband's. Dr. Meech contacted us
11 asking for a puppy picture because he didn't have any
12 publishable ones, we provided him the wild wolf puppy
13 picture from Denali. The photos I brought are all from the
14 Toklat pack, and if you'll see here we've got upper left-
15 hand corner a wolf just walking right by a couple of hikers
16 and a bus and a couple cars and then a wolf and a bus and
17 probably the most amazing day in my life happened with the
18 center photo on the left where I am sitting on the ground
19 five feet from a wild wolf, and this happened not once, not
20 twice, but three different mornings. On this particular
21 morning the wolf walked past me, went to the culvert and
22 was in about six feet, reached down and picked up a ground
23 squirrel that had been a roadkill, I didn't know it was
24 there. And he picked up the roadkill, walked off into the
25 bushes, I could hear him crunching the bones as he ate that
26 ground squirrel. And the point being is he was hungry, he
27 picked up a ground squirrel, it was flat, it was a
28 roadkill. He had a choice, you know, as I'm sitting on the
29 ground, I'm 5'4", as I was sitting on the ground I was an
30 easy target. If that wolf wanted to go for me, gone, but
31 he chose a flattened ground squirrel instead of me for
32 breakfast that morning.

33
34 The picture to the right of that is
35 probably the rarest picture you will ever see. To my
36 knowledge it's never happened anywhere else on the planet
37 and that is two adults bringing -- they were actually five,
38 approximately six weeks old puppies by a vehicle, that
39 doesn't happen anywhere else on the planet folks.

40
41 On the lower left column is Rick MacIntyre,
42 a former Park Service employee, myself and a friend of
43 ours, a videographer and a wild wolf walking between us as
44 we're filming him. I've had wolves walk within five feet
45 of me a number of times. I've shared those photos with Dr.
46 Lane Adams, we had him over for dinner and showed him the
47 highlights of our 10 years working with these wolves, and
48 he agreed these behaviors are available nowhere else on the
49 planet.

50

00246

1 The last picture is a picture of a wolf
2 walking right underneath the bus, just walking along.

3
4 Okay, my husband and I have been often
5 within five or 10 feet of them and what I want to stress is
6 these wolves are not interchangeable. Exactly like the
7 McNeil River bears, specific wolves have specific levels of
8 tolerance. And if you go to McNeil River and kill Teddy,
9 you've killed all the cubs and all the close encounters.
10 Teddy is known for the bear as having the one most tolerant
11 of people, she'll be right next to the road -- or pardon
12 me, to the viewing pad nursing and she teaches her cubs not
13 to fear humans. And we have found that the wolves are
14 acting the same way. When we first started shooting at
15 Denali 10 years ago, actually 13 years ago we never saw
16 wolves or if we did they were on three hills over, they
17 were so far away you needed binoculars. And then
18 approximately 1990 the Park Service closed off access to
19 Wonder Lake to private vehicles and so the road access was
20 only to buses or the pro-permits, the professional
21 photographers, i.e., people who either knew what they were
22 doing around animals or people that were confined to a bus,
23 so just like the McNeil River bear situation, people's
24 actions and behaviors became consistent. There was no food
25 involved so there was no reason for the wolves to be
26 attracted to humans, but they're also for the first time,
27 there were not over-excited tourists running after them as
28 they were driving to Wonder Lake and, oh, ah, there's a
29 wolf and run after them. Just like McNeil River, McNeil
30 River works because 10 people go consistently, they go to
31 the same area, they behave the same and the bears have come
32 to learn that humans are not to be feared or approached for
33 food because we're not a source of food.

34
35 So in all the world, the McNeil River bears
36 is the only opportunity to see natural bears doing natural
37 things and making the humans feel like they're a fly on the
38 wall.

39
40 CHAIRMAN DEMIENTIEFF: Excuse me, if we
41 could keep our discussions to the proposal I'd appreciate
42 it.

43
44 MS. KEELER: I appreciate it. I would like
45 to.....

46
47 REPORTER: Turn your mike back on, please.

48
49 MS. KEELER: Sorry. This population must
50 not be managed based on numbers as a whole but rather those

00247

1 specific individuals that are most habituated and most
2 valuable for Alaskans to view and for drawing tourists to
3 the state. It is critical that these few remaining wolves
4 survive to teach their young the same traits. These wolves
5 should be treated like geese laying golden eggs. The more
6 often a busload of tourists see wolves at close distances,
7 the more they go home and broadcast Alaska is the place to
8 visit and the more secure our financial future is. And by
9 protecting these habituated wolves in the Park, you have
10 the unique opportunity of countering the negative image
11 Alaska has of doing nothing but gunning down wolves to
12 boost huntable wildlife populations.

13
14 However, I'm baffled. As the oil income to
15 the state grows more uncertain, we're dependent on
16 developing other sustainable resources and tourism does
17 have the greatest potential. Alaska's wildlife and the
18 possibility of seeing it up close draws millions of dollars
19 and supports thousands of jobs for our fellow Alaskans
20 every year. However, I'm still baffled because I have to
21 be here in defense of these wolves. Common sense, to me,
22 dictates that you don't continue to allow a handful of
23 individuals to slaughter one of the nation's most unique
24 and cherished resources and biggest tourist draws to the
25 state. These habituated wolves and there's less than 10
26 now, one of the rarest commodities on the planet should be
27 treated like the cash cows they are and given every
28 protection. To allow a handful of individuals to deplete
29 this invaluable national resource is both wildlife and
30 financial mismanagement.

31
32 CHAIRMAN DEMIENTIEFF: Could you summarize,
33 please, I'd appreciate it we've got other people waiting to
34 testify.

35
36 MS. KEELER: Okay. An Egyptian would not
37 be allowed to harm the Pyramids. China wouldn't allow harm
38 to come to its pandas. Pandas are considered critically
39 endangered there's less than a thousand. There's less than
40 10 of these wolves.

41
42 Some people may try to draw a negative
43 reference to the Icy Bay wolf attack. Although
44 unfortunate, it was an action to be expected from a wolf
45 that had been fed. In contrast, the Denali wolves have
46 never been fed and the Park Service has recently imposed
47 minimum distance requirements to assure that they won't be
48 in the future. Like the McNeil River bears and based on my
49 11 years of personal experience working with these wolves,
50 they don't consider humans part of the menu.

00248

1 I understand that you are here to protect
2 the Federal subsistence rights of Alaska, you are also
3 charged with managing Federal resources for America and the
4 world. The subsistence users don't need this resource as
5 they have other alternatives. So I ask you, what have you
6 really lost here? However, the world has no place else to
7 see wild wolves like this. And this petition, which was in
8 response to the eBay item.....

9
10 CHAIRMAN DEMIENTIEFF: We're going to have
11 to move on to other speakers here, could you please close.

12
13 MS. KEELER: Okay. From prior testimony, I
14 realize you have subsistence as your mandate. However,
15 when ANILCA was created, it was inconceivable that wolves
16 exhibiting this behavior was even possible. So extenuating
17 circumstances have since arisen that I feel deserve special
18 consideration. Also you say your mandate says that
19 continued viability of the population is a reason that you
20 can base closure of hunting and trapping. The population
21 is not in jeopardy here and we never said it was, but the
22 family dynamics of this one highly habituated group is in
23 dire viability of the population, crises situation, and so
24 I believe you could recognize that wolves are not
25 interchangeable, that these actions are unique. These
26 actions -- these wolves are easily lost forever and afford
27 them the protection they deserve.

28
29 May I refer to one particular thing that I
30 didn't have a chance to refer to?

31
32 CHAIRMAN DEMIENTIEFF: Maybe we'll go ahead
33 and move in. Are there any questions, please? Thank you
34 very much for your testimony. Gilbert Dementi had to
35 leave, however, he left some comments with Ralph Lohse
36 who's going to present those, it's very brief.

37
38 MR. LOHSE: Mr. Chair.

39
40 CHAIRMAN DEMIENTIEFF: Yes.

41
42 MR. LOHSE: Do you wish me to go up there
43 or just present them from right here?

44
45 CHAIRMAN DEMIENTIEFF: That's fine, Ralph.

46
47 MR. LOHSE: Gilbert Dementi was here, he's
48 a resident of Cantwell, member of the Denali SRC and member
49 of Southcentral Regional Council. He wished to go on
50 record as opposed to this proposal.

00249

1 CHAIRMAN DEMIENTIEFF: Thank you. Gordon
2 Haber.

3
4 MR. HABER: I didn't find out about this
5 meeting until about midnight last night and so I came over
6 here and I hopefully can contribute a couple of comments
7 that might be of value.

8
9 I'd like to just start out by pointing out
10 that I've been studying the Toklat wolves now for 35 years
11 as a scientist, this is my 36th year beginning this month.
12 And I study all the groups in the Park and some other
13 areas. But of all the groups, Toklat wolves have been my
14 focus for the entire 35 years and that's year-round, aerial
15 and ground methods both. And in fact, based primarily on
16 my work with the Toklat wolves and a neighboring group,
17 that's why I was awarded a Ph.d., and a master's both, and
18 have just continued that work since then.

19
20 I could maybe offer a helpful comment or
21 two to supplement what Paul Joslin said on the scientific
22 value of these wolves which is enormous. It can't be
23 overemphasized. The Toklat wolves, in a nut shell, are the
24 oldest known family lineage of any non-human social
25 vertebrate in the world. The oldest known family lineage
26 of any non-human social vertebrate in the world. That one
27 lineage has lasted longer than any of Jane Goodall's
28 chimpanzee troupes. Any lion groups that have ever been
29 studied. Or by far, any wolf -- particular groups of
30 wolves that have been studied anywhere, including on Isle
31 Royal. That gives them enormous scientific value from many
32 standpoints but particularly from the standpoint of better
33 understanding the dynamics of inter-relationships and
34 social systems in general over a period of generations.
35 Rarely is there ever an opportunity to follow a group in
36 the wild for more than a generation or two, let alone for
37 up to 60 years.

38
39 And as has been pointed out and I just got
40 in the room late here, so I'm not sure what prior testimony
41 was, but as most of you know Adolph Murrey studied this
42 group starting in the late 1930s and his formal study ended
43 in the early 40s but he actually continued his work
44 informally as a scientist right up through the mid-1960s
45 when I arrived in Denali and I worked with Ad Murrey and he
46 conveyed a lot of information to me about the group, enough
47 so that it's pretty certain that it's the same lineage that
48 was there when I began to study it.

49
50 We learn a lot by looking at a group like

00250

1 that and especially about how learned social information is
2 transmitted across generations. And if you wonder about
3 how valuable that information is, all I have to do is refer
4 you to the world's leading scientific journals, science and
5 nature. In fact, the Journal of Science, if you just take
6 a look at an issue that was published a matter of a few
7 weeks ago, there's an article there, a paper there about
8 this sort of thing with regard to elephants and valuable
9 information, social information passed on among generations
10 of elephants and how important that is. It's one of the
11 hottest areas in all of science.

12
13 So if we lose a group like Toklat, which
14 gives us, perhaps, the best opportunity of any that we've
15 ever had on the planet or among the best, at least, you
16 know, we've blown a major opportunity to gather some
17 important information about the world around us and some of
18 the creatures in it.

19
20 Now, there's other ways, I guess, to talk
21 about the scientific importance of these wolves. Of
22 course, just with regard to the Park itself, as a
23 persistent lineage in the Park they have a very important
24 role to play in prey dynamics through a major area of the
25 Park. And removing the group or allowing it to be removed
26 by hunting or trapping obviously has a major biological
27 impact in major sections of the Park. So it's just
28 nonsense to imply for anybody to even imply that there's no
29 biological impact if these wolves are taken out or if the
30 dynamics of the groups is altered in a major way, just
31 through a partial removal of individuals.

32
33 Let me just move on to another area here,
34 how do we define the buffer? This is, I guess, the crux of
35 what you're here for to consider, is where do we draw the
36 protection for this group, how do we identify what area
37 should be set aside if we agree that it should be
38 protected?

39
40 Well, there's a couple of different
41 movements that are involved here that are critical to
42 distinguish among. One is the normal territory, the well-
43 established territory movements of a group of wolves like
44 Toklat, and if that's all that we had to worry about it'd
45 be an easy matter to define a buffer zone, an area outside
46 the existing park to protect these wolves. Because these
47 areas are fairly easily defined by the radio locations that
48 Park Service and myself have gathered in recent years and
49 also earlier information and we can identify the areas that
50 they habitually travel in fairly accurately. And in the

00251

1 case of Toklat, the established territory, I don't have my
2 own map here but the established territory, if you want to
3 go back to that -- well, okay, the established territory --
4 my locations actually would -- I'd have more locations up
5 further to the north and also to the northeast and what
6 this map shows, but this gives you an idea that they do go
7 outside of the old park.

8
9 Well, the problem is that in addition to
10 the established territory, wolves also have a behavior that
11 we call extra-territorial forays and these are very
12 unpredictable movements. They're significant, they're very
13 unpredictable. The data that I collected in past years,
14 for example, indicates that about nine percent of the total
15 travel by miles of both Toklat and another group that used
16 to occupy the area to the east is outside of the
17 established territories. And we also know from that data
18 that these movements are highly unpredictable, they varied
19 tremendously from year to year and between groups so all we
20 can say is that these extra-territorial movements are
21 significant but they're highly unpredictable.

22
23 And obviously if we want to protect the
24 wolves we have to take those movements into account and the
25 only way that can be done, given their unpredictability is
26 to simply look at the areas outside of the established
27 territories and decide where the potential for human impact
28 in these groups is greatest. You have to allow some sort
29 of provision for protection outside the established areas
30 so the only way to do that is to look at where the access
31 to them -- human access, hunting and trapping and
32 residential and where all that is and if you do that, you
33 see that there's a need to draw the buffer, not only along
34 the east side of the Park but up through the north side of
35 the established territory as well and that's the reason for
36 requesting a buffer that would include the eastern finger
37 extension of the Park there.

38
39 So just to wrap up those comments again, I
40 emphasize to you that you must distinguish between what the
41 established territories and these extra-territorial forays
42 which are extremely important. And I might point out that
43 these forays are not only unpredictable in terms of when
44 they happen but for their distances and duration as well.
45 I've observed, of course, like other biologists have,
46 numerous short forays, five, 10 miles or a few miles but
47 also occasionally the wolves will go 30, 40, 50 miles
48 outside their established territories. Just a week ago, as
49 a matter of fact, I radiotracked one of the established
50 groups in Denali that was about 50 miles north of its

00252

1 normal -- the entire group of 17 was 50 miles north of its
2 normal territory up in the Minchumina area, this was a
3 group that normally was way to the south. And they may
4 have gone further, I wasn't able to follow them the rest of
5 the way because of bad weather, bad flying weather.

6
7 So I don't know how much time I have here,
8 I'm kind of winging it here. I should have asked what my
9 time limit was to begin with.

10
11 CHAIRMAN DEMIENTIEFF: I don't know, do you
12 have a couple other points you want to make, that's fine.

13
14 MR. HABER: Okay, so obviously I have to
15 bring it to a close here, all right.

16
17 I guess another comment that I would make
18 is that.....

19
20 CHAIRMAN DEMIENTIEFF: Gordon, you can go
21 on a couple more minutes, I mean we're not going to rush
22 you if you took the time and effort to get here.

23
24 MR. HABER: All right. Well, I guess if I
25 just have a couple more minutes, I'd just like to make one
26 other observation and that is that in the 35 years that
27 I've been at Denali, and incidentally I live there as well
28 as work there and I know the people in the area and all the
29 rest. I'll just tell you flat out that there never has
30 been any true subsistence use of wolves in the area that
31 we're discussing up in that northeast finger of the Park.
32 The only thing that comes close to it is wolf trapping by
33 somebody who you probably know, Terry Dike, and his father
34 Percy before him, from Nenana, I believe you're from Nenana
35 aren't you?

36
37 CHAIRMAN DEMIENTIEFF: Yes, sir. They're
38 old tribal members in Nenana.

39
40 MR. HABER: Sure. Well, as you know then
41 Terry and his father, Percy, have historically trapped
42 primarily to the west of that area, out toward the lower
43 bear paw and his activities come into the Toklat Springs
44 area, but rarely, if ever has he gone into that finger area
45 and while there's been other hunting and trapping of wolves
46 in that area, virtually all that has been what I would
47 characterize as opportunistic and recreational. It's
48 people that live in Healy that are working at Usabelli Coal
49 Mine making 70 or \$80,000 a year, people that drive up for
50 the weekend from Anchorage in the winter and go

00253

1 snowmachining out the Stampede Trail or come down from
2 Fairbanks and do that, and when they see wolves some of
3 them just open fire on them or they go out and set traps.
4 None of it, realistically, could be called subsistence use.

5
6 So I guess that's the other side of the
7 equation here. You have to look at the justification and
8 the value of these groups, but also who would lose if we do
9 protect that area and my point here is if your concern is
10 over potential subsistence loss, there isn't any in that
11 area. I mean there isn't any subsistence use to be lost as
12 far as wolves are concerned.

13
14 So I guess I'm probably out of the allotted
15 time and I'd be happy to answer any questions if anybody
16 wants to ask any.

17
18 CHAIRMAN DEMIENTIEFF: Well, I'll just add
19 to that, the Lord family has been in there trapping very
20 many years. All of my in-laws, my father-in-law, all my
21 brother-in-laws have trapped in there and actually all the
22 Dike boys have trapped in there at one time, so there's at
23 least three families of sustained use in there that all
24 have cabins in that area.

25
26 MR. HABER: Not in that finger that we're
27 talking about there.

28
29 CHAIRMAN DEMIENTIEFF: Well, you don't
30 stay, you know how trapping works, you don't stay in just
31 one little area. I just point that out, I'm trying to
32 argue.

33
34 MR. HABER: Okay. I know what you're
35 referring to and I know where some of those cabins are, but
36 my point and I'll make it again, is that, in that specific
37 area that we're asking for there has not been any of the
38 kind of subsistence use that you're referring to, at least
39 since the mid-60s since I've been there.

40
41 CHAIRMAN DEMIENTIEFF: No, I'm not arguing
42 with you Gordon, I'm just letting you know.

43
44 MR. HABER: No, I appreciate that. I'm not
45 denying the use to the west. Now, I might point out, Terry
46 hasn't been there for the last two to three years. I
47 believe -- well, '97 he was in there and took out an entire
48 group of wolves, a radio-collared group of wolves while he
49 was there. And I can't remember offhand if he was there in
50 '98, I don't recall. But he hasn't been there for sure in

00254

1 the last two winters because I regularly look and monitor
2 that area in the course of tracking wolves that are in that
3 area.

4
5 CHAIRMAN DEMIENTIEFF: Other questions or
6 comments for Gordon. Thank you very much for your
7 testimony, thank you.

8
9 MR. HABER: Thank you.

10
11 CHAIRMAN DEMIENTIEFF: Did Michele Keck get
12 here? That concludes our public testimony. Regional
13 Council recommendations.

14
15 MR. NICHOLIA: Thank you, Mr. Chair. Our
16 Regional Council recommendation was to oppose and we did
17 this in a joint effort with the Western Interior to go with
18 the Staff recommendations.

19
20 CHAIRMAN DEMIENTIEFF: Ronnie.

21
22 MR. SAM: Thank you, Mr. Chairman. I would
23 also like to go on record that I do not -- I, for one, do
24 not believe that this is the same pack that Adolph Murrey
25 saw. Try, as we might, we cannot keep a strain of any one
26 species or any one family no matter how good they are.
27 We've tried that with all our best dog race leaders and I
28 think it's been tried from Balto on down. Within one or
29 two litters, they'd be so demented that they're useless,
30 we'd have to get rid of them ourselves. I mean you just
31 can't inbreed and keep the same strain in there for years
32 and years, I just can't see it. Just for the record, thank
33 you.

34
35 CHAIRMAN DEMIENTIEFF: Thank you. Ralph.

36
37 MR. LOHSE: Southcentral Regional
38 Subsistence Advisory Council opposed it. Some of the
39 reasons we opposed it for have already been presented.
40 For one thing, ANILCA, we felt was put in place to keep an
41 opportunity for subsistence. It's not based on wildlife
42 for visitors. We felt like the population in the Park was
43 healthy. It has a large enough area to begin with. From
44 the scientific information that we were given, we didn't
45 see much use of the area that's being asked for as a buffer
46 for either the Eastfork pack and none for the Sanctuary
47 pack. The other thing is we were told that basically no
48 wolves had been taken in the area that's being asked for
49 for a buffer for the last 14 years, so we felt it would be
50 of negligible effect, it would be more of a publicity

00255

1 thing.

2

3

4 It seems, from what we were told, that
5 wolves kill more wolves than anything else or dispersal or
6 when they go outside of their territories is the most
7 dangerous time for wolves over nine months. So we felt
8 that this was a needless proposal and we opposed it.

8

9

CHAIRMAN DEMIENTIEFF: Staff Committee.

10

11

12 MR. BRELSFORD: Mr. Chairman, the Staff
13 Committee recommends that the Board reject the proposal
14 consistent with the recommendations of the Eastern
15 Interior, Western Interior and Southcentral Regional
16 Advisory Councils. Our justification is twofold.

16

17

18 First, in regard to the legal mandates of
19 the Federal program, ANILCA provides a subsistence use
20 priority for qualified rural residents over other
21 consumptive uses. ANILCA clearly mandates an opportunity
22 for continued traditional subsistence uses on Park and
23 Preserve additions by local rural subsistence users.

23

24

25 In regard to the biology. The wolf
26 population within Denali National Park and Preserve is
27 considered healthy by Department of Interior scientists and
28 resource managers. The health of the wolf population
29 within Denali National Park and Preserve is based on the
30 total wolf population within the Park and Preserve and is
31 not based on the dynamics of individual wolf packs or
32 individual animals within a specific pack.

32

33

34 Further the proposed closure would have
35 negligible effects on harvest levels for the wolves for
36 which the protection is sought.

36

37

Thank you.

38

39

40 CHAIRMAN DEMIENTIEFF: With that, we'll
41 move on to Board discussion and as such, I can see that on
42 the three criteria that we have to deal with, it's just
43 unfortunate that this is the wrong forum, no matter how
44 sympathetic we may be or how worthy we may see about the
45 national and world importance, you know, of this area, I
46 mean the wolves in that immediate area. The fact of the
47 matter is is that there are other lots of viewing
48 opportunities. We're just not the forum with our limited
49 mandate. Now, I don't know what the proper forum is but we
50 have a specific charge and basically we'd be -- if we
51 accept the proposal we'd be denying a subsistence

00256

1 opportunity for qualified subsistence users, and that's
2 just exactly contrary to what our mandate is. It's
3 unfortunate, like I said, no matter how sympathetic I may
4 be, you know, certainly our region has a substantial
5 investment, I'm talking about the Doyon region, in that
6 area and as such, I'm glad to see all those jobs that come
7 with it, but again, that's still not my mandate.

8
9 And we talk over and over again about our
10 professional responsibilities which is per our mandate,
11 we're just the wrong forum to do this in my eyes. Other
12 Board comments.

13
14 MS. GOTTLIEB: Mr. Chairman.

15
16 CHAIRMAN DEMIENTIEFF: Yes.

17
18 MS. GOTTLIEB: I just had a couple of
19 questions on biology please, if I could ask Dr. Adams
20 perhaps, we did hear two percent approximate mortality from
21 subsistence uses and I wondered if you could tell us a
22 little bit more about other sources of mortality.

23
24 DR. ADAMS: Okay, based on studies that
25 I've been involved with over the last 15 years looking at
26 patterns of mortality and dispersal for wolves in Denali
27 Park, from one year to the next, approximately 40 percent
28 of the wolves that are there die or leave, and this pie
29 chart shows you how that breaks out. That a large chunk of
30 it is dispersal, which is predominately young animals, less
31 than three years of age, that as they grow up, they leave
32 their natal packs to go find opportunities to breed and set
33 up a new pack some place else and these dispersals can be
34 anywhere from moving right next door to going 500 miles
35 away.

36
37 The other big source of mortality for
38 wolves in Denali Park is being killed by other wolves. And
39 as you can see out of this particular sample, a sizeable
40 number, 43 of them out of 143, we knew were killed by other
41 wolves. There are also some animals that are killed by
42 wolves that are included in the green segment of the pie,
43 those are animals that by the time we get out there to
44 investigate their deaths, it's too late to tell the cause
45 of death and so some portion of those are likely to be
46 wolf-killed also.

47
48 The other sorts of natural mortality we see
49 in the yellow segment of the pie is we've had animals
50 killed in avalanches, we've had them starve to death, we've

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1 had them kicked by moose, those kinds of things happen.

2

3 Harvest, during this period of time which
4 is basically from March of '86 when we started our work up
5 until August of 2000, we'd had 12 wolves that lived
6 predominately within the Park that had been harvested.
7 Now, these are radio-collared wolves. And if I could have
8 the map that shows the distribution of that one, this is
9 where those wolves were taken and as you can see it's
10 scattered throughout the north side of the Park. I would
11 want to clarify that our research is being conducted only
12 in the areas of Denali National Park and Preserve that are
13 north of the Alaska Range and so some of the subsistence
14 harvest that Hollis was talking about came out of the
15 Cantwell area, part of that two percent harvest comes out
16 of the Cantwell area and really isn't included within the
17 area that we're doing research.

18

19 All told, if you look at harvest losses for
20 wolves that live predominately within the Park north of the
21 Alaska Range, we have about an annual harvest of about
22 three and a half percent or a little less than three and a
23 half percent, annually, and that accounts for or is about
24 one-eighth of the mortality of wolves within that area, so
25 87 percent of the mortality are all these other natural
26 factors, being killed by other wolves and the variety of
27 other things that happened to them. So as a source of
28 mortality, harvest is a relatively low component for the
29 wolves that live north of the Alaska Range in the Park and
30 Preserve.

31

32 CHAIRMAN DEMIENTIEFF: Follow up.

33

34 MS. GOTTLIEB: I just wondered if you could
35 summarize what your work has found on the genetics aspect
36 of the wolves?

37

38 DR. ADAMS: Well, I think the main message
39 that our research program provides is that there's quite a
40 bit of turnover going on in the wolf population. And
41 certainly it happens, the individuals turnover, there's a
42 high level of mortality and dispersal of wolves, there are
43 a lot of pups born each year, you know, in any given year
44 in the fall about 40 percent of the population is made up
45 of pups. And so in order for over the long haul for
46 numbers to be relatively stable, that means that you've got
47 to have a large number of animals dying and leaving, and we
48 certainly see that at the individual level.

49

50 We also see that kind of turnover among

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1 packs. Most packs that we've studied in the Park don't
2 last very long. Very few of them last, you know, more than
3 four or five years. And that doesn't mean that on occasion
4 they don't, you can't tie or trace individuals, overlapping
5 individuals for a relatively long period of time, which we
6 can do for the Eastfork wolves currently.

7
8 The genetics segment of what we've done is
9 we've found two things. One is that wolves rarely inbreed.
10 Basically if there's an opportunity to breed in a pack
11 because a breeding age animal dies, that breeding slot is
12 filled by an unrelated wolf that comes from someplace else.
13 And that's been buttressed by -- or we've got information
14 to make that claim from two sources. One is from our
15 radiotelemetry work where we've actually had breeding age
16 animals leave one pack, join another pack when a breeding
17 opportunity comes available. We've also looked at it using
18 genetics, molecular genetics techniques and comparing the
19 potential for relatedness among known breeding pairs from
20 wolves in Denali Park and northern Minnesota. And what
21 we've found from that is that they rarely inbreed, and
22 that's a pretty -- I think that's a pretty big contribution
23 and what it means, these animals are living with other
24 wolves that they're largely related to and when a breeding
25 opportunity arrives within a pack, it would be much simpler
26 for them to inbreed and end up breeding with an animal that
27 is a member of that pack, but based on our results that
28 doesn't happen. And somebody from a neighboring pack or
29 who knows where comes in and fills those breeding slots.
30 So they're actively outbreeding, I guess is the main point
31 there.

32
33 Thank you.

34
35 CHAIRMAN DEMIENTIEFF: Any other questions.
36 Comments.

37
38 MR. BRELSFORD: Mr. Chairman, thank you.
39 There's been a great deal of literature provided to the
40 Board members on this question and this is an instructive
41 exchange, frequently the Regional Council members and the
42 Board are confronted with a great divergence between
43 traditional knowledge on the one hand and Western science
44 on the other, this is an instance in which Western science
45 seems to be deeply divided between two alternative
46 interpretations of population dynamics. And to vastly
47 simplify it, it appears that on the one hand your work in a
48 major monograph in which you're a co-author emphasizes the
49 interaction among packs and the dynamics of population over
50 time, whereas the critical reviews and some of the

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1 alternative interpretations really refer to the individual
2 packs as though they were somewhat more isolated.

3
4 Now, one of the tools of Western science to
5 evaluate which interpretation makes the most sense is peer
6 review, and I'd like to ask Dr. Adams whether your work and
7 these interpretations have been the subject of peer review
8 of jury journals and what you could say to us about the
9 sort of standing in the discipline among wolf biology
10 specialists of the work that you have done.

11
12 DR. ADAMS: Well, I think our work stands
13 by itself. It's been thoroughly peer reviewed. The
14 genetics work that I'm referring to has all been published
15 in peer review journals. The comparable social behavior
16 work that we've done from our radiotelemetry data, that's
17 been published in peer review proceedings of a major wolf
18 symposium. The book that we produced was reviewed by
19 peers. You know, we follow that model or that process, you
20 know, pretty closely.

21
22 We also here, two or three years ago, went
23 through a pretty major review of the research program as a
24 whole and a panel of other wolf biologists, researchers was
25 put together to independently review virtually everything
26 that we have ever done and everything that the Park has
27 done in terms of wolf management in and around the Park,
28 and we sent off volumes and volumes of information to those
29 people, and I think those reviews were provided to the
30 members of the Board. And again, you know, we got the
31 stamp of approval from that group.

32
33 CHAIRMAN DEMIENTIEFF: Any other
34 discussion.

35
36 MS. GOTTLIEB: Mr. Chair.

37
38 CHAIRMAN DEMIENTIEFF: Yes, Judy.

39
40 MS. GOTTLIEB: Just as a follow up to what
41 Lane just said, I'm glad Taylor brought it up. National
42 Park Service here in Alaska did ask for a peer review of
43 the research program, and Lane's given a good summary. I
44 did want the Board to be aware of some specific comments
45 that were brought up, such as Park research and monitoring
46 programs meet professional standards and provide
47 information necessary to adequately address the primary
48 wolf management objectives for Denali. Denali wolf prey
49 research and monitoring program could serve as a template
50 of excellence that other researchers should apply to their

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1 efforts.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Any other

6 discussion. Yes.

7

8 MS. KESSLER: Thank you, Mr. Chair. You
9 know, as a scientist, I'm absolutely fascinated by all the
10 information that's been provided in the debates going on,
11 but as you have reminded us, Mr. Chairman, we do have quite
12 a specific mandate here. Although we can't act to restrict
13 subsistence access, there's very carefully prescribed
14 circumstances under which we may do that and none of those
15 circumstances are pertinent here. None of them stand up to
16 the test.

17

18 I've read and listened to some very strong
19 and very impassioned testimony as to the tremendous value
20 that people place on these particular wolves, and all I can
21 say is I do take comfort from what appears to be the weight
22 of evidence presented that these wolves are at a minimal
23 risk from the particular activity that we're concerned with
24 here which is subsistence use.

25

26 Thank you.

27

28 CHAIRMAN DEMIENTIEFF: Other discussion.

29

30 MR. LOHSE: Mr. Chair.

31

32 CHAIRMAN DEMIENTIEFF: Yes.

33

34 MR. LOHSE: Mr. Chair, I've got a question
35 I think it's pertinent. In all of this discussion about
36 the protection of the wolves, one of the things that was
37 brought up was in this packet on Proposal 11, and it was
38 talking about the eBay hunt that was advertised on eBay and
39 all of the comments that were received on that and my
40 question is, I'd like to lay it to Hollis, is this eBay
41 hunt listed in here, can the winner of that eBay hunt in
42 any way hunt in Denali Park or Preserve, on Denali Park or
43 Preserve lands?

44

45 MR. TWITCHELL: No, it cannot. There's
46 only two individuals in Healy who have subsistence use
47 permits to utilize Park lands for subsistence uses and this
48 individual is not one of them. And we would not allow any
49 commercial activities on the Park in that manner anyhow.

50

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1 MR. LOHSE: Then I would take it that that
2 part that was presented to us is of no value except for
3 publicity then?

4
5 MR. TWITCHELL: It wouldn't be pertinent on
6 Denali National Park lands.

7
8 MR. LOHSE: Thank you.

9
10 CHAIRMAN DEMIENTIEFF: Further discussion.
11 We're ready for a motion.

12
13 MS. GOTTLIEB: Mr. Chairman.

14
15 CHAIRMAN DEMIENTIEFF: Yes.

16
17 MS. GOTTLIEB: I move that we reject
18 Proposal 11 consistent with the recommendations of the
19 Eastern Interior, Western Interior and Southcentral
20 Regional Advisory Councils. This rejection is also
21 supported by Denali National Park Subsistence Resource
22 Commission.

23
24 CHAIRMAN DEMIENTIEFF: Is there a second to
25 the motion?

26
27 MR. BUNCH: Second.

28
29 CHAIRMAN DEMIENTIEFF: Further discussion.

30
31 MS. GOTTLIEB: Mr. Chairman.

32
33 CHAIRMAN DEMIENTIEFF: Yes.

34
35 MS. GOTTLIEB: We do recognize that this
36 proposal has attracted significant public attention. The
37 Board has received a very large number of written comments
38 as the Staff has told us. The Department of Interior,
39 National Park Service, US Geological Survey Research
40 Program for wolves in Denali National Park, it's also been
41 in the news lately and has a link to this proposal, and
42 further the proponents of this Federal proposal have sought
43 and continue to seek State regulatory changes from the
44 Alaska Board of Game for non-Federal lands adjacent to the
45 National Park lands. So you can see there are many items
46 in motion at the same time.

47
48 As the Board members know, I've sent each
49 of them a letter with supplemental information about this
50 proposal, a copy of this was provided to OSM for inclusion

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1 in our record. This material was given to the Park Service
2 by Dr. Haber and Paul Joslin. They wanted the material to
3 be considered by Park Service and others and they were
4 right to make this request. This Board needs to hear from
5 all viewpoints and it's appropriate for us to consider all
6 the information available.

7
8 But the issue before this Board is very
9 clear and Don, if you could please put the map back on the
10 screen. And the question to the Board is whether we should
11 close a portion of Denali National Park and Preserve to
12 subsistence wolf hunting and trapping. I've read and
13 reread the analysis for Proposal 11. I believe it's an
14 excellent and thorough analysis. I believe it's one of the
15 better analysis that has ever been put in front of this
16 Board, and I believe the wolf population in the area under
17 discussion is healthy. It appears to me that harvest by
18 subsistence users on Federal land is low by most standards
19 and is having little to no impact on the population
20 dynamics of the wolves that inhabit the area.

21
22 We've heard that over the last 15 years
23 there are almost 1,100 radio locations for the Eastfork
24 pack, of which only seven locations have been in the area
25 proposed for closure. The Sanctuary wolf pack has not used
26 the area proposed for closure in any of the 260 locations
27 recorded since 1995. We've heard that no wolves have been
28 taken by Federal subsistence users in this specific area.
29 And I understand that others may have different views and
30 have worked hard to make them available to the Board today.

31
32 I think the most significant point of
33 debate relates to how we manage wolves. Do we manage them
34 by individuals, by packs or by populations as a whole?
35 We've heard the testimony about this today from both
36 perspectives. After all this, I remain committed to the
37 National Park Service policy of managing for populations
38 rather than by individual animals or by packs.

39
40 With that said, please don't assume that
41 this means the National Park Service has abandoned its
42 traditional mission, which also calls for preservation and
43 use and enjoyment. We still have that traditional mission
44 to carry out and wildlife viewing in Denali is part of it.
45 My agency must consider that activity as we have multiple
46 mandates and must regularly balance decisions based on our
47 enabling legislation. In this case we have to balance
48 subsistence use allowed by ANILCA, Title VIII and Park
49 purposes established in ANILCA, Title II. We must
50 recognize the National Park Service mandates are, at times,

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1 different from a number of agencies at the table.

2

3 But I believe that subsistence users have
4 had appropriate opportunity provided to take wolves in
5 those portions of the Park and, that at the same time,
6 those who wish to view wildlife have been provided ample
7 opportunity.

8

9 The mandate of this Board is to provide
10 opportunity but it's probably beyond our capability to
11 guarantee success. Nothing I've read today or heard today
12 indicates a need to change the balance that we have going
13 at this point in time.

14

15 In summary, I'll vote to reject this
16 proposal. One could see this as a first step in attempting
17 to chip away a congressionally authorized uses in Parks. I
18 see no reason to overturn the RACs and the SRC
19 recommendations, rather I see reasons to support them based
20 upon the facts presented in this analysis and by people
21 testifying here today.

22

23 I recognize that many people on both sides
24 of this issue care deeply about the outcome and we're glad
25 that they have all contributed to this deliberation.

26

27 Thank you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. Other
30 comments. If not, all those in favor of the motion, please
31 signify by saying aye.

32

33 IN UNISON: Aye.

34

35 CHAIRMAN DEMIENTIEFF: Those opposed, same
36 sign.

37

38 (No opposing votes)

39

40 CHAIRMAN DEMIENTIEFF: Motion carries.
41 Those of you that need to slip out for a minute, go ahead
42 and do so but we're not going to take a break, we've got
43 two more proposals and we might as well just stand down.

44

45 MR. THOMAS: Mr. Chairman.

46

47 CHAIRMAN DEMIENTIEFF: Yes, Bill.

48

49 MR. THOMAS: I have a protest I want to
50 lodge.

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1 CHAIRMAN DEMIENTIEFF: Pardon?

2

3 MR. THOMAS: I have a protest I want to
4 lodge. My lack of audible participation today is going to
5 have a deep effect on my reputation and so I'm trying to
6 find some way to preserve that. Thank you, Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Okay. We're going
9 to move right into North Slope and change Staff and we'll
10 just keep going.

11

12 (Pause)

13

14 CHAIRMAN DEMIENTIEFF: Give me the signal
15 when you're ready then. We're not taking a break here,
16 guys, we're going to go.

17

18 (Pause)

19

20 CHAIRMAN DEMIENTIEFF: We're still in order
21 and we're going to proceed on with wildlife Proposal No.
22 01-46A. North Slope has Proposals 45 and 46B on the
23 consent agenda and we'll go ahead with the Staff analysis
24 on 46A.

25

26 MS. H. ARMSTRONG: Thank you, Mr. Chair.
27 Members of the Board, Chairs of the Council. I'm Helen
28 Armstrong. I'm the cultural anthropologist on the North
29 Slope team and I'll be making this analysis.

30

31 This is kind of an unusual proposal and
32 I'll let you know why. 46A was submitted by Mr. David Neel
33 and Mr. Neel lives -- well, we're getting there, get the
34 other map -- yeah, he lives 82 miles -- he's on the Dalton
35 Highway, 82 miles from Deadhorse at Happy Valley. This
36 proposal only deals with 26(B), it's for changing the C&T
37 determination for muskox. Currently the C&T determination
38 is for residents of Anaktuvuk Pass, Nuiqsut and Kaktovik.
39 All of those communities are outside of the boundaries of
40 26(B). As you can see Nuiqsut is right on the very western
41 edge, just outside the boundary and there are no other
42 communities in 26(B). I mean there are no communities in
43 26(B), except for the people who live at Deadhorse and
44 Prudhoe Bay and Mr. Neel. There are no other permanent
45 year-round residents in 26(B).

46

47 So I was faced with the rather unusual
48 situation of what do you do? Here's this one guy who wants
49 C&T for all residents of Unit 26(B) and what do I do with
50 that? So originally I wrote an analysis looking at his

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1 uses of 26(B). Well, after it had gone to the Regional
2 Council and had gone to Staff Committee, just before we
3 were ready to print the book to go to the Board, we
4 received legal counsel that said we couldn't look at the
5 C&T determination that way, that we needed to look at the
6 uses of muskox instead of just one user. And so just
7 before the Board book was printed I redid the analysis and
8 the Staff Committee met.

9
10 What I did was, rather than looking at the
11 individual uses of Mr. Neel, I looked at the uses of the
12 people in Nuiqsut. Now, Nuiqsut received C&T in 1995 from
13 this Board for muskox and so what I was trying to establish
14 was that Nuiqsut had used 26(B), that's where most of their
15 hunting of muskox occurs and therefore anyone who lived
16 nearby would also have C&T and Mr. Neel doesn't live too
17 far away from Nuiqsut down in Happy Valley. Even though
18 Happy Valley has a name it's just a camp. He's a
19 wilderness guide -- not a wilderness guide, a big game
20 guide in the summertime.

21
22 The other thing that was a difficult factor
23 in this was whether or not Deadhorse and Prudhoe Bay should
24 be included in the C&T analysis. And we have some
25 diversion of how the C&Ts have been done because some of
26 them were established by the State and we adopted them,
27 some of them we redid. So right now the way it's written
28 brown bear, moose and muskox exclude residents of Prudhoe
29 Bay and Deadhorse, whereas sheep and black bear and caribou
30 are all residents of Unit 26. So there's a little bit of
31 inconsistency there, I suppose.

32
33 I did look at the uses of people in
34 Deadhorse and Prudhoe Bay in the sense of I looked at the
35 harvest database and there's no record of anybody ever
36 taking any resource from Prudhoe Bay or Deadhorse. So I,
37 in my original analysis, I had excluded them, not included
38 them, then when the Staff Committee met we decided maybe
39 they needed to be included, that there was a possibility
40 that maybe there needed to be some inclusion.

41
42 I just wanted to point out a few other
43 things. There is not a whole lot of Federal public land in
44 26(B). 30 percent of the subunit is Federal public land
45 and of that 76 percent is Arctic Refuge, 15 percent BLM and
46 nine percent is from Gates of the Arctic. The muskox that
47 are in 26(B) are predominately almost entirely on State
48 land and one of the proposals that you didn't hear because
49 it's a consent agenda is 46B which was asking for a hunt on
50 Federal public land and that one was a consent that there

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1 weren't enough muskoxen on Federal public land to open a
2 hunt. So at this point in time whether C&T is given or not
3 is moot because there aren't enough muskoxen to have a
4 hunt.

5
6 I'm not going to go into the history of
7 muskox, you guys have heard that many times before. I did
8 want to explain a little bit about how the hunt is divided
9 and how it's managed. Because most of the muskoxen are on
10 State lands, since 1995, the State has divided the -- I
11 mean since 1998 -- prior to 1998 they've had a Tier II hunt
12 and then after that they divided the hunt from the east and
13 west of the Dalton Highway and there's a Tier II hunt on
14 the western portion up near Nuiqsut. There's also a
15 drawing permit hunt and there's a registration permit hunt.
16 The registration permit hunt, which means all Alaska
17 residents can qualify for that, until this year they
18 haven't taken all of those muskoxen, it's been usually four
19 and this year they did take four because some people from
20 Wasilla went up there but usually they don't even fulfill
21 that harvest. It's usually in the winter and it's a season
22 that the State opens and closes as they see fit.

23
24 I'm not going to go through all of the
25 eight factors because that was based on an original C&T and
26 I see Mitch nodding his head saying, yes, we need to get on
27 with this, but just to focus the discussion, I think what
28 we're really dealing with is how do you look at the C&T for
29 a unit where there are no communities, which we have
30 nowhere else in the state and then the other question is
31 what do we do with Deadhorse and Prudhoe Bay? It's not in
32 our regulation that we should exclude them but they've just
33 been excluded in the past. And then the issue that the
34 Regional Council didn't have the opportunity to review this
35 analysis because it was written after the Council meeting.

36
37 Thank you, Mr. Chair, that concludes my
38 presentation.

39
40 CHAIRMAN DEMIENTIEFF: Written public
41 comments.

42
43 MS. B. ARMSTRONG: Mr. Chair, there are no
44 written public comments on this proposal. Thank you.

45
46 CHAIRMAN DEMIENTIEFF: Department comments.

47
48 MR. HAYNES: Mr. Chairman, we support the
49 Staff Committee recommendation to defer action on this
50 proposal. However, we believe there is sufficient

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1 information available to make a positive C&T determination
2 as has been requested.

3
4 The Staff analysis also compares
5 information on the eight factors for the author of the
6 proposal and for the community of Nuiqsut. While it may be
7 appropriate to make this type of comparison, we question
8 whether an individual living outside of an established
9 community should be expected to have a pattern of use of
10 muskox resembling that of Nuiqsut residents. One
11 fundamental question that has not been addressed in this
12 analysis, whether or not the proposer qualifies as a
13 resident of Unit 26(B).

14
15 And I'd also just like to acknowledge the
16 real challenge that Helen has had in attempting to put
17 together this analysis. She's done a lot of difficult work
18 and there's still very basic questions to answer.

19
20 Thank you.

21
22 CHAIRMAN DEMIENTIEFF: Thank you. We have
23 no request for testimony from the floor. Regional Council
24 recommendation.

25
26 MR. REXFORD: Thank you, Mr. Chairman.
27 When our Council met in Barrow we looked at the C&T
28 determination for residents of Unit 26(B) and on that
29 account the proposal is to make C&T determination. The
30 Regional Council decided to oppose rather than defer so our
31 Regional Council still opposes the proposal for customary
32 and traditional use determination for residents of Unit
33 26(B).

34
35 Thank you, Mr. Chairman.

36
37 CHAIRMAN DEMIENTIEFF: Thank you. Staff
38 Committee.

39
40 MR. RABINOWITCH: Thank you, Mr. Chairman.
41 The Staff Committee had a split opinion. Some voted to
42 defer the proposal which has been said is contrary to the
43 recommendation of the North Slope Regional Council and a
44 minority of the Staff Committee voted to oppose the
45 proposal which was consistent with the position that Fenton
46 just spoke of.

47
48 To explain those, just briefly, the
49 majority that voted to defer felt that there was a lack of
50 information concerning the other rural residents, again,

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1 the material was about one individual so from the other
2 rural residents of Unit 26(B) and their uses of muskox in
3 the area. Deferring the proposal would allow any
4 additional information and there may not be much, but any
5 that could be found to be brought forward and put into an
6 updated analysis, that then being brought back to the
7 Council and then back to the Board. Deferring the proposal
8 will not result in a lost harvest opportunity, Helen
9 already spoke about that, and so there's really nothing to
10 be lost by a deferral, if you will, no lost opportunity for
11 any users that we know of. And Helen made the point, it's
12 on Page 16 in the analysis that the document in front of
13 you is different than the document that went to the Council
14 and we think that's another reason to defer it.

15
16 The other view on the Staff Committee
17 supporting the Regional Council which recommended to defer
18 [sic], suggests there is a lack of substantial evidence
19 that the proponent adequately met the eight factors used by
20 this Board to establish C&T use determinations. They
21 believe that the proponent does not adequately demonstrate
22 that his uses fulfill, and I won't read all the rest of
23 this on Page 12, but any of the eight, so there's a list of
24 all eight factors and that part of the Staff Committee
25 believes that none of them were met.

26
27 I think I'll leave it at that trying to
28 keep it short.

29
30 CHAIRMAN DEMIENTIEFF: Thank you.
31 Deliberation by the Board, comments or discussion in regard
32 to this proposal.

33
34 MR. EDWARDS: Mr. Chairman.

35
36 CHAIRMAN DEMIENTIEFF: Yes, Gary.

37
38 MR. EDWARDS: As has been pointed out by
39 several folks, this is not necessarily a straightforward
40 issue and is somewhat complex. I certainly, I guess,
41 haven't heard anything either one way or the other that
42 would lead me to believe I should either vote for or
43 against it, so being prudent and referring to football,
44 maybe it's time to punt on this one.

45
46 (Laughter)

47
48 CHAIRMAN DEMIENTIEFF: Any other
49 discussion.

50

00269

1 MR. BUNCH: Mr. Chairman.

2
3 CHAIRMAN DEMIENTIEFF: Yes.

4
5 MR. BUNCH: What will be the effects if we
6 defer action on this?

7
8 CHAIRMAN DEMIENTIEFF: We get to do it
9 again. No, that is not true, the current regulations
10 stand, you know, it's not a rejection, it's just deferred.

11
12 MS. H. ARMSTRONG: Mr. Chair, maybe I can
13 add a little bit. As far as we know the only person who
14 has any desire to hunt muskox is Mr. Neel, and he has only
15 taken one muskox that's on the record. He claims he's
16 taken two but his report that he turned in said he didn't.
17 He has applied for Tier II permits since then and not
18 received them. He has never hunted -- he's eligible to
19 hunt under the registration hunt but he doesn't hunt under
20 that. So he's the only one that would be affected. It's
21 your guess as good as mine how much of an affect that is, I
22 don't know. He lives by himself.

23
24 CHAIRMAN DEMIENTIEFF: Any other
25 discussion. We're ready for a motion.

26
27 MR. EDWARDS: Mr. Chairman, I guess I would
28 move that the Board defer action on this proposal, which
29 would be contrary to the recommendation of the Regional
30 Council. Maybe with some additional time the Staff could
31 continue to sort of evaluate, you know, uses and maybe
32 provide information that would allow us to better make
33 either a positive or a negative decision on this.

34
35 CHAIRMAN DEMIENTIEFF: There is a motion,
36 second?

37
38 MR. BRELSFORD: Second.

39
40 CHAIRMAN DEMIENTIEFF: Okay. Again, it
41 meets the criteria of which we can, there's no conservation
42 issue, it's not detrimental, I don't think, and there is a
43 lack of substantial evidence. So a motion to defer against
44 the wishes of the North Slope Regional Council, there's no
45 problem with it as far as I can see. Fenton.

46
47 MR. REXFORD: One last comment. I know
48 that the Board is mandated to periodically reevaluate its
49 rural determinations by year 2000 and I understand that
50 there's a contract out that will be going out sometime this

00270

1 year and that would also be a basis for the Board's
2 evidence that community or areas that are outlined in
3 ANILCA as far as communities or areas and the
4 characteristics that follow for making C&T determinations.

5
6 Thank you, Mr. Chairman.

7
8 CHAIRMAN DEMIENTIEFF: Thank you. Any
9 other discussion. Hearing none, all those in favor signify
10 by saying aye.

11
12 IN UNISON: Aye.

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

16
17 (No opposing votes)

18
19 CHAIRMAN DEMIENTIEFF: Motion carries. At
20 this time the Chair will entertain a motion with unanimous
21 consent to adopt Proposals 1, 2, 5, 12, 48, 15A, 15B, 18 --
22 what?

23
24 MR. BOYD: 47, you haven't dealt with yet.

25
26 CHAIRMAN DEMIENTIEFF: Wait a minute,
27 you're goofing me up here. 18, 19, 23, 24, 25, 27, 28, 31,
28 30, 32, 33, 34, 35, 36A/B, 37, 38, 39, 40, 41, 42, 43, 44,
29 45, 46B; is there a motion?

30
31 MR. BUNCH: So moved.

32
33 CHAIRMAN DEMIENTIEFF: Okay. Charlie Bunch
34 moves and I ask for unanimous consent to adopt those
35 proposals off the consent calendar, is there a second?

36
37 MS. GOTTLIEB: Second.

38
39 CHAIRMAN DEMIENTIEFF: Second. Is there --
40 oh, there's no discussion, is there any objection? Without
41 objection, so ordered. Any final parting shots anybody?

42
43 MR. BOYD: You still have to do 47.

44
45 CHAIRMAN DEMIENTIEFF: What? Jesus, that's
46 what he was trying to tell me, I'm sorry. Here we go, 47.
47 It's been a long couple of days. Okay, 47 Staff analysis,
48 I'm sorry.

49
50 MS. DEWHURST: Well, last but not least.

00271

1 (Laughter)

2
3 MS. DEWHURST: Proposal 47 was submitted by
4 the city of Kaktovik. They wish to open the existing
5 muskox season for 26(C) approximately two months earlier to
6 July 15th. This was following a Board of Game action
7 earlier this year that made the 26(B) season August 1st.
8 The reasoning given is that when they're out in boats
9 hunting caribou, that there would be the opportunity if
10 they came across a muskox to also harvest a muskox.

11
12 At first blush, we, the Federal Staff had
13 no problems with this proposal whatsoever, but it was
14 quickly presented to me that there was a problem and that
15 was from wildlife biologist Patricia Reynolds from Arctic
16 Refuge, and she would have really loved to have been here
17 to present her own case but due to health reasons she
18 couldn't. The problem is she does a big chunk of her
19 monitoring and research work on muskox, and that's all she
20 does for Arctic Refuge, is work on muskox, revolves around
21 radio-collaring animals, she radio-collars only cows, only
22 the females. And there's this little known law that says
23 when you radio-collar and use capture drugs you have to
24 have a 60 day window from when capture drugs are used to
25 when you open a harvest and that's where the wrinkle came
26 in and the present proposal would mean moving back her
27 capture efforts to two months prior to July 15th, which
28 would put it May 15th. Well, she can't capture cows prior
29 to May 15th because they're dropping calves and she doesn't
30 want to be disturbing the cows at that point when they're
31 right in the midst of calving so it basically meant she
32 can't collar anymore animals.

33
34 Somebody could easily say, so what? What's
35 the big deal about collaring animals, she can still count
36 them from the air. Well, Pat has been working on muskox
37 and has a data set approximately 20 years old and in order
38 to maintain her data set she maintains around 20 radio-
39 collars at any given time which means that this year she
40 would be due to replace a minimum of five, a maximum of 10,
41 depending on what she finds when she gets out there.

42
43 If you look at, and I apologize I can't
44 give you a page number because I loaned my book out, but
45 Figure 1, Page 35, I think, but it's Figure 1, the
46 population after -- these were transplanted muskox up there
47 like all our muskox in the state and they initially grew
48 quite nicely, the population grew, and then it stabilized.
49 It stabilized around 300 animals. And that's basically
50 where it's considered now except if you look at the numbers

00272

1 from 1999 and 2000, they have dropped. They're still
2 considered within the parameter of stabilized but there is
3 some concern. There is a conservation concern there that
4 the numbers have gone down. But you look at previous years
5 and there have been fluctuations. Well, if you look back
6 at 1991 and 1992 there was a little bit of a dunk there in
7 the numbers. Well, the reason there was a dunk in 1991 and
8 '92 was for various reasons, Pat wasn't able to have as
9 many radios out there in those years and she put a caveat
10 on those numbers, in that, she wasn't able to find all the
11 muskox. The problem she runs into is she's dealing with a
12 huge area of the North Slope and Arctic National Wildlife
13 Refuge to find these things when she's doing the surveys
14 which is usually in the springtime. And without radios,
15 she has to do a heck of a lot more searching and in all
16 honesty sometimes she misses animals. The other factor
17 that complicates it even more, currently, is their
18 distribution is shifting and that their population is
19 starting to shift more and more into 26(B), shifting to the
20 west, which means she has to search even harder to confirm
21 either the animals are missing or they're dead or they've
22 moved. Radio-collars really facilitates that.

23
24 The bottom line is what she's saying and
25 what she explained to me was if she can't radio-collar
26 anymore, if she loses that ability and starts losing
27 radios, the validity of her numbers is going to go way
28 down. These last two, in 1999 and 2000, those were good
29 number and that was a decline, a slight one, just a little
30 one but those were good numbers. But what she's saying is
31 if she loses her radios in the future and she can't radio-
32 collar anymore, the amount we'll be able to rely on future
33 numbers is going to go way down. She's not going to be
34 able to give us good firm numbers on the population which
35 would be a conservation concern.

36
37 One of the other things she gets from the
38 radios is Figure 2, you see muskox calf production and you
39 see there's another conservation concern, calf production
40 has steadily gone down in the Refuge. And one of the ways
41 she gets that information is she's radio-collaring cows and
42 is able to follow them and see how individual cows are
43 producing calves. Well, they think this is all
44 interrelated in the fact that they aren't producing as many
45 calves is why the population is either slightly declining
46 or wavering on the stabilize.

47
48 Bottom line is she really heavily relies on
49 the ability to radio-collar a certain number of animals, so
50 based on that, when I wrestled with this, I understood the

00273

1 needs of Kaktovik and it made perfect sense that they
2 wanted the ability to harvest muskox when they're out there
3 in boats hunting caribou and we tried to come up with a
4 compromise. And the compromise we came up with, Staff came
5 up with was, let's go ahead and move the bull season to
6 July 15th, no problem, because that's not an issue with the
7 radio-collars, but as far as the cow season let's keep it
8 as is, which would be in September, September 15th.

9
10 We felt fairly comfortable with that, and
11 then if you look at Table 1 and you look at the harvest, we
12 only opened up a legal cow season in the past couple of
13 years but no cows have been taken. And I want to explain
14 that a little bit, real briefly, in that, the permits that
15 are issued are not all either sex. It isn't like Seward
16 Peninsula where we just opened up a cow season but in
17 Seward Peninsula it's going to be based on when a certain
18 number of cows taken, we shut the season down, well, this
19 isn't like that. There are only a fixed number of cow
20 permits issued out of the 15, which is basically three.
21 And as of the last couple of years, for whatever reason, no
22 cows were taken under those three permits. So basically
23 the impact we're talking about is three individuals that
24 would not be able to take a cow with their permit for those
25 two months requested, but they would still have from
26 September 15th clear up through March to use those permits.
27 So the impact would be on those three individuals that
28 wouldn't be able to use their cow permits during those
29 earlier two months.

30
31 And we felt, we were trying to balance the
32 two things and the concern was that balance with the
33 ability to monitor the population in Arctic Refuge, that's
34 where we thought this might be a reasonable compromise.

35
36 And that concludes Staff comments.

37
38 CHAIRMAN DEMIENTIEFF: Written public
39 comments.

40
41 MS. B. ARMSTRONG: Mr. Chair, there are no
42 written public comments on this proposal.

43
44 CHAIRMAN DEMIENTIEFF: Thank you.
45 Department comments.

46
47 MR. HAYNES: Mr. Chairman, the Department
48 supports the Staff recommendation that Donna just
49 described, that is, to establish a July 15th opening date
50 but to restrict the harvest of cows to the September

00274

1 15th/March 31 period. We believe that it's important to
2 allow the Fish and Wildlife Service research program to
3 continue and to provide information that's essential for
4 managing a healthy muskox population in Unit 26(C) and
5 ensuring that this important resource remains available for
6 subsistence uses.

7
8 CHAIRMAN DEMIENTIEFF: We have no request
9 for additional public testimony from the floor. Regional
10 Council recommendation.

11
12 MR. REXFORD: Okay, my last and final few
13 words to try and convince you from the other side of the
14 issue here. You heard the biological reasons so stated
15 eloquently by Donna for our good friend Patricia. We've
16 had a lot of battles over the years regarding muskox.
17 Biology versus sociology or social impact. And you've just
18 heard the biological considerations and you also need to
19 consider social economics or social impacts as well.

20
21 So with that, you'll hear from the resident
22 side in rebuttal to the biology standpoint as far as the
23 only resource we have for Kaktovik.

24
25 Over the past number of years that I've
26 talked about muskox, it's the only resource that we have
27 during the summer when the Porcupine caribou has left,
28 right about July 15th is when they're all heading back
29 towards the Porcupine River in Canada. And we're
30 opportunistic people, the Inupiat people of the Arctic are
31 opportunistic and by golly if there's a cow near the coast
32 we want to be able to take that cow or any muskox that are
33 near the coast. Our access to resources are very limited.
34 Most of the residents are restricted in the Arctic National
35 Wildlife Refuge, only by coast and there's no other means
36 of transportation to be used other than boat along the
37 navigable waters, no Hondas to be used, only hunt by foot
38 is what we're allowed for hunting in the Arctic National
39 Wildlife Refuge, so please weigh the social concerns,
40 that's the only resource that we have. There are no other
41 foods available or no other resources available. For the
42 sake of putting our daily bread onto our table, muskox is
43 the only resource, and July 15th is usually when we start
44 boating and we want to take every opportunity there is as
45 far as resource is concerned for the residents of Kaktovik.

46
47
48 I know that the residents of Kaktovik want
49 to be able to get any kind of muskox, whether it's a bull
50 or a cow, so I urge the other Board members listen to the

00275

1 social impact versus the research concerns. I know that
2 research is important but are all the cows sedated? Are we
3 going to be able to -- most of the residents look at a
4 muskox with a collar, we probably wouldn't take it anyway.
5 And the ones that they tranquilize, do they just let them
6 go, or are they marked, the ones that they do not collar,
7 that's a question that I would ask the biologists, whether
8 all of the cows are tranquilized, even they're not
9 collared?

10
11 So with that, Mr. Chairman, I want to thank
12 you for the opportunity. And again, once again, thank you
13 for the plaque and the gift this morning.

14
15 CHAIRMAN DEMIENTIEFF: Staff Committee.

16
17 MR. RABINOWITCH: Staff Committee did not
18 reach a consensus on this proposal. There were two views
19 and I'm working from Page 31 of your book and Tab 10, I'll
20 try to summarize these for you quickly.

21
22 Some members of the Staff Committee
23 supported adopting the proposal as recommended by the North
24 Slope Regional Council, Fenton's just explained that. The
25 other portion of Staff Committee supported modifying the
26 proposal, contrary to the North Slope Regional Council, and
27 let me explain those briefly.

28
29 Again, the first view, as was stated by the
30 proponent, the city of Kaktovik, the intent of the proposal
31 was to enable boaters along the coast to harvest muskox
32 while they are hunting caribou. The Council chose to
33 uphold increase subsistence opportunity rather than support
34 muskox research through collaring muskox. The Council
35 committed to reevaluate the hunt in a year and make
36 necessary changes based on harvest levels and research
37 needs.

38
39 The second view, in your book there's a
40 portion that shows what the regulation would be, I won't
41 read all of that. The point is that bulls would be hunted
42 from July 15th to March 31st, and the cows from September
43 15th to March 31st, I think you've heard that explained.

44
45 The short bit of text in addition here is
46 the North Slope Harvest Plan states the principal goal for
47 muskox management on the North Slope is to provide
48 opportunities for residents to harvest muskox while
49 maintaining a stable population. Radio-collaring muskox
50 cows is a critical tool in the Refuge's ability to

00276

1 scientifically monitor population, composition trends, calf
2 survival and movement. Donna's explained this at some
3 length. Maintaining the existing harvest season for muskox
4 cows would permit continuation of the radio-collaring as a
5 tool for the Refuge Staff.

6
7 That's all Mr. Chairman.

8
9 CHAIRMAN DEMIENTIEFF: Board discussion.

10
11 MS. KESSLER: Mr. Chair.

12
13 CHAIRMAN DEMIENTIEFF: Yes.

14
15 MS. KESSLER: I know with capturing caribou
16 it's common not to use tranquilizers but alternatives like
17 net guns and that sort of thing, is it possible for muskox?
18

19 MS. DEWHURST: Yeah, Pat and I talked about
20 that just recently and they've tried in several places in
21 the state to use net guns. The problem is muskox weigh two
22 to 300 pounds and they're a little ornery and if you get a
23 net on one nobody wants to be the one to get out of the
24 helicopter to try to wrestle it to put a collar on it, so
25 the bottom line is it doesn't work with muskox. Where
26 caribou are a little bit more, they're easier to deal with
27 once they're in the net. But they've found when they have
28 tried it, it's a little too dangerous for the safety of the
29 biologist to try to wrestle a netted muskox.

30
31 CHAIRMAN DEMIENTIEFF: Further discussion.

32
33 MR. EDWARDS: Mr. Chairman, I'd like to ask
34 our Council Chair, you know, given, I guess at least the
35 harvest over the last couple of years, it appears that
36 primary bulls are targeted so I'm trying to understand the
37 implications of the potential harvest, if, in fact, it was
38 laid out so that we had an extended season and bulls could
39 be taken but calves couldn't -- or cows couldn't, excuse
40 me, what is the assumption as to under either scenario,
41 what the harvest might be?

42
43 MR. REXFORD: The simplest terms that I can
44 put it as far as listening to our elders is that, the less
45 regulations that we have, the better for our lifestyle that
46 we have. Again, you're given food for the table there, the
47 opportunity is on the coast and it's few and far between
48 we'll probably catch a muskox, but we've been sighting them
49 near the coast. What about putting in the proposal to no
50 collared-cows can be taken?

00277

1 CHAIRMAN DEMIENTIEFF: That's what I was
2 thinking, the same thing.

3
4 MR. EDWARDS: Let me try to address that,
5 Mr. Chairman.

6
7 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry --
8 maybe Donna can.....

9
10 MS. DEWHURST: Yeah, I can address that
11 pretty easily and that you can't legally do it because when
12 you're capturing and I've captured plenty myself, not
13 muskox, but other wildlife species, there's always a
14 certain number that you drug and you dart that you can't
15 get and so those animals are unmarked and so they have the
16 capture drug in them but they're not collared and because
17 of that risk, that's why the law is put into place and it's
18 pretty definitive saying that if you use capture drugs
19 there has to be a 60 day window, period, and that's why
20 they don't just say the collared animals or the marked
21 animals.

22
23 MR. EDWARDS: Just add to that, whether one
24 would agree or disagree with the 60 day period, the rules
25 are very, I think, strict and for us to try to make that
26 case, my guess is is that we would actually lose the
27 registration and the ability to use these drugs.

28
29 MS. GOTTLIEB: Mr. Chairman.

30
31 CHAIRMAN DEMIENTIEFF: Yes.

32
33 MS. GOTTLIEB: We heard similar discussion
34 this morning when we were talking about the Yukon and
35 Kuskokwim River and if there's unmet needs of subsistence
36 users and people are certainly concerned here and so are
37 the resources that they depend on, our responsibility. I
38 guess I'd also add, as you heard in the discussion of the
39 Denali wolves, there is also a great deal of value to
40 having the scientific information and knowing about
41 population levels should there be threats to the program.

42
43 CHAIRMAN DEMIENTIEFF: Further discussion.

44
45 MR. EDWARDS: Mr. Chairman, I guess my
46 final comment is, you know, for us, speaking on behalf of
47 Fish and Wildlife Service, I think, does become somewhat
48 problematic for us. I think we feel that the research is
49 very valuable, both in terms of supporting continued
50 subsistence use up there to the maximum sustainable as

00278

1 possible as well as we go forward and potentially address
2 other issues that will occur on the North Slope as we get
3 into more of a potential for development.

4

5 CHAIRMAN DEMIENTIEFF: Further discussion.
6 We're ready for a motion.

7

8 MR. EDWARDS: Mr. Chairman, I would move
9 that the Board modify the recommendation of the Regional
10 Council to adopt a July 15th opening season date for bull
11 muskox in Unit 26(C) but retain the existing September 15th
12 opening date for cow muskox.

13

14 CHAIRMAN DEMIENTIEFF: Is there a second?

15

16 MS. KESSLER: I'll second.

17

18 CHAIRMAN DEMIENTIEFF: Discussion on the
19 motion.

20

21 MR. LOHSE: Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Yes.

24

25 MR. LOHSE: I don't know if it's proper for
26 me to ask a question but I'd like something clarified, is
27 the 60 day time period for the safety of the people who
28 consume the muskox not for the muskox itself?

29

30 MS. DEWHURST: That's an affirmative.

31

32 CHAIRMAN DEMIENTIEFF: Further discussion.
33 All those in favor of the motion -- oh, what, Fenton.

34

35 MR. REXFORD: Okay, I bring back to the
36 Committee of Kaktovik the reason why the -- I left out of
37 there, is that I want to get a clear answer from the Board
38 here why the reasoning, all cows cannot be taken because of
39 research? I think the opportunity should be given to the
40 residents. All opportunity should be given with the
41 limited resource that we have and just restrict it to the
42 collared cow. I don't know how else to put it, in simpler
43 words, just restrict not to shoot the collared cow and give
44 the subsistence opportunity for the take of the resource.

45

46 MR. EDWARDS: Mr. Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Gary.

49

50 MR. EDWARDS: In response and maybe since I

00279

1 made the motion maybe I need to elaborate a little more on,
2 I guess, my rationale. One, from a conservation standpoint
3 the importance of the continuation of this research in
4 order for us to continue to better manage this population
5 for subsistence purposes because it's my understanding that
6 if we would allow the taking of cows, whether it would be
7 collared cows or not, that basically the research would
8 have to be terminated. And in addition, given the pattern
9 of primary -- of taking bull muskox and the fact that we
10 would be extending that season for those that would allow
11 those as people traveled along the coast, if they did come
12 upon a bull that would be able to allow them to take them
13 in an earlier period, I think would help address some of
14 the subsistence needs that were pointed out and for those
15 reasons I made my motion.

16
17 CHAIRMAN DEMIENTIEFF: Further discussion.
18 Go ahead Dr. Kessler.

19
20 MS. KESSLER: Thank you, Mr. Chairman. I'd
21 like to explain as well how my thinking on this. The
22 information about this population is really critical to
23 protect the continued use and availability by subsistence
24 users. We saw some data to suggest that calf productivity
25 possibly is falling. With that in mind, it's really a
26 critical time to keep a close eye on that. If there's
27 something important going on there, if calf production is,
28 in fact, falling, this would be a really essential time to
29 observe that and act accordingly.

30
31 I do feel, too, that because this pertains
32 to cows only, the bulls are still available for use and
33 that should minimize the impact, I would hope.

34
35 Thank you.

36
37 CHAIRMAN DEMIENTIEFF: Thank you. Further
38 discussion. Hearing none, all those in favor signify by
39 saying aye.

40
41 IN UNISON: Aye.

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

45
46 (No opposing votes)

47
48 CHAIRMAN DEMIENTIEFF: Motion carries.
49 Brief parting shots. Terry.

50

00280

1 MR. HAYNES: Thank you, Mr. Chairman, I'd
2 like to correct a misstatement.....

3
4 CHAIRMAN DEMIENTIEFF: Oh, yes.

5
6 MR. HAYNES:I made yesterday. In
7 fact, this is with reference to the Unit 4 deer, shooting
8 from boats the Board of Game will be taking up in January
9 of 2002, that meeting will be held here in Anchorage rather
10 than Juneau. I wanted to correct that and I've advised Mr.
11 Thomas of that as well.

12
13 CHAIRMAN DEMIENTIEFF: Okay, thank you.
14 Yes, Helen.

15
16 MS. H. ARMSTRONG: I just wanted to say,
17 thanks to Fenton. I've worked on the Council with him
18 since the beginning and he's been a wonderful Chair and
19 it's been an honor to know him and to work with him and
20 we'll miss him.

21
22 CHAIRMAN DEMIENTIEFF: Thank you. Last
23 call.

24
25 MS. GOTTLIEB: Mr. Chairman.

26
27 CHAIRMAN DEMIENTIEFF: Yes.

28
29 MS. GOTTLIEB: As always, I want to
30 compliment everybody for their spiritive cooperation and as
31 Mr. Thomas said, the trust that's been built up as a result
32 of two very difficult days of discussions here, we look to
33 further productive discussions and there will be a lot of
34 challenges this summer. And lastly, I might note that the
35 Chair of Seward Penn seems to have taken a muskox right
36 before our eyes there.

37
38 MR. THOMAS: Mr. Chairman.

39
40 CHAIRMAN DEMIENTIEFF: Yes.

41
42 MR. THOMAS: I'd like to also thank all the
43 people here who have participated, the public, the
44 Department, members of the Staff and everybody here.
45 There's one thing, one compelling thing that fails to leave
46 my commitment to this project and that is from the Advisory
47 Council's point of participation in this process. We work
48 with the affected people directly. We take that
49 information, collect it in our regions and we work with
50 Staff in different analysis, they hear the same information

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1 we do and then we bring you the best information from
2 people that know the most about the use of the resource. I
3 say this because I detect reluctance on some members of the
4 Board who don't have the advantage of having the
5 opportunity to have participated in this activity in their
6 own life or livelihood. I'm not holding that against them
7 and I'm not being critical. And I am encouraged by the
8 fact that I'm recognizing a more deliberate dialogue, a
9 more intelligent dialogue. I think our commitment needs
10 some help yet, and I'm thankful for what's occurred here
11 today.

12
13 I think our most important issue was a
14 special action. We're dealing with a population that
15 doesn't only live in the river but lives on the land around
16 those rivers that depend on what that river produces.
17 That's the most economically deprived part of the state and
18 maybe the country. And it's imperative that we use our
19 good senses, our good instincts to enable those systems to
20 rebuilt to where they will, again, be viable for everybody
21 that wants to use them.

22
23 And with that, I continue to be privileged
24 to serve on here in this capacity. Fenton, bon voyage, I
25 think you got beat up quite a bit after your nice little
26 party this morning.

27
28 (Laughter)

29
30 And with that I'll say, thank you.

31
32 MR. SAM: Mr. Chairman.

33
34 CHAIRMAN DEMIENTIEFF: Go ahead, Ron.

35
36 MR. SAM: Yeah, first of all I'd like to
37 thank the Federal Subsistence Board for the quality that
38 they treat us as Council Chairs. I always wonder how much
39 power, if any, that we had as Council Chairs in
40 representing our Councils, today you showed me how much
41 that we add by going with all of Western Interior's consent
42 agenda. That, in itself, made me feel real proud to sit on
43 this table and I sure appreciate all your efforts. And as
44 a parting shot, at the next meeting, I'd really like a mike
45 like Mitch's to cut all the rest off, the meeting would be
46 a heck of a lot shorter.

47
48 (Laughter)

49
50 MR. WILDE: Mr. Chairman.

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1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. WILDE: I want to thank the Board and
4 also the Staff. I have been more like sleepless ever since
5 I've been here because I had myself, I have a lot of load
6 on me to try to take care of the people that I represent.
7 So I thank you all and I could sleep good tonight and
8 hopefully that you guys really continue. And I hope that
9 we will have a better summer and everyone will have a
10 chance to get the things that need to be done.

11

12 Thank you.

13

14 MR. NICHOLIA: Mr. Chairman, I'd just like
15 to give you my thanks for sitting here and being a part of
16 this. I know this is my first year, I did a lot and I said
17 a lot, and I just wanted to give you this parting shot,
18 that one time Lester Erhardt is going to check his
19 fishwheel and he thought he seen a brown spot moving there
20 across the river and he thought it was nivalina or
21 something like that because he didn't want to go over there
22 but he was so curious and he went over there and here it
23 was a muskox.

24

25 (Laughter)

26

27 CHAIRMAN DEMIENTIEFF: Anything else.
28 Okay, in closing then I just want to thank everybody from
29 the proposers to all the Staff that do all the hard work,
30 you know, and the Regional Councils for all their hard
31 work, both at home and here, State of Alaska for their
32 participation. It's a fantastic process. I think six
33 years Chairman now, and I don't remember -- I remember a
34 lot of intense issues, real tough ones, but I don't
35 remember two days in a row as tough as this in the whole
36 six year tenure that I've had, we've dealt with a lot of
37 thorny things. So I congratulate everybody for all their
38 hard work and I get to use my gavel, we are adjourned.

39

40 (END OF PROCEEDINGS)

C E R T I F I C A T E

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UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

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

10
11 THAT the foregoing pages numbered 138 through 282
12 contain a full, true and correct Transcript of the FEDERAL
13 SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II, taken
14 electronically by me on the 10th day of May 2001, beginning
15 at the hour of 8:30 o'clock a.m. at the Egan Convention
16 Center, Anchorage, Alaska;

17
18 THAT the transcript is a true and correct
19 transcript requested to be transcribed and thereafter
20 transcribed by under my direction and reduced to print to
21 the best of our knowledge and ability;

22
23 THAT I am not an employee, attorney, or party
24 interested in any way in this action.

25
26 DATED at Anchorage, Alaska, this 17th day of May
27 2001.

28
29
30
31

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