FEDERAL SUBSISTENCE BOARD MEETING
MAY 20, 2003
VOLUME 1
Millennium Hotel
Anchorage, Alaska
BOARD MEMBERS PRESENT:
Mitch Demientieff, Chairman
Gary Edwards, Fish and Wildlife Service
Dr. Wini Kessler, Forest Service
Henri Bisson, Bureau of Land Management
Judy Gottlieb, National Park Service
Niles Cesar, Bureau of Indian Affairs
Keith Goltz, Solicitor
CHAIRMAN DEMIENTIEFF: Good morning. We'll call the meeting of the Federal Subsistence Board to order. I'd like to take a moment to welcome everybody here today and with that maybe we'll just go around and introduce ourselves.

My name is Mitch Demientieff and I've been chairing the Federal Board now, how many years, Tom, nine years? I don't.

MR. BOYD: '95, so it would be eight years.

CHAIRMAN DEMIENTIEFF: Yeah, eight years, I guess and it's been a real adventure all the time, but I really appreciate having the opportunity to be here and to welcome you once again as we begin. One of our most hardest working weeks as we begin to make game regulations, of course, the other one would be the fishery regulations. But we do work hard at it and we're real glad to see all of you people here.

So with that maybe we'll just go around and introduce ourselves.

MR. BOYD: I'm Tom Boyd, I'm the Assistant Regional Director for subsistence management. I work in the Offices of Subsistence Management with the U.S. Fish and Wildlife Service.

MR. CESAR: My name is Niles Cesar, I'm the Regional Director for the Bureau of Indian Affairs and I've been a part of the Federal Subsistence Board since 1990, so I've been here for a while.

MR. GOLTZ: My name is Keith Goltz, I'm in the Solicitor's office and I try to stay as quite as I can.

MR. NICHOLIA: Yeah, my name is Gerald Nicholia from Eastern Interior, Tanana.

MR. SAMPSON: Walter Sampson, I'm a member of the Northwest Arctic Regional Advisory Council.

MS. CROSS: Grace Cross, Chair of Seward Pen.
MR. SAM: I'm Ron Sam, Chair of Western Interior.

MR. HAYNES: (Feedback sound) Squeaky. Terry Hayes, Wildlife Liaison for the Department of Fish and Game.

CHAIRMAN DEMIENTIEFF: We got that wired in case we don't like what you have to say.

(Laughter)

MR. WILDE: Harry Wilde, the Yukon-Kuskokwim Advisory Committee's Chair.

MR. ABRAHAM: Pete Abraham, Bristol Bay taking the place of Dan O'Hara.

MS. TRUMBLE: Della Trumble, Chair of Kodiak/Aleutians.

MR. CHURCHILL: Bob Churchill for Ralph Lohse, Southcentral Regional Advisory Council.

MR. LITTLEFIELD: Good morning, John Littlefield, Southeast Alaska Regional Advisory Council.

MR. EDWARDS: Good morning, Gary Edwards, I'm Deputy Regional Director for Fish and Wildlife Service and represent the Service on the Board.

MS. KESSLER: Wini Kessler with U.S. Forest Service.

MR. BISSON: I'm Henri Bisson, State Director for the BLM here in Alaska.

MS. GOTTLIEB: I'm Judy Gottlieb with the National Park Service.

CHAIRMAN DEMIENTIEFF: Are there any comments from Regional Council Chairs with regard to the Board before we get on to procedures?

Walter.

MR. SAMPSON: Mr. Chairman, I just want to make short comment in regards to having to come participate in my first Federal meeting. Having participated in the State system for about six years this is certainly and
honor and a privilege to participate in this Federal
system. And I hope that we as regional people will focus
our comments in regards to what and how the Federal system
is set up throughout the state. So with that I want to
teach you for the invitation. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any
other comments? Yes.

MR. LITTLEFIELD: Mr. Chair, thank you.
Again, John Littlefield and I'm also a first time attending
one of these Federal Subsistence Board meetings, so I'm
unsure of the protocol. But we have several concerns in
the Southeast Alaska Regional Advisory Council and I
suspect with your indulgence I can talk about some of them
now.

One of them is the Regional Advisory
Council appointments. We discussed this over the last
several years in Southeast Alaska, we felt in Southeast
Alaska we were particularly well represented, we had
charter fishermen, we had commercial fishermen, we had
guides, we had the whole gamut, businessmen, subsistence
users all represented and we felt there was no need to have
the particular mix that's required now, that's been
mandated. However, we also realize that you're going
forward with this, so we would urge you to go forward
slowly with a couple, one or two, appointments per year to
carry that out. But, again, our Council does not believed
it's even required in our case.

Another thing that we talked about several
times in Southeast Alaska that has been basically buried
every time it's brought up and that is the requirement for
having a State hunting license and fishing tags to go
subsistence hunting. It is a thorn in our side, we cannot
get that by first base. We submitted several proposals and
every time we do the OSM comes out and says it's not within
your authority. But we do believe it is something that is
deserving of the other regions to discuss, as well as the
Federal Subsistence Board. There is no requirement for
sportfishing, for a sportfish license to harvest
subsistence fish. We feel, likewise, there should be no
requirement for a sport hunting license to harvest
subsistence deer, moose or other ungulates.

Rural determination, the ISER study that
was just done, we were glad to see it pretty much
paralleled what the existing determinations are. We are
strongly in favor of the community of Ketchikan being
considered for rural status and we passed a resolution in Saxman to support that because of the nature -- Ketchikan has changed quite a bit in the last 10 years, they've lost a significant enterprise and the community has changed and they definitely exhibit all of the criteria for a rural community and we would ask that when it gets before you that you consider Ketchikan as well as Sitka.

We're concerned in Southeast area that species that are not wildlife or fish, in other words, our devil club, black seaweed, and others are being commercialized without any input. We're very concerned about that. Some of the local communities have started their own commissions to deal with other resources. And ANILCA deals with those other resources and we think that they need to -- they're deserving of more input and more oversight.

We have concerns in Southeast about the cruise ship pollution and disturbances affecting subsistence resources. This was brought out in -- the one example I can think of is where the cruise ships were just having an impact on the seal puppy. And we think that the cruise ships need to be looked at carefully, as well as the outfitter guides that are dropping hundreds of people in fishing areas that are traditional areas, we think all of those need to take subsistence into effect. The meetings that I've had always had subsistence on the bottom right as an afterthought and we don't believe that's an afterthought when you look at these outfitter guide program, as well as these other EISs that come up, that subsistence needs to be near the top or at the top.

We support local management in Southeast. We found a couple of examples that work well. I hope we're going to get into that a little later on Proposals 4 and 5. But we believe that local people, wherever they're from, can best determine their own destiny. It's hard for somebody up here in Anchorage to determine what's happening, you know, hundreds of miles away better than the people from that area can, we believe that local management should be used whenever possible.

In Southeast we had a deer harvest issue for every year that I've been on the Council, we believe there's better data available, that we can get mandatory harvest report, particularly on Prince of Wales Island where deer should be accounted for. In Southeast Alaska there's lots of timber harvest going on and the plan fairly states that we're going to have huge problems in Southeast
We're also concerned about the deference that's not given to the Regional Councils' recommendations. Title VIII clearly gives the power to the Regional Advisory Councils to review and evaluate proposals for regulations, that's our job. We have a very short meeting, three or four days, in which we're allowed to comment on information presented by the State, written public comments and others. And once we make a decision it goes forward, we never see it again, it's out of the Regional Council's hands. It goes to the Interagency Staff Committee where it can be completely changed to totally no resemble anything that we passed at the Regional Advisory Council. And when it gets to the Federal Subsistence Advisory Board it says that this is our proposal from Southeast with modification. Well the modification has changed this thing -- it's morphed into something that isn't even close to what we adopted. We believe that it's appropriate for those Interagency Staff Committee recommendations, State of Alaska recommendations to be presented at the Regional Advisory Council. That's what the law provides for. If they need more staff, we also believe ANILCA says the Secretary will provide the Regional Advisory Council with staff, there's a process for this and we think it's being violated. And we'll talk more about that when we get to 4 and 5.

Also the Stikine River, we've submitted several proposals, they were deferred by the Federal Subsistence Board. There's another proposal coming forward where we're -- we have an allocation issue with the State of Alaska where they can easily allocate those fish to the subsistence users. This is not a new fishery, any subsistence fishery on the Stikine River predates contact with whitemen, it's not new. It's something that we believe is long overdue and we would hope that you would urge your representatives to support us at these transboundary panels or whatever to get subsistence fishing on the Stikine.

That's all I have, Mr. Chair, thank you.
Most of our game guides and sport guides come from Nome. And if our RAC is not increased to 13 members, if it remains at 10, our village representation is going to go down to six.

And we do have severe fish and game problems in Nome area and I really hope that everybody will take that into consideration and honor our request at some point to increase our RAC size to 13.

Lastly, I want to thank BLM for paying attention to Unalakleet River. I wrote a letter at the request of Unalakleet people and I really appreciate the quick response that BLM has given us.

Chairman Demientieff: Any other comments?

Yes, Walter.

Mr. Sampson: Mr. Chairman, members of the Board, I would like address some additional comments in regards to some of the issues that's been raised. And we support the issues that's been raised by John in Southeast there. I think one of the areas where it's been lacking -- in the past I was speaking on the State process where local folks input are not recognized and I hope that the Federal system, through its process, will recognize that the local input is certainly something that we need to recognize.

Too often decisions and recommendations are being made from the top level going down, that's the top/bottom system and that's exactly how the State system was set up. I hope those influences, those types of influences will not be worked into the Federal system, because we're strictly dealing with the rural communities in regards to their livelihood. And I hope that through the process of working on regulations that we always will recognize the local folks through that process. And certainly Title VIII recognizes and spells out clearly the process that should be in place.

And with that I'm looking forward to working with the Board on issues. Thank you.

Chairman Demientieff: Any other comments?

(No audible responses)

Chairman Demientieff: There is one thing that I forgot in my opening remarks to make. This past Sunday I was fortunate enough -- in Nenana we had our high
school graduation, so I was fortunate enough to be able to see my niece graduate and it was really beautiful. But during the week, of course, while we're here, they'll be two other nephews and another niece that are going to be graduating while we're here working. So if those of you -- I hope you get the chance to see your relatives graduate, I'm hoping they're not graduating while we're down here, but these are the sacrifices we make to be here. But I just want to take a moment to congratulate -- this year I happened to have four of them graduating and I just, you know, want to take a moment to express my appreciation, I think probably all of our appreciations for the young people that have worked so hard, because we know that they're going to be the ones to replace us. We've always said that. And so I just want to take a moment to express my appreciation for the young people and for all the hard work that they did to get where they are.

Any other comments? Yes.

MR. LITTLEFIELD: Mr. Chair, there is a brochure on the desk as we came in here called "Customary Trade: Questions and Answers". I'd just like to note that I have lots of questions after reading it. Can I sell fish? Yes. Can I sell fish? No. Is it legal? Yes. Can you sell to rural residents? No. This is very confusing, I don't think it does much to solve the -- to help the public work their way though this. If you read the regulations that say that you can sell to rural residents and then you read this where it say -- or can a rural resident sell to others? And you look in here and it clearly says, no, you can't. So I think this, as well as the -- there's one other I got here that came out. It either had to be the "Frequently Asked Questions About Regional Council Composition". That some of those, again, came out and I don't think they really clarify things, so I don't know who looks at these, but this particular to me really didn't clarify even to my mind. Maybe we'll come out with a new one to clarify it.

CHAIRMAN DEMIENTIEFF: Any other comments?

MR. NICHOLIA: Yeah, thank you, Mitch. I have a grave concern that concerns all of us here. It seems like we've been managing from the past and the present and we hardly, for the past three or four years I've been the Chairman, we hardly concern ourselves with the future generation. And the way I see things going is like what John Littlefield said, the management scheme
comes from top down, not like it supposed to be planned in ANILCA, from the people to the top. And I see a lot of -- I've been reading this book here last night and I see a lot of staff modifications and stuff that doesn't even reflect the work we did in the Regional Council system. And if it's going to be this way we're managing for the present and we're not even thinking about the future. We ought to spend a little more time thinking about the future generations. If we mismanage everything right now, we're not going to have nothing for our future generations that's ahead of us.

Thank you.

CHAIRMAN DEMIENTIEFF: Any other comments?

(No audible responses)

CHAIRMAN DEMIENTIEFF: Are there any corrections or additions to the agenda?

(No audible responses)

CHAIRMAN DEMIENTIEFF: If not, then we'll move on to public comment. These are on non-agenda items; however, there has been some requests with regard to the consent agenda and so I'm going to go ahead and allow comments with regard to that because we're going to take up the consent agenda here shortly. So we'll go ahead and expand that agenda item to include some of these. With regard to that, Jack Hession.

MR. HESSION: Thank you, Mr. Chairman, members of the Commission. My name is Jack Hession, I'm a regional representative of the Sierra Club here in Anchorage. I'm here today on behalf of the Alaska Chapter of the Sierra Club. I requested that the Commission take Proposals 13, 42, 43, 49 and 50 off the consent agenda, place them on the regular agenda for further discussion. Briefly, 13 would align the subsistence season for brown bear with the State season and lengthen the hunting season by 36 days within the Wrangell-St. Elias National Park. Proposal 42 would allow the baiting of black bears in the Yukon Flats National Wildlife Refuge. 43 would lengthen the spring hunting season for brown bears by 15 days in the Arctic National Wildlife Refuge and Yukon-Charley National Preserve. 49 would extend beaver trapping season by 72 days and allow firearms to be used to bag up to six beavers per hunter. This affects Wrangell-
St. Elias National Park and most of Yukon-Charley national rivers. Proposal 50 would extend the coyote season by 22 days, increase the bag limit from two to 10 and affect Wrangell-St. Elias National Park and Preserve, Denali National Park and Preserve and the Yukon-Charley Rivers National Preserve.

All of these share a common theme, they would all align the Federal regulations, proposed Federal regulations with the State seasons by either extending seasons and increasing bag limits or both. In summary, I think -- and with the special reference to national parks, I think this conflicts -- these alignments conflict with ANILCA mandates with respect to the national parks, and with the preserves for that matter. And, secondly, we're seeing these season extended into -- generally into the three prime visitor months. For those residents of Alaska and the nation who visit national parks to see wildlife essentially left alone for at least a reasonable amount time. In some instances, particularly the extension of the brown bear season, if these regulations are adopted you would see a conflict set up between the non-consumptive users, interested in the viewing unhunted wildlife and untrapped wildlife, if I could use those two words, and the interests of subsistence users. I think the balance here is tipping way, way further away from ANILCA directives and criteria. I would urge the Board to think more carefully how to resolve those potential conflicts.

That concludes my remarks, Mr. Chairman. I'd be prepared to go into greater detail later if in the Commission's wisdom it decides to debate some of these proposals to a greater extent. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Mike Smith.

MR. SMITH: (Away from the microphone)

CHAIRMAN DEMIENTIEFF: Are you wanting to testify on a specific proposal?

MR. SMITH: Yeah.

CHAIRMAN DEMIENTIEFF: Oh, no, we'll get to that when it gets here. Thank you. Debra Holle.

MS. HOLLE: Thank you, Mr. Chairman. This is my first time to speak before the Board and I thank you, each one, for the opportunity. My testimony I have
prepared and there are copies that have been made for each
member of the Board, I have prepared written testimony. I
would be speaking in support of Proposal 20, which begins
on Page 189 in the green -- if you see fit to pull that off
the consent agenda so that I can speak to that issue now.
I can present my testimony right now or is it appropriate
for me to wait until the item is pulled from the consent
agenda to do so?

CHAIRMAN DEMIENTIEFF: Yes, ma'am, if you
want to make a case for why it should be pulled off the
consent agenda, then you should do that at this time.

MS. HOLLE: Okay, I would.

CHAIRMAN DEMIENTIEFF: Okay.

MS. HOLLE: This testimony is in support of
Proposal 20, which has recently been presented by Mr. Tim
O'Brien. I believe it should be considered and not left on
the consent agenda for deferral because I believe that the
overall impact would be minimal and that it's a very
reasonable proposal and as -- let me just read my brief
statement. I can answer questions later at another time if
you would prefer.

I'm requesting that the Board -- well,
first of all, my name is Debra Holle, I have land and
residence within the boundaries of the Kenai National
Wildlife Refuge on the north shore of Tustumena Lake. This
area is remote and is within Management Unit 15(B). I'm
requesting of the Board to make a positive customary and
traditional use determination for moose in Unit 15 for
rural residents. The Federal subsistence management
proposal already recognizes rural residents as eligible for
subsistence use. And I want to encourage the Board to be
confident today to recognize positive and customary
traditional use based on area patterns and/or community
patterns. My testimony is very similar to Mr. O'Brien's.
I hope my testimony will help you.

As a teenage girl I married a young Alaska
man whose family had lived here will before statehood. So
I was a young teenage girl coming to Alaska. I learned to
live a subsistence lifestyle which he had been living. Our
first home was on our homestead just below Skyline Drive in
the Homer area, which is Unit 15(C) for a subunit. We used
wood and coal for heat and cooking. We hauled the coal
from the Homer beaches, we hunted for moose and other
available game. We fished. For a short time we lived in
the village of Port Graham. We hunted afoot with a 30-06 rifle, but if we had no ammunition, which happened, we could always use the bow or consider a snare. Winter hunting is good for moose, the fresh meat is best, but not often are winter hunts allowed now. I tried to keep a good dog to help with hunting game in the winter. I canned fish and moose for winter, I smoked fish and made moose jerky.

Our lifestyle was not much different for the Alutiiq or Dena'ina during those years. We would go hunting for two weeks at a time in the fall until we had enough meat for winter. We would pick berries, hunt for ducks, fish and hunt for game during these trips. It's a way of life, it's a way of living, it's the way I was taught and the way I'm accustomed to living. I've harvested food from the land and water every year consistently since my youth, my teenage beginning in Alaska. I've taught my three children to know the edible plants and berries from the poisonous ones and to know how to preserve foods for winter. I've learned many things from neighbors who are Alaska Native women. For example, I learned how to filet fish properly for hanging in a smokehouse. I learned how to take care of moose after the kill. I learned how to tan hides and sew with skins. Families and hunting partners would share food and almost everything in those days, we needed each other. And I continue to do this with fish and moose and other important food items today. We hunted in what is now called the subunits of 15 (A, B and C), not just one boundary. We hunted or fished anywhere we thought our efforts would be most productive. We didn't want to waste anything. We would eat moose heart and tongue and liver or any other part that was edible. I make my grandmother's pickled recipe for moose heart and tongue, it's one of my very favorite foods. I would make repairs to things and sew. Moose hide can be used for making snowshoe repairs or for making lanyards to fix or tie anything. I would use other skins for sewing snow mittens and even hats.

Valuing the land, water and wild food is taught from one generation to the next. Good and bad hunting stories and how to go safely into the wilderness
and how to safely preserve food is a very important part of
life which must be passed on. How to hunt and fish and
preserve food for winter with canning, salting and smoking
or drying needs to be taught by actually doing it.

In closing, I'm asking the Board to please
not defer action on this proposal. Please recognize the
customary and traditional use by rural residents of Unit 15
for moose to enable those who qualify to subsistence hunt
for moose beginning this year. If you move to approve a
positive determination for Subunits 15(A and B) only the
number of Kenai Peninsula rural residents potentially
qualify would be no more than 68 people. And that table,
number 1, describes the census data information you've seen
before. If you would move to approve determination for
moose in all three subunits the rural residents potentially
qualifying would be no more than 108 people. The overall
impact would be minimal as so far not very many people are
actually participating.

The other two sheets that I prepared for
you, Mr. Chairman, and those of the others among you and on
the Board, I proposed Mr. O'Brien's proposal -- he uses the
24 words "roadless area", what I'm asking the Board to do is
make a minor change which would delete the words "roadless
area" and just simply say to add to that proposed
regulation "residents of any rural area within Unit 15."
That's on the short page there that I was suggesting. I
think it would fit fine with what we should expect from the
Board currently.

The top sheet, Page 1, when I was young I
began to learn Dena'ina words from the women that I had for
friends around me and as a result I studied and studied and
I have now accomplished quite a significant thing and I
have presented for you in Dena'ina language my true story
which has a translation in English. I think it would help
because my friends mean a lot to me and the unity that we
have among people is very important. It's also very
important for the subsistence management program and the
Federal Board to know that non-Native and Native alike have
a history of using the resource in very much the same way.
And besides the air that we breathe and the liberty that we
enjoy it's life to us.

And I thank you for the opportunity and
would ask that you call me back up for questions, I can
answer questions now if you have any, but I would
graciously request that you pull this item from the consent
agenda and allow us the opportunity to do as we have
MR. THOMAS: Morning, Mr. Chairman, members of the Board. Give me a minute to put my other glasses on, this is a pretty serious -- one reason I can't see out of the other pair. I really appreciate this opportunity for members of the public to offer comments to give you insight that wasn't always an opportunity earlier. And I'm hoping it'll have a positive impact on how you review the proposals and what attitude you do your deliberations with. I'm going to kind of elaborate on communications I done earlier, about a month ago.

On April 25th, I sent a note to OSM inquiring about the chronology of the Staff Committee. I didn't expect it was too complicated to answer; however, I didn't think it would go unanswered. They may not have even received it, I don't know, I mailed it. To the best of my recollection the membership was limited to staff of management responsible Federal offices. It was brought to my attention that a number of State Department of Fish and Game was present at the meeting, as well as other Department member via teleconference. This is in reference to the recent Staff Committee meeting. This leads me to believe that proposal deliberations to include Department comments if they were active with Staff Committee in making these recommendations. It essentially reduces Department comments to getting through motions as they participate in the recommended language. If you're curious about what I'm suggesting look at the language in the analysis and justification from the Staff Committee. They use words like may, can, could.

Now, to elaborate on that, I did just now review the language submitted by the majority Staff Committee and so that went a ways to justify the comments that I prepared. Because the analysis and the justification for the recommendation of the Staff Committee is really -- it's not a justification, it's not a reason. And like it was mentioned it really takes away from the proposal. My next bullet here says -- and I make the statement no more than speculated hypothetics. I've always felt that and you heard me say that before. And speculated hypotheses isn't anything.

I'm curious to know what criteria changes in Staff Committee came about, because there isn't a public
criteria change. I see this as a violation and a compromise if the existing provisions of Title VIII. This puts the Regional Advisory Council and this Board at a serious disadvantage by depriving them of opportunity of satisfying the existing attempt of the provisions of Title VIII. It leaves the impression that the RACs are competing with the Board and that isn't should be put together. The Board and the RACs are supposed to be a team, they're supposed to move forward. They should at least be on the same highway if not the same trail.

A management conflict exists between the State of Alaska and the Federal government. I know there's an anticipated memorandum of agreement with the State, but I don't know what the status is. I don't whether this Board has signed off on that memorandum of agreement or not. And this leaves me with a series of applicable questions. Have the Councils endorsed what's occurred with the work force of the memorandum of agreement people that are putting this together? Has the calendar of progress the MOA working group scheduled been accomplished? I served on that and the calendar kept getting changed and nothing of any significance, nothing tangible occurred in the language on the MOA as long as I was on there.

The note I sent to OSM read like this. After 10 years as a Regional Advisory Council member I have a vested interest and plan to continue advocacy for the provision of Title VIII of ANILCA using every word and spelling and interpretation as defined in Webster's Dictionary. This includes each punctuation mark used to craft the existing language in the very literal sense. Without identifying people by name and rank, would you please explain to me, number 1, how the Federal Subsistence Staff Committee came to be; what is their prescribed role; who constitutes the Staff Committee; who participates in the deliberations; what constitutes fair and equitable representation at Staff Committee meetings?

And so that was the meat of what I sent, the last minutes of my reading here is what I sent. And so like was mentioned earlier by members of the Regional Advisory Council they are recognizing that there's a split between the members of the Board and the members of the Regional Advisory Councils and that's not going to work.

And the other comments I have prepared, I'll elaborate more with regards to the Staff Committee. And the only reason I'm bring forward is because for the last year there's been a distinct appearance that the Board
in their action has all but totally disregarded the
recommendations of their RACs. They discuss them, but
their decision was to follow that recommendation given to
you by Staff Committee. And I'll get into that in another
opportunity.

Thank you, Mr. Chairman, that concludes my
comments for this portion.

CHAIRMAN DEMIENTIEFF: Thank you, Bill. I
know I talked with you at the airport when we were arriving
last night, but you are going to be here all week.

MR. THOMAS: Yes.

CHAIRMAN DEMIENTIEFF: Okay. I don't want
to go into it in too much detail now, but we do appreciate
your years of service and we have certain awards that are
going to go out and so I'm not exactly sure where on the
agenda we're going to fit those in, but I want to make sure
-- I'll get word to you so that you'll know to be here
because we do appreciate your years of service and we'll go
into that in more detail at that time.

MR. THOMAS: Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: That concludes our
public comment period. With that I think we'll go into
review of our consent agenda items. We have requests for
13, 20, 42, 43, 49 and 50 to be removed from the consent
agenda. Currently we have, let's see, Region 7, Seward
Pen, we have 40 and 41 they're on the consent agenda.

Southcentral 13, 17, 20; Kodiak/Aleutians 21A, 21B; Bristol
Bay 22, 23; Yukon-Kuskokwim 29; Western Interior 30, 34,
35, 31, 32, 36 and 39; Eastern Interior 42, 43, 44, 45, 46,
48, 49, 50, 51; North Slope 53; Southeast 3, 4, 6, 7 and 8
on the consent agenda.

MS. KESSLER: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. KESSLER: I'd like to suggest that we
can add to the consent agenda Proposals Number 15, 16 and
55. I understand that there's been agreement among Staff
Committee, the Council and State about these proposals and
this would allow us to put them on the consent agenda, if
there's agreement.

CHAIRMAN DEMIENTIEFF: 15, 16 and 55; is
that correct?

MS. KESSLER: Correct.

CHAIRMAN DEMIENTIEFF: Do we have all of the planets aligned wt....

MS. KESSLER: That's what I understand, yes.

CHAIRMAN DEMIENTIEFF: Is there anybody that knows anything different with regard to those? Southcentral. Go ahead, Bob.

MR. CHURCHILL: Mr. Chairman, we have no objection to that. Just note for the record that we did fail 15, took no action on 16 and significantly modified 55, but given that we have no objection to putting these on the consent agenda.

CHAIRMAN DEMIENTIEFF: Okay. If there's no objection then -- Mr. Haynes.

MR. HAYNES: Mr. Chairman, we don't object to that. We do have a couple of comments that we would like to be part of the record. If these proposals are put on the consent agenda and the modified version of Proposal 55 is adopted, we want to ask if the Federal Board should discuss developing a working definition of temporarily disabled instead of provisions for getting a designated hunter permit under the proposed regulation. We don't know what that means and it might be useful for the public to know what constitutes being temporarily disabled.

We also note that there's been a substantial increase in black bear harvest in Unit 6(B) in the past few years and should designated hunting contribute to even further increase in black bear harvest in Unit 6(B), conservation concerns could develop in that area and it would require paying some attention to designated hunting and perhaps other aspects of the regulations in that area.

CHAIRMAN DEMIENTIEFF: Thank you. Any other comments?

(No audible responses)

CHAIRMAN DEMIENTIEFF: Well, if there's no objection, then we'll go ahead and add 15, 16 and 55 to the
consent agenda. With regard to the other comments -- with regard to removing those items, is there any concerns by the Board?

MS. GOTTLIEB: Mr. Chair, I believe consistent with what the Board has done in the past it would be good to have a discussion of those proposals.

CHAIRMAN DEMIENTIEFF: Are you recommending that we remove those items from the consent agenda?

MS. GOTTLIEB: Yes, that would be my recommendation.

CHAIRMAN DEMIENTIEFF: Since it is the prerogative of a Board member to do that, we will go ahead and remove Proposals 13, 20, 42, 43, 49 and 50 from the consent agenda and we will give them full consideration.

Okay. I think before we begin deliberations on our proposals, we'll go ahead and take a brief break. Sometimes when we're starting out these meetings it take us, as a Board, a few moments to get into the full consideration of things, so I think we'll just go ahead and take a little break right now before we begin.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Okay, all the touchy-feely stuff is over with now, now we got to go to work. With regard to that, the first item we have is WP303-01. And who's going to do the analysis on this? Barb or Helen, okay.

MS. H. ARMSTRONG: Thank you, Mr. Chairman. My name is Helen Armstrong, I'm a social anthropologist with the Office of Subsistence Management and I'm normally on the team that serves the North Slope, Northwest Arctic and Seward Peninsula Councils, but today I'm going to be presenting the statewide proposal WP03-01. This proposal analysis can be found in Tab A on Page 8, the description of the proposal begins on Page 1.

This proposal was submitted by the Office of Subsistence Management. The proposal requests that the Federal Subsistence Board establish a statewide provision outside of seasons and harvest limits allowing wildlife to be taken for traditional funerary or mortuary ceremonies.
Adoption of this proposal would standardize and simplify Federal subsistence wildlife regulations and extend an opportunity to all federally qualified subsistence users to harvest wildlife for use in traditional religious funerary or mortuary ceremonies or potlatches. This proposal is closely related to Proposal 12 in the Southcentral region, which you'll hear next. The similarities are that it's the same subject, but Proposal 12 is on a regional basis, this one is on a statewide basis. And Pat Petrivelli will be presenting that next.

The existing regulations are varied around the state and they're quite lengthy. I'm not going to go into detail on those, but those could be found on Appendix A of this analysis. Currently the Federal subsistence regulations allow wildlife to be taking outside of season and harvest limits for ceremony potlatch purposes in 13 of the 26 units. The proposed regulation can be found on Page 9 of the analysis, it's also rather lengthy, I'm going to summarize it.

This regulation parallels the fishery regulation that was passed by the Board in December of 2002. There's one primary difference between this proposed regulation and the fishery regulation and that is that the name of the decedent was not required in the final fisheries regulation that was passed by the Board. In this proposed regulation for wildlife, the main points are you may take wildlife outside of season of harvest limits for traditional religious ceremonies, for funerals or mortuary ceremonies, including memorial potlatches. Prior to the taking of the wildlife, the person organizing the ceremony must contact the Federal land management agency with information about the name of the decedent, the nature of the ceremony, species and number of animals to be taken and the units where the taking will occur. The taking cannot violate recognized principles of fish and wildlife conservation.

A written report must be filed with Federal management agency within 15 days after the harvest. The report must specify the harvester's name and address, numbers, sex and species of wildlife taken, the date and locations of the taking and the name of the decedent for whom the ceremony was held. No permit or harvest ticket is required but the harvester must be an Alaska resident with C&T for resource in that area.

The reason that this proposal has come about has been the State has also been working on revising
their regulations for taking wildlife for religious ceremonies. They've been working on this for the past two years. The State ceremony harvest regulation was revised by the Board of Game in November 2002 and it will be effected this coming July in 2003. The intent was that they would bring the State and the Federal regulation somewhat in line. There are some difference and particularly because this proposed regulation was written before the final Board regulation was passed. There as 10 also differences but there are also differences in some of our mandates.

Because it all gets a bit confusing with these lengthy regulations, I'm going to emphasize what the difference between the State and the Federal regulations are. The State regulation can be found on Page 9 in Tab A if you want to follow along with that. The State regulations allow for the taking of big game for certain religious ceremonies whereas the Federal regulation allows for the taking of wildlife, so it includes all wildlife, not just large mammals or big game, using the State's terminology. Both the proposed Federal and State regulations require prior notification of the number of animals to be taken and the location of the taking, but there's a difference, because the notification for the Federal regulation also includes naming the decedent. And the State regulation there is -- the tribal chief, village council president or designee maintain records of the successful hunter and the decedent and they have to make that information available if it's asked for by the State Department of Fish and Game or law enforcement upon request. Whereas the Fed regulation just requires that this information be in the prior notification.

The naming the decedent became a primary focus at the Council meetings and, as you'll see when the Council chairs give their recommendations, a number of the Councils actually asked for that to be removed from this proposed regulation. The Federal regulation also requires a written report within 15 days; the State requirement requires that the tribal chief, village council president, or designee notify the Department, but it doesn't mention that they actually have to do it in writing. Both the Federal and the State require information on the species, sex and number of animals to be taken, that has to be within 15 days, but one is a written report and one is not.

Another difference is the State regs have specifications for a hunter outside of the village or a tribal organization and this portion is identical to the
part that's above it, it goes through what you have to do
if you're part of a village and is not paralleled in the
Federal proposed regulation. Part of that difference, we
had discussions with the State, is because the State is
accommodating a regulation for people in urban areas as
well, whereas our regulations don't have to do that.

The State requires that the meat be used in
a customary and traditional Alaska Native religious
ceremony, the Federal regulation doesn't make the
specification. They have to be Native, it only has to be
a traditional funerary or mortuary ceremony, since our
regulations apply to rural residents and don't specifically
apply to Natives. The State also has a provision for
Koyukon Potlatch ceremony, and this can be found on Page 10
of the analysis. The differences are to the State
intended harvest, there is no designation of the name of
the decedent anywhere in the regulation and the list of
designated hunters must also be maintained by the tribal
chiefs, village council president or the chief's designee.

The regulatory history for this proposal is
fairly lengthy. The full regulatory history can be found
the Federal subsistence regulations have contained
provisions in Subpart B to allow the Board to authorize the
taking of fish and wildlife outside prescribed seasons and
harvest limits for special purposes, including ceremonies
and potlatches. On a case-by-case basis this Board has
then implemented unit specific provisions either through
regulatory changes or special actions. As of the 2002-2003
regulatory year there were 13 out of 26 units that had
these provisions.

Actually I misquoted, Appendix A is the
specific regulations, Appendix B is the regulatory history.
And then Appendix C provides the regulations that would
remain if this proposal is passed and which ones would be
revoked.

While there is variation between unit
specific regulations, the Board has required in most of
these regulations the features that are in this proposed
regulation, such as the harvesting of the resource does not
violate recognized principles of fish and wildlife
conservation and that the following be provided to the
appropriate land managers. There must be, again, the prior
notification with information about the activity and the
information about the ceremony and the name of the
1 decedent, reporting of species, sex, number, location and
timing of the harvest that will occur and the name and
address of the harvesters. The Board also has required in
all of these that the harvester must be a qualified rural
subsistence user for the species and has C&T in the area in
which the harvest occurs.

There are a couple of exceptions. In Units
21 and 24 the existing regulations mirror the State’s
regulations that were in existence at that time and the
have no pre-hunting notification requirement and a post-
harvest reporting period of a maximum of 20 days. In all
other units there was pre-notification required and a
harvest reporting in 15 days. So there would be -- if this
is implemented there then a shift for those units, that
there would have to be pre-hunting notification and a
shorter time period for reporting.

Briefly, the sort of background information
used to making a recommendation for this proposal. The
organized communal consumption of wild or Native foods is
a central feature of Alaska Native cultural gatherings.
The serving of fish and wildlife reaffirms ethnic identity
and ties to the land and resources. Participation in such
feasting serves to transmit, sustain and reinforce cultural
values, beliefs, practices, traditions, social order and
group solidarity. While all Alaska Native ceremonies
recognize the passing of group members, not all of Alaska’s
indigenous peoples hold funerary, mortuary or memorial
potlatches. This fact became relevant to Federal
subsistence management during the Regional Advisory Council
contemplations of Proposal FQ03-27 that proposed allowing
Natives to fish for such ceremonies statewide.

The effects of this proposal, if this
proposal were to be adopted, is not expected to affect
wildlife populations because the regulatory language
specifically provides for conversation of wildlife
population. And, in addition, little harvest is
anticipated as the practice has been ongoing under the
State of Alaska and, in some units, under Federal
provisions. Those unit regulations that are specie
specific, ceremonial specific or those with special
provisions would not be changed. And those can be found in
Appendix C at the end of this analysis. This proposal, if
adopted, would standardized and simplify Federal
subsistence regulations pertaining to the taking of
wildlife for use in traditional ceremonies and it would
give all Federally qualified subsistence users an
opportunity to take wildlife for use for traditional
religious ceremonies, which are part of the funerary and
mortuary cycle, including memorial potlatches and may not
be applicable to local customs in some areas of the state.

The proposal also would shorten by five
days the post-harvest reporting period for Units 21 and 24,
which was adopted by the Board in 2002. And it would
require prior notification of the hunt for those units and
the notification would be within -- sorry. Units 21 and 24
would have to notify the appropriate Federal land manager
prior to attempting harvest resources and would require
naming the decedent, which is not culturally acceptable for
many Natives around the state.

Thank you, Mr. Chair, that concludes my
presentation.

CHAIRMAN DEMIENTIEFF: Thank you. Written
public comments.

MS. B. ARMSTRONG: Good morning, Mr. Chair.
We have one letter from Major James B. Cockwell, Acting
Director for Fish and Wildlife Protection and he says that
during the November 2002 Board of Game meeting in Juneau
the Board passed new language to the State's ceremonial
harvest regulation. And that new language addressed --
will reduce enforcement problems. The State of Alaska,
Department of Public Safety requests that the Federal
Subsistence Board mirror the language of the new State
regulation as close as possible.

Then we have seven support, one is from
Alaska Native Brotherhood, one from Denali Resource
Subsistence Commission, Wrangell-St. Elias National Park
Subsistence Resource Commission, Grayling, Anvik, Shageluk,
Holy Cross Fish and Game Advisory Committees, Lake Clark
Subsistence Resource Commission and Aniakchak Subsistence
Resource Commission.

Thank you, sir.

CHAIRMAN DEMIENTIEFF: Thank you. We had
one request for public comment. Mike Smith.

MR. SMITH: Mr. Chairman, thank you. My
name is Mike Smith, I represent Tanana Chiefs Conference
here today and we were the lead in negotiating the Koyukon
provision at the Board of Game meeting in November. When
the initial Federal proposal came out it was my
understanding that it was inadvertently left out and so we worked with the Regional Advisory Council to add that provision back in.

I'd like to take this opportunity to support the proposal as modified. The Staff Committee recommendation, as modified, along with the Eastern Interior Regional Advisory Council recommendations for inclusion of the Koyukon provision and the addition of the word Gwitch'in to that proposal.

With that, Mr. Chairman, if there's any questions, I'd be more than happy to answer. And, Mr. Chairman, if I could just ask for kind of a point of clarification for my own edification. There are a couple other things that weren't on the agenda that I'm not so sure if it's appropriate to address at this point. There is a couple of draft reports that staff is working that we have some serious concerns about. I'm not sure when would be an appropriate time address those.

CHAIRMAN DEMIENTIEFF: Are you going to be here all week? I think we'll do that first thing in the morning, those are non-agenda items, that's what we're having. That why it was unclear to me, I knew we had concerns and that's why I was trying to call you up to, you know -- but we'll provide opportunity in the morning, it's kind of like right now, we're in the regulatory process, we need to keep this thing going, so the first thing in the morning.

MR. SMITH: Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Uh-huh. There are no additional requests for public testimony. At this time Regional Council recommendations. Gerald.

MR. NICHOLIA: Yeah, Mr. Chairman, I want to make a correction to this proposal here. For the Koyukon Gwitch'in area it says for units -- on Page 4, I wanted to include Unit 20 in that by Eastern Interior. Tanana is in Unit 20, Rampart, Stevens Village apparently Minto. See where I'm talking? Unit 20 should be down there, there's Unit 21, 24 and 25. Mr. Chair, I am in Unit 20, there's five villages in Unit 20 from the Eastern Interior.

CHAIRMAN DEMIENTIEFF: Go ahead, Tom

MR. BOYD: Thank you, Mr. Chair. Regarding
Mr. Nicholia's point, I would just ask staff if they have any comments regarding the suggestion that he's made?

MS. H. ARMSTRONG: I think that's fine, I'm not an Athabascan expert, so I was turning to Pat, but I think it's certainly -- if that's what you're saying, I'd say that's right. I don't think there should be a problem with that at all. See what Taylor says? Is that okay?

That's fine?

MR. BRELSFORD: Unit 20 extends all the way down into the road connected area, so the Koyukon villages that Gerald is trying to reach actually.....

MS. H. ARMSTRONG: Okay. Taylor is pointing out that we should probably say 20(F) instead of 20. Do you want to name the village that you're concerned with just so we have it on the record?

MR. NICHOLIA: You know I have to stand for what my people tell me to do, and, I mean, if we include 20(F), but I think as far as Minto, Nenana is considered, I'd leave that up to Mitch.

CHAIRMAN DEMIENTIEFF: I guess, Gerald, in response, I'm just wondering why we would name specific tribes, because it's in my estimation it should be all inclusive, you know. That's like this Koyukon Gwitch'in, you know, because it's not a common practice for all of us basically. So I'd just exempt the units, period, would be the best way that I could see to go about it as opposed to naming specific tribes.

Any other Regional Council comment? Yes, Pete.

MR. ABRAHAM: Bristol Bay Council wrote in 61 asking to modify the staff analysis. The Council modified the proposal to the rule requiring that the name of the decedent to be on a permit on this proposal here.

That's all I got, thank you.

CHAIRMAN DEMIENTIEFF: Della.

MS. TRUMBLE: Thank you, Mr. Chair. Kodiak/Aleutians also agreed to remove the name of the decedent. And maybe just as a recommendation to have item number 1, which states to take wildlife to provide the nature of the ceremony, which is going to fulfill the
purpose anyway, it takes it out, which is pretty much supportive of all the regions.

CHAIRMAN DEMIENTIEFF: Ron.

MR. SAM: Thank you, Mr. Chair. As you know, you and I worked with the State Board of Game for a good number of years to get the Koyukon provision in there without the naming of the decedent or prior reporting -- or prior request. And I feel comfortable asking that number 1 provision on Page 1 be completely deleted. If we deleted that it would be consistent with the State Department regulation that are already in place for the Koyukon culture.

CHAIRMAN DEMIENTIEFF: Thank you. Yes, Bob.

MR. CHURCHILL: Yeah, Southcentral opposed this and the reason we did is it was a concern of not certainly with not honoring this tradition, it's so well documented, but the fact that we felt it was moving us into a one size fits all situation. We looked over a number of the areas that had these and they seemed to be well drafted and thought out and take care of any conversation concerns in the way they were drafted locally. And, again, as many other speakers have addressed better than I, we wanted to keep that in the hands of local folks. Our vote was actually a 6-1 against vote. The one person who voted for it felt that there should be some overall structure, but we were fairly well unified in saying that this should be drawn by the local RACs that fit and local hunts and needs.

CHAIRMAN DEMIENTIEFF: Thank you. Walter.

MR. SAMPSON: Thank you, Mr. Chairman, members of the Board. The Northwest Arctic Regional Advisory Council recommendation is to support with modification. And the Council supported the proposal with modification to delete the name of the decedent and the Council felt that regulatory provisions requiring identification of the nature of the ceremony and name of the decedent and parties involved were inappropriate for cultural reasons. And I don't think we ought to demand the folks who have these types of funerals to say this is what you're going to do and this is how you're going to do it. That's been their way of life, that's been their culture, I think we ought to leave it at that.

Thank you.
CHAIRMAN DEMIENTIEFF: Thank you. John.

MR. LITTLEFIELD: Mr. Chair, the Southeast Alaska Regional Advisory Council supported this proposal with the modification to add cultural events. The existing regulations for Unit 1 through 5 provide for the harvest of wildlife for traditional religious ceremonies, which are part of the funerary and mortuary cycles. These regulations were passed in response to proposals recommended by the Southeast Council. The current proposal would substitute a similar statewide regulation for the unit specific regulations that are in force at the present time. The Southeast Council supports this change as a statewide regulation with the modification that the new regulation permit harvesting of wildlife for cultural events.

In Southeast Alaska cultural events would include totem pole raisings, dedications and cultural celebrations that may not be closely tied to funerary and mortuary cycles or memorial potlatches. Wildlife has traditional been used in these cultural events. The Southeast Council believes that the harvest for this purpose should be allowed to take place and that they may be authorized under Subpart B 36.CFR. part 242 and 50.CFR part 100, Section 10(D)(5) which covers wildlife harvest for special purposes, including ceremonies and potlatches.

Several times at the Southeast meeting in Ketchikan it was mentioned that these proposals need to come from the bottom up and I note that this proposal came from OSM. If you look at the comments from every Regional Advisory Council you will see certainly one size does not fit all. This should have come as needed. Units 1 through 5 have already addressed this in previous proposals and we feel it should have done the same for the other regions. And we would like to see OSM not put in proposals like this again.

CHAIRMAN DEMIENTIEFF: Thank you. Harry.

MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta Regional Advisory Council recommends support with modification, modify to all one moose of either sex, remove the requirement of the decedent's name and add a requirement for the local tribal office, not the individual, to report the harvest.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional comments? Yes, Grace.
MS. CROSS: Seward Pen supported this proposal with modification to remove the requirement for listing the decedent's name. In our region we expect a very limited use of this provision, we have one ceremonial muskoxen and moose and that's for the village of Wales. We believe that the proposal as modified would standardize and simplify regulations while providing this opportunity statewide and we don't expect -- we expect minimal impacts to wildlife resources.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Ron, you got additional comments?

MR. SAM: Thank you, Mr. Chair. As stated by many of our Council chairs, this practice has been going on for quite some time with or without regulations and it's a simple fact of feeding the people that come in to pay their respects. And, as I said, depending on the renown of the deceased, sometimes we've got statewide representation of people paying their respects and it's a simple of feeding people, taking care of people that are paying their respects.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Any additional comments?

(No audible responses)

CHAIRMAN DEMIENTIEFF: Staff Committee recommendation.

MR. RABINOWITCH: Thank you, Mr. Chairman. If you bear with me, I usually try to summarize these recommendations but I'm going to read a fair bit of this into the record because it is rather complicated, but I won't read it all. So I'm on Tab A, Page 3 of the Board book.

The Staff Committee recommendation is to adopt the proposal with modifications that are consistent with the majority of the recommendations of the Regional Councils. I think, as you heard, it would be impossible to have a recommendation consistent with all the Regional Councils. So the proposal is structured in the following way, and this part I'm going summarize. You may take wildlife outside of established season or harvest limit for
food in a traditional religious ceremonies which are part of funerary or mortuary cycle, including memorial potlatches, under the following provisions.

For the remainder of the regulation, Sections A, B and C are consistent in the Staff Committee recommendation. Then in Section C we diverge and this follows the structure of the new State regulation, so in Units 1 to 20, 22, 23 and 26 there are three sections, 1, 10 2 and 3.

Section 1 is the prior notification section. It explains who has the responsibility of prior notification and it explains what information must be provided. I would note that you will not find the requirement for the name of the decedent in this Section C(1).

In Section 2, immediately after wildlife is taken there's a requirement for either the official or the individual who is organizing this to know who the name of the decedent is and only share it if requested by a Federal representative. And that's a provision consistent with the State regulation. And then C(3) is the reporting portion and I thing this is pretty straightforward, it's 15 day reporting. And, again, the name of the decedent is not required.

Moving on to Section D in Units 21, 24, and 25 for the Koyukon Gwitch'in potlatch ceremonies, D(1), there is no prior notification required, so that's different from C(1). D(2) the after the hunt record keeping is similar, information must be maintained, but not shared unless requested by a Federal official. And, again, the name of the decedent is not in that list of things required. And then in Item D(3) you again have the reporting, which is a consistent 15 days.

I'd like to point out that there are a number of regulations on the books, as Helen spoke about, some to be revoked if you pass this regulation, some to be retained, and those are on Page 21. You may have some questions about those. I just, again, point out that those lists are on those pages.

The justification I'm going to read in its entirety here, and I'll try to read quickly. The Staff Committee appreciates the Regional Councils spent considerable time discussing this proposal at the winter 2003 meetings. Also that while many of Alaska's indigenous
peoples hold funerary, mortuary or memorial potlatches, not all do. This fact was put before the Council in 2002 when a proposal was discussed for the taking of fish for similar purposes. The 10 Council recommendations vary and consensus was not achieved; however, there are common threads.

We believe the Staff Committee recommendation is consistent with the intent of most Councils. An important component of the discussion is the State's new regulation 5 AAC 92.017 and the 017 is not in the written record and 92.019. "Taking of Big Game for Certain Religious Ceremonies" is its title. This regulation goes into effect July 1st, 2003, as you've already been told. A copy of this is in your Board book on Page 9 through 11.

The goals of the Staff Committee were to craft the recommendation consistent with and sensitive to the religious and ceremonial practices of rural Alaskans to support the varied recommendations of the Regional Councils, to be consistent with the legal mandates of ANILCA and to the extent possible, to align this proposed Federal regulation with the new State regulation to minimize confusion.

So the regulation has different requirements for areas of the state, and this is what I just went through a moment ago. The Koyukon Gwitch'in area, Units 21, 24 and 25 and the remainder of the states Unit 1 through 20, 22, 23 and 26. And the requirements are organized in three parts, C(1), (2) and (3), D(1), (2) and (3).

Part one can be thought of as the prior notification portion; part two is the after hunt record keeping; and part three is the harvest reporting. I think I'm going to now jump to Page 5 and point out the last things that I need to bring up. Other details of the Staff Committee recommendation, it does not include cultural events as requested by the Southeast Regional Advisory Council. The Staff Committee believes these are best considered individually on their own merits as they have been in the past. And there are a number of regulations that this Board has passed in support of various cultural events.

Two, it uses the ANILCA term wildlife instead of the State's definition of big game. Three, it
uses the ANILCA standard of healthy populations rather the
State's standard of sustained yield. Four, it adds
Gwitch'in to the Koyukon portion of the regulation as
requested by the Eastern Interior Council. And, five, it
states which units the Koyukon Gwitch'in special provisions
will be applied to, that is Units 21, 24 and 25.

I would add verbally in regards to Gerald's
comment about Unit 20, that was not brought up at the Staff
Committee discussion. The intent of the Staff Committee
was to include all of the geographic area of the Koyukon
and the Gwitch'in. And I'll look around at my Staff
Committee peers to see if anyone would disagree with that.
I don't see any head shaking, so I think I'm on safe
ground.

That ends my comments, Mr. Chairman.

MR. HAYNES: Thank you, Mr. Chairman. I
believe you have a handout with our written comments some
of which were incorporated into the Board [sic] meeting,
some of which were not because we didn't have time to
complete them before the publication date.

Speaking specifically to the Interagency
Staff Committee recommendation, the Department appreciates
the Staff Committee's effort to craft a statewide Federal
ceremonial harvest regulation that, to the extent possible,
resembles the revised State regulation that takes effect
July 1st. Because differences do remain, however, and if
the modified proposal is adopted, it is imperative for
Federal managers to ensure that rural residents are
informed of these differences before they harvest wildlife
for use in traditional religious ceremonies. The proposed
Federal regulation authorizes harvest of wildlife on
Federal public land, while the State regulation authorizes
hunting big game only for ceremonies purposes on all lands,
although National Park Service eligibility requirements
would continue to apply on National Park and Monument
lands.

The proposed Federal regulation would
exempt from the prior notification requirements persons
harvesting for both the Koyukon and Gwitch'in potlatch
ceremonies in Units 21, 24 and 25, while the State
exemption applies only to the Koyukon potlatch ceremony.
And we're also talking about maybe even adding subunits to this provision, which I'll speak to in a moment.

The ultimate goal of the statewide ceremonial harvest regulation should be to accommodate the harvest of wild resources used for food in traditional religious ceremonies that are part of a funerary or mortuary cycle and by doing so to show respect for these activities. Coordination and communication between Federal and State managers and enforcement personnel may be needed to ensure that ceremonial harvest regulations are enforced in ways clearly understood by, and least disruptive to, rural residents and communities.

Mr. Chairman, I have some concern about expanding the scope of this proposal to include Unit 20 for a number of reasons. Revisions to the State ceremonial harvest regulation are a product of concern that State enforcement officers had primarily about abuses and problems in the road connected areas of the Interior and Southcentral Alaska. To propose including all of Unit 20 to this Staff Committee recommendation would result in major differences between the State and Federal regulation. I would point out that there isn't a large amount of Federal land in Unit 20, so including all of Unit 20 in the Federal regulation probably would not benefit many rural residents.

If the scope of an amendment to this Staff Committee recommendation was limited to Unit 20(F) there still isn't much Federal land that's near the effected villages in those areas, so having a Federal ceremonial harvest regulation in Unit 20(F) might not be that beneficial to rural residents in that area. The State regulation would apply to all lands in 20(F) and so we believe that it would add to the burden for the Office of Subsistence Management to ensure that the public clearly understands that the scope of the Federal statewide ceremonial harvest regulation applies only to Federal public lands. The State regulation can apply to all lands. So we really would have some concern about expanding the scope of this Staff Committee recommendation at this time.

I wish that someone from State Fish and Wildlife Protection was here to off their perspective, but I would just again point out that the major concerns that have been expressed by the State have been with misuses of the ceremonial harvest regulation in communities on or near the road system. And if you discuss this further I may have additional comments later, Mr. Chairman.
Thank you.

CHAIRMAN DEMIENTIEFF: Sure. Any other Regional Council comment? Ron.

MR. SAM: Thank you, Mr. Chairman. I address this issue as not a conversation issue. There are times when we do not harvest wildlife simply because of the state they are in, the calves running around. There are 10 times when we do not harvest, period, because of the scarcity of the animals, and those are the times that most, if not all, the freezers are emptied out.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, Walter.

MR. SAMPSON: Thank you, Mr. Chairman. After listening to some of the concerns that the State of Alaska has I think if the Regional Council has been given that authority to make the recommendations to this very body and they need to consider those recommendations that are being brought before you. If the State of Alaska has crafted something else that we want to include in there, and the Regional Councils are objecting to it, then I'm sorry that it occurs that way. And I think if this body can exercise its authority in regards to Section 805 of ANILCA, the provision in there in having the Regional Advisory Councils exercise their authority as well, then it's something that we need to look at.

I don't think that we ought to demand to a community who has been having their funeral for a time now, a continued potlatches in the past, we ought to demand of them this is how your potlatches are going to occur. It's not right to a community to demand it to them.

So with that I certainly want to encourage the Board to adopt this with the recommendations of the Regional Advisory Councils. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any other Regional Council discussion?

MR. WILDE: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. WILDE: I think you said, this is a very important proposal. It has been used for generations.
Sometimes I go up to out of my area, go up to above -- way up there. Sometime I meet the people, they having a ceremony and potlatch, so -- and elders there they always tell me this is something that has been going on from generations now.

Today it's kind of hard to do things because everything is go by law and regulation, and that's the part that we're having a problem with our elders, they want to do it the way they used to do it, they has been and even those, nothing has been short of getting it, but the law requires everything. I think this opportunity it should be presented to the elders that has been doing it in the past, it's not going to be quit doing it even though we're short of some animals.

CHAIRMAN DEMIENTIEFF: Additional comment?

(No audible responses)

CHAIRMAN DEMIENTIEFF: We're ready now for Board deliberation. I think the one thing I want to comment on is with regard to Mr. Littlefield's request on behalf of the Southeast RAC to expand this, you know, to include other events. I just note that we have -- we used to respond for different cultural events on a case-by-case basis and some of those became, you know, year after year, you know, they'd have to go through this process. So they finally proposed and we put in regulation, so you might inform the RAC that that is something that they would want to do to go ahead and put a proposal before the Board so we can deal with Southeast specific, because, at least, I am not inclined at this point to mix, you know, this event, which everybody recognizes is a very important cultural event and that's not to dismiss the idea of totem pole raising or those kinds of things as not being important because I'm certain they are, but we need to deal with those separate then in this proposal. So I encourage the Southeast RAC to consider that and maybe come forward with a proposal if there are things that you want to have added into.

Go ahead.

MR. LITTLEFIELD: Thank you, Mr. Chair, I concur that these proposals should come from the RAC to the Federal Subsistence Board.

CHAIRMAN DEMIENTIEFF: Okay. Board discussion.
MR. BISSON: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BISSON: Contrary to what Mr. Haynes said, at least one of these subunits has a substantial amount of public land, it's BLM land in Unit 20(F) and it's primarily unroaded. And I think that an adjustment for Unit 20(F) would probably accommodate most of Mr. Nicholai's concern in terms of the villages that he's concerned about. Consequently I think that at some point when we take a vote I would be inclined to include Unit 20(F) with 21, 24, and 25. I think that the rest of Unit 20 is substantially roaded and I personally view that as a different situation than 20(F).

CHAIRMAN DEMIENTIEFF: Maybe we should just go ahead and have a motion to adopt, so we can start making these recommendations. Niles, do you have a comment first?

MR. CESAR: Mr. Chairman, I move that we adopt the proposal as modified by the Staff Committee, but which would also include the inclusion of 20(F) -- for that portion of 20 which is 20(F).

MR. BISSON: I second that motion.

CHAIRMAN DEMIENTIEFF: Moved and seconded. Further discussion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy and then Gary.

MS. GOTTLIEB: Della, I wonder, you mentioned a wording suggestion, I wonder if you could say that again, please?

MS. TRUMBLE: Oh, yes. To remove the name of the decedent and just to read like -- I have to find my page here. Just remove a section, I think, and if you remove those words and leave it as it, the basic purpose is already outlined in the first section of the -- that it is what it is for. Hold on, let me find my page here. Section 1, if you just have it read, person or designee organizing the religious ceremony contact appropriate -- just to remove.....

MS. GOTTLIEB: Della, just to be clear, what page are you on then so we're sure on the version.
MS. TRUMBLE: This is on 29, but I think that's not the staff one. I guess the whole purpose is to remove the name of the decedent and just have to take wildlife to provide the nature of the ceremony because basically you're going to take that information in when you're asking for a permit. Because the biggest concern, if you look at all the regions, were those words.

CHAIRMAN DEMIENTIEFF: Gary.

MR. EDWARDS: Mr. Chairman, I had kind of a general question, maybe more for my own information and there might be several people that can answer it, but, you know, it's my understand that the State, you know, spent a fair amount of time working with the Native community, and which my understanding, I guess, even some our RAC units were involved in that process to try to add this very sensitive issue. And I'm just trying to maybe understand a little better, given that effort and given that -- again my understanding that was widely supported across the whole state, why are we somewhat now at differences with the State as opposed to being more in lock step. They went probably through a much more extensive process than we've gone through in order to address this and my understanding is that the Native community was very supportive of that, so I'm just trying to understand and maybe those of you who participated on that or maybe the State or somebody could just answer that question.

CHAIRMAN DEMIENTIEFF: Anybody wish to respond to his question? Terry.

MR. HAYNES: Mr. Chairman, I wasn't involved in the process myself and I can't tell you all of the specific details, but because there were problems with the existing statewide ceremonial statewide regulation Will Mayo, who is the special assistant to Governor Knowles in the last administration was assigned to meet with Alaska Natives, rural residents and talk about changes that could be made to the ceremonial harvest regulation. And as I understand it that in his consultation with rural residents and discussion of the issue that the main concern about the prior notification requirement had to do with the Koyukon potlatch ceremony and so that was separated out. The prior reporting requirement was not an issue raised by other Alaska Natives who were consulted, so that is how the distinction is made between Koyukon potlatch ceremonial and other ceremonial harvesting in the State regulations.

MR. EDWARDS: Mr. Chairman, this is sort of
a follow-up on sort of my question, is that even if there's
an agreement that that was an extensive process they went
through and, in general, had the support of the community,
I guess I would just encourage us as we go forward to try
to parallel as much as we can unless the folks feel there
wasn't adequate involvement and an adequate agreement in
what was come up with.

CHAIRMAN DEMIENTIEFF: Ron, did you have
comment, I'm sorry I didn't.....

MR. SAM: Yeah, thank you, Mr. Chairman,
Board members. Again, it's a deep sense of honor,
religion, superstition, just a way of life out there and
when we got that agreement with the State quite a few years
back on the Koyukon, it's (Native), it's something that you
don't talk about. You do not provide any prior information
because it's our belief that your just waiting for somebody
to pass away or you're just wishing for somebody to pass
away and is that is not something you talk about freely,
that's why we wanted all that prior information or prior
request deleted, it's totally against our beliefs and our
traditions and customs. It's deep rooted, I don't know if
I should even be talking about it at this time and I just
hope people will forgive me back home.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Gerald and then
Sandy and Walter.

MR. NICHOLIA: Yeah, thank you, Mitch, Mr.
Chairman. To answer Gary's question, is that I sit on the
Tanana/Rampart Mandate Advisory Committee as the vice
chairman and in the past two years I've been on there I
don't recollect any of this information coming before us as
an advisory committee or as a city council member or
working for the tribal council. This is like the first
time I'm seeing it.

CHAIRMAN DEMIENTIEFF: Sandy.

MR. RABINOWITCH: Thank you, Mr. Chairman.
Trying to give at least a partial response to Gary's
question. The Staff Committee actually worked on this over
a period of about three days trying to sort out the
differences and kind of find a pathway through this and I
think worked pretty hard to, as much as it could, take the
original Federal proposal and restructure it. So on the
one hand it looked more like the State regulation, we
couldn't completely get there for a lot of reasons. And at the same time, and importantly, pay attention to the Regional Council recommendations, and as you hear several people speak about naming the decedent. There were other differences also.

So with that said, if one compares the Staff Committee recommendation to the new State regulation, I would suggest that in the Staff Committee recommendation there's on instance where less where the decedent need not be identified, and that's consistent with what the Regional Council asked the Board to do. Whereas in the State regulation, I think, there's one instance where there is a requirement for it, it's pretty twisty-turny to compare all these. I've actually, so I could answer questions, typed up a five-column chart just for myself to try to keep this straight and it is a little bit challenging. But I think the Staff Committee was trying to do what you're getting at, whether we accomplished it or not, that's for you all to decide. I hope that helps.

Mr. SAMPSON: Thank you, Mr. Chairman. Based on what's written on Page 4 from the Staff recommendation, it says that the goal of the State Committee were to craft a recommendation. I think if that recommendation is coming from the Regional Council in regards to the wording and how it should be worded, then this Board ought to honor that request, and we heard it from all the Regional Advisory Councils, the recommendations in regards to how it should be worded.

Thank you.

CHAIRMAN DEMIENTIEFF: Yeah, I think from my point of view that I certainly intend to vote for the motion. And then I go back to some of the things that Gary was talking about, because I was involved originally in the State process when the original State regulation went into effect and did, as Ronny mentioned, him and I and many others worked very hard on the State regulatory process to get that done. This remains a work in progress, I mean this regulation -- the State regulation has evolved over much work done by the advisory committee people and those representatives in conjunction with the various boards through the years, you know, as the board members change on the Board of Game. You know, while I'm comfortable with Mr. Cesar's motion, you know, I still don't rule out that we're going to be maybe have to revisit this issue as we
continue to fine tune the regulation. And if that becomes necessary then I think if somebody brings a proposal before us and we deal with it in that way, but right now I'm very comfortable with Mr. Cesar's motion.

MR. CESAR: Mr. Chairman, I intend to support my own motion. I agree with you, this is a work in progress and we're trying our best to put together something on a statewide basis that is very difficult, at best, to do it and, like many actions we've taking in the past, there will come forward questions and concerns that we're going to have to address in the future and one of the hallmarks of this program is that we're able to do that when they come up. So I don't think that we're locked in concrete on this, although it does set the standard for now, but it will be adjusted as we go further into this process.

Thank you.

CHAIRMAN DEMIENTIEFF: Any other comments?

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I do believe that this Board take its responsibilities very seriously for continuing the opportunity for subsistence uses which have been acknowledged to be very important toward cultural identity and cultural existence. And whatever the State efforts were, I don't know that we were directly involved, but this motion was trying to be as responsive as possible, as best we can be to tend, sometimes, differing opinions, but very specifically to the units of the Koyukon and Athabaskan mentioned. And I just wanted to make sure in our proposal, I don't know if we have to say and the remainder of Unit 20 in Part C there, so that we're clear we're not omitting Unit 20, the rest of it, in anyway, but other than that I'm prepared to support the motion.

CHAIRMAN DEMIENTIEFF: Okay. Any other discussion. Yes, Keith.

MR. GOLTZ: I have a technical/legal question. I'd like a brief break so I could talk with Sandy and Gerald on it. It should just take a couple of seconds.
CHAIRMAn DEMIENTIEFF: Okay, go ahead, we'll go ahead and stand down for a couple of minutes. In the meantime we're not going to take a break, we'll just be at ease on deliberations.

There was a request for us to explain the monitors here and Tom has an explanation for the monitors, but the reason I had a request to put them in is in case there's like an NBA playoff game that comes up, I thought we be able to just tune it right in.

(Laughter)

CHAIRMAn DEMIENTIEFF: Wouldn't want to miss a game. Go ahead, Tom.

MR. BOYD: Mr. Chair, that was my response, so I don't know. No, I think the intent here is to be more user friendly for all the folks that are involved in the meeting, both the Board, the Council Chairs, and the public to be able to track with what's going on. You'll notice that there have been presented highlights or key points for the staff analysis and then we get to Board deliberation and the Board adopts a motion we want to try to capture that and keep it in front of everyone so that everyone is sort of tracking where the meeting is going. You noticed in previous meetings we just had one screen over to one side and often not everyone in the meeting, particularly if you have your back to it, can hear [sic] it. So if anyone in the audience has comments on how we set this up and how we can improve it, we'd certainly be welcomed to those comments.

(Off record)

(On record)

CHAIRMAn DEMIENTIEFF: Okay, if we could make our way to our seats, please. The Keith caucus has completed its work and we'll call on Keith to give his report.

MR. GOLTZ: The concern that was brought to my attention is in D, which refers to Units 20(F), 21, 24 and 25. There may be individuals other than Koyukon Gwitch'in and, if so, we've excluded them from the reach of our regulations. My solution -- my suggestion is that in C we have the general rule which would apply to Units 1 through 26 and then in D we set out the exception. And the intent here is to avoid what at least looks like a
violation of 814 where potentially we've excluded some people. I don't know whether we have or haven't but by changing we can assure ourselves that we haven't.

CHAIRMAN DEMIENTIEFF: Is there a motion to amend?

MR. BISSON: Mr. Chair, I make a motion that we amend the resolution as Keith has suggested which would mean under provision C it would read in Units 1 through 26 and then under D it could read except in units or it could say that in Units 20(F), 21, 24 and 25 and then it would lay out the wording as is currently in there. So again, under C it would say in Units 1 through 26 and under D it would say in Units 20(F), 21, 24 and 25.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion?

MR. CESAR: I'll second that. And under comments, Mr. Chairman, I view this as a friendly amendment. We wanted to make this thing inclusive not exclusive, so the clarification that Henri has, I think, is in line with that.

CHAIRMAN DEMIENTIEFF: Yes, I'm going to call on Della, if I could, real quick, she had a comment that I think we need to get on the record.

MS. TRUMBLE: Thank you, Mr. Chair. I just wanted to make some comments in listening to some of the discussion and I heard again some of this through the course of the discussion from the various chairs. When we look at this regulation, and I don't know how anybody else feels, but when someone passes away in our communities or passes on, the last thing we thing about is having to go out find out whether I can go get fish or harvest a caribou. Because what we naturally do and everybody does after a funeral is a gathering to honor that person. And to look at this and have to go through all this, and I just don't agree with it. And to be real honest, whether State or Federal regulation most people are not even going to recognize it and do what we automatically do to provide for a custom that all of us do naturally.

The other part of it when we're looking at a statewide proposal, whether this is in reality a statewide proposal, when we're adding specific regions and regulations for these regions and it almost looks to be region specific. Those are some of the comments I wanted
CHAIRMAN DEMIENTIEFF: John.

MR. LITTLEFIELD: Thank you, Mr. Chair.

Again, the Southeast Regional Advisory Council did support this with the addition of the words cultural, so that has been deleted, so I guess I feel okay in saying that when I look at what the Staff Committee recommendation that's been presented here, I look at that, I could truthfully say that we would oppose that. Because if you look at what was presented to us on Page 1 that was what was presented to us at our Regional Advisory Council and I defy you to find hardly any words in there that meet what's in the Staff Committee. It has morphed into something completely different than we suggested. And like the previous speaker said, we're talking about unit specific, which we would have been loth in Southeast to comment on what was going in 21, 24 and 25. That's not our business, that's the business of those units. So I think -- well, it's a good idea if everybody supports this. We support the religious idea if everybody supports this. We support the religious -- we believe, again, that this should have come from the bottom up.

We already have regulations in Unit 1 through 5 that fairly well cover this and have been working well. You simply make a phone call to the land manager, tell him that we're going to take 10 deer, he calls the State, lets them know that this particular clan or whatever will be taking 10 deer in this area or whatever and it's done. It seems to work fairly well for us, so we didn't see a problem it was broke. But, like I said, what we looked at on Page 1 and what we're looking at on the Interagency Staff Committee, two completely different things.

MS. GOTTLIEB: Mr. Chair, I just had a question. So if you're in Unit 20(F) or 21, 24, 25, so then you would have the choice of which route to take; is that correct? And does that create problems?

MR. GOLTZ: Well, I think so, I think you would have a choice, but the general rule is more restrictive than the exception. It basically has to do with the reporting.

CHAIRMAN DEMIENTIEFF: I think we go back to some of the comments that Ron made over here when he's
talking about sometimes it's the scarcity of the resource.
And the time of year has a lot to do with it because you're
very limited in accessing certain areas. You know,
otherwise, if the ice is soft and you can't cross the
river, you know, that pretty much eliminates that and it's
not gone out yet, so you can't take a boat across or
walk across it, so you have to go the a different area.
And when it's difficult hunting like that, I know at home
that, you know, we dispatch people in different directions.
I mean, that's just very common for us to do that because
you're all, at certain times of the year, limited on where
we can go in any direction, so you try to get as many
people out as you can in the hopes that somebody will
stumble into something. I think it's okay, the language.

Ron.

MR. SAM: Thank you, Mr. Chairman, that is
exactly what happened a couple of years ago. When I
mentioned scarcity I meant the migratory timing of these
animals and the Traditional Village Council of Allakaket
had requested to the State for an extension of the moose
hunting season, but then the ice came in and then we were
landlocked, so we tried to use all avenues and legal
avenues and, once again, I would like to reiterate our
feelings from prior requesting for harvesting of these
wildlife.

Thank you, Mr. Chair.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Gary

MR. EDWARDS: Given some of the comment
being heard from the Council chairs, what are the
consequences if the Board would reject this proposal?
Given that we have the State regulation.

CHAIRMAN DEMIENTIEFF: Sandy.

MR. RABINOWITCH: I think there's a couple
of parts to an answer, and there may be other people that
would want to add to this.

CHAIRMAN DEMIENTIEFF: Sandy, if we can
just back down here a little. We do have a motion to amend
before us and we need to take care of that and we need to
limit our discussion to that motion to amend. So if we can
deal with that and then you can raise your other issue on
the main motion.

Is there any more discussion on the
amendment?

(No audible responses)

CHAIRMAN DEMIENTIEFF: Hearing none, all
those in favor of the amendment, please signify by saying
-- by calling on Mr. Haynes. I'm sorry, Terry, go ahead.

MR. HAYNES: Mr, Chairman, Lance Nelson,
Department of Law, did have a comment to make on the
amendment.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. NELSON: Mr. Chairman, just by way of
probably a suggested friendly amendment is that you could
improve on the State regulations which don't refer to each
other and that's kind of an awkward situation, we're
interpreting in what way two regs are different. You might
consider putting in -- drafting language of not
withstanding C in the introduction to D there that would --
I mean, just as a drafting suggestion it would make the
whole thing more understandable, I think.

CHAIRMAN DEMIENTIEFF: Lance, I think we
deal with the amendment and I'm going to invite you to
participate because, you know, as already has been
expressed, we're going to have that discussion on the
overall main motion, but we need to dispose of this
amendment right now and then we can have that discussion,
but I'll invite you to participate in that as well.

Any more discussion on the amendment?

(No audible responses)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same
sign.

(No opposing responses)
CHAIRMAN DEMIENTIEFF: Motion carries. We now have the main motion before us as amended. Gary, if you would raise your concerns now.

MR. EDWARDS: I guess I'd raise the same question. Based upon what we've heard from many of the Council chairs, which seemed to take exceptions to what we are proposing to do, I'm just trying to understand what are the consequences if we reject the proposal.

Sandy.

MR. RABINOWITCH: As I said, I'd welcome any additions to my comments. My answer to that question would be that I would first refer the Board to Page 21 and 22, which is Appendix C, and suggest that these are the regulations that are currently in place on a unit-by-unit basis, so they would all just stay in place. Okay? Based on Gary's question about what would happen if you didn't support this.

The next think, I think, that would happen would be when the State regulation, new State regulation, goes into effect in July that that regulation would apply everywhere in the state with two exceptions. The exceptions are National Park Service parks and National Park Service monuments. Okay? So that would be that.

And I think that's all I've got to offer.

I don't know if anyone else has something to add in or not.

Further discussion.

Mr. Chair, since I asked the question. It seems to me that my understanding is what we were doing is taking this motion because it was the right thing to do in respect for the importance of these ceremonies and all, but if that's not what people want, then I guess my question is, why are we doing it? And, I guess, I'm certainly prepared to vote no if that is, in fact, the case.

CHAIRMAN DEMIENTIEFF: Other discussion.

Mr. Chair.

Yes.

MS. GOTTLIEB: I do think the comment made by Mr. Nelson would help clarify that difference then.
between C and D, it sounds like that was useful. And I
guess with 10 Councils and often very different views and
customs, and we saw this when we were doing customary
trade, surely there isn't always one size fits all, and we
do respect those differences. And perhaps this process
could have started in a different way, but here we are with
the result of a lot of time and effort on the Councils'
part as well as on a great deal of staff part. And I think
the benefit Federal Subsistence Board having a regulation
which, as you all know, is subject to review next year, is
that it is part of the Federal program and responsive to
Federally qualified subsistence users. And so in my view
that would be a reason for us to continue with this
proposal.

CHAIRMAN DEMIENTIEFF: Again I reiterate
the point that I made earlier, that this is a work in
progress, you know, other Board have spoken to that. That
as we have the need to continue to fine tune this
regulation. You know, I'm certainly, as a Board member,
willing to do that as much as we have to in future meetings
to try to make it as close as to what our Council people
want. You know, we'll just take the time to do it as the
proposal comes before us. And, you know, I think I agree
with Judy's point that, you know, we responsively know that
this is an activity that happens and we need to have it on
our books. And if we need to fine tune it in the future,
I'm certainly willing to do it, and I think we all are,
because we don't want to be exclusive, we want to be
inclusive.

Further discussion.

(No audible responses)

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

ALL BUT MR. EDWARDS: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same
sign.

MR. EDWARDS: Nay.

CHAIRMAN DEMIENTIEFF: Motion carries.

WP03-12, staff analysis.

MS. PETRIVELLI: Thank you, Mr. Chair. My
name is Pat Petrivelli and I'm the anthropologist for the Southcentral Region. Proposal WP03-012 can be found -- the analysis can be found under Tab A, Page 33.

This proposal was submitted by the Wrangell-St. Elias National Park Subsistence Resource Commission and it requests allowing the taking of wildlife for religious ceremonies which are part of funerary and mortuary cycles from National Park Service lands in Units 11, 12, and 13(C). The Subsistence Resource Commission proposed establishing this unit specific provision because potlatches and mortuary celebrations are customary and traditional uses of wildlife among Alaska Natives in these units and where food and other items of value are shared among attendees and current regulations do not allow the taking of wildlife outside of designated seasons.

This was proposed as a unit specific provision under the existing ceremonial regulations. The regulatory history related to sharing mortuary and ceremonial provision were presented in analysis of 01 and the proposal as passed just now, which you just recently passed in 01 would allow everything proposed by the Subsistence Resource Commission. But if this unit specific provision was passed as described in the proposal it would have minimal impact on wildlife populations for all qualified Federal subsistence users of the area and offer an opportunity to take wildlife for uses, food and traditional religious ceremonies, and it would add another unit specific regulation.

And that concludes my presentation, Mr. Chair.

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

MS. WILKINSON: Yes, Mr. Chairman. The Wrangell-St. Elias National Park SRC supports the proposal with modification to eliminate the requirement that the individual taking the animals for this purpose possess a valid Alaska hunting license. Specifically delete the final sentence in Subsection 4, which currently reads "However, harvesters between the ages 16 and 60 must possess a valid Alaska hunting license." Such harvest sometime occur on short notice and hunters might not have a valid license at the time the hunt needs to occur.

The subsistence representatives of eight Ahtna village support this proposal with modification to
take out the license requirement and allow a phone call or
on weekends just to leave a message and allow the host
family to determine the number of animals to be taken, as
long as the moose or caribou population is healthy and
stable.

Ahtna, Incorporated supports the proposal
with modification to remove the license requirement, to
require only calling the appropriate Federal agency and
leaving a message before hunting and to allow the host
family or families to determine the number of ungulates to
be taken.

This proposal is more restrictive than what
the State regulations require. The State regulations only
require a phone call to the Department of Fish and Game to
state what species are to be taken. Under this proposal
when a death occurs on the weekend and the host family
hunts on the weekend they risk having their meat
confiscated. As long as the population is healthy and
stable the decision of how many animals should be left to
the family.

Many Ahtna families host a memorial
potlatch in conjunction with three or four families for two
or three deceased people and they need more than two
caribou or one moose.

The Alaska Chapter of the Sierra Club
supports this proposal with modification to require a
permit from the park superintendent. Wildlife taken should
be limited to species traditionally and customarily used
for these purposes.

And that concludes the written public
comment.

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

MR. CHURCHILL: Yeah, our recommendation on
12 was we passed it with a number of amendments. And what
we deleted was spoken to, was under the first section, we
deleted everything after the nature of the ceremony. In
other words, the reporting of the species, number of
wildlife to be taken and the unit in which the harvest will
occur. We also added in that same paragraph in addition to
the person organizing, because we wanted it as broad based
as possible. We added the words clan and family. And we
recognize that they would have a designee, but we wanted to make sure that it was understood that any -- either an organization or a clan or a person or their designee could work with the Wrangell-St. Elias.

And then in Section 4 we deleted all the language after -- there are no permit or harvest ticket requirements under this provision, which resulted in, however; harvesters between the ages of 16 and 60 must possess a valid Alaska hunting license. That sentence was deleted and we passed that on a 7-0 vote.

MR. THOMAS: (Indiscernible - away from microphone)

MR. CHURCHILL: Sorry, Mr. Thomas, I could go back through that if you wish. Probably a little bit shorter than the first time. Okay.

CHAIRMAN DEMIENTIEFF: Staff Committee recommendation.

MR. RABINOWITCH: Mr. Chairman, the Staff Committee recommendation was to defer this proposal at this time. And it is contrary to the Southcentral Regional Council's recommendation, which was, as you just heard, modify -- support with modifications.

I won't read through this full justification on Page 31. I think the most key item is to point out that when the Wrangell-St. Elias Subsistence Resource Commission submitted this proposal it was prior to the time when the statewide proposal that you just voted on was made public, so they weren't aware of that. And the Staff Committee believes that Proposal 1, that you just passed, will satisfy many, and perhaps all, but at least many of the concerns of that Commission. So by deferring it the Commission, which will meet again in the fall, can be made aware of the Board's action on Proposal Number 1, they can review whether that satisfies their needs, or not, and, if not, then through the deferral they can bring it back up next year with specifics of what else they might like. If they're happy with it then they can drop their proposal.

That ends my comments.

CHAIRMAN DEMIENTIEFF: Bob.

MR. CHURCHILL: Yeah, Mr. Chairman, Southcentral would really prefer that this be voted on and
hopefully passed. We were more than aware of the proposal that was just passed on the statewide when we deliberated this and we took an awful lot of local input on it. And we fashioned this in a way that from the local community trying to consider the cultural concerns upwards, and I think this speaks to the heart of this process, that it flows from the folks that felt they needed this up through the system, through the RAC with a lot of public participation. And I think some of the amendments we added to this speak to local needs and so I'd really encourage you to seriously consider passing this with the amendments that we asked for on behalf of the people in our area. And we were, again, we were more than aware that a statewide might be passed. But we'd appreciate action from the Board on it and support of the Board if at all possible.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: Mr. Chairman, the Department supports the deferral of this proposal as recommended by the Interagency Staff Committee. While the Department could support implementation of a ceremonial harvest regulation for National Park Service lands in Units 11, 12 and 13(C), we would want it to be consistent with the statewide regulation that was adopted in Proposal Number 1. We think that adoption of a unit specific proposal in this instance would add to the confusion.

We also do not support deleting the hunting license requirements as it’s recommended in some of the public comments on this proposal and in the Southcentral Regional Advisory Council recommendation.

Thank you.

CHAIRMAN DEMIENTIEFF: Any other Regional Council comment? Gerald.

MR. NICHOLIA: Yeah, Mitch, the Eastern Interior Regional Advisory Council did deal with the proposal and we did that and since I kind of knew you guys were going to adopt Proposal 1, that's why we deferred to Southcentral this proposal.

CHAIRMAN DEMIENTIEFF: I guess -- I was trying to formulate my thoughts with regard to this. I just -- this is a region specific proposal, it appears to be -- you know, since it's dealing basically with Southcentral. And I thought we just finished talking about
the need to do that and the fact that we done it in the past as we refer to Pages 21 and 22 in the previous proposal where we done region specific proposals as a part of fine tuning. And if I'm understanding the Southcentral concerns, you know, they've done their homework and we're fine tuning a regulation to accommodate a specific region and I think that's the kind of thing that we've encouraged in the past.

And the other thing is that is Southcentral Regional Advisory Council recommendation, that is correct, it is -- the Council voted in favor of that?

MR. CHURCHILL: Yes, we did, it was 7-0 vote, Mr. Chairman.

CHAIRMAN DEMIENITIEFF: Given that, Sandy, I'm wondering if the Staff Committee went through the criteria of how we can't turn down the Regional Advisory Council recommendation, I would like to hear the arguments if the Staff Committee went through them.

MR. RABINOWITCH: Mr. Chairman, I think the Staff Committee did go through that and there's some language in the justification about that on Page 31. But I think the key most thing goes back to the proponent, which was the Wrangell-St. Elias Subsistence Resource Commission, that the Staff Committee focused particularly on the proponent, okay? And, as I said earlier, in the case the proponent wasn't aware of statewide Proposal Number 1. After the deliberations on Number 1 and understanding what it accomplishes, there was a belief that it accomplishes much of what the proponent wanted.

As I said, maybe not everything, there's a lot of ways to look at this. So we were going back to the proponent, which is also established by ANILCA Title VIII, I would remind the Board. So we were trying to find the pathway where everybody had an opportunity to review what happened and seek out what they wanted.

I'll stop there and see if that's clear or if there's any follow-up questions.

MS. GOTTLIEB: Mr. Chair, unfortunately, of course, we haven't had a chance to contact the Subsistence Resource Commission to let them know of our 10 now old decision on the statewide and see if that would, in fact, cover what we believe most of their concerns. I understand that some of that discussion probably expanded or
contracted at RAC meeting, but my initial focus would be on
trying to find out the reaction from the SRC, which we
would plan to do in September then.

MR. EDWARDS: Mr. Chairman, I had a couple
of questions, maybe for Keith. In the Southcentral
proposal there is a couple of specific request and one had
to do with identifying where the residency had to be, I was
curious as to does that present some problems for the Board
in passing regulations that have these kind of specific
requirements. And then under their request not to require
a hunting license in order to do that; does that also alter
type of our general approach to any of our regulations or
are neither one of those problematic?

MR. GOLTZ: I'm going to have to turn to
Bill on your second question. I think our regulations
generally provide for hunting license in other sections.

(Whispered conversation)

MR. GOLTZ: Okay, I'm just having my memory
confirmed, that's in Subpart A under -- a State hunting
license is required for subsistence take, so we'd just be
repeating that and Southcentral deletion is in a clean-up.

And your other question on the residency,
I'm not sure quite what you were referring to.

MR. EDWARDS: Well, it says that they must
have their primary residency in a National Park resident
zone community and have customary and traditional use for
the requested species in the requested hunt unit. That's
okay for both Parks and Preserves?

MS. GOTTLIEB: For the Park.

MR. GOLTZ: Yeah.

MR. RABINOWITCH: Mr. Chairman, if I might
jump in and try to assist. I believe Mr. Churchill's -- on
Page 30 and he's in the Southcentral Regional Advisory
Council box toward the bottom where it say harvesters must
have their primary residency -- am I in the right place?
Make sure of that before I go on. Do you want me to guide
you back to the page to make sure we're all on the.....

MR. CHURCHILL: The language I was
referring to was in the Board book. I'm going back between
my notes of our RAC meeting, so I appreciate your patience.
MR. RABINOWITCH: Right, that's okay.

MR. CHURCHILL: The language we crossed out was -- and the reason we did is it was redundant. I mean, we didn't want to put I in for a number of reasons, but we knew there was a license requirement. We dropped, however, harvesters between the age of 16 and 60 must possess a valid Alaska hunting license. It's in the law, we knew it was required anyway, so why add it again. And that was why we did that.

MR. RABINOWITCH: Okay. I was trying to respond to the portion of your question about National Parks Service residency requirement. I'm sorry, I've confused you, Gary asked that question. My apologies.

MR. CHURCHILL: We both have gray hair, it's understandable.

MR. RABINOWITCH: So do I and I wear it on my chin here.

MR. EDWARDS: Yeah, that's that section I was referring to.

MR. GOLTZ: Let's get off the hair subject.

(Laughter)

MR. RABINOWITCH: Mr. Chairman, if I could respond to Gary's question and then I'll turn my mic off. This language, I believe, is consistent with the National Park Service language for national parks, but not national preserves managed by the National Park Service.

CHAIRMAN DEMIENTIEFF: Keith, you had a comment?

MR. GOLTZ: Yeah, I just wanted to point out that 805(c) refers to Councils and not to the proponents. That's in response to your question.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: One more question for the Council. You do include in here the name of the decedent and that seemed different from previous discussions we had, so I was wondering if you could....
MR. CHURCHILL: Yeah, exactly. We had a fair amount of testimony -- you know, this is again a local community and the folks on the RAC and the people that testified to it didn't feel that when they called the Park Service and said this person has passed and it would be a cultural barrier to that. It's a small community, folks know. And the other thing that we had various testimony from law enforcement that that would be very helpful to them as well. That if there was an inquiry they could say that this person had passed and they would probably be hunting in this area. It seemed to facilitate and reduce possible conflicts. That it was felt that it wouldn't be a cultural barrier from the people that we spoke with.

CHAIRMAN DEMIENTIEFF: Terry.

MR. HAYNES: Thank you, Mr. Chairman. As written this proposal would exclude from eligibility rural residents who have received a 13.44 permit from the National Park Service and I wonder if that was the intent; if anyone knows if the Subsistence Resource Commission intended to exclude those residents who are permitted to hunt on National Park lands who live outside a resident zone community.

CHAIRMAN DEMIENTIEFF: Sandy.

MR. RABINOWITCH: Mr. Chairman, I believe that the answer to that would be no, but with your permission I would like to ask Barbara Cellarius from National Park Service, who's here in the audience and works for the Commission perhaps if she might be able to add to my answer or -- either correct it or add to it.

MS. CELLARIUS: Mr. Chairman, Barbara Cellarius, Subsistence Coordinator for Wrangell-St. Elias National Park. I believe that Sandy's interpretation is correct, that was no intent to exclude people with 13.44 permits. It's meant to cover people who would be eligible under NPS regulations to hunt in these areas.

CHAIRMAN DEMIENTIEFF: Did the RAC consider that issue, Bob, do you know?

MR. CHURCHILL: Not to the best of my memory.

CHAIRMAN DEMIENTIEFF: That would exclude a non-resident from hunting, that's my understanding; is that correct, Sandy?
MR. RABINOWITCH: I'm sorry, could you repeat the question?

CHAIRMAN DEMIENTIEFF: That would exclude a non-resident from hunting for.....

MR. RABINOWITCH: No. And this is a fairly technical question. It would exclude rural residents who possess what we refer to as a 13.44 permit, it's a section 10 of the National Park Service regulations, Section 13.44. And 13.44 permit is where has come to the Park Service and in plain language has said, I have a family history of hunting in this area and I'm here to prove it and when I prove it to you give me a permit so I can go, you know, undertake this activity. And that's what a 13.44 permit does, it's a Park Service recognition that an individual has a customary and traditional use in that Park Service area. So it would exclude a resident, not a non-resident.

CHAIRMAN DEMIENTIEFF: Further discussion.

(No audible responses)

CHAIRMAN DEMIENTIEFF: Is there a motion? We have no further discussion and we need a motion.

MS. GOTTLIEB: Mr. Chair, I'm not sure if this is practical, but I guess I was speak to it better if we, Park Service, attempt to contact the SRC maybe in the next few hours and then take up where to try to go from there as best we can.

MR. CESAR: Mr. Chairman, in view of the confusion and questions, I think probably we should ask to get some answer to, I move that we table this motion until tomorrow afternoon. And I remind the Board a motion to table is nondebatable, we vote up or down.

MS. GOTTLIEB: If I could second that motion I would like to do that.

MR. CESAR: All for the question.

CHAIRMAN DEMIENTIEFF: Question has been called for, all those in favor signify by saying aye.

IN UNISON: Aye.

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

CHAIRMAN DEMIENTIEFF: Okay, by clarification I think -- and we've done this before in other regions, Bob, to give you the opportunity and I will count on Fish and Wildlife Service to consult with as many of your members that you can get ahold of, gives the Park Service the time to consult with the Resource Commission and that's the sole intent of this. It's a tabling motion, time specific, so we will reschedule it tomorrow afternoon and give you this opportunity to get ahold of your RAC members with the changes in the discussion.

MR. CHURCHILL: Thank you very much, I'll be happy to do that and participate with anyone of the Board that would like to also be involved.

CHAIRMAN DEMIENTIEFF: And where's your coordinator? Okay, yeah. That will also be your charge to get ahold of as many of your Resource Commission members as possible. I know people are busy this time of year and I think that's why you're here, isn't it, the chairman is gone?

MR. CHURCHILL: Exactly right, he's chasing red salmon.

CHAIRMAN DEMIENTIEFF: Yeah. I mean, so that is that, but at least it gives you the opportunity to consult and we can maybe find a way to move forward.

Given that, I was just about to use this gavel and start bopping some heads before Niles came up with a focus. But given that we're going to go ahead and recess for lunch at this time before we get into the next proposal. It's 11:54, we'll come back into session at 1:00 o'clock.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Okay. We'll call the meeting back to order. We have Proposal Number 2 before us. And staff analysis. Pat.

MS. PETRIVELLI: Mr. Chair, my name is Pat Petrivelli and I'm doing the proposal analysis for WP03-02. And this analysis can be found under Tab A, Page 50. The Office of Subsistence Management submitted this proposal to
standardize the designated hunter regulations for all units. Currently designated hunter provisions are allowed a unit specific basis. This standardization would provide uniform opportunities for subsistence users to harvest or benefit from the harvest of ungulates in all areas of the state.

Unit specific provisions are listed in Appendix A and have been adopted for 21 hunts in 17 different units. Under the proposed regulation designated hunting for ungulates would be recognized for all units and prohibition of designated hunting would be through unit specific provisions. In the Federal management program ungulate means any species of hoofed mammal, including deer, elk, caribou, moose, mountain goat, Dall sheep and muskoxen.

The proposed general Federal hunter designated hunter program has the following provisions: Any Federally qualified subsistence user, the recipient, may designate another Federally qualified subsistence user to take ungulates on his or her behalf. The designated hunter must obtain the designated hunter permit, may hunt for any number of recipients, may not have more than two harvest limits in his or her possession at any one time and may not charge the recipient for his or her services in taking ungulates or for the meat -- or any part of the harvest ungulate.

In 1994 the first proposal for designated hunting was submitted. The Board deferred these proposals and directed staff to work with the Regional Council and ADF&G to identify and return alternative harvest systems statewide. This review resulted in the Designated Hunter Task Force. At the 1995 Federal Subsistence Board meeting the Board adopted the current designated hunter system for the following reasons.

To provide a standardized approach allowing any qualified subsistence user to designate someone to hunt on his or her behalf and to establish a separate Federal permitting system for the benefit of the hunter who would need a valid permit that allowed possession of more than one bag limit and also provide with harvest information.

Since then designated hunter permits have been established for six deer hunts, six moose hunts, seven caribou hunts and two sheep hunts. This past season two special action dealt with moose and muskox. The State of Alaska provides for transfer of harvest limits from one
person to another though it's proxy hunting program. It differs from the Federal designated hunter provisions in the following ways.

It has statewide application and it applies only to caribou, deer and moose. The proxy hunting system is available only to residents that are blind, 70 percent disabled or 65 years of age or older. Either the recipient or the hunter may apply for authorization. And no person may be a proxy hunter for more than one recipient at a time.

For the Federal designated hunter program, since it's been implemented a total of 2,106 designated permits have been issued; 1,902 harvest have been reported and the harvest data, shown on Tables 2 and 3 on Page 54. On the page, Figure 1, shows the past participation in the designated hunter program by yearly harvests. Two deer hunts have the highest harvest annual levels, the deer hunts in Units 1 through 5 and the Unit 8 deer hunt. All other hunts have had less than 50 animals, in most cases less than 25 animals harvested annually.

In looking at the numbers related to a single season, for 2000-2001, data show that 387 designated hunters harvested 408 animals. For these same hunts all hunters harvested 15,519 animals. The largest designated harvest 322 was for deer in Units 1 through 5. This represents 3.1 percent of the 10,508 harvested in these units.

On a statewide basis, findings from a study done in various communities when they compared household harvest within the community they documented that it's not uncommon for about 30 percent of the household in a community to produce 70 percent or more of the community's wildfood harvest. The report went on to recommend designated hunting or community harvest as being more compatible with the customary harvest patterns of particular rural harvest areas.

The effect of adopting this proposal, currently there's 68 Federally regulated ungulate hunts throughout the state and those are found in Table 4 on Page 56. Designated hunter provisions are available in 21 of these hunts, adoption of this proposal would affect 47 hunts providing designating hunting for ungulates in all 26 units. Unit specific provisions can be retained in unit that vary from the proposed general provisions, such as the Unit 9(D) and 10 caribou hunts where there is a limit of
And with Proposal 15, which got added to the consent agenda, and it was a proposal for -- but Unit 15 had been adopted it could have been added. But this and any future prohibition of designated hunting could be adopted in unit specific provisions.

The designated hunter program places several requirements on designated hunters. Designated hunters apply for the permit and all hunters must have this permit and their own hunting license, plus the hunting license and any permit or harvest tickets of the person they're hunting for in their possession. The recipient who would have been issued the original registration permit reports the harvest as required.

The designated hunter program is not expected to cause any significant increase in participation or delay reporting of harvest. The harvest by hunters using designated hunting provisions in 2000 and 2001 represents 2.6 of harvest by all hunters. Extending the designated hunting provisions to any hunts allowed by subsistence regulations should not have a significant impact upon these resources. This action would provide a uniform opportunity to subsistence users to harvest or benefit from the harvest of ungulates in all areas of the state. And as observed in 1995 will facilitate the customary and traditional use for sustenance, bartering and the continuation of traditional ceremonies.

This concludes my presentation.

CHAIRMAN DEMIENTIEFF: Thank you. Written public comments.

MS. B. ARMSTRONG: Thank you, Mr. Chair. We have support with modification to require the person designating another to hunt for him or her to demonstrate the need for a designated hunter by Wrangell-St. Elias National Park Subsistence Resource Commission.

We have support from the GASH Fish and Game Advisory Committee, support from the Ahtna, Incorporated, support from the eight Ahtna villages, support from Aniakchak Subsistence Resource Commission and no recommendation from Lake Clark Subsistence Resource Commission.

Thank you, sir.
CHAIRMAN DEMIENTIEFF: Thank you. We have no request for public testimony at this time. Regional Council recommendations. Della.

MS. TRUMBLE: Thank you, Mr. Chair. Kodiak/Aleutians looked at this and it is stated in some of the discussion, that in looking at 9(D) and 10 was caribou, and using that as an example, we have ours listed as four per designated hunters. And the reasoning behind it is the cost of fuel, most our guys -- using King Cove as an example, come to office and we might have three or four hunters go pick up two to four of the designated hunter permits. And they're traveling for two and a half hours to Muskomee, five and an a half hours if they're going to the Pavlof section. Of if you're coming from False Pass it's 10 hours to Pavlof and Sand Point, I think -- I believe it's three hours to Pavlof. But need for this, we have a lot of people -- women that have lost their husbands and the distance and the cost it works better for us in our region to keep it at the four.

And with regard to this, and you can look at Kodiak at one time, they had the deer, I believe, at four, however they changed it to two because of the time of the harvest in the year and the weather being warm and the possibility of spoilage. So taking those two into consideration.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Pete.

MR. ABRAHAM: Bristol Bay Council voted 5-2, 2 absent to oppose the proposal for Bristol Bay Region. The Council stated that we would like to see more provisions by game management units in regards to taking of wildlife by the designated hunter. The Council requests the Board exempts the Bristol Bay Region from their recommendations when we hold this meeting over here.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Yes, Walter.

MR. SAMPSON: Thank you, Mr. Chairman, members of the Board. The Northwest Arctic Regional Advisory Council recommendation is to support the proposal. The designated hunter provisions should not have a significant impact on wildlife resources. However, if
there's any conservation problems or issues in regards to conservation then it's already in the books where you can apply emergency closure if that should occur.

CHAIRMAN DEMIENTIEFF: Thank you. Ron.

MR. SAM: Thank you, Mr. Chairman. We don't utilize this program that much, we would like to see it on the books in case we need it and one other way that we've been easing this problem is addressing the wanton waste program -- I mean wanton waste regulations by having the registered guides in our area provide -- fill out some paperwork and provide meat for elders and stuff around within our area to help prevent that wanton waste man spoilage.

CHAIRMAN DEMIENTIEFF: Thank you, Ron.

John.

MR. LITTLEFIELD: Thank you, Mr. Chair, the Southeast Regional Advisory Council supports this proposal. At the present time designated hunter provisions in Southeast Alaska cover deer hunting in all units and Unit 5. As implemented in the Southeast region these designated hunts have served the need to meet important subsistence needs in subsistence communities. In Southeast Alaska subsistence high harvesters have traditionally met the needs of subsistence households that are not able to fulfill their subsistence needs though their own efforts. These existing hunting provisions would allow a traditional community hunters to do legally what they were doing before designated hunter provisions were implemented. Designated hunter reporting has been excellent and we are now getting better information on actual harvest by harvesters.

The Southeast Regional Advisory Council adopted the Staff Committee recommendation for this proposal and favors the regulatory simplicity that a statewide regulation would provide. If adopted by the Federal Subsistence Board this proposal would authorize designated hunter provisions for other ungulates in Southeast Alaska, specifically moose in Units 1 and 3 and goats in Units 4 and 5. Moose and goat are difficult to take in Southeast Alaska and SERAC did not believe that extending designated hunter provisions to these species would result in serious management or conservation problems.

SERAC notes that designated hunter provisions are designed to meet subsistence needs, as such
they are not manageable tools that should be used to regulate ungulate harvest. Should unforeseen problems arise these can be addressed through unit specific regulations at a later date.

And also a comment was made similar to the previous one that this was a top down proposal.

CHAIRMAN DEMIENTIEFF: Thank you. Bob.

MR. CHURCHILL: Yeah, the Southcentral RAC supported this with a number of amendments. And essentially what our amendments were is that we aligned it with the State qualifications, that a person either be blind, 70 percent disabled or 65 years of age or older. This came out of a concern, the way it was written appeared to us, and we had a number of folks speak to this, was the way it was written anybody could hunt for anyone. And we were concerned with this diminishing the number of people that actually got out and actively hunt. It's been consistent in subsistence communities where approximately 30 percent of the people take 70 percent of the game and we recognized that, but we still amended that to put it in line with the State.

The other amendment we passed, there was a concern among the Advisory Council, particularly with women who were pregnant and that came out of the language of temporarily disabled. And probably just time and cowardness, we didn't draft out a written definition of temporarily disabled. But the gist of it, for us, was that somebody that was physically incapacitated during the hunting season that would preclude them for taking part in that hunting season. We did discuss issues as far as people being away from the community through other employment and it was felt that was not a consideration, that was a choice. But we supported it with a significant number of amendments and essentially to align it with the State program.

CHAIRMAN DEMIENTIEFF: Thank you. Other comments? Harry.

MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta Regional Advisory Council recommends that these provisions to be -- has been needed in Yukon-Kuskokwim Delta for a long time, so they support it fully.

CHAIRMAN DEMIENTIEFF: Thank you. Grace.
MS. CROSS: Seward Pen Regional Advisory Council supports this proposal extending hunter provisions should not have a significant impact on the wildlife resources and would provide uniform opportunity to all subsistence users statewide.

And in Southeast Alaska's recommendation it changes ungulates to deer, moose or caribou. We have muskox in our region and we believe muskoxen should be included and we have sheep in our next door neighbor, so we believe those animals should also be included.

Thank you.


MR. NICHOLIA: Yeah, thank you, Mr. Chairman, the Eastern Interior chose to defer because there's certain conservation concerns, especially in the Yukon Flats area. And other areas in Easter Interior, they're kind of in support of this, but we chose to defer because just wanted to make sure you guys follow -- just like in Tanana area they have this good State designated hunter program for the elderly people, the Tanana elders, so I like to see you guys follow that kind of example, because it has a pretty good reporting system to it, especially in the Koyukuk National Wildlife Refuge control use area, they have a pretty good designated hunter program there because I seen it.

Thank you.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Oh, I'm sorry, Bob.

MR. CHURCHILL: Yeah, just one comment. In our area we had a fair amount of testimony to exclude goats because it was felt it would have a negative impact on people's ability, they just felt that if goats were included it may severely limit the number of people having an opportunity to harvest.

CHAIRMAN DEMIENTIEFF: Staff Committee recommendation.

MR. RABINOWITCH: Staff Committee recommendation is to adopt this proposal with modifications that are consistent with the majority of the 10 Regional Councils. The adoption would adopt the recommendation from
the Bristol Bay Council as it applies to Units 9 and 17.
If it adopts a portion -- excuse me, I'm on Page 47 of your book. Page 47 at the top. It would adopt a portion of the
Southcentral Council recommendation in regards to deer,
moose and caribou and it would reject that portion of the
Southcentral Council recommendation about eligibility for
the elderly or disabled.

And let me go on a little bit and explain
that. The next paragraph states the Staff Committee's
recommendation on the regulatory language, and I'll just
summarize three points, actually I think it's four. The
first is this would be for Units 1 through 8, 9(D), 10
through 16 and 18 through 26. The second major point is
that it would include deer, moose and caribou only. The
third point is that there is an allowance for unit by unit
exceptions whether they be an allowance for, for example
sheep or muskox that was just raised, or a prohibition
where you didn't want to have a designated hunter. And the
last of those four points is that the harvest limit would
be two on a statewide basis.

And let me get into the justification,
which will elaborate on some of these points. Six Councils
supported the proposal, two requested deferral, one opposed
any change at this time for their region and one
recommended limiting which ungulates would be included.
Some comments expressed concerns about potential
conservation problems for various species, especially those
that reproduce more slowly than other do. And as the staff
analysis explained, the term ungulates a list of species,
I won't reread that.

So in response to the proposal and the
Council recommendations the Staff Committee did the
following things. It deleted the term ungulates and
replaced it with deer, moose and caribou. This change
deletes elk, mountain goat, dall sheep and muskox and in
doing so is responsive to the expressed conservation
concerns, to some concerns that impact the resources from
the Southcentral Regional Advisory Council, which
specifically asked for these species. These species are
generally among the most abundant in localized areas where
they reside and reproduce more quickly than other
ungulates. No conservation concerns have been raised about
designated hunter proposal already passed by this Board
have included these three species. The designated hunter
regulations for these three species has been working
successfully as explained by the staff analysis and
existing specific regulations allowing designated hunters
for sheep and muskox would be retained.

Second point is maintaining the existing
criteria for whom can qualify to be a designated hunter is
an opposition, as I said, to the Southcentral Regional
Advisory Council's request to restrict eligibility for the
elderly, the disabled. The Staff Committee believes the
criteria approved by the Board in 1995 remains valid and
should be maintained for the statewide regulation. And
that establishing new criteria would appear to be
unnecessary, restricting the subsistence users at this
time.

Third point. Excluding the Bristol Bay
Region, Units 9(A, B, C and E) and Unit 17 from the
regulation is what that Council asked for. There's no
effect on other regions and the Bristol Bay Region, as with
all others, retains the option of submitting additional
proposals for designated hunters in the future. The
existing designated hunter provisions for their region
would remain in place.

And the forth and last is that retaining
the unit specific regulations that will allow more than two
harvest, for example, the four harvest limits in Unit 10
and 9(D) is consistent with the Kodiak/Aleutians Council's
request to defer the proposal because of their concerns
about maintaining their traditional activities.

So we tried very hard to take into account
all the Councils' specific recommendations and find a
pathway to accommodate them. I think we're close, we're
probably not quite perfect.

That's the end of my comments.

CHAIRMAN DEMIENTIEFF: You mean it's not a
perfect world. Department comments.

MR. HAYNES: Mr. Chairman, we have
extensive written comments on the original proposal on Page
67 of your meeting book. In the Staff Committee
recommendation some of these questions and concerns we have
are addressed, in other instances there are questions about
administration of a statewide program that haven't really
been addressed.
Be that as it may, the Department supports a deferral as recommended by the Kodiak/Aleutians and Eastern Interior Regional Advisory Councils for reasons stated by these two Councils and because of the diverse comments made by Regional Councils generally on this proposal. One important recommendation made by the Department in our previous comments that has been addressed in the Staff Committee recommendation involves limiting the scope of the proposed statewide designated hunting regulation to moose, caribou and deer, consistent with the State's proxy hunting regulation. We acknowledge that this did not apply to a few instances and in which proxy hunting of sheep is provided for in Federal regulations already.

The Wrangell-St. Elias Subsistence Resource Commission and the Southcentral Regional Advisory Council also have recommended modifications they believe are appropriate for their areas. These modifications merit consideration by the Board. If the Board implements a statewide regulation timely and accurate reporting will be essentially so that its effects can be evaluated since the potential impacts of a statewide regulation on existing hunting practices are unknown. Even though Federally designated hunting to date does not appear to have impacted wildlife populations, the program has been controversial in some rural communities.

Thank you.

CHAIRMAN DEMIENTIEFF: Any other Regional Council comments?

(No audible responses)

CHAIRMAN DEMIENTIEFF: If not, we'll move it on to the Board here. Any discussion by Board members?

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I just got a question for Terry. On your very last comment, the program has been controversial with some rural communities. I wonder if you could explain that a little bit more, please.

MR. HAYNES: Mr. Chairman, Judy, we do know that in a couple of communities in Southeast Alaska there have been a very small number of people who have reportedly harvested large numbers of deer under these provisions and
it's lead to quite an exchange of correspondence in local newspapers, letters to the editors. I think part of the controversy surrounds people not understanding what is provided for in regulation. Some people just perceiving that one individual should not be shooting 30 or 40 deer.

**CHAIRMAN DEMIENTIEFF:** Additional discussion.

**MS. GOTTLIEB:** Mr. Chair, for purposes of discussion, I move that we accept the Interagency Staff Committee recommendation.

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

**MR. EDWARDS:** Second.

**CHAIRMAN DEMIENTIEFF:** Moved and seconded.

Discussion on the motion.

(No audible responses)

**CHAIRMAN DEMIENTIEFF:** Then I guess from some of the Regional Council recommendations, Grace, you were talking in favor of, including muskox, in your area and let me see, John, you wanted to add goat and what was it?

**MR. LITTLEFIELD:** Mr. Chair, the existing regulations do not have goat in there, but we could live with this either way. Our existing regulations allow us to do deer, adding the goat and the moose would have been okay with us.

**CHAIRMAN DEMIENTIEFF:** Uh-huh. Well, the moose would be in there, right, on the proposed -- you'd have two out of three. Well, I for one, in this particular case, and I don't always agree with Staff Committee. I think they've done excellent diligence in -- you know, when we have a blend of opinions from Regional Councils they're in a difficult position and I think I can support the Staff Committee's recommendation in this particular case. But I just wanted to compliment the Staff Committee for doing diligence to try to accommodate, you know, when we're trying to put together a statewide regulation, to try to accommodate the individual concerns of the different Regional Advisory Councils, especially when we have the diversity of opinions.
So I think that they have done diligence in terms of doing their job and I'm going to support this proposal just because they have done that work and they have done their homework in terms of accommodating the concerns and well as some of the concerns of the State of Alaska, even though, you know, they're not part of our mandate, but certainly they, you know, were in that kind of -- you know, we do cooperate with them. Nobody can get 100 percent, but we're trying to accommodate people's concerns and I think they done as far as they can go. And I just appreciate the work and intend to vote for the motion.

Further discussion. Yes.

MR. CESAR: In situations like this, I think, when have divergent opinions I'm inclined to go for deferral if deferral will lead us somewhere. If I think that we defer and it comes back and it's something different that will be added to improve it, make it stronger. I'm kind of torn between the two at this point, but I think I agree with you that the staff has done an excellent job and they have reached out and tried to craft something that is very difficult to craft to begin with and I think for that reason I will support the motion as made and would hope that if Bristol Bay and others after reviewing, looking at it, would come back next year for either inclusion or with further information which would help us.

CHAIRMAN DEMIENTIEFF: And even though I asked the question earlier, again, in moving -- if the Northwest Region or Seward Pen or Southeast came back with region specific proposals, you know, we can revisit those on a case-by-case basis. And I'm certainly not unwilling to do that. But, you know, as far as getting a regulation that seems to work for most everybody at the current time, again, I think we'd all be committed to revisiting those issues if you raise them to make it region specific.

Further discussion. Yes, Bob.

MR. CHURCHILL: Just a clarification. I recognize I'm one of the new folks on the block. This does include the Kodiak concerns, the Kodiak RAC's concerns does it not? I thought I heard that.

CHAIRMAN DEMIENTIEFF: Sandy.

MR. RABINOWITCH: Yes, it does, it leaves in place the harvest limits that you currently have in
MR. CHURCHILL: Thank you very much.

MS. GOTTLIEB: And, Mr. Chair, perhaps one more clarification, for those Councils who want a deferral on this, I guess people in those areas would not necessarily have to use this option if they didn't want to. It would be in place but not necessarily one that would be used.

CHAIRMAN DEMIENTIEFF: Well, yeah, I think it's pretty clear that, you know, in terms of adding other species in specific regions, if the regions that want a deferral want to come back with a region specific proposal for them, you know, we would equally visit those.

CHAIRMAN DEMIENTIEFF: Gerald.

MR. NICHOLIA: Yeah, the Eastern Interior had a main concern about this, because we're kind of -- the Yukon Flats is where -- what kind of effect would this thing have on the Yukon Flats moose rebuilding plan that they go going now?

CHAIRMAN DEMIENTIEFF: Sandy.

MR. RABINOWITCH: To follow up on Gerald's comment, the way that this regulation is written it also would allow any Regional Council to come back to the Board and request that the designated hunter not be allowed in their units, plural, for a given specie. So if you -- well, from experience, you decide you have a problem you could come back with that and say we want it so that it would not be allowed to have designated hunter, say, for moose in whatever regions. So you can ask to have an allowance or ask to have it not allowed region by region. I just want to make sure that that's in here, you can asked to go either way.

CHAIRMAN DEMIENTIEFF: And you fully have to understand the view of people on the Yukon Flats, given the fact that they worked very hard for a number of years trying to build their moose population up, I mean, those...
are real legitimate concerns and, you know, we can address all those concerns.

Walther.

MR. SAMPSON: Thank you, Mr. Chair. I think in regard to the statement you made early on on the issue of regional specific, if the regions wish to give additional proposals to other ungulates species then that opportunity is there. In regards to what my cohort said to my left here, I think that's something that the Northwest Region also needs to take a look and see what we need to do in regards to the various species. So with that, I think we can deal with those very issues down the road.

Thank you.

CHAIRMAN DEMIENTIEFF: Any further discussion.

MR. CESAR: Question.

CHAIRMAN DEMIENTIEFF: Question's been called for. All those in favor of the motion, please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(NO opposing responses)

CHAIRMAN DEMIENTIEFF: Motion carries.

Page 139 in the book would be WP03-13, which has been requested to be taken off the consent agenda. Who's going to do the analysis here.

MR. ARDIZZONE: Mr. Chair, Board members, my name is Chuck Ardizzone, I will be presenting the staff analysis for WP03-13 found in Tab C on Page 142.

WP03-13 was submitted by the Southcentral Regional Advisory Council and requests Federal dates for brown bear in Unit 11 be extended. This would align Federal subsistence hunt dates with season dates approved by Alaska Board of Game in March 2001, lengthening the season by 35 days. State regulations apply to preserve lands but not park lands, therefore, there's no State
season for the park.

Federal public land comprise approximately 81 percent of Unit 11, there are a number of communities that have customary and traditional use determinations for brown bear in Unit 11. They can be found on Page 143. Since most of Unit 11 became a national park in 1980 harvest has dropped from 30 to 40 bears per year to two to 12 bears per year. This has allowed the brown bear population to remain stable. Currently there is not a population estimate for brown bears in Unit 11. However, McDonald considers the population to be relatively abundant and well distributed. This is also the consensus of other biologists, outfitters and local residents.

The effects of this proposal is that the proposal would align Federal season with the current State's harvest date lengthening the season by 35 days. The proposed change would reduce confusion among Federal subsistence hunters and would allow additional opportunity for brown bear harvest. And State regulations do not apply to Wrangell-St. Elias National Park. Currently the brown bear population in Unit 11 is thought to be stable, healthy and relatively abundant, therefore, the proposal should have minimal impact on the brown bear population in Unit 11.

Mr. Chair, this concludes my presentation.

CHAIRMAN DEMIENTIEFF: Written public comments.

MS. WILKINSON: Thank you, Mr. Chairman, there are four. The Wrangell-St. Elias National Park Subsistence Resource Commission, Ahtna, Incorporated and the eight Ahtna villages all support this proposal. The Sierra Club, Alaska Chapter wrote in opposition, stating that this is a predator control proposal that conflicts with ANILCA standards and the National Park Service mission. It also conflicts with wildlife viewing and personal safety interest of park and preserve visitors, they're now able to view the bears during three summers months when hunting is prohibited. And that's all the comments, sir.

CHAIRMAN DEMIENTIEFF: Thank you. At this time we have two requests for additional public testimony. Jack Hession, is that how you say it? Hession?
MR. HESSION: Hession.

CHAIRMAN DEMIENTIEFF: Okay, I'll get it right yet.

MR. HESSION: Thank you, Mr. Chairman and members of the Board for this chance to offer our views on this. Proposal 13 would align the brown bear hunting season in Wrangell-St. Elias National Park with State regulations, in common with a number of other proposals. This would increase the hunting season by 36 days and reduce the present no hunting period by 36 days from 92 to 55 days, this amounts to a 40 percent reduction in the current non-hunting period. This reduction conflicts with the interests of citizens here and in other states for a national park viewing experience, in this case, the opportunity to visit one of our very finest national parks for purpose of viewing brown bears during a period in which these animals are not hunted and when the personal safety of visitors is not at issue.

I believe the proposal also is in conflict with ANILCA and National Park Service management mandates. It is being made in the absence of a population estimate for brown bears in Unit 11. We are told that the population is "relatively abundant and well distributed." Also that the population is "thought to be stable, healthy and relatively abundant." These kind of informed guesses and impressions are insufficient as a basis for managing subsistence hunting of brown bears in the park as well as the preserve. As you know, ANILCA mandates that brown bears and other wildlife in the national park, all national parks in Alaska, will be managed to maintain "natural and healthy populations", emphasis on the word natural. Yet there's no finding by the National Park Service that the brown bear population in the park is in a natural and healthy condition. In the absence of such a finding, and by population estimate based on biological research, a conservative management approach is clearly called for in this instance.

In summary, Mr. Chairman, because the proposal is in conflict with ANILCA and National Park Service mandates, including the interests of non-consumptive users, we respectfully urge the Board to reject Proposal 13. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Karen Deatherage.
MS. DEATHERAGE: Thank you, Chairman and members of the Board for the opportunity to testify. I'm Karen Deatherage representing Defenders of Wildlife and I just have a broad statement that will include this proposal as well as a couple of other bear proposals. Defenders does believe that traditional subsistence users of public lands is compatible with the management objectives for our public lands, but we do have an issue with aligning current Federal regulations with State regulation. Having attended the Board of Game meeting for the last few years and watched the progression of more and more liberal bag limits and season times for predators, both bears and wolves, we see that the State is pushing more and more towards the maximum sustained yield principle that it operates on. We don't believe that national lands operate under that principle, in fact, they operate under the natural and healthy ecosystem principle. And that these proposals to increase and liberalize these bag limits are in conflict with the principle that this Board operates under. So we would like to ask that Proposal 13, 42 and 43 are all rejected by this Board.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Regional Council recommendations.

MR. CHURCHILL: Thank you, Mr. Chairman. Yeah, the Southcentral Regional Advisory Council took a fair amount of testimony from both Federal and State land managers on this. And this area has been the custom and tradition for brown bears to be used as a food source. And the way it currently exists is there's a $25 tag fee on Federal lands, it's one bear, I believe, every year and due to the anecdotal information which, I guess, some folks don't feel is very valuable, but we felt was very valuable from the folks that live there, that there population was certainly abundant and that this would provide another source of food and hunting opportunity for the people and avoid confusion with conflicting State and Federal regulations. The testimony we received on this was fully in favor of adopting 13, there was no conservation issue that we could find and we heard no testimony based on methods, means and traditional hunting areas of user conflicts, so we were squarely in favor. And as I remember our vote it was a 7-0 vote in favor.

CHAIRMAN DEMIENTIEFF: Thank you, very much. Yeah, Gerald.
MR. NICHOLIA: Yeah, we were in support of this proposal, Number 13, because Chistochina Caribou Herd, we kind of aligned that with that at our meeting in Nenana that -- these brown bears are the biggest predators on earth. And if you like the big brown bears along with caribou, along with moose, along with animals that these brown bears prey on -- we got to limit these brown bears to a certain point or they're going to exactly control the whole area, just like all the wolves do in certain areas, they're the worst predators. And if you want to have other animals in that certain area you're going to have to have kind of put a limit on the predators.

CHAIRMAN DEMIENTIEFF: Thank you. Della.

MS. TRUMBLE: Thank you, Mr. Chair. I just kind of want to make a comment in respect to bears in general. I know in 9(D) and 10 we've been asking for a survey, as an example, for five years. We've been told that population of bears was at 900. After five years we finally, this last fall, was able -- I went to a meeting, was able to look at a survey that was finally complete and we've been saying that this was a cause of the decline -- as part of the cause in decline in our caribou. Now, when we finally got that survey that showed that that population was up to 1,640, it was almost double. And so I think sometimes we keep saying there's a conservation issue, you know, we need to listen to the people, understanding there's way too many of these animals.

CHAIRMAN DEMIENTIEFF: Other Regional Council recommendations. (No audible responses)

CHAIRMAN DEMIENTIEFF: Hearing none, Staff Committee.

MR. RABINOWITCH: Thank you, Mr, Chairman. The Staff Committee recommendation is found on Page 140 and, in passing, I'll note that the original proposal is on the facing page, Page number 141. Glancing down that you will note that the intention of the proposal was to provide for subsistence opportunity and there's no reference to predator control in the proposal as it was submitted.

The recommendation of the Staff Committee, then, is to adopt the proposal, consistent with the recommendation of the Southcentral Regional Advisory Council, the Eastern Interior Regional Council deferred on
this question to the home Council, the Southcentral Council. The regulation itself is provided in the middle of the page and the key difference is that the resulting season would be August 10th through June 15th. No other provisions, the bag limit or the C&T provision, none of those other elements are changed.

The justification for this action is that the brown bear populations appear to be stable, healthy and relatively abundant in Unit 11. Harvest permitted under this regulation change would not adversely effect the population, while they would allow for additional opportunity for Federally qualified subsistence users and would reduce confusion among hunters by aligning State and Federal regulations.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: Mr. Chairman, the Department supports adoption of this proposal that would align the Federal and State regulations for brown bear hunting in Unit 11 and provide additional opportunity for Federally qualified subsistence users. I might add, too, that the staff analysis makes it very clear that brown bear harvest had declined dramatically in Unit 11 in the past 20 plus years. So providing some additional opportunity might slightly increase the harvest, but we wouldn't anticipate that a lot more brown bear are going to be harvested by providing this additional opportunity in Federal regulations. But it is -- I think it is good to provide that opportunity to subsistence users should they be out hunting for other species and opportunistically encounter brown bear, they should have the opportunity to harvest if they're on Federal lands.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any other Regional Council comment?

(No audible responses)

CHAIRMAN DEMIENTIEFF: If not, we'll move it on to Board discussion. Niles.

MR. CESAR: Mr. Chairman, I move that we support the Staff Committee recommendation on Proposal 13.
CHAIRMAN DEMIENTIEFF: We have a motion, is there a second?

MR. BISSON: Second.

MR. CESAR: Mr. Chairman, I believe we will be providing for further opportunity for the subsistence user and I think that the reason I'm voting for this, the issue of aligning ourselves with the State regulations is on the face of it good, we'd like to do that if we can. That, in my mind, is secondary to providing further opportunity for subsistence users. The take has declined and I believe there will not be a significant rise in the harvesting of those animals. And to me predator control is a different issue and I try to make my votes align with subsistence and thoughts of providing further opportunity and that's why I'm voting for this.

CHAIRMAN DEMIENTIEFF: Anybody else? Gary.

MR. EDWARDS: Mr. Chairman, I'd just like to ask Judy, does the Park Service have any data that would show that there would be increased conflicts between non-consumptive users or tourists in this areas that you would expect the bear to occur for these additional days?

MS. GOTTLIEB: Mr. Chair, Gary, I don't believe we have the data. If there were safety concerns we do have the authority to do closures, like we've done, for example, around the Kantishna area in Denali. But at this point the park is not worried about the natural and healthy status of the bear population, nor at this point the safety of any visitors who might be there during the hunting season.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: If I might add, Wrangell Subsistence Resource Commission did support this proposal and we do believe that providing additional opportunity to subsistence users -- I think the word compatibility was used before, but actually really it is providing that priority to subsistence users in this case that we're concerned about. If conflicts do arise, either in population levels or for safety then we'll certainly take further actions.

CHAIRMAN DEMIENTIEFF: I, too, pretty much
the same view that Niles has, we are providing an additional opportunity for subsistence users and since predator control was not in our management, I mean, I -- some people can look at it like that, but I don't that's the way any of the Board members look at it, because it's outside of our mandate. And it certainly within our mandate to provide additional subsistence opportunity, so again, I intend to support the proposal.

Any other comments?

(No audible responses)

UNIDENTIFIED VOICE: Question.

CHAIRMAN DEMIENTIEFF: Question has been called for, all those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing responses)

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay, with that we move on to Proposal 14.

Staff analysis, please.

MR. ARDIZZONE: Mr. Chair, Board members, once again my name is Chuck Ardizzone and I will presenting the staff analysis for Proposal WP03-14 found in Tab C, starting at Page 152.

The Federal Subsistence Board deferred this proposal in May of 2000 [sic] as Proposals WP02-16. It was submitted by the Copper River Native Association and requests a change in the Unit 13 caribou late season from October 21st to March 31st to December 1st through April 20th and a change in the harvest limit from two bulls to two caribou.

Federal public lands comprise approximately 9.4 percent of the unit with 5.9 percent managed by the National Park Service, 1.7 percent managed by the Bureau of Land Management and 1.8 percent managed by the U.S. Forest Service. It is important to know that there is very little Federal public land in Unit 13 within the range of the Nelchina Caribou Herd. These lands include areas along and
near the Richardson Highway and Denali Highway managed by
BLM, which account for less than two percent of all of Unit
13. And a small parcel of the Wrangell-St. Elias National
Park, excuse me, National Preserve off the Tok Cutoff Road.

A large number of communities have
customary and traditional use determinations for caribou in
Unit 13, they can be found on Page 153. The most recent
regulatory action involving the Nelschina Caribou Herd
occurred in June 2002 when a special action request,
WSA02-02, was submitted by the Copper River Native
Association requesting a change in the fall caribou season
for Unit 13(B). The Federal Subsistence Board rejected
this special action based on their justification to defer
WP02-16 during their May 2002 meeting.

And for the results of population surveys
and composition counts were completed in the summer and
fall of 2002. The Board concluded that if new survey
information showed that the Nelschina herd had grown to meet
the minimum population object of 35,000 then additional
flexibility in the subsistence hunt may be warranted.

There is extensive biological data on the
Nelschina Caribou Herd, in the interest of brevity I will
only cover the recent information. The most recent count
estimate for the Nelschina herd is 34,380 animals in the
fall of 2002. Calf production in 2002 increased to 48:100
cows, a recent fall 2002 observed bull:cow ration was 31
bulls to 100 cows. In the 2000-2001 combined Federal
harvest in Unit 12 and 13, 273 animals were harvested.
During the 2001-2002 season the combined harvest was 499
animals. As of 1 May of this year the combined harvest was
35 350 animals.

Cow harvest averaged 49 percent of the
reported harvest between 1997 and 2001, an average of 159
per year. Most recently the cows represented 28 percent of
the reported 2000-2001 Federal subsistence harvest.

Effects of this proposal -- elimination of
the October, November season would reduce the Federal
subsistence harvest by an average of 25 percent and would
result in a net loss of 40 hunting days. If the season
were extended into April it would provide 20 additional
7 days of opportunity offsetting 20 of the 40 days lost by
eliminating the October and November harvest dates.
However, an April season that included a cow harvest would
be a potential conservation concern given that the
migration back to the Eastern Talkeetna Mountains calving grounds is traditional in April and pregnant cows often lead the migrating groups and they are in the last stages of pregnancy making them very vulnerable to disturbance stresses and harvest.

With a past average Federal harvest of 159 cows annually, reinstating an either sex season could result in an effective loss of 76 calves based on most recent post rut cow ration of 48 calves to 100 cows. Limiting the harvest to bulls only is a more conservative alternative to protect the reproductive capacity of the herd and promote continued population growth.

Currently the population of the Nelchina herd is near the management object of a fall population of 35 to 40,000 animals, which could allow any sex caribou to be harvested. During the fall Council meetings two optional ways of dealing with this proposal was presented to the Councils. The first option was to oppose the proposal in its entirety, based on the fact that the caribou herd was not -- has not met the minimum population threshold of 35,000 animals. The second option presented to the Councils was to support the proposal with modification, thus allowing a very limited cow harvest of 30 animals. I will not go into detail at this time, but the two options can be found on Pages 160 and 161 of your materials.

After the Council meetings, at the Staff Committee meeting, a new option was discussed. During the meeting of Staff Committee members the Southcentral Regional Chair discussed and developed the recommendation that would be presented as the Staff Committee recommendation.

Mr. Chair, this concludes my presentation.

CHAIRMAN DEMIENTIEFF: Thank you. We have summary of written public comments.

MS. WILKINSON: Mr. Chairman, there are four. The Paxson Fish and Game Advisory Committee opposes this proposal. The Committee does not support adding 20 days to the winter season nor the taking of cows at this time. The present herd size does not justify additional take or a spring cow hunt. There is more than adequate opportunity to hunt subsistence caribou along the Richardson and Denali Highways. Except in the year 2000, the Tier II season has closed early during subsistence
hunting, about four month of caribou season without urban
hunters present. This year will probably afford nearly two
months of caribou season without urban hunters present.

The Wrangell-St. Elias National Park
Subsistence Resource Commission opposes both the proposal
as written and the proposed modification labeled Option B,
due to conservation concerns for the caribou population at
this present time.

Ahtna, Incorporated and the subsistence
representatives of the eight Ahtna villages support Option
B by the Bureau of Land Management. The only 30 any
caribou winter hunt in Option B should be increased when
the Nelchina Caribou Herd has increased to a sustainable,
healthy population, which is the State management objective
of 35,000.

And that's all the written comments, sir.

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

MR. CHURCHILL: Thank you, Mr. Chair. The
Southcentral Regional Advisory Council supported on a 6-1
vote the original proposal. The only concern that was
expressed by our Committee was if the cow harvest was, in
fact, invoked, would we be able to shut it down once the
number of cows that were harvested. Since that time our
chair has met and I think some actions have been taken that
will alleviate even that concern, so we stand forth square
behind it. In favor of it, I'm sorry.

CHAIRMAN DEMIENTIEFF: Thank you. Gerald.

MR. NICHOLIA: Yeah, the Eastern Interior
opposes this proposal because of conservation concerns and
the fact that Unit 13 there's only a few spots that's
Federally controlled.

CHAIRMAN DEMIENTIEFF: Thank you. Staff
Committee

MR. BRELSFORD: Thank you, Mr. Chairman.
I think this is a new solution to a longstanding problem
that suggests when we keep trying all the way up through
the Staff Committee meeting sometimes the best solution
comes in the last inning. So the recommendation of the
Interagency Staff Committee is to adopt the proposal
consistent with the Southcentral Regional Advisory Council
approach, but modifying it provide for in-season assessment
and in-season changes to the harvest limits for the winter
season if the fall Nelchina Caribou Herd population figures
warrant a change. This would result in rejection of
portions of the Southcentral and Eastern Interior Council's
recommendations.

I'm on Page 148. In the middle of that
page you'll see the resulting regulatory language. In the
first paragraph it reads two caribou by Federal
registration permit only. Only bulls may be taken during
the August 1st through September season. The next
paragraph establishes the in-season management authority,
it reads: during the winter season, October 21 through
March 31st, the sex of animals that may be taken will be
announced by the Glennallen Field Office Manager of the
Bureau of Land Management in consultation with the Alaska
Department of Fish and Game area biologist and the Chairs
of the Eastern Interior and Southcentral Regional Advisory
Council. Those are the additions to the regulatory
language under this proposal.

The justification starts with the
statement, this modified regulation provides for in-season
flexibility so that a limited cow caribou harvest
opportunity can be provided as soon as the population
conditions are appropriate. This action is consistent with
the conservation of a healthy Nelchina Caribou Herd and
will promote continued growth of that herd as it approaches
the population objective of 35,000 to 40,000 animals. If
the population figures show that the population has
achieved the minimum objective of 35,000 animals this fall,
then a limited cow harvest for the winter season can be
provided. The proposed action provides for continuation of
traditional subsistence harvest practices to the extent
consistent with herd recovery.

As I noted, this regulation does reject a
portion of the Southcentral Regional Advisory Council
recommendation, that part calling for a sixth winter season
cow harvest quota and reporting requirements because the
in-season population assessment might support a larger or
smaller quota. This recommendation also differs from the
Eastern Interior Regional Advisory Council recommendation
which opposed any change because with appropriate in-season
population assessment results additional flexibility for
traditional subsistence harvest practices is warranted.

Thank you very much, Mr. Chair.
CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: Mr. Chairman, the Department's comments from the original proposal are on Page 164 of your meeting book. Speaking specifically to the Interagency Staff Committee recommendation, the Department supports the intent of this proposal as modified by the Staff Committee. We continue to support a limited harvest of cows in the Nelchina caribou hunt after the minimum population objective of 35,000 caribou has been achieved. Department staff will be conducting composition surveys later this month and anticipates developing an updated Nelchina fall population estimate by the end of October. We note that the regulatory language, as modified by the Staff Committee, does not state that the number of cow caribou authorized for harvest in the winter season, should one be established, may be limited. Although a harvest quota is referenced in the justification and will be an essentially management tool for this hunt if one occurs that allows the harvest of cows.

And, Mr. Chairman, I would just add that Steve Machida, the management coordinator for that area is here today if you have biological questions or need information that I can't provide for you.

CHAIRMAN DEMIENTIEFF: Thank you very much.

(No audible responses)

CHAIRMAN DEMIENTIEFF: If not, we'll move on to Board deliberation.

MR. EDWARDS: Mr. Chairman. Gerald, could you elaborate a little bit more on your Council's opposition to this proposal?

MR. NICHOLIA: Yeah. That biologist that was there at our Nenana meeting stated that even if we're adopting or rejecting this proposal, we got to look at this map here is that only place you guys got control over in 13 is this wild scenic river on Gulkana and the part of Denali. It wouldn't have no effect, really, on this -- on the Nelchina because the State has more control of that and plus the Wrangell-St. Elias person was there that said that there was a conservation concern for these caribou. And the Paxson Committee that actually lives there opposes this
because of the same thing, the conservation concern. Did I answer your question?

MR. EDWARDS: Yes. If I understand what you said, your view is, is that the people who actually live in this area, the subsistence users are opposed to it?

MR. NICHOLIA: We were going to defer this to the Southcentral, but since we started talking about it, we oppose it just for the conservation concern. And I don't think the Eastern Interior speaks for the Southcentral people. It was like a crossover proposal and we just stated that. It's more State controlled land than Federal controlled land, that was the main reason we opposed it.

CHAIRMAN DEMIENTIEFF: Bob.

MR. CHURCHILL: Yeah. And in support of what the Eastern Interior is saying, we have real conservation concerns and that's why we tried to tie down the reporting. We recognized that a very conservative number of cows being harvested would not have a dramatic impact, but we also realized that this hunting area is so accessible that a large number could be taken very, very quickly. That's why we put that piece in, so we both shared, I think, a conservation concern and it appears to have been addressed by the further amendment to this proposal.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes, Judy.

MS. GOTTLIEB: Question, perhaps, for Terry or others. If the survey is going to be done shortly, that sounds good, but it sounded like the results may not be available until the fall and so how will that work for the August hunt?

MR. HAYNES: Mr. Chairman, Judy, there are additional counts that occur in the fall months as well. I didn't make that very clear in the comment, so that the Department isn't just sitting on data collected in the spring throughout the summer and into the fall, there's additional biological information gathered early in the fall. And that in combination with the information gathered this spring leads to development of the new population estimate.
CHAIRMAN DEMIENTIEFF: Yes.

MR. BISSON: Yes, Mr. Chairman, I'd like to ask one of our staff biologists, Elijah, if you could comment a little bit on Gerald's concerns?

MR. WATERS: Good afternoon, Mr. Chairman, Board members. My name is Elijah Waters, I work for the Bureau of Land Management in Glennallen. As I understand Gerald's concerns it concerned the one biological concern and I think the original comments from the Eastern Interior was referring to the original proposal, which was to allow -- the original proposal was to go back to an unlimited cow harvest. Then the modified proposal was to go back to a smaller cow harvest, of which the Bureau of Land Management would monitor very closely. Well, the modified proposal by the Interagency Staff Committee was to wait -- to keep the early season bull only, just the way it is now and then if the numbers were over that 35,000, then to allow a cow harvest based on that. So the conservation concerns would essentially be alleviated based on that.

The other concern was that there was very little Federal land, and I'm not sure why that's a concern. Does that help any?

MR. NICHOLIA: Why I just mentioned why there was very little Federal land is that this Federal Board and the Federal magistrates don't have no control on State land.

MR. WATERS: That's right and, of course, this would only apply to Federal land. The State would be under Tier II. But the main concern that I see is the conservation concern and, unfortunately, this season straddles that critical number, you know, that timeframe, as Terry Haynes pointed out, the number comes in at the end of July -- I'm sorry at the end of October, which is literally right between the fall season and the winter season. The Interagency Staff Committee felt like that, you know, waiting until that number comes because that number -- that could feasibly be lower than 35,000, in fact, well lower than 35,000 or it could feasibly be much higher than 35,000 of which a cow harvest would certainly be warranted. So we just felt like waiting until -- you know, to allow the Federal land manager some in-season flexibility on that. It's essentially what we do with fisheries all the time, in-season management. So the Federal land, I'm not quite how that affects -- that's not going to change anything.
Also just want to point out, too, how many -- you know, how many people participate in that hunt from the Federal side. We roughly give out about 2,500 permits a year, out of which about -- that would be about 1,250 people because each person gets two permits. But in reality, the harvest is much, much lower than that and it's pretty consistent around 300 to 350 animals. So regardless, you know, through all the highs and lows of the Federal season that harvest has remained, you know, around 300 to 350 animals. And we felt like that's a strong indicator that this is a true subsistence hunt, that the people are only taking what they need. You know, that even if it goes to cow or either sex, we don't feel like there's going to be a significant impact, we don't feel like there will an increase at all in the harvest, just possibly the sex ratio would change.

CHAIRMAN DEMIENTIEFF: Any other discussion? Gerald.

MR. NICHOLIA: Yeah, there was one of my Council members had a concern about accessibility and since it's State controlled land, the State is all people in the state of Alaska could go there because they have -- it's equal it's not compared to Federal and that's one of the -- as he said, somebody could come down from Barrow and go hunting in that region because it's State controlled land.

MR. WATERS: Federal lands are not closed to State users, so it's very true that anybody could hunt that Federal land, any licensed State hunter could hunt that land. It is a Tier II situation so, you know, that person would have to have a Tier II caribou tag, but that's a very popular hunting area for State and Federal users because as anybody who is familiar with it knows, it is right in the migration corridor. It's a very high use area for Tier II, as well as Federal.

CHAIRMAN DEMIENTIEFF: Any other discussion? Are we ready to take an action? Yes.

MR. BISSON: Mr. Chairman, I have a motion. This is the third year that we've been asked to examine how we conserve and manage this Nelchina Caribou Herd and we've had a lot of close coordination. Our Glennallen field office has had close coordination with ADF&G and we will continue to consult with them, but we think that timely action will better provide for traditional subsistence harvest patterns in this area, including a limited cow harvest, while promoting continued herd growth. Therefore,
I move that we adopt the modified version of Proposal 14 as recommended by the Staff Committee, based on the justification provided in the Board book on Page 148.

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

MS. KESSLER: I second.

CHAIRMAN DEMIENTIEFF: Discussion on the motion.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I certainly agree with Henri, this topic has been discussed for several years and it's good to know that the populations are getting to or, hopefully, the intended goals. And I think this is a good solution for this season and can be reevaluated next year then.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Also with our in-season capabilities if there were huge numbers of people going in and harvesting huge, I know we do have the capability to put a screeching halt the that right away. And I feel like our managers are enough aware of what's going on there that would be able -- would come up with that recommendation right away. Even though we have conflict between the two Regional Councils, I just feel like I have to support the Southcentral Regional Advisory Council's recommendation as modified because I know we have that capability of managing our resources.

UNIDENTIFIED VOICE: Question.

CHAIRMAN DEMIENTIEFF: Question's been called for, all those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing responses)

CHAIRMAN DEMIENTIEFF: Motion carries. I
I know it's hot in this room, I see heads bobbing for apples. I think we're just going to take a short little break so everybody can get moving around, get their blood circulating.

(Off record)

(On record)

CHAIRMEN DEMIENTIEFF: We'll call the meeting back to order. Looks like everybody's kind of woke up, got over digesting their lunch or whatever, maybe we'll be able to stay awake the rest of the afternoon.

Who's going to do the staff analysis?

MS. PETRIVELLI: Mr. Chair, I'll be presenting Proposal 19 and my name is Pat Petrivelli.

CHAIRMEN DEMIENTIEFF: Right. Oh, wait, before we get going. I got to tell you about a couple of little dilemmas I ran into today. And I got in between two Tlingits and one of them is on my left here making a motion to table a proposal time specific to tomorrow afternoon, and the other one is on my right, jumps up and gets in my face and says according to parliamentary procedure that's illegal. So whatever you do, don't get in between two Tlingits.

Then the other thing I wanted to note is I know that Ralph that chairs Southcentral has showed up but I'm not allowing him at the table, I'm going to keep his vice chairman because he just come back from fishing reds and didn't us a cooler full so that we could at least fire up a barby and have a little cook out, so I'm just not going to allow him at the table until comes up with some fish.

(Laughter)

CHAIRMEN DEMIENTIEFF: Anyway, I'm sorry, go ahead.

MS. PETRIVELLI: Well, Mr. Chair, Proposal WP03-19, the analysis can be found under Tab C on Page 182. This proposal was submitted by Tom Carpenter of Cordova. It would the requirement of residence for one year in either Unit 6(A,B or C) prior to applying for a permit in the Unit 6(C) moose hunt.
The Federal subsistence management program requires all hunters to possess a resident State of Alaska hunting license which has this as a requirement that a person has maintained a domicile in Alaska for the preceding 12 consecutive months. The Federal subsistence management program defines residents as any person who has his or her primary permanent home for the previous 12 months within Alaska and whenever absent from this primary permanent home has intention of returning to it.

Residents of 6(A, B and C) have a customary and traditional use determination in moose in Unit 6(C). There are no permanent communities in Units 6(A or B) and Cordova is the only community in 6(C). The proposed Federal regulation would be added to the unit specific provisions for the Unit 6(C) drawing hunt for bull moose and would read as follows: you must be a permanent resident of either 6(A, B, or C) for one year prior to application.

The proponent is requesting this local one year durational residency requirement for applicants in order to give Federal managers exact language to use for qualifying participants in the 6(C) moose hunt and to prevent transient people from moving into an area that is known to have trophy animals, thus taking subsistence opportunity from local residents.

In 6(C) Federal public lands make up 80 percent of the unit and they're managed by the Chugach National Forest.

The specific change requested by this proposal addresses the local durational residency requirement. The proponent states that this language is also used in qualifying individuals who want to hunt under subsistence in different national parks around the state. In current National Park Service regulations the definition of resident is very similar to the Federal subsistence management regulations. Mr. Carpenter may be referring to an action proposed by the Wrangell-St. Elias National Park Subsistence Resource Commission that would establish a minimal residency requirement of one year for resident zone communities. Also the Denali National Park Subsistence Resource Commission has recommended a minimum residency requirement of three years in Cantwell for hunting eligibility.

As to this proposal, the moose hunt in 6(C) presents a unique situation in the Federal subsistence
management program in that it involves a transplanted species that has been harvested through a drawing hunt for the past 18 years. This proposal would create a restriction upon participation in the drawing hunt, a restriction calling a local durational residency requirement in the qualifying area.

The current definition for a resident in Federal regulations allows the identification of the primary place of residency with a specific requirement of residence for the past 12 months within Alaska, a concession to the fact that rural Alaskans are highly mobile, traveling for purposes of earning cash, health care and education purposes. Adoption of this proposal would place additional restrictions on subsistence users. While the proponent stated that this proposal would prevent transient people from moving to an area that is known to have trophy animals, testimony was not presented about any actual instance.

This concludes the analysis.

CHAIRMAN DEMIENTIEFF: Thank you. Written public comments.

MS. WILKINSON: Mr. Chairman, there were none.

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

Regional Council recommendation.

MR. CHURCHILL: Mr. Chairman, the Southcentral Regional Advisory Council discussed this in great depth. We voted in favor of it, 7-0, recognizing that this was more an advisory vote. We understood that it was outside of our authority to actually create this. But we felt that this was a unique situation, it was geographically isolated and defined and we just felt that this residency requirement would serve the subsistence users well. And it was in that light that we all voted in favor of it.

CHAIRMAN DEMIENTIEFF: Thank you. Are there any other Regional Council recommendations?

(No audible responses)

CHAIRMAN DEMIENTIEFF: If not, Staff Committee.
MR. BRELSFORD: Thank you, Mr. Chairman.
The Staff Committee was advised that this proposal raises
significant legal questions and that this issue and several
related questions have been under review by the Solicitor's
office, so the Staff Committee motion is to defer this
proposal pending completion of that legal review.

Our justification is that the legal opinion
is likely to soon be available to the Board. If the
Solicitor's office concludes that the Board has no legal
authority to impose a local durational residence
requirement then this proposal will be administratively
rejected. If it is determined in the legal review that the
Board does have authority to impose such a residence
requirement, then the Board can consider the proposal at
the next appropriate time.

Thank you.

CHAIRMAN DEMIENTIEFF: Department comments.

MR. HAYNES: Mr. Chairman, the Department
supports deferral of this proposal as recommended by the
Staff Committee. We question whether the Federal Board has
the authority to impose durational residency requirements
beyond those already in place, and that is a subject that
is being addressed by your legal counsel. However, we do
agree that action should not be taken on this proposal
until the Solicitor's office has issued legal opinion on
the subject.

CHAIRMAN DEMIENTIEFF: Thank you. Any
other Regional Council comments? Go ahead, Bob.

MR. CHURCHILL: Based on our discussion, I
don't think Southcentral would disagree with taking that
cautious approach or, I guess, thoughtful approach. But
there was more than a little testimony about the concern in
certain areas, these were all on the road system, like
Cantwell, where -- I believe Cantwell was looking at a
three year residence requirement because of the ease and
movement of population and the impact it had on local game
populations, but I believe, going over the notes of the
Regional Advisory Council meeting, that we would support
taking that approach that's being suggested.

CHAIRMAN DEMIENTIEFF: Thank you. How far
out are we on a Solicitor's opinion?

MR. GOLTZ: I'm told that a draft has been
prepared, I didn't prepare it, someone else in our office
did and it's being reviewed back in Washington right now.

CHAIRMAN DEMIENTIEFF: So it would be
fairly soon then?

MR. GOLTZ: It's being reviewed back in
Washington right now.

(Laughter)

CHAIRMAN DEMIENTIEFF: Well, I guess that,
you know, the season doesn't start until September 1 and if
we do get a Solicitor's opinion back timely, and I think we
know this because we'll probably have, what, one, two,
maybe three more workshops before the season starts and if
we do get a timely opinion, then I would just say that we
notice, you know, our work session and take it out of
cycle, you know, so we can get a determination done if we
do have the authority. That's all I'm saying, to be
responsive.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I would appreciate the
Board's indulgence in a deferral because the issues are
very closely linked, as we mentioned, to requests that have
been made by two of the Subsistence Resource Commissions
and of interest of, at least, three, if not four or five
more of them. So consistency, I think, would be really
important and so it would be helpful to wait for this
opinion.

CHAIRMAN DEMIENTIEFF: Is that a motion?

MS. GOTTLIEB: And I'll move that we defer
decision on this proposal until we receive Solicitor's
opinion.

CHAIRMAN DEMIENTIEFF: Is there a second?

MS. KESSLER: Second.

CHAIRMAN DEMIENTIEFF: Discussion.

MR. CESAR: Mr. Chairman, I support the
deferral motion. You know, when Keith tells us managers
that it's been sent on to Washington for review, that
throws a red flag up because we all know that, at least I do, that review may take from anywhere from one day to two years, so I think we're going to have to prod them occasionally if they don't produce it, because oftentimes we send stuff back there and the next time we see it is the next election cycle.

Thank you.

MR. EDWARDS: Mr. Chairman, I'm also prepared to vote in favor of the deferral, but I'm just trying to understand exactly -- what was the question that was asked, was it a general residency question or does the residency have to do between rural and rural or is the residency between nonrural and rural or does it cover all of that?

MR. GOLTZ: I don't know if we have a copy of the question as it was framed here. Obviously we can restrict to local uses in an 804 situation, the question is can you do it in the absence of an 804 situation. And that's the question that's being reviewed generally, I don't know the specifics of it were framed.

MR. EDWARDS: And I guess why I was asking is because it does seem to be very different if you're talking about a rural resident moving to another rural resident or location as opposed to somebody that's nonrural and moving to rural. And my guess is depending upon those situations you might have differences of opinion as to whether or not we should apply this kind of rationale.

MR. GOLTZ: I don't think that's the issue as it's now framed.

CHAIRMAN DEMIENTIEFF: Walter.

MR. SAMPSON: Thank you, Mr. Chairman. As the Chair, he's your legal counsel, so you can direct him to bring that very draft or that opinion to the next meeting for action.

MR. BISSON: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BISSON: Relative to reconsidering this deferral, and I'm going to vote for the deferral as well, prior to the actual season when they would be taking moose. The question I have is when would these permits normally be
issued? If the season opens in September when are they
going to start issuing permits. And what we really need to
thinking about, I think, is, you know, if we don't get a
decision back from Washington by a certain date then we're
going to proceed this year the way things are. Because if
you do it in the middle of while they're issuing permits
then you're going to create some confusion, I think, and we
have to be cautious about when we schedule the review of
it. If we find that we have the legal authority to
establish that residency requirement. Just a word of
cautions.

CHAIRMAN DEMIEN'TIEFF: Yeah, I think I
understand that, thank you. But, you know, I'm just saying
that if we do get it timely, can get a regulation on the
book prior to all of this going on, then I think we try to
accommodate this. You know, they raised the issue and we
don't know if we have the authority, but if we get it
timely then we can accommodate it in one of our work
sessions.

Okay. Any more discussion on the motion?

MR. CESAR: Question.

CHAIRMAN DEMIEN'TIEFF: Been called for, all
those in favor signify by say aye.

IN UNISON: Aye.

CHAIRMAN DEMIEN'TIEFF: Those opposed same
sign.

(No opposing responses)

CHAIRMAN DEMIEN'TIEFF: Motion carries.

Proposal 20. Okay, staff analysis.

MS. PETRIVELLI: Mr. Chairman, Pat
Petrivelli again doing the analysis for Proposal 20. And
analysis can be found under Tab C, Page 192. Proposal 20
was submitted by Timothy O'Brien, a rural resident of
Unit 15(A). He requests that residents of the roadless areas of
Unit 15 be given a positive customary and traditional
determination for moose in Unit 15.

Almost all of the Federal lands in Unit 15
are those of the Kenai National Wildlife Refuge, 52.4
percent, less than 1 percent of the Federal lands are
In 1991 the Federal subsistence management program adopted regulations based upon existing the State system. On the Kenai Peninsula, mainly Units 15 and 17, the State recognized the non-road connected communities of Nanwalek and Port Graham as having customary and traditional use of moose in an area in the extreme southwest of Unit 15(C). The road connected portion of the Kenai Peninsula was determined by the State of Alaska to be a non-subsistence area.

After an extensive Federal process involving data gathering, public hearings and court decision in 1996 the current positive determinations for Unit 15 moose for Nanwalek, Ninilchik, Port Graham and Seldovia were made. Decisions on the remaining species and communities were deferred.

Proposal 20 asks for a customary and traditional use determination for moose in Unit 15 by residents of the roadless areas in Unit 15. However, the Federal subsistence management program does not distinguish among residents of road and roadless areas, it distinguishes between rural and nonrural residents. This analysis looked at use by all rural residents in Unit 15 and Unit 7 and Whittier in Unit 6, their use of moose.

A summary of the communities time depth, population and ethnic composition can be found in Table 1 on Page 195. Table 1 also includes a number of households in seasonally occupied housing units in each of these rural community areas. The area affected by this proposal involves the traditional territory of different Alaskan Native culture, the Dena'ina and the Alutiiq. These areas have been used by non-Native settlers since the late 1700s. Non-Native settlers of the Peninsula began in the 18th century with the Russians. The next major non-Native settlement period began during the establishment of the fish canneries and the Gold Rush era at the end of the 19th century. This was followed by two waves of homesteading, one in the Homer area beginning in 1915 and the second wave occurring in the Sterling/Soldotna area following World War II.

The family of Mr. O'Brien, the proponent, was part of the post-World War II homesteading phase. There are 142 rural residents in the Kenai Peninsula Borough who are not included in the communities or census designated places listed in Table 1. 108 reside in Unit 15 and 22 reside in Unit 7. The remaining 12 reside in areas...
ADF&G household surveys have been carried out in 12 communities and areas on the Kenai Peninsula. These are listed with the most representative studies used in this analysis, along with the subsistence resource use level in Table 2 on Page 198. Four technical papers written from these were used along with sources that describe historical and prehistorical uses. Sources were the "Archaeology of Cook Inlet" "The Ethnography of the Tanaina" and Russian America statistical and ethnographical information.

The only source of information about residents in the roadless areas of Unit 15 was supplied by the proponent himself. The proponent provided responses to questionnaire based upon eight factors.

The ADF&G harvest ticket database is the other major source of the information about past participation in the harvest of moose. The limitation of this data source is that for many small communities in isolated household harvest data that may exist is lumped with data for the community with the nearest post office, which would be the case for residents of roadless areas.

The proponent, himself, while residing in a rural area has a mailing address in Kenai.

In looking at the eight factors for determining customary and traditional use, my presentation will address factor 1, the nature of use of moose and factor 4 where moose was harvested. Information relating to the other six factors is contained in the written analysis.

The past use of moose is documented by archaeological and historical evidence. Table 3 on Page 199 shows the contemporary use of moose through available data from the household moose surveys. The level of household use in communities with a positive customary and traditional use determination ranges from 25 percent to 56 percent of the households. In other communities under consideration the percentage of households using moose ranges from 35 percent to 68 percent.

While data is not available for residents outside these communities or areas, Mr. O'Brien reported an annual use of moose by his family since the early '50s. He was born on his family homestead in 1950 and now lives in a roadless area of the Moose Point Subdivision, north of...
The importance of the use of wild resources on the Kenai Peninsula by non-Native homesteaders has been recognized in the literature.

Moose hunting areas were mapped during ADF&G households survey studies that are shown in Maps 3 through 10 and Map 11 shows moose use areas gathered as a result of a 1994 Ninilchik Traditional Council survey. The ADF&G harvest ticket and permit data for the years 1983 through 2000 provides recent use of information on the use of Unit 15 by these communities. The permit data corresponds fairly closely with the resource use mapping.

Mr. O'Brien stated that he and his family harvested moose in Units 15(A) and 15(B). The permit data by subunit in Table 6 also reflects the opportunistic nature of customary and traditional practices where the heaviest use is concentrated near the community, but distance areas are used intermittently, a pattern noted by the Southcentral Regional Council in 1995.

During the March 2003 Southcentral Regional Advisory Council Bill Stockwell, Chairman of the Cooper Landing Fish and Game Advisory Committee testified on this proposal. He pointed out that permit data and use area mapping showed significant use of 15(A and B) by the residents of Cooper Landing. He also noted that the analysis did not address the use of moose in Unit 15 by other Unit 7 roadless area residents. He then informed the Council that the Cooper Landing Fish and Game Advisory Committee did not consider Cooper Landing a subsistence community and did not recommend a positive customary and traditional use determination of moose for residents of Cooper Landing.

The effect of this proposal, no significant impact is anticipated if Proposal 20 is adopted as written. This action would recognize 108 additional users residing in the roadless areas; however, as noted earlier, the Federal subsistence management program does not distinguish among residents of road and roadless areas, so recognition of the remaining rural in Unit 15 would involve an additional 2,713 residents in various communities in areas that are all located in 15(C). Management abuse by these residents maybe affected by the high number of seasonally occupied housing units throughout the Kenai Peninsula.

This circumstance has been dealt with by the Bureau of Land Management in the Glennallen area through use of affidavits of permanent residency. Besides
dealing with the residency issue, any increase of Federally qualified users in Unit 15 will call for careful planning in consultation with State managers.

This concludes my analysis.

CHAIRMAN DEMIENTIEFF: Thank you. Written public comment.

MS. WILKINSON: Mr. Chairman, the Cooper Landing Fish and Game Advisory Committee opposes Proposal 20. A piecemeal approach to C&T determinations for Kenai Peninsula for fisheries or wildlife should be used. The two ongoing Kenai Peninsula studies should be completed and used for making these and other resource decisions. The Cooper Landing Advisory Committee was told that new fisheries proposal would not be accepted until these studies were completed and we feel that should apply to wildlife proposals as well. New C&T determinations should be made by specific locations and only after the new rural determinations are completed. Moose Point, if determined rural, then could be considered for C&T determination for Unit 15 moose.

CHAIRMAN DEMIENTIEFF: Thank you. We have one request for additional public testimony at this time. Debra Holle.

MS. HOLLE: Thank you, Mr. Chairman and members of the Board. In deference to the most recent comment at the end of -- coming from, I believe, the Cooper Landing Advisory Council, it seems to me when I took a look at the map, you know, of the areas that are currently delineated as rural, that the area that Mr. O'Brien and rural community up at the Bear Creek area on the north shore of Tustumena Lake, which my personal testimony was referring to, is already outside of the nonrural area. And it seems to me that this should be a very non-threatening determination for those that would qualify within this area. There would just be a minor -- basically a one-word change to Mr. O'Brien's proposal, and that would be basically just swapping the word rural -- well, putting in the word rural residents or rural area, whichever you preferred, whatever would be more appropriate instead of his term roadless area, which I have understood from what I heard that term is just not really being used at this time.

Therefore, I am requesting of the Board that this customary and traditional -- because I was hoping
that my testimony would assist you, it has -- I mean, it
describes additionally for you different record of use, by
myself and other families, in this rural area. To
describe what you already -- what's already been
done according to the map, we just need to have a more
different determination made in order for, I guess, moose to
be allowed for us to take.

So I'm here to answer questions, if there's
anything that concerns you, but I would -- you know, I've
asked some questions and I have learned that, you know,
there's some interest in deferring because, you know, we
need to have more studying done. If it's more comfortable
for you, if you really feel that 15(C), the subunit, has
too many population density communities in it that might --
it seems practical to me to just take the entire unit and
treat it the same as other units had been treated across
the state for moose, all in one fell swoop, rather than
take it piecemeal. But it's my understanding that the
recent ISER document is under review of the individuals
that have the expertise in producing it and that could take
X-number of time, possibly years, and maybe we won't see
this thing considered by the Board for years.

And being that we're already outside of the
nonrural area, I think it's unreasonable to ask us to wait
that long. As I stated my age earlier, I won't repeat it,
I don't want to dwell on that topic, but if I'm going to
hope to have, you know, some time to enjoy my customary and
traditional way of living and using the resource and also
teach my children, I have to allowed the opportunity to
do the things that you do and the way that you live. So if
you want to contribute to my good health and longevity, I'd
appreciate you making a slight change to this proposal and
make that positive determination for us in that rural area.

Thank you and I'm available for questions
if there are any.

MR. EDWARDS: Mr. Chairman, can I ask her
a question?

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: Ms. Holle, would you
elaborate, because it's my understanding that currently
where you live you can take moose under the State -- during
the State season, which follows 10 days after the
subsistence. People who are identified, you know, on their
subsistence, they're allowed to hunt. Can you talk about
the impact of that or the difference that that makes?

MS. HOLLE: Thank you. I'll do my best to say that there are permits that are applied for and, for example, a family that would hope to draw a permit, they'd really try to have every family member submit an application in hopes that they might be drawn, so that they could share. But the interest and the chances of folks who actually are putting in their time there is greatly reduced by the numbers of people that are involved in the hunting in that area.

Does that -- I don't know if that's what you were getting at. I'll stop there because you have your ear elsewhere.

(Whispered conversation)

MS. HOLLE: Okay, yes. The answer is such as I stated, the answer is basically the same as I just stated. And so, yes, we -- you know, we do our best with that, but I believe that it would -- as I said earlier, it should not be -- I believe according to the Federal Subsistence Management Plan that we're eligible and should qualify and so it seems like the Board would want to make this determination in a positive way.

MR. EDWARDS: If I understand what you said, and I think Terry must have agreed with you, is that the area that you live in and you want to hunt in, yes, you can hunt during the State season but it is a permitted season and, therefore, you have to compete with another larger segment or -- yes or no?

MS. HOLLE: Yes, a portion of it and then as you read the manual, like he was showing me, you can see what my opportunity is, but it's according to the State and I was coming here to speak to Federal Subsistence Board management program and ask you to follow through what I believe would assist those already outside the boundary of the nonrural designated area. And that basically is it in a nutshell. It seems reasonable to me and when I became aware of Mr. O'Brien's proposal, I realized that I needed to come and present the historical information that I have and to help you guys out and ladies, gentlemen, to make this positive determination so that we can move ahead with our opportunities.

Are there any other questions?
CHAIRMAN DEMIENTIEFF: There doesn't appear to be. Thank you very much.

Regional Council recommendation, do we have one? Yes, Bob.

MR. CHURCHILL: Thank you, Mr. Chair. Our Council went over this in some detail and one of our members, of course, is a long time resident of this area and many of us both hunt and fish. We just felt there simply wasn't enough information to support the C&T finding, it seemed a little premature. The ISER report, with all due respect, I think, will have some fairly tight deadlines and we just felt it was more responsible in final decision to wait until we had that information. We just didn't want to piecemeal it.

We did put this on as a motion, it failed with a 4-3 vote, it failed to get support. We also put a motion to defer it until our next game meeting, that also failed. We just felt there wasn't enough information and I doubt that it would be any different decision today even with the help we've had from our last speaker. So we just felt that it was prudent to wait until we could take an approach to a larger geographic area, that there was opportunity within the existing seasons for folks to catch a moose. So we took no action on this in the terms of -- we, in fact, failed to either defer or move it to our next meeting.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee

MR. BRELSFORD: Thank you, Mr. Chairman. The Staff Committee recommendation is found on Page 190. The Staff Committee recommendation is to defer this proposal. We reviewed a wide array of information in analyzing the proposal, it included historic and ethnographic reports, ADF&G Subsistence Division technical papers, ADF&G harvest ticket reports and extensive public testimony.

In view of the increasingly complex allocational disputes on the Kenai Peninsula, the Staff Committee had requested that the staff provide an analysis of harvest patterns on a subunit basis, that is to identify those communities with patterns concentrated in Subunit 15(A) as contrasted with 15(C) on the Peninsula. The resulting analysis suggest that there are subsets of 50 communities having qualified use patterns in various
subunits; however, the Southcentral Regional Advisory Council declined to take action on the proposal out of concern that the information on subunit patterns was not complete and was not well understood among the affected communities.

The Staff Committee recommendation to defer action on this proposal is based on the concerns raised by the Southcentral Council. More thorough discussion among the affected communities is needed before adopting the subunit approach to customary and traditional use determinations and since Federal public lands remain open to non-Federal qualified users the proponents are not harmed by a deferral of action at this time.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Department comments.

MR. HAYNES: Mr. Chairman, the Department supports deferral as recommended by Interagency Staff Committee. We believe this proposal is best addressed after the current rural/nonrural determinations for the Kenai Peninsula have been revisited. Additional work is also needed on the eight factor analysis, as the information presented does not clearly support making a positive customary and traditional use determination for some communities and does not adequately explain why some communities that may have a customary and traditional use of moose in Unit 15 were not fully addressed in the analysis.

CHAIRMAN DEMIENTIEFF: Thank you. Any other Regional Council comment? Go ahead, Walter.

MR. SAMPSON: Thank you, Mr. Chairman. Based on the information that's been provided by staff as well as the State agency, and the recommendations that were made by the Southcentral, also additional work that is needed to the eight factor analysis criteria and additional ongoing studies that is being done, I suggest that this Board defer this proposal.

CHAIRMAN DEMIENTIEFF: Thank you. Board discussion.

MR. CESAR: Mr. Chairman, I move that we support the Staff Committee recommendation for deferral articulated both by the State and by Staff Committee. I
I think that the ISER report will give us some more direction and I think that we need to wait until we see that before we make a decision on it. Also the notion that resident will not be affected by deferral, I think, is important, too.

Thank you.

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

MS. KESSLER: Second.

CHAIRMAN DEMIENTIEFF: Further discussion.

MS. GOTTLIEB: Mr. Chair, it just wasn't clear if we were going to have staff pursue on a subunit basis before the ISER report comes back or we'll wait for the ISER report and then look at all aspects.

MR. BRELSFORD: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BRELSFORD: As far as the Staff Committee recommendation, it is not specifically stated to wait for the ISER report, our hope was that some of the staff work that was done towards the end of the review period would now be completed and laid before the Southcentral Council in the upcoming season. I believe that was the intention of the Staff Committee, not to wait for conclusion of the rural determinations process.

CHAIRMAN DEMIENTIEFF: Well, I intend to support the motion to defer. I think really the real motivation that I have is, you know, we got a no action from the Southcentral Regional Advisory Council, and that's their area. So while I'm going to vote to defer, Debra, I encourage you and others to work within the Council system and try to get the recommendation at that level, because it certainly does help build your case. We count on those Council heavily to give us local input into our process and with a no action, I have no choice but to defer.

Is there any further discussion? Gary.

MR. EDWARDS: Mr. Chairman, I will also vote for the deferral, but in saying that I guess I'm not necessarily convinced that the ISER report will give us kind of the strategical approach that we are going to need.
to address both of these issues that Mr. O'Brien and Ms. Holle raised. Hopefully it will, but I haven't been convinced yet, I guess I'll just have to wait and see what comes out of it, then we can go from there.

CHAIRMAN DEMIENTIEFF: Other discussion.

MR. CESAR: Question.

CHAIRMAN DEMIENTIEFF: Question has been called for. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRM AN DEMIENTIEFF: Those opposed same sign.

(No opposing responses)

CHAIRM AN DEMIENTIEFF: Motion carries.

With that, that completes our work in Southcentral. We now move onto Bristol Bay, I believe. Proposal 24 and we'll let our staff get situation.

(Pause)

CHAIRM AN DEMIENTIEFF: Are we ready for staff analysis? Okay, go ahead.

MR. FISHER: Thank you, Mr. Chairman. My name is Dave Fisher, wildlife biologist for the Office of Subsistence Management and I'll be presenting Proposal 24, 26 and 27, all Bristol Bay proposals for Region 4. The analysis for this proposal is found in Tab E on Page 279.

This proposal was submitted by the Bristol Bay Native Association and what it would do is provide for a limited winter Federal moose season in a portion of 17(A), one antlered bull by Federal registration permit. The season would be announced by the Togiak National Refuge Manager sometime in December or January. And this proposal replaces a Special Action that was supposedly to become effective this last winter; however, it didn't materialize because we didn't have snow conditions for adequate winter travel, but the Special Action would have provided for a limited winter moose season, too.

The current fall season is both a Federal and a State season, it's one bull by State registration
permit, August 25th through September 20th. The current
State winter season provides for a season of up to 14 days
to be announced by emergency action in December or January.
One antlered bull by State registration permit in a portion
of 17(A) and it's the same portion that we're talking about
with Proposal 24. Permits for the State hunt would be
available in Togiak and Dillingham.

The Federal public land, there's a map here
before you, and also on Page 284 shows the hunt area in
17(A), all the Federal lands here for the hunt area are
Togiak National Wildlife Refuge.

There never have been a lot of moose in
Unit 17(A) until recently. There was a season prior to
1980; however, the season was closed in 1980 due to a very
low population. So throughout 1980 and into the early '90s
there were not a lot of animals. In 1994, I think, the
estimate was 84; in 1998 the population jumped up to 430;
1999 we were a little over 500; 2002 we're up to around
650; and the recent estimate is a little over 700. So a
very good success story for moose in 17(A).

The season was closed for 16 years and, as
I stated earlier, the population started to increase and
there was a demand for a hunting season, so the refuge and
the Alaska Department of Fish and Game started a planning
process in 1996 and they came out with a draft management
plan. Three primary objectives of this plan was to
maintain a 17(A) moose population of around 300 animals,
provide for a fall season for bulls only when the
population exceeds 300. This has been accomplished, we
have a fall season. And provide for a limited winter
season when the population exceeds 600. This has also been
accomplished, we haven't had the season yet, but the
population is definitely there.

The harvest started in 1997 and Table 1 on
Page 288 shows results of the fall hunt for the past six
years. It's averaged per year around 42 local hunters and
one non-local hunter, that would be someone from outside of
17(A). Harvest has been 60 moose, 59 by local hunters and
one by the non-local hunter.

What this proposal would do, it would
replaced the Special Action with a permanent regulation,
provide for a to be announced winter season for a portion
of 17(A) in January and December. Part of the rationale
for the limited winter hunt area in 17(A) would allow for
the expansion of moose over into Unit 18, which is what
17(A) used to be. Not very many moose in Unit 18. And there have been some animals that have actually moved over into 18, so hopefully the population will build in 18.

The one antlered bull was put in to help avoid mistaken harvest to the cow versus and antlerless bull during the winter. The proposal also calls for the use of a Federal registration permit. The Federal registration permit would only be applicable on Federal public lands while the State registration permit, under the State season, is good on all lands. Local residents who want to hunt on State land would have to have a renewed State registration permit. The State registration permit would have no aircraft restriction like it does for the fall hunt. The Federal registration permit also would have no aircraft restrictions and Federal registration permits would be made available to all residents with C&T to hunt moose in 17(A).

So what we're looking at, possibly, here is a two-permit system for a winter moose hunt in 17(A). This could be confusing to local hunters. There is some excellent habitat that exists adjacent to Togiak and Twin Hills, which would only be opened to hunters with a State registration permit. This could be confusing and could cause some potential problems.

A two-permit system would require close coordination between the Refuge and the Department of Fish and Game for both opening and closing the season. Harvest reporting would have to be very closely monitored by the agency to prevent an overharvest. And we feel that the successful hunter should have to report their harvest within 24 hours after returning to the field to also prevent an overharvest.

This proposal was deferred by the Regional Council to allow a working group to come up with a recommendation. And in talking to the Refuge here yesterday, they are planning on getting the working group together later on this summer to come up with a recommendation. Three potential recommendations that could arise would be, one, to close Federal public lands to non-qualified users; the other one would be to maintain the use of a Federal registration permit or to adopt the State permit system.

That's all I have, Mr. Chairman, thank you very much.
CHAIRMAN DEMIENTIEFF: Thank you. Written public comments.

MR. EDENSHAW: Mr. Chairman, Board members, there weren't any written public comments.

CHAIRMAN DEMIENTIEFF: We have no request for additional public testimony at this time. Regional Council recommendations.

MR. ABRAHAM: Mr. Chairman, Pete Abraham from Bristol Bay. Our Council voted 4-0, with three absent, to defer Proposal 24 until a working group can meet and consider taking action modifying the proposal or submitting critical management alternatives. The management alternative from the working group may in the form of submitting Special Action to close Federal lands to non-subsistence users in Unit 17.

The Council felt that ADF&G should have consulted the working group prior to submitting the proposal to the Board of Game requesting winter moose hunting in Unit 17(A).

That's all I got, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Harry.

MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Regional Advisory Council recommends support with modification, modified to allow 24 hours after hunt is complete to report hunt to the State, 108 to 24 hours to report harvest after they get back from the hunting trip.

CHAIRMAN DEMIENTIEFF: Staff Committee

DR. CHEN: Thank you, Mr. Chair. I'd like to turn the Board's attention to Page 280, please. The Staff Committee concurs with the Bristol Bay Regional Advisory Council recommendation to defer action. Although the recent 2002 estimate of 652 animals exceeds the moose population objectives for this unit, the Staff Committee agrees with the Council that this proposal should be reviewed by the Unit 17(A) Moose Planning Working Group prior to action by the Federal Subsistence Board. The Staff Committee supports this approach as it allows participation in the management planning process for the local users.
That's all I have.

CHAIRMAN DEMIENTIEFF: Department.

MR. HAYNES: Mr. Chairman, the Department supports the Interagency Staff Committee recommendation to defer action on this proposal. We believe the winter moose hunt in the affected part of 17(A) can be most equitably and efficiently administered by State registration permit. Implement a Federal registration permit is unnecessary and might result in confusion for hunters. Some of the prime moose habitat in Unit 17(A) is on State managed lands and would not be opened to hunters using the proposed Federal registration permit. We believe proposals the change the regulations for this winter hunt should be deferred until after a hunt actually takes place and evidence is available that demonstrates a need for regulatory adjustments.

And we also fully the plans to convene a meeting of the working group this summer to address this issue.

CHAIRMAN DEMIENTIEFF: The State participates, don't it?

MR. HAYNES: Yes, Mr. Chairman, we have.

CHAIRMAN DEMIENTIEFF: Okay. I was sure you did, but I just wanted to get it on the record.


MR. SAMPSON: Thank you, Mr. Chairman. Based on the information that has been provided by the staff here, as well as the Department it sounds like that the Board should approve this, it's just going to create some confusion, so rather than having to make that confusion, take the recommendation of the Bristol Bay Council to defer.

CHAIRMAN DEMIENTIEFF: Yes, Pete.

MR. ABRAHAM: Mr. Chairman, I don't think there will be any confusion in that area there because it's just such a small area and the corporation land and State waters, State land defined areas there and the people in that area knows those areas very well, which is the State land and which is corporation land, so I don't think there's any problem on that. Thank you very much.
CHAIRMAN DEMIENTIEFF: Board discussion.

Let me just open it. I think I support the deferral and the reason is I support it going back to the working group.

You go all around the state, the working group, and we've solved some very thorny issues, you know, with the State, with our people and particularly with the local people. You know, go around, we could name all the successes we've had and I think going back to the working group and getting the recommendation from them is very key and very important to us and it is a management tool that we have used to great success. So that's basically why I support the deferral.

Gary.

MR. EDWARDS: Mr. Chairman, I certainly agree with your observations, I think this working group has worked very hard to try to address the issues that arise with harvest in this area. I know our folks on thrombosis Refuge, as well as, I believe, the State certainly has tried to get as broad a representation throughout the region as we can. That hasn't necessarily been as much as we would like, but I know that there's certainly an effort and I would encourage people, users, in that region to continue to try to work together to work their way through that. And, based upon that, I would move that we defer action on this proposal as recommended by the Bristol Bay Regional Advisory Council, as well as the Staff Committee.

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

MR. CESAR: Second.

CHAIRMAN DEMIENTIEFF: Moved and seconded.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Just a question on the timing of the meeting of the working group and then whether that might play into one of our sessions sometime this summer where perhaps if there is an amended proposal it would be able to be enacted or at least discussed before the hunting season started, but I didn't know if there's a tentative date set for the meeting yet.

MR. FISHER: Maybe I can address that. The
answer to your question is no, there hasn’t been a date set for the meeting. The meeting will probably be held this summer after the fishing season, but it will be definitely before the fall Council meeting because something needs to be run before the Council.

MR. CESAR: Mr. Chairman, I support the motion to defer and I note that this Proposal 24 was forwarded by Bristol Bay Native Association in Dillingham and, you know, I think that in future times it’s just much better if the local organization, whether it’s Tanana Chiefs or Bristol Bay or wherever, makes some outreach to the Regional Advisory Councils and sit down and maybe some of these things could be ironed out or vetted out more fully before they get to the Board.

Thank you.

CHAIRMAN DEMIENTIEFF: How come you looked at me when you said Tanana Chiefs?

(Laughter)

MR. CESAR: The only chief I know.

CHAIRMAN DEMIENTIEFF: Okay, any further discussion?

(No audible responses)

CHAIRMAN DEMIENTIEFF: Hearing none, all those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing responses)

CHAIRMAN DEMIENTIEFF: Motion carries.


MR. FISHER: Thank you, Mr. Chairman.

Proposal 26, the analysis for this proposal can be found under Tab E on Page 297. This proposal was submitted by the Bristol Bay Native Association. And what this proposal would do, it would increase the hunting harvest limit for wolves in Unit 9 and Unit 17 from five wolves to no limit.
wolves, August 10th through April 30th. The current State season for Units 9 and 17, this was recently changed by the Board of Game at their March meeting, 10 wolves per day August 10th through April 30th. One thing we should note here is under the trapping regulations for both Unit 9 and Unit 17, a firearm can be used to take wolves. And the harvest limit for taking wolves under the trapping regulations, there's no limit. One other thing we need to note here, it's not permissible to take a free ranging fur bearer with a firearm using a trapping license on Park Service lands.

The Federal public lands are shown on Page 302, it shows the locations of these lands and also the different managing agencies. Federal regulations for wolves in both these units were adopted back in 1990 from existing State regs. The wolf population in both these units is stable. Specific population data, however, is lacking for wolves in both units and it hasn't been collected. Most of this data is obtained through observations by biologist during other wildlife surveys, primarily moose, caribou and bear surveys. Trend information is also picked up from hunters, local residents, guides and trappers and additional information is taken from the Fish and Game's annual trapper questionnaire.

Most locals in both units feel that the wolf population is increasing. The current estimate for Unit 9 is somewhere between 245 and 450 wolves. Unit 17 population estimate is somewhere around 450 to 550.

During the early 1900s wolf furs were obtained both by hunting and trapping and they were an important means by which Bristol Bay residents traded or picked up cash to acquire Western commodities. Prior to the 1950s wolves were hunted and trapped for the pelts which were sold to fur buyers for cash or kept for personal use. By the mid-1980s commercial trapping had declined as fur prices had declined, however, wolf pelts have, over the years, maintained their value.

Tables 1 and 2 under the analysis provide harvest records for wolves that have been both trapped and hunted. This is a fair indication of what has been harvested over the years. And it doesn't give us an exact number of what's been harvested, so you can figure what you see there, there's been some additional harvest because all the harvest isn't reported.
In talking this proposal over with biologists, both from the Refuge and Fish and Game biologists in Unit 9 and Unit 17, and also some local residents, it was felt that very few hunters harvest the current five wolves under the hunting harvest limit; however, most of the wolves taken, some 70 to 75 percent, are taken under trapping regulations.

What this proposal would do is it would expand the current limit of five to no limit. It would provide additional subsistence opportunity as fur prices seem to be a little bit on the upswing. Trapping regulations for both units have allowed the use of firearms with no harvest limit since 1993 and apparently this hasn't had an impact on the wolf population because the wolf population is stable, as we all know.

Adoption of this proposal would make Federal subsistence regulations more liberal than current State registration, which could cause some confusion for hunters, oftentimes it's difficult to know exactly where you are in the field, whether you're on State land or Federal land, so there could be some confusion there. This proposal proposes a no limit where the current State regulation is 10 wolves per day.

That's all I have, Mr. Chairman.

MR. EDENSHAW: Thank you, Mr. Chairman and Board members. There were five written public comments. There were two that supported the proposal. One is the SRC, the Aniakchak SRC supported the no limit and the Lake Clark SRC supported the increase from the current harvest limit of five to 20. And there were three written public comments this that opposed this proposal.

Thank you.

Chairman Demientieff: Thank you. We have, I think, three requests at this time for public testimony. Jack Hession, I think, was the first one that -- I think I got them in order.

MR. HESSION: Thank you, Mr. Chairman and members of the Board. I'm Jack Hession, I'm here on behalf of the Alaska Chapter of Sierra Club and we certainly appreciate this chance to share our views with you. This
A proposal is one of several that align proposed Federal regulations with Fish and Game Department's regulations. And for that reason -- let me see if I can put this in context for you. By doing so there seems to be an assumption that the lands to which these Federal regulations would apply are similar in character and with similar management objectives and principles.

That is not the case. If you look at the Forest Service and BLM management arrangements, they tend to defer to Alaska Department of Fish and Game management regulations and overall approach. When you get to the Fish and Wildlife Service you have a different mandate from Congress, which is brief, conservation of fish and wildlife population and habitats in their natural diversity. When you get to the National Parks system units, especially the national parks, you have even, I would say, a higher mandate, which is to conserve wildlife in their natural and healthy conditions. So to simply align Federal regs with State regs tends to either downplay or suppress these vitally important distinctions.

And I would suggest that as you take these up that as you take these up that you keep these differences in mind and try to evaluate the proposals in the context of these different management principles and congressional mandates.

In that context, 26, Proposal 26, is clearly beyond the pale. I don't even think it's consistent with Fish and Game management policies, but it clearly is not compatible with either the Fish and Wildlife Service's approach or the National Park Service's. Therefore, I would suggest that this one ought to be clearly evaluated in the overall scheme of things and I believe it should be rejected.

I note that according to the Interagency Staff Committee recommendation specific population data for wolves in both units is absent or "is not sufficient at this time to support the proposal." That being the case, I don't see how you can go forward with it. And again, I would urge you to take this matter back under consideration and redo it thoroughly and in the meantime reject the proposal.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Karen Deatherage.
MS. DEATHERAGE: Mr. Chair and members of the Board, thanks again for letting me testify. I am here on behalf of Defenders of Wildlife. For this proposal we strongly oppose either, one, establishing a no limit or, two, as I've seen in some of the recommendations, raising the current limit from five to 10 wolves. Our reason for this is twofold, justification and need. There's no justification that we can see the increase wolf harvest in these units at this time.

We looked at the Federal aid performance reports and those reports indicate that for Unit 17, for example, the objective is to maintain a population that can sustain a harvest of 25 wolves. And legal harvest, that's legal, have vastly exceeded these objectives with an average of 73 wolves taken over the past five seasons. For Unit 9, I'm sorry, for Unit 9. And there was a high of 105 wolves harvested in 1001-1002 [sic] season. And our concern is that until there are new harvest objectives set for these areas and accompanying surveys that this Board should not be raising the limits in any way on wolf harvest. We're concerned about overharvesting of wolves, particularly in Unit 17.

While there have been some statements that says that the population is stable, Unit 17 is one of the few areas on the recent population grid from the Alaska Department Fish and Game where they specifically said the population is unknown. And so that strongly suggests that the trapper questionnaire reports are chronically low and that the opportunity to actually get out and view these animals are limited and that they should be done before any kind of increase is in place.

The second thing is the need. I've heard several times that no one meets the five wolf limit at this time and if that's the case, I don't really see that this is a need for subsistence purposes. And until the five wolf limit is met, that I don't think it's a time right now to look at increasing that limit for any reason.

So, thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Paul Joslin.

MR. JOSLIN: Thank you, Mr. Chairman, members of the Board. My name is Paul Joslin and I'm a wildlife biologist representing the Alaska Wildlife Alliance. And I guess as a biologist that's what's caused
me to take somewhat of a deep look at this particular
question, this particular proposal. We've been provided
with data that extends back to '83 up to 2000 with respect
to wolf harvest take and both for Game Management Unit 9 and
for 17. If we lump it all together and start to break it
down into major time units we see a trend going on here.
The wolf take, for example, in 9 from '86 to '90 was a
total of 178 wolves. By '91 to '95, the next five year
limit, we had jumped to 240. And then from '96 to 2000 we
were up to 371. You see where I'm going here.

If we take a look at Game Management Unit
17, the first five years it was 179; the second five years
it was 259 wolves that were taken; and the third five-year
period we're up to a whopping 403. If we pull ourselves
even further back and look statewide and just kind of see
what's been going over it, with the trend that's been
happening, over the past 25 years we've actually had 150
percent increase in taking of wolves statewide.

Now, this particular proposal comments on
the fact back in '94 the harvest take was reduced from 10
to five, implying somehow that maybe -- gee, maybe we
couldn't take enough wolves. But this harvest data
suggests that something else is going on and that we need
to be asking why. It's been raised a couple of times by
this Board today that there's really not been all that much
change in the value of the wolf pelt, it's remained fairly
high. So it's something else that's driving all this take.

If I look again at the broad picture, I
notice that the past 25 years we've increased ourselves,
you know, sort of like Pogo, I think we found the enemy and
it may be us. But we've increased our own numbers by about
50 percent. Now, that's not nearly as much as this wolf increase take has occurred. We've increased the tools that
we use phenomenonly. For example, between 1990 and '97 we
looked at the change in snowmachines. And it turns out
that statewide we increased over 300 percent in
snowmachines. Now, snowmachines are a tool for getting at
wolves. We have now machines that are exceedingly
reliable, very maneuverable, can outrun any wolf on any
flat.

There's a whole variety of other things,
too, that are contributing to this change in take. But I
guess if I were to sum up, it's to say, please take a hard
look at this proposal and as yourselves where are we going?
Is it time that maybe we did a whole lot more research to
what impact this is having on the populations out there.
I don't think we really know at all. Like it's been made very clear that we understand very little about the total wolf population. There's guesses out there. That relationship between the predator and prey, we're still trying to pull it together.

I would recommend that you actually back off, if anything, start to ask questions. Is this increase something we really want? Ought we first to find out what's going on with this increase in take? Why? Is it harmful? Is it long-term future for our children out there that subsist on that land going to be affected by these decisions that we make today with respect to the wolf?

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Regional Council recommendation.

MR. ABRAHAM: Mr. Chairman, I'm sorry, maybe I was dreaming, I don't know. Proposal 26, the Council voted 5-0 to actually modify the staff recommendation. The Council modified the proposal to increase harvest limits to 10 wolves. OSM staff recommendation is 20 wolves, the Council said the conservation concern, information from locals have concurred that the wolf population is healthy and abundant.

Yeah, that's it. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Harry.

MR. WILDE: Mr. Chairman, Yukon-Kuskokwim Delta Regional Advisory Council recommends support with the modification from five to 10 wolves, August 10/April 30, Unit 18 residents have C&T for wolf hunting in the Units 9, 37 and 17.

CHAIRMAN DEMIENTIEFF: Thank you. Staff Committee.

DR. CHEN: Thank you, Mr, Chair. I'd like to turn the Board's attention to Pages 298 and 299. While the Staff Committee did agree on the need to increase subsistence harvest opportunity for wolves, we did not reach a consensus on a recommendation. The majority Staff Committee recommendation is to adopt the proposal with modification consistent with the recommendation of the Yukon-Kuskokwim Delta Regional Advisory Council. The modification will allow an increase in the harvest limit
for hunting wolves in Units 9 and 17 from five wolves per year to 10 wolves per year.

The justification for the majority recommendation is as follows: although wolf populations in both Units 9 and 17 are thought to be healthy, several are increasing. Based on observations of local residents and AF&G biologists specific population data for wolves in both units on Federal lands is not sufficient at this time to support the Bristol Bay Regional Advisory Council recommendation. Given the case that a harvest number of 10 wolves per year was in effect from 1990 through 1994 with no apparent adverse effects on the wolf population, the return to a 10 wolf limit should not grossly impact the current wolf population and can, thus, be supported at this time.

Current harvest levels and information from the local area managers suggests that the wolf harvest is not likely to significant increase because very few local residents harvest the present limit of five wolves per year. Increasing the harvest limit to 10 wolves per year would provide additional opportunities for subsistence users.

The current harvest level suggests that there's not a demand for a substantial increase in the wolf harvest limits. Based on State of Alaska comments at the Council meeting in February and conversations with the area biologist there's very few, if any, local residents harvest the present limit of five wolves per year.

The minority Staff Committee recommendation is to adopt the proposal consistent with the recommendation of the Bristol Bay Regional Advisory Council and that is to increase the harvest limit from five to 20 wolves. The justification is as follows: the minority Staff Committee recommendation to support the Bristol Bay Regional Advisory Council on this proposal is based on information regarding the wolf population in Units 9 and 17. The Bristol Bay Council's modified proposal does not violate principles of fish and wildlife conservation and is supported by information considered by the Council at its February 28th, 2003 meeting. More data was presented to the Council to indicate that a harvest limit of 20 will result in negative impacts to wolves.

The staff analysis determined the wolf populations in both units are healthy and increasing. This is also corroborated by observations by area biologists and...
testimony by local residents. The staff analysis also indicated that Federal subsistence trapping regulations for both units have allowed the use of firearms, without harvest limits since 1993, that such regulations have not had any apparent impacts to the wolf population. The Council's recommendation to liberalize wolf harvest is also supported by recent actions by the Board of Game in which they passed State regulations that would allow for harvesting of 10 wolves per day for Units 9 and 17. These were passed in November 2002.

That concludes my presentation.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: Mr. Chairman, the Department is neutral on this proposal. The majority Interagency Staff Committee recommendation would increase the wolf harvest limit by hunting on Federal public lands in Unit 9 and 17 from five to 10 wolves. At its March 2003 meeting the Alaska Board of Game considered a similar proposal from the Bristol Bay Native Association and increased the harvest limit in State regulations to 10 wolves per day, as has been pointed out. Neither the State's more liberal bag limit, nor the increase recommended in this proposal is expected to substantially affect wolf harvest or create conservation concerns regarding wolf management in Units 9 and 17.

Thank you.

CHAIRMAN DEMIENTIEFF: Additional Regional Council comments.

(No audible responses)

CHAIRMAN DEMIENTIEFF: Board discussion.

MR. EDWARDS: Mr. Chairman, I'd like to ask the State -- so in these two areas the State basically has a 10 wolf per day?

MR. HAYNES: Effective July 1st, yes.

MR. EDWARDS: Starting this July 1st. And what was the rationale that the State used in going to such a large, potentially large harvest?

MR. HAYNES: I didn't attend that Board of
Game meeting, so I can't characterize the discussion for you. But I think, in part, there's no evidence that many wolf harvesters were taking the current bag limit, but that there may be occasions when an individual would have the opportunity to take more if he was allowed to legally and that there was a feeling that this would provide some additional opportunity, but was not likely to result in much increased harvest overall.

MR. EDWARDS: So it would seem to me, like, on any given day a hunter might come across numerous wolves and, therefore, would be able to take 10 that day and still be able to go out and hunt a couple of weeks later.

MR. HAYNES: That's correct.

MR. EDWARDS: Mr. Chairman, I have one more question for the two Councils. I'm just going to assume that this increase in limit does result in an increase in harvest, particularly the early part of the season. What impact will that have on subsistence users who primarily take wolves for their fur? Who will take them later in the season, will that impact their ability to get the wolves they want for subsistence purposes with prime pelts?

MR. ABRAHAM: Gary, the early part of season is a question because of the poor conditions. And the people over there in my area -- the winter is like my wife, unpredictable.

(Laughter)

MR. ABRAHAM: But later on in the season the snow is packed down and trade is better, that's when the younger people start hunting the wolf over there. So the early part of winter is always the question because of the poor conditions.

Thank you.

MR. BISSON: Mr. Chairman, I have a question.

CHAIRMAN DEMIENIEFF: Go ahead.

MR. BISSON: First of all, it seems to me, some folks have commented and I've heard some staff discussion about this being an alignment of the Federal requirement with the State. There's a huge difference between 10 per day and 10 per year if we're talking about
here on Federal lands. But the question I have is the
State requirement applies to both State and private and
Federal lands as well, correct? Or are some of these
Federal lands excluded from State regulation to protect the
wolves?

MR. HAYNES: I don't believe there are any
specific prohibitions right now, but there could be
harvesting by non-Federally qualified subsistence users,
10 could be a provision of Federal regulation. That is not
currently the case.

MR. BISSON: I guess my point is that if
somebody had a State permit and a Federal permit, you know,
15 I don't see how this permit of 10 per year compares to the
State requirements. I mean, why would they even want a
Federal permit if they're actively engage in collecting
wolves to sell or to use, you know, if they can get a State
permit and do 10 per day, why would they even want a
Federal permit?

MR. HAYNES: Mr. Chairman, I should qualify
my statement by saying there are National Park Service
lands in those units and so the State regulations would not
apply on the National Park Service lands and so there are
some Federal lands on which some State residents would not
be able to harvest wolves and use the 10 per day bag limit.

MR. BISSON: So this regulation doesn't
duplicate the state requirements, it would provide some
opportunity on the National Parks and is the same situation
are the refuges within this particular -- within these two
units as well, that the State regulations don't apply?

MR. HAYNES: Currently the State
regulations would apply to the refuge lands. I don't
believe there's a specific prohibition on non-Federally
qualified subsistence users on the refuge lands in this
area, but Park Service regulations are very specific.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: For Henri, the State
regulations apply on national preserve lands and then our
regulations could apply to national parks or monuments
where subsistence hunting is allowed.

CHAIRMAN DEMIENTIEEFF: Any other
discussion?

(No audible responses)

CHAIRMAN DEMIENTIEFF: Any other Regional Council comment?

(No audible responses)

CHAIRMAN DEMIENTIEFF: Board?

MS. GOTTLIEB: Mr. Chair, I am hearing, and I certainly heard at the two Regional Council discussion, which I attended, that there are many personal observations and experience that there are a good and healthy population of wolves out there. Park Service is very cautious about the idea of moving to high limits and we intend to follow-up this year with studies and with monitoring based on the changes made by the Board of Game and potentially by this Board as well.

CHAIRMAN DEMIENTIEFF: Any other discussion?

(No audible responses)

MR. EDWARDS: Are we ready for a motion?

CHAIRMAN DEMIENTIEFF: Yeah, I guess so.

MR. EDWARDS: We've heard a lot today both about concerns with increased harvest, we've also heard that we've got conflicts between, you know, State limits and the limits that we are talking about imposing, whether it's five or 10 or 20. It seems to me that the most prudent thing to do is to go forward with the more liberal approach that was brought up by one of the Regional Councils to go with -- to increase it to 10 a day, particularly given that if you have a trapping license that you can have unlimited take during the trapping season. With the trapping, which certainly would make as many animals available as people feel they need for making there subsistence needs.

And I guess I would move that we adopt Proposal 26 as modified by the majority of the Staff Committee and recommended by the Yukon-Kuskokwim Delta Regional Advisory Council. This would increase the hunting harvest limit for wolves in Unit 9 and 17 to 10 wolves.
CHAIRMAN DEMIENTIEFF: Is there a second to that motion?

MS. KESSLER: Second.

CHAIRMAN DEMIENTIEFF: It's been moved and seconded. I think -- I don't know you said something about 10 a day, it might have just been a slip of the tongue, but the actual regulation proposal is for 10 a year.

MR. EDWARDS: Right, that's what I meant.

CHAIRMAN DEMIENTIEFF: Yeah, okay.

MR. EDWARDS: What did I say? Did I say 10 a day?

CHAIRMAN DEMIENTIEFF: Yeah.

MR. EDWARDS: I didn't mean that. Do you need me to modify my -- I think in my motion I think I said the right words, so....

CHAIRMAN DEMIENTIEFF: Yeah, you did in your motion and your early justification.

MR. CESAR: Mr. Chairman, it seems to me like we're moving from five per year to 10 per year that that is not a dramatic increase in light of the fact the State has 10 per day. I mean, I just don't see that and, you know, I think that, you know, even a limit of 20 per year really kind of pales by comparison. But having said that, I think that I support some increase and I think that increasing it to 10 will allow us to look at this over the next year and, if justified, we can come back and raise it a little higher. So I will support the majority Staff Committee.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I would like to say also that we would have a cautious approach to the increase to 10 and remind everybody that it is an annual regulation and with some monitoring and, hopefully, better data next year, and with the past history of harvest being relatively low, I think we are comfortable with the increase to 10.

MR. CESAR: Question.
CHAIRMAN DEMIENTIEFF: Question's been called for, all those in favor signify by saying aye.

IN UNISON: Aye

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing responses)

CHAIRMAN DEMIENTIEFF: Motion carries.

Proposal 27.

MR. FISHER: Mr. Chairman, the next proposal is Number 27 found under Tab E on Page 311 and it shouldn't be as difficult as the last one. This is submitted by the Bristol Bay Native Association and this would increase the trapping limit for beaver from 40 to no limit per season for Units 9(B), 9(C), 9(E), Unit 9(remainder) and Unit 17. The current Federal seasons are outlined for you on Page 315. The current State trapping season is for Units 9 and 17 is October 10th through March 31st, no limit and April 15th through May 31st where only firearms may be used to take up to two beaver per day.

The Board of Game recently changed their trapping season and also their limit. They changed their season to start October 10th instead of November 10th and the increased the 40 limit to no limit for the October 10th through March 31st season.

Federal public lands are the same as in the last proposal. Historically beavers have been a very important fur bearer in both units. They're very abundant in both units, occur in all drainages and all most small tributaries, so their population is increasing in both units. They're found throughout both units. Their pelts, over the years, have been used for clothing and ground covers, bed covers, trading in commercial value; however, in recent years trapping of these animals has declined due to the decline in fur prices.

Harvest is oftentimes difficult to monitor. A lot of the beavers harvested are harvested for food, that's an important food resource, so a lot of the animals that are harvested aren't sealed, so we don't have a real good handle on what's being harvested. Both adjacent Units 18 and 19, which are adjacent to 17 currently have a no harvest limit for trapping on Federal public lands.
And what this proposal would do would increase the harvest limit and this may provide some additional subsistence opportunity, but until the fur prices go up it probably won’t materialize. If this proposal is adopted Federal and State regulations would be out of alignment and this could cause some confusion, especially with the navigable waters issue, lakes, rivers and streams in both these units. The Federal season currently starts November 10th, while the State season starts October 10th.

That's all I have.

CHAIRMAN DEMIENTIEFF: Thank you. Written public comments.

MR. EDENSHAW: Thank you, Mr. Chairman, Board members. There were three written public comments, there were two in support of the proposal and there was one that opposed.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. We had one request for public testimony at this time. Jack Hession.

MR. HESSION: Thank you, Mr. Chairman, members of the Board. We oppose this proposal as incompatible with the standards set in law by Congress, particularly with respect to national wildlife refuges and national parks. Taking a no limit approach seems just obviously incompatible with the mandates that I mentioned earlier. And in the case of refuges this proposal would even allow the use of firearms during certain periods in the spring. I fail to see how this measure can be allowed in national wildlife refuges and especially in national parks. I know of no current regulation in the national wildlife refuge where this kind of an approach would be contemplated.

And I would urge before the Board takes action on this that they consult with the Fish and Wildlife Service and the National Park Service as to how, conceivably, this proposed regulation would comply with the national standards that I discussed earlier.

Could I, Mr. Chairman, I'm not going to be able to stay for the full three days, with your permission I'd like to skip ahead to Proposal 49, which also deals
with beavers -- in the case of beavers in Wrangell-St.
Elias and Yukon-Charley. This is a similar proposal in
that it would align proposed Federal regulations with State
regulations. And then I see a direct conflict with
National Park Service standards, specifically six beavers
by firearms. Right now we have an existing Federal
regulation that prohibits the use of firearms for taking
beavers except, of course, a trapped beaver.

If the Board were to go ahead and adopt
Proposal 49 it would be overriding an existing National
Park Service regulation and I would urge you to be careful
about that inasmuch as -- and this is a very thoroughly
considered regulation by the Park Service. I recall
commenting on the proposed regulations at the time. And I
think in light of the earlier discussion we had, it would
be most inappropriate to so drastically and arbitrarily
overrule the National Park Service regulation on the use of
firearms for taking beaver.

I also note that by extending the season by
72, once again, that sets up a conflict with the interest
of non-consumptive users. And I believe unnecessarily so.
That concludes my remarks, Mr. Chairman, thank you very
much.

CHAIRMAN DEMIENTIEFF: Thank you. Regional
Council recommendation. Pete.

MR. ABRAHAM: The Council stated that the
current beaver harvest limit is not worth the effort to pay
for the hunters hunting or even pay trappers for trapping.
The price of the furs are low, and deters the hunters from
going out and hunting or trapping beavers. Not only that,
the beavers are damming in the streams and in the flats,
it's not just the Bristol Bay area, it's down in Y-K,
everywhere. The people used to harvest blackfish, they
cannot harvest blackfish anymore or even ling cods.
Actually the beavers are getting to be a literal nuisance
everywhere.

Thank you.

CHAIRMAN DEMIENTIEFF: Staff Committee

DR. CHEN: Thank you, Mr. Chair. The Staff
Committee recommendation is found on Page 312. Our
recommendation is to adopt the proposal as modified by the
Bristol Bay Regional Advisory Council with an additional
modification to begin the trapping harvest season on
I'd like to summarize the key points of the regulation. First of all, the subunit approach for Unit 9 would be dropped so the regulation would apply to Unit 9 in its entirety. Trapping season would be changed to October 10th to March 31st and the harvest limit would be changed to no limit. The firearm harvest season and limits would remain the same. And the current restrictions on use of firearms to harvest beaver under a trapping license on National Park Service lands would be retained.

Our justification is as follows: the Staff Committee modification of the Bristol Bay Regional Advisory Council recommendation matches recent actions by the Board of Game to modify the State beaver trapping season in Units 9 and 17. This would serve to align the State and Federal seasons in these units which would result in less confusion among rural residents and address unfortunate concerns that would arise from such differences. Certification of the current regulations and increasing the season length would also provide additional opportunities to subsistence users.

Thank you.

CHAIRMAN DEMIENTIEFF: Okay. Department comments.

MR. HAYNES: Thank you, Mr. Chairman. The Department supports this proposal as modified by the Interagency Staff Committee. At its March 2003 meeting, the Board of Game lengthened the State beaver trapping seasons in Units 9 and 17. Here's where I may have an error, I put in my comments the season opened October 1st and what we're hearing is that the recommendation is for October 10th, so we may just want to verify -- I may be wrong, somebody else may be wrong, but.....

MR. FISHER: The 10th.

MR. HAYNES: Okay, if Dave says October 10th, I'll go with Dave, so my written comments have an error. So the Board of Game lengthened the season to October 10 to March 31 and liberalized the bag limit to no limit. Only firearms may be used to take up to two beaver per day during the period April 15 through May 31st. If adopted, the proposal as modified by the Staff Committee would align the State and Federal beaver...
trapping regulations in Units 9 and 17. This would provide
more harvest opportunity and reduce confusion for beaver
trappers in these units.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional Regional Council comment. Walter.

MR. SAMPSON: Thank you, Mr. Chairman.
Just for the information of the Board, the beaver within
the Northwest Region has been also on an increase number
and there's been some issues in regards to some of the fish
spawning areas being dammed and they're continuing to
increase, in fact, they're starting to migrate even further
west into the Kotzebue Sound area from the east side. So
I wanted to provide you with that information.

CHAIRMAN DEMIENTIEFF: Ronny.

MR. SAM: Thank you, Mr. Chairman. This
issue was brought up at our Aniak meeting, too, and the
Aniak residents and lower Western Interior Region had some
great concerns about the production of beaver and we
believe that numbers of no limit and use of firearms would
not create a conservation issue.

CHAIRMAN DEMIENTIEFF: Thank you. Any
other?

(No audible responses)

CHAIRMAN DEMIENTIEFF: We'll move on to
Board discussion. I, too, you know, just everywhere I go
where there are beaver you hear the same story. And it is
having a negative impact on access to other subsistence
resources. I know in Nenana, personally, that we have the
same problem, you know, fish can't get to the creeks where
we normally go to harvest them for subsistence purposes,
you know, they're just really limited on where they can go
because of the dams. So, you know, there is no
conservation problem.

Also by allowing shooting, it's consistent
with normal subsistence practices, because that's how it's
done. When they start to come out of the ice on the ice in
the springtime, you know, people go after them because
they're easy to get, you don't have to be digging holes and
things like that, you can just catch them out on the ice
and shoot them and then you got your meat right there. And
so it is consistent. I only know -- all the years that I
know, you know, people have always incidentally harvested
beaver by shooting whether it's on the regulation books or
not. Not a whole bunch, but if you happen to catch one on
the bank, you know, and you're going in a boat, you know,
you didn't let the thing get away, I mean, you could eat
that. So we always did that whether or not it was in the
-- I know other people, too, whether it's in the
regulations or not. There's absolutely no conservation
problem at all and they're, in fact, causing conservation
problems, so I intend to support the Staff Committee
recommendation and the Bristol Bay Regional Advisory
Council recommendation.

MR. CESAR: Mr. Chairman, I move the
Interagency Staff Committee recommendation, which is
consistent with the Regional Advisory Council
recommendation.

CHAIRMAN DEMIENTIEFF: Is there a second to
that motion?

MR. BISSON: I second it.

CHAIRMAN DEMIENTIEFF: Okay.

MR. CESAR: Mr. Chairman, I intend to
support it, I do not see any conservation issue and I
always try to keep in mind that we're trying to increase the
availability of resources for subsistence and certainly
beaver have a place in the subsistence chain and I just
want to support that, I think it's consistent with our
mandate and I believe that aligning, where we can, and
those places that make sense with the State is also a good
thing to do.

MR. EDWARDS: Mr. Chairman, I'd to address
the issue that this is precedence setting on national
wildlife refuges. It's my understanding that we currently
have several units which we currently do not have limits on
beavers. Marine mammals have no limits, they can be taken
on refuge lands. Even the Endangered Species Act in Alaska
does not protect listed species. Several of the states in
Western States, which have no limits, let's say, on jack
rabbits, those also apply on national wildlife refuges.
And in a few weeks we are about to issue regulations for
subsistence harvest of migratory birds, which will occur
throughout refuge lands across the state, which there will
also be no limits on, so this certainly is not precedent
setting and, therefore, I'm prepared to vote in favor of
MS. KESSLER: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. KESSLER: I'd like just one little clarification to boost my confidence here. When I read the justification from Staff Committee I just thought it was odd that it didn't really include reference to the biological situation, so I just want to ask Dr. Chen to verify that Staff Committee, in their opinion, there is no conservation concerns associated with an unlimited harvest of this population.

DR. CHEN: I guess, Dr. Kessler, in our deliberations at the Staff Committee meeting we considered the biological data on beavers and we concluded that there is no conservation concern.

MS. KESSLER: Thank you.

CHAIRMAN DEMIENTIEFF: If I recall there was a pretty substantial record built at the Regional Council level that there's no biological issues.

MR. CESAR: Question.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing responses)

CHAIRMAN DEMIENTIEFF: Motion carries.

That completes our work in Bristol Bay. It's 4:40, I'm just going to go ahead. We have dealt with exactly half of the proposals, we got 12 done today, we have 12 more tomorrow and the other issues we have on the plate for tomorrow are informational type things or after the conclusion of the business. So we're well ahead of schedule, I'm just going to go ahead and call it a day and see you at 8:30 in the morning.
MR. CHURCHILL: Just for the record, I'd really like to thank the Board for their patience of me today and all the help from my fellow RAC members, it was a real pleasure, thank you.

CHAIRMAN DEMIENTIEFF: Sure.

(Off record)

(TO BE CONTINUED)
CERTIFICATE

UNITED STATES OF AMERICA )

STATE OF ALASKA )

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

THAT the foregoing pages numbered 2 through 129 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 20th day of May 2003, beginning at the hour of 8:30 o'clock a.m. at the Millennium Hotel in Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 4th day of June 2003.

_________________________
Joseph P. Kolasinski
Notary Public in and for Alaska