FEDERAL SUBSISTENCE BOARD MEETING

MAY 21, 2003

VOLUME II

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: Okay. We'll go ahead and call the meeting to order. I believe, Mike, you had some issues that we were going to open with on non-agenda items?

MR. SMITH: Yeah. Thank you, Mr. Chairman. Once again my name is Mike Smith, and I'm here today representing Tanana Chiefs Conference.

And I'd like to just address the -- what is called the draft Regulatory Coordination Protocol. That was -- it was a small report stuck in the RAC books at the last fall meetings. I've got copies here if you guys don't have one currently available in front of you.

And I'd just like to express at this time TCC's concerns in the direction that this particular portion of the MOA is going. Tanana Chiefs is a little concerned that the -- what -- that the draft called for the una -- the establishment of an additional board. We feel that it unduly insulates subsistence considerations to the full boards. We're a little concerned about the makeup of the board, because with all due consideration, the draft calls for a joint board, subsistence board to be established with three members of the Federal Subsistence Board and three members of the State Subsistence Board of Game and Board of Fish. We're a little concerned about the appointment of political appointees to a board that will, we hope, will not become a default subsistence board. While it talks about coordinating protocols and issues surrounding subsistence and then making recommendations to the full board, we don't really necessarily see the need for an insulative layer between the RACs, subsistence users, and the Federal Subsistence Board. So we're just a little concerned about the makeup of the board, the impact it might have on the ability of the RACs to communicate effectively with the full Board and additionally the makeup of the board, the proposed board.

With -- and that's just one thing we wanted to touch on was just this draft regulatory protocol and its current makeup and possibly even problems that may arise with implementation. And that said, Mr. Chairman, I just wanted to bring that attention to the Board.

CHAIRMAN DEMIENTIEFF: Mike, if we can hold
on, I think this is worth exploring. Maybe we'll have Pete
Probasco sit next to you, so we can have a little dialogue
about it. I think your concerns are well expressed.

MR. PROBASCO: Good morning, Mr. Chair,
Board members. Thank you. I appreciate your questions,
Mike, on this draft that we're currently working, and
specifically addressing the issue of this additional board
as you termed it.

Actually what we're looking at is a board
made up of -- not board, but members of the board from both
the Fisheries Board and the State Board and the Game Board
that will assist both respective entities dealing with the
workload of coordinating fishery and wildlife proposals.
They serve no function as far as making recommendations.
Their function is on how to best deal with work with both
respective entities, and producing the work that each board
requires when they address proposals, so they form no
decision-making purpose, with the exception of outlining
how to coordinate the workload that we're working on....

CHAIRMAN DEMIENTIEFF: So basically.....

MR. PROBASCO: .....Mr. Chair.

CHAIRMAN DEMIENTIEFF: .....there are
recommendations that are going to be coming from the group,
is that what you're saying?

MR. PROBASCO: The recommendations are just
directing staff as they work on developing proposal
analysis and coordinating the workload, in developing the
work that the Boards require when they analyze regulatory
proposals.

CHAIRMAN DEMIENTIEFF: So you're --
basically it's an advisory group to the Interagency Staff
Committee, is that what you're saying?

MR. PROBASCO: It's advisory group to the
staff on dealing with proposals. So for exam -- instance,
like this year, if this protocol was in place dealing with
the Yukon-Kuskokwim proposals, this group would look at
proposals that have joint interest both to the Federal and
State board, and look at ways that they could coordinate
staff dealing with the proposals, and providing data and
information for those proposals.

CHAIRMAN DEMIENTIEFF: The -- you know,
we've been hearing.....
MR. PROBASCO: The other thing.....

CHAIRMAN DEMIENTIEFF: .....for some time now, if I can just.....

MR. PROBASCO: Sure.

CHAIRMAN DEMIENTIEFF: .....just give you another little food -- or pursaud (ph) or something you can respond to, we've been hearing concern by RAC members of things coming from the top down, and that these were not dealing with the RAC proposals. And it's a serious concern to me, because of our dependence on the RACs. So maybe if you could also speak to that particular issue, because I don't want to see another group of State and Federales, you know, putting proposals on the table that may -- and, you know, that the RACs have to respond to. We depend upon the RACs, the strength of our system. We've said it over and over again. But if you could speak to that as well, I'd appreciate it.

MR. PROBASCO: Thank you, Mr. Chair, and before I speak to that, I want -- also want to make it clear that this is in draft form, and it will again go out before the Regional Advisory Councils for their review this fall. It is in draft form, and comments that have been made will be sent back to the drafting team and another draft will be forwarded. Before any of this has been finalized, you, Mr. Chair, and your Board will review it, and have your opportunity to edit and make changes appropriate.

This process deals strictly with dealing with coordination between the State and the Federal Board on dealing with proposals with the goal of trying to keep us to the best of our legal mandates coordinated in management decisions. This does not take the place of any of the process that's in place dealing with Regional Advisory Councils and the Federal Board. All it is is -- you know how the workloads are, you know how we have different issues that may run head-to-head between the State and the Federal Government. This is just a means to try to better coordinate dealing with regulatory proposals, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you. Mike, do you have follow-up?

MR. SMITH: Yeah, thank you, Mr. Chairman.

While we appreciate that we'll have the opportunity in the
future to comment on this specific proposal, we're a little concerned in the sense that, you know, the mandates of the Federal Subsistence Boards and the mandates of the State are completely different, and in some instances dramatically so, and we have concerns right now with some of the methodologies and information being used by the Federal Government in regards some of the regulatory schemes, and particularly in regard to fisheries on how the State manages fisheries and the State (sic) manages fisheries. We feel that the Feds have a much different mandate that requires a much different approach to the management of such things. So we're concerned that the specific mandate of the Federal Subsistence Board, that is conservation and subsistence, would somehow, and we feel in the past has, kind of given way to, you know, the sustained yield management scheme offered up by the State. And we're concerned that that has gone a considerable ways already, that we think we need -- the Federal Government needs to pull back a little bit, and rethink their management schemes in light of declining -- and specifically in light of declining fisheries stock.

So that's, you know, that's pretty much our concern, Mr. Chairman. Once again we appreciate the opportunity that we'll be able to have -- offer comments on this in the future, but we're still concerned about it, and -- plus additionally the ability of Federal Staff and stuff to coordinate and participate and pay for this type of process.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yeah. Pete, do we have the opportunity for interested parties to participate in the drafting of this? I mean, what kind of a group is it that we have working on it?

MR. PROBASCO: Thank you, Mr. Chair. The group that currently works on that is a member from both the State and Federal Staff. In addition, we have to Regional Advisory Council members that also work on this protocol. Once a draft is completed, it is circulated not only to the Councils, but it's circulated like we circulate other issues, to a broad audience. We have our address list. So again this second draft will again go out for review in the same process.

CHAIRMAN DEMIENTIEFF: Okay. That's pretty much standard operating procedure how we do things by -- our involvement is with the RACs. I mean, you know, to
have -- make sure they're involved. So I think, Mike, as far as Tanana Chiefs' concerns, get ahold of those RAC members and I'm sure they're going to represent your views as far as any, you know, work that may need to go on in the drafting. We just want to make sure that we get a quality product before us when it does come time. Okay. Oh, go ahead.

MR. SMITH: Thank you, Mr. Chairman. I appreciate it, Mr. Chairman. Certainly we want to help facilitate the process to the best of all our ability. And I'm not sure, you had mentioned about the availability of interested people to participate in the process, and I appreciate that comment as well.

Our concern those ends up being that we participate in the process after the -- after it's been developed already, and we end up having to respond to not only our specific RACs, but to RACs around the State if we want to -- if we felt deeply and strongly about some issue. And concerning a step that hampers us in our ability to be good advocates and -- but we'll certainly avail ourselves of that opportunity.

But in regards to the participation of interested people in the process, while we appreciate that thought in regard to this specific matter, there are other things going on as well that we would love to be able to participate and would our help to the Board and Staff, and specifically referring to the current effort being undertaken by Federal Staff to determine the amounts necessary for subsistence. We have heard some rumblings through the grapevine about that process, and the methodology being used there, and we're -- I believe we'll probably end up having some deep concerns about that as well. So we would just like to take this opportunity to offer our help in developing that process, and working with Staff to come up with what we feel would be adequate subsistence needs tests.

Thank you, Mr. Chairman.


MR. SAMPSON: Mr. Chairman, as a member of RAC and not having the knowledge of the process that's taken to come out with a draft document, I would have some concerns in regards to the process that is taken. If the Federal System had a mandate to deal with subsistence, then
Federal has to deal with that system. If the Staff has been influenced by others or other entity, then the influence of the State system into the Federal system is going to get in place. And on top of that, Mr. Chairman, I think if we don't have an opportunity to comment on the very issue on coming out with a so-called protocol, then I would have some concerns. And this is just the beginning of a process I'm sure of trying to bring in the State system which has a whole different mentality, and I alone would not have that concern. We'd have some other issues and other people that would be concerned. And not only that, as far as the membership from the RAC that's involved. Was a directive from the other RAC members to get involved through that process.

CHAIRMAN DEMIENTIEFF: Go ahead, Pete.

MR. PROBASCO: Mr. Chair, Mr. Sampson, the protocols that MOA working group is developing, as the MOA states, has at least two members that are assigned from the Council Chairs. If the Council Chairs can't serve on that protocol, then they assign individuals. So it's based on interest by respective Regional Council Chairs or Council members who would like to serve on these -- development of these protocols. The members that served on the one that we're discussing now, the Regulatory Coordination, is Mr. John Hanson and Mr. Bill Thomas. And we're in the process now of looking for a person to serve in Mr. Thompson (sic), since he has stepped down from the Regional Southeast Council. And then we'll have two members on that -- back on that Council as we work through drafting the protocol. And the other protocols also, and I don't have the membership in front of me, but those protocols also have Council membership on them. Mr. Chair. Mr. Sampson.

CHAIRMAN DEMIENTIEFF: Okay. Thank you very much. With that, we'll call on Bill Thomas who's also non-agenda items he wishes to discuss.

MR. THOMAS: Thank you, Mr. Chairman. Wonders never cease. I just expanded my comments in cursive as a result of the last presentation, but I'll do that following what I had prepared earlier.

What I'm going to present to you is some observations I made at the December -- the meeting of December 2. And I put it together right away after I got home. And there's an irony to this. The reason I didn't submit it then, I didn't want to compromise my opportunities for reappointment. So sensitive of me.
You'll have to forgive me, because I wrote this as a member of RAC, and so you can use your best judgment on rewording it in your mind, because I didn't take the time to do that.

I have with me comments I feel compelled to share with you. However reluctant, I feel this will result in improved communication, understanding the process -- and understanding the process guidance. These comments are prompted due to present -- these comments are prompted to present them at this time with respect to the arduous effort of OSM and to -- for you to apply requirements FACA as you determined to satisfy specific standards of the Act.

An observation from Region 1 is that a majority of the recommendations from the RAC has gone down to defeat due to political preferences rather than good science. It appears that our Regional Advisory Council doesn't have penalty (ph) at this forum with our level of local knowledge and experience.

Title XIII is written with the intention of this additional research of information, because the research throughout them (ph) have resulted in the State of Alaska losing subsistence management authority on public lands and waters. When we first implemented ANILCA which is 10 years after it was adopted by Congress, virtually all of the documents furnished by the Department were negative characterization of the subsistence community. Okay. You -- and I want you to make sure you heard this. I said when we first implemented this. This is some 11 years ago.

Some good progress has been made since then. I don't know whether the attitude is still there, but their politicals, of document has taken a turn around.

The difference between the State and Federal acknowledgement of subsistence resources was profound. Title XIII reflected an improved future for the subsistence community. A general comment from that time was the Department was hostile towards the subsistence community. Since then a significant number of Department employees terminated their employment with the State of Alaska and assumed senior responsibilities in Federal subsistence management. With that came a certain amount of potential conflicts, a conflict of interest by the way of some family working for the Department and members of the same family working in senior positions with Federal agencies that share influence with OSM. This is a very unusual scenario in this process, and suspect I might add.

Some things to consider have been mentioned at this forum almost every time we met. Subsistence
gathering and needs dictate seasons, bag limits, methods
and means and gear type. Western science focuses on
regulating users and law enforcement, which in most cases
regulations criminalize subsistence gathering. If we in
fact are assuming responsibility for providing continued
opportunity for subsistence use as a priority as worded in
Section 801, we need to get serious about it, and recognize
and accept the responsibility, the responsible nature and
majority of subsistence users.

We know that there's an explanation for
this observation and assessment, but we don't believe it.
OSM and the Federal Board is hostage to
political guidance or stand a chance of compromising their
career. We understand that, and agree that this is an
unfortunate circumstance. It further impedes practical
stewardship, subsistence use of natural resources. Again
we felt compelled to bring these observations to your
attention.

The Board and OSM have made many gestures
to changing the configuration of the process. They appear
arbitrary at best. No specific scientific justifications
have been presented. This has gone on for so long it
appears -- it has the appearance of a locomotive out of
control. The most concerning factor is that it appears to
be deliberate in nature with an unexplained motive or
anticipated outcome.

We started this process as a team. That
seems to have been replaced with an adversary-like,
counterproductive effort. This makes the administration
and legislature delighted to have this occur. We don't
expect things to improve as long as this continues. We
just want to note it doesn't go unnoticed. We need a
sensitivity and cooperation from the Federal Subsistence
Management Board to portray the appearance to the
subsistence community that is friendly and supportive while
being responsible in providing continued opportunity as a
priority.

Now, I have here, we continue to pledge our
best representation of Title VIII and the subsistence
community as defined in 801. I should have probably
scratched that out.

But anyway, these were observations I made
in December. I will acknowledge the fact that I have seen
some changes made. I don't -- I don't know how much I
understand about what I see. I hope I can believe them,
and I hope they are in the right direction. I come here
with a lot of doubts. And my observations historically
have been keen enough to hone in on intents and purposes of
different actions taken by different people. And they
always haven't been friendly to the provisions of Title
VIII. If you're friendly to Title VIII, you're friendly to
the subsistence community.

Excuse me. What I heard this morning was
new to me, although I was part of the work force on the MOA
work force. Okay. It mentioned that the -- that Federal
Board will provide some members, and the Department of Fish
and Game from the State was going to be also participating.
I would hope that the State would make some commitment to
subsistence management in whomever they have represented to
work in any agreement with the Federal Government. So far
we haven't got that.

Okay. And if the workload is getting as
great as it sounds, something needs -- this needs to be
reviewed. For the amount of work that -- we're building
more people into the process than the research we're trying
to manage, and that's not right. We need to take a look a
this. You know, you just keep creating layers and layers
of management. Look at all the happenings that's happened
to everybody but the RACs. The RACs are the only component
of this program that remains unchanged. The only thing
changed about the RACs are their operations manual went
from a three-page out to a pretty voluminous book to read
and keep up with. And nobody else has to do that. Nobody
has to -- nobody has to justify as much as the RACs do.
The RACs were -- they're created by statute in Title VIII.
And the reason the RACs are in place is because it's a
component that has never been considered by anybody else in
management.

I've been involved in this program for many
years, and many years during State management of the same
resources. And I've seen more bad happen than good. Lots
of people, but no resources.

Now, to add another layer for a Board to
essentially take over many of the duties of the RACs,
that's essentially what's happening, and that shouldn't --
that really needs to be reviewed. Another observation I
had, we got rid of the Chairs meeting, but now we're
creating a new board. See what I'm saying? The RACs seem
to be at a disadvantage. They seem to be struggling for
recognition, for acknowledgement as part of this process
when in fact they are the process. This needs to be reviewed, considered and changed.

In my experience working at the work force on the MOA, all the concessions came from the Feds. The State offers no concessions at all. None. They want everything to come from the Feds.

The justification for this new Board right now seems pretty lame. I don't recall discussing that to my understanding while I was on there. I'm of the impression that this occurred after I left that work force. And I'm really curious as to what improvement of management can be anticipated as a result of this board, this additional board. I mean, take a look around here. It won't be long, all of us will be on a board or a committee of some kind, and this is a public meeting. Where's the public? We're preaching to the choir, see. This is very representative of what happens at RAC meetings. I'll get into that with my other comments I have when we get to the proposals.

But I would beg the Board to consider some of the comments I offered. There -- I'm sure there's disagreement with most of them, and that's fine. If they find me in error of assessment, and that you feel that your procedures, assessments and actions are better than what I portrayed, God bless you. But, anyway I thank you for this opportunity to comment at this part of the agenda.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. EDWARDS: Mr. Chairman, can we respond?

CHAIRMAN DEMIENTIEFF: Go ahead, Gary.

MR. EDWARDS: Mr. Thomas, I'd like to at least respond to one of the comments you brought up since I'm the one that probably signed off on all those positions that you had some questions about. I'm trying to understand whether you're suggesting that we ought to practice discriminatory hiring practices, and when we advertise jobs, we have a disclaimer on there that says, if you've ever worked for the State of Alaska, do not apply. From my perspective, as a result of the people we've been able to hire, particularly in fisheries, they've been able to provide this Board with an awful lot of expertise that has certainly helped us do a better job and certainly on
behalf of the subsistence users. So I guess I would take
exceptions to your concern that we hire too many State
people.

MR. THOMAS: Mr. Chairman, it wasn't that
I said you hired too many people from the State. What I'm
saying is that in several cases the hiring that occurred
involves people of the same family working for -- one for
the State, one for the Federal on the same program. This
would not be allowed anywhere else. That would be a
direct conflict of interest. And....

MR. EDWARDS: Then I guess I would rephrase
my question. Then you think our application should say if
you have a spouse that works for the State of Alaska, do
not apply.

MR. THOMAS: No, just ask, do you have a
spouse that works for the States.

MR. EDWARDS: Right. Then we're going to
discriminate against those people is what you're
suggesting.

MR. THOMAS: I don't know if that's
discrimination, but it's a common practice in our society
in every level of society. I worked for the Federal
Government. I've seen those applications. I know what
they are. And I'm not agreeing with what you're saying.

CHAIRMAN DEMIENTIEFF: Okay. Thank you.
We've got a lot of work today, so let's go ahead and move
on with our agenda. Thank you very much, Bill. And for
the record I'll note that we have --Ralph has served his
one-day suspension for not bringing us any fish. And I'm
welcoming him back to the table now that his suspension is
over. And I also want to appreciate, Ralph, your sense of
humor for letting me have a little fun.

MR. LOHSE: Mr. Chair, I'd like to thank
you for letting me sit back at the table, and I
apologize for not bringing any fish, because I didn't know
that you had a barbecue planned. If I'd have known you had
a barbecue planned, I'd have been more than happy to have
brought fish, and we could have set a barbecue grill up
here, and everybody could be eating Copper River red salmon
right now. But just in case some of you have missed your
Copper River red salmon, I work with a local custom
processor, and all you have to do is call my number and any
place Alaska Airlines flies, I can send you red salmon
within 24 to 36 hours after any fishing period on the Copper River Flats. And if you want to plan a barbecue next year, we can work on it.

CHAIRMAN DEMIENTIEFF: Thank you anyway, Ralph. Okay. With that we'll move on to a little bit more serious business. Yukon-Kuskokwim, Region 5. We have one proposal, Proposal No. 28. Staff analysis, please.

MR. DeMATTEO: Mr. Chair, Proposal 28 was submitted by Willard Church of Quinhagak, and he requests that there not be a trophy devaluation requirement for subsistence brown bear transported or removed from the Western Alaska Brown Bear Management Area.

Mr. Chair, the analysis for Proposal 28 you can find under Tab F on page 326.

The proponent believes that the current management area trophy development requirements is disrespectful to the integrity of the hunt, is disrespectful to the spirit of the bear and the hunter to whom the bear has given its life to.

The current regulations can be found on page 326, and the proposed regulations would delete the language that reads at the time of sealing the Alaska Department of Fish and Game representative shall remove and retain the skin of the skull and front claws of the bear. That language would be removed.

The brown bear harvest for food still remain an important subsistence item, and is part of the contemporary subsistence harvest pattern for many Yup'ik communities in Units 18 and also 17(A). If this proposal were adopted the intent of the proposal is to allow subsistence hunters to send or remove their complete brown bear hides from the management area without any trophy devaluation.

This proposal would remove the federal devaluation requirement, but not the State sealing requirement. Sealing is required by the State for brown bear hides before they can legally be sent from the area.

When a hunter has a brown bear taken under management area regulations for sealing under State regulations, the Alaska Department of Fish and Game requires that the skin of the head and front claws are to be removed and kept by the Department.
Also, if this proposal were to be adopted, this could create confusion and also some law enforcement problems.

Also, in addition, the transportation of brown bear parts between states and countries is subject to both State and Federal permits. The Fish and Wildlife Service requires that Alaska Department of Fish and Game certification be a part of the Federal permit process.

Mr. Chair, the proponent stated at the recent Yukon Delta -- I'm sorry, Yukon-Kuskokwim Council meeting that when he originally submitted this proposal, his intention was that it would only affect his immediate area. He didn't realize it would have such far-reaching ramifications, which is the total brown bear management area, which is a substantial portion of the State.

And this completes the presentation. Thank you.

CHAIRMAN DEMIENTIEFF: Written public comments.

MR. NICK: Mr. Chair, there were five written public comments, two for support, two oppose, and one with no recommendation.

The Native Village of Quinhagak IRA Council support Proposal 28 to delete the requirement to remove and retain the skin of the skull and front claws of brown bear before allowing subsistence hunters to remove them from the management area.

Asa'carsarmiut Tribes of Alaska, based in Mountain Village, supports the proposal. The Asa'carsarmiut Tribes of Alaska agree that the claws at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear should be removed from the existing regulation, Unit 9(B), part -- Unit 9(B) in part I think is what it's supposed to be, 17, 18 and 19 in part, brown bear.

The Western Alaska Area Brown Bear Management Area was created to increase the harvest of brown bear from one bear every four years to one bear per year, and to accommodate traditional subsistence use patterns. Additional, the required $25 tag fee was removed and replaced with a no-cost registration permit as long as the bear skin was not removed from the management area. If
the harvested bear is truly for subsistence uses, then
removal from -- removal of the claws and the skin of the
head does not reduce the value of the bear skin for
traditional sleeping mats or boat covers. There are
current regulations for those subsistence hunters who wish
to hunt bears for their true full value, which required $25
tag and one bear every four years. This, Mr. Chairman, was
a comment from Yukon Delta National Wildlife Refuge.

Defenders of Wildlife of Alaska oppose the
proposal. There is concern about the impacts this proposal
would have on law enforcement efforts. In addition,
there's concern about the low reproductive rate of brown
bear and the need for a high degree of accuracy and
reliability of harvest information. For the sake of
continuity, harvest information, current sealing
requirements should remain in place.

Lake Clark Subsistence Resource Commission
commented that the SRA -- I'm sorry, SRC discussed Proposal
28, but made no recommendation because the proposed change
is to the brown bear hunt outside of Lake Clark National
Park and Preserve.

Mr. Chair, that's the extent of the
comments.

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

MR. WILDE: Mr. Chairman, Federal
Subsistence Board, Yukon-Kuskokwim Regional Council
recommend -- proponent recommend to defer of this proposal,
and the time we make sure that everyone understand, we put
it on a teleconference in the Chevak meeting. And after
teleconference there was a motion and a second, and motion
to table 28 as recommended by the proponent.

CHAIRMAN DEMIENTIEFF: Thank you. Yes.

MR. ABRAHAM: Mr. Chairman, Pete Abraham,
Bristol Bay. Our Council stated they would like to see a
proposal coming through WABBMA working group. The Council
also concurred with the Staff recommendations. There was
a wide concern that there may be abuse by non-subsistence
user if a trophy devaluation is eliminated. Subsistence
users may also participate in sport hunt that would not
require them to seal brown bear if it's not taken outside
of the region.
Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Ron.

MR. SAM: Thank you, Mr. Chair. We oppose this Proposal 28, because for the most part all of our harvest of brown bear are harvested in defense of life and property, and we address this issue by turning it over to a few guided hunts that we have in our area. That would be handled under the general hunt and the State's -- ADF&G provisions. So we're in opposition of this, because we do not really rely on brown bear for subsistence purpose.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. That concludes our Regional Council recommendations. Staff Committee.

MR. BOS: Thank you, Mr. Chair. For the record, my name is Greg Bos, Fish and Wildlife Service Staff Committee member.

The Staff Committee recommendation can be found at page 324 of your Board book. The recommendation is to reject Proposal 28 as recommended by the Bristol Bay and Western Interior Regional Advisory Councils. The Yukon-Kuskokwim Delta Council recommended deferral.

The justification for the Staff Committee recommendation is that the current Western Alaska Brown Bear Management Area regulations allow subsistence users, subsistence hunters to continue the traditional uses of brown bears and brown bear skins. The intent of the trophy devaluation requirement in the regulations is to prevent hunters from taking bears for trophy purposes under the more liberal subsistence seasons and harvest limits. There is concern that if subsistence regulations allow for trophy hunting, the brown bear harvest would increase, and an increased brown bear harvest is a conservation concern in the affected area.

Subsistence hunters who want to be able to transport the compete skin of brown bears out of the management area may do so by taking bears under non-subsistence regulations. And as noted by the Bristol Bay and Western Interior Regional Councils, the development of proposals for changes to the subsistence brown bear regulations in this area should involve the Brown Bear Management Area Working Group.
Rejection of this proposal at this time would not preclude its future consideration on resubmittal, which the Staff Committee believes is consistent with the intent of the Yukon-Kuskokwim Delta Council's recommendation to defer.

Thank you.

CHAIRMAN DEMIENTIEFF: Department comments.

MR. HAYNES: Mr. Chairman, the Department supports the recommendations of the Bristol Bay and Western Interior Regional Councils and the Interagency Staff Committee to oppose this proposal.

Adopting this proposal could create serious enforcement problems, and would require use of a Federal permit that would apply only to Federal public lands in the Western Alaska Brown Bear Management Area. Current Federal and State regulations both require that any brown bear taken by State subsistence registration permit in the management area must be sealed prior to being removed from the area. At the time of sealing, a Department of Fish and Game representative destroys the trophy value by removing and retaining the skin of the head and the front claws. Hunters who dislike the provisions of the subsistence hunts have the option of hunting brown bear under the State's general regulations.

The Western Alaska Brown Bear Management Area was implemented by the Alaska Board of Game to enable subsistence hunters to harvest brown bears in a manner more consistent with customary and traditional practices. A working group comprised of local residents, native organizations, and agency personnel met several times and developed a plan that provided for a longer season, a more liberal harvest limit, minimal sealing requirements, and elimination of the $25 tag fee. The trophy value destruction provisions were included to discourage and prevent abuse.

Goal 6, Part C of the plan stipulates that the working group will meet to discuss the plan and/or regulatory proposals before changes are made. Such a meeting has not been held to discuss this proposal or to consider any potential changes to the current regulation, and we believe that would be the proper forum to consider any possible changes to these regulations.
Thank you.

CHAIRMAN DEMIENTIEFF: Any other Regional Council comments? Go ahead, Walt.

MR. SAMPSON: Thank you, Mr. Chairman, members of the Board. Based on the information that's been provided, I can see the reason why the recommendations are being made to reject the proposal. In some cases where there's relaxed regulations in regards to tag fees and increases in hunt and stuff, by adopting this, you're asking for some invitation into more problems in the future. I think the recommendation to reject is appropriate.

Thank you.

CHAIRMAN DEMIENTIEFF: Ron, you had a comment?

MR. SAM: Thank you, Mr. Chair. Again, the harvest in our area is mostly in defense of life and property, and there is no trophy value considered. It's -- the hide, skull and everything is just left out in the field, we just -- it's just there. We just take are of it, because of, like I said, it's in defense of life and property. There is no trophy value as far as our people are concerned.

Thank you.

CHAIRMAN DEMIENTIEFF: Okay. With that we'll go ahead and move on to Board discussion. And I'll just start out.

I do intend to support the motion to reject, or if there is a motion to reject, I would intend to support it. And really the real reason behind that, because it has no Regional Council support for one, and I think Mr. Haynes's testimony with regard to working groups and, you know, we've said it over and over and over again, that when we've come to an issue, besides the RACs, which have the first priority, working groups are the most important development tool that we have to help us work through thorny issues. And, you know, there's no RAC support, one, and there's no working group discussion on this matter, on the change. So those are the two things that I really see that are critically flawed with the proposal.
MR. CESAR: Mr. Chairman, I move that we accept the Staff Committee recommendation to reject this proposal for the reasons that were articulated by Mr. Haynes and yourself.

MR. BISSON: Second.

CHAIRMAN DEMIENTIEFF: It's been moved and seconded. Discussion? Judy.

MS. GOTTLIEB: Mr. Chair, well, I agree with Harry that when the proponent was called and put on the teleconference, he just sort of didn't realize the whole scope of what he was asking, and so I hope people will through the RAC get back with the proponent, and offer the opportunity to go work with the working group, because there is a conservation issue in that area. People were very concerned about possible take.

CHAIRMAN DEMIENTIEFF: Additional discussion?

(No discussion)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN DEMIENTIEFF: Motion carries.

Thank you very much.

We'll be moving on to Western Interior, so we'll allow Staff to -- or who's going to do -- this is actually -- is 33 a -- it's in the Yukon-Kuskokwim area. Is that where it -- We're not changing staff for this one?

MS. McCLENAHAN: Mr. Chairman, Proposal 33 was proposed by the Yukon-Kuskokwim Delta, but it lies within the Western Interior Region.

CHAIRMAN DEMIENTIEFF: I just -- on my agenda it has it listed under Western Interior, but go ahead.
MS. McCLENAHAN: Thank you, Mr. Chairman.

I'm Pat McClanahan, Staff anthropologist. I'll be presenting Proposal WP03-33. The Staff analysis for Proposal WP03-33 can be found at Tab F, beginning on page 363.

This proposal was submitted by Peter Peterson of Mountain Village. It modifies Proposal WP-02-31, which was deferred by the Federal Subsistence Board in May of 2002.

This current amended proposal requests expanding the existing positive customary and traditional use determination for moose in the southern portion of Unit 21(E) to add the rural residents of Lower Yukon River villages. The existing customary and traditional use determination is Unit 21(E) moose, residents of Unit 21(E) and residents of Russian Mission. The proposed Federal Regulations are found on page 363. They would read: Unit 21(E) south of a line beginning at the eastern boundary of Unit 21(E) near Tabernacle Mountain, extending easterly to the junction of Piamuit Slough and Innoko Slough, and southeasterly in a direction of Molly Mountain, to the juncture of Units 21(E), 21(A) and 19(A). Residents of Unit 21(e) and Unnamequa (ph), Alakanuk, Emmonak, Kotlik, Mountain Village, Toklik, Ptka's Point, St. Mary's, including Andreafsky Townsite, Pilot's Station, Marshall, Russian Mission, Scammon Bay, and Hooper Bay.

I'd like to point out here that at the recent Yukon-Kuskokwim Delta Regional Advisory Council meeting on March 6th and 7th, the Council brought to our attention that the committee inadvertently left out the community of Chevak from the proposal at the time it was written at the October Committee meeting.

The remainder of the proposal would say Unit 21(E) remainder, residents of 21(E) and residents of Russian Mission.

Map 1 on page 364 shows the Federally managed lands in Unit 21(E). Map 2 on page 366 shows the proposed area located on federal lands in the southern portions of Unit 21(E). The screen provides a pretty good view of that proposal area. Included are a portion of Yukon Delta National Wildlife Refuge and BLM-managed lands. In the southern portion of Unit 21(E) that is the subject of this proposal, approximately 71 percent of the lands are under Federal management, 25 percent are Fish and Wildlife Service-administered lands, 46 percent are Bureau of
Managed land -- Bureau of Land Management-managed lands, and 29 percent are administered by the State of Alaska or are native corporation lands.

The existing c&t determination was adopted from State regulations at the beginning of the Federal subsistence program in 1990. Appendix 1, beginning on page 171, provides the regulatory history of requests to change c&t determinations for moose in 21(E). Appendix 1 shows the long history of requests for c&t in those -- in that 11 unit.

When WP02-31 was deferred last year, the Federal Subsistence Board directed staff to work with Western Interior and Yukon-Kuskokwim Delta Subsistence Regional Advisory Councils to resolve this issue. At the Federal Subsistence Board's direction, a workshop was convened in October 2002. The amended proposal and this analysis are direct outgrowths of that meeting. Workshop participation reached a consensus on a recommendation for a revised proposal that specifies this particular area and these specific communities. The proponent then revised the proposal accordingly.

With respect to factor 1, table 1 on page 368 provides information showing that the proposal communities have relied on moose as an important subsistence resource for a long period of time. The proposal communities are made up predominantly of Yup'ik speaking people who have historic roots in the lower Yukon River region. Maps provided by Van Stone and Snow show that these two groups -- I'm sorry, show that these groups and the Diheetan (ph) used the proposal area in the 19th century.

In regard to factor 4, table 3 on page 373 provides information on cumulative moose harvest from the ADF&G harvest database. According to report by subsistence users, the subsistence moose harvest in the region is very under-reported. Additionally, formal harvest studies of moose and brown bear by Anderson, Utermohle and Brown in 1998 and '99 also found that established harvest ticket systems used to quantify harvest of big game species, underestimated harvests in rural communities in the middle Yukon and Koyukuk River region.

For those moose that were reported, the tables provide the information that the southern portion of Unit 21(E) is and has been a primary subsistence resource use area for moose for the proposal communities for at
least the past 20 years. Anthropologists believe that
while moose are a relative newcomer to the region, the
general hunting pattern and subsistence use area patterns
have remained relatively stable in the region since the
19th century with periodic shifts due to fluctuations in
the animal populations. Moose hunting in southern Unit
21(E) by the lower Yukon River communities now takes place
almost exclusively in the fall during September according
to ADF&G harvest records, and to reports of subsistence
users.

If adopted, the proposal will provide
residents of the proposal communities the opportunity to
hunt moose during Federal seasons on Federal lands within
the southern portion of Unit 21(E). The fall Federal moose
hunting season begins a few days before the State season in
that unit, providing Federally qualified subsistence
hunters an advantage on Federal lands.

I'd just like to remark that this analysis
is different from the analysis that you saw last year in
that it speaks specifically to the villages that were
recommended by the committee, and so in that respect, it's
not -- it may be considered not a full analysis of all of
the villages that may have hunted in this area over time.

That concludes my remarks.

CHAIRMAN DEMIENTIEFF: Thank you very much.

Written public comments.

MR. NICK: Mr. Chairman, there were two
written public comments, one in the Board book, and one was
probably overlooked.

Written comment was received from Mike
Moses of Asa'carsarmiut Tribes of Alaska in support of the
proposal. He has been hunting for moose above Russian
Mission with many residents of Mountain Village since
childhood. Those hunting grounds are very customary and
traditional to him. He does not believe the villages
listed in the proposal should be cut-off from hunting those
grounds. He respects the native people living in 21(E),
and their village corporation lands. However, other lands
should remain open to the villages listed. Further, there
should not be a different hunting season for some of the
villages that hunt the area. He remembers what his
grandparents told him and others about respecting the land
and animals that their culture has depended on for those
generations.
The next comment is from Grayling, Anvik, Shageluk, Holy Cross Local Fish and Game Advisory Committee. This is not in your Board book. We'll make the copy of this available to you later after we make copies.

This written comment is in support of the proposal. After discussing and seeing the proposed southern portion of the unit as well as hearing the comments that Holy Cross residents generally do not hunt the area, the advisory committee unanimously supported the c&t working groups amended proposal 33. The presentation of the proposal was a joint effort with TCC and AVCP representatives.

Mr. Chair, those are the comments.

CHAIRMAN DEMIENIEFF: Thank you. We have no additional requests for public testimony at this time.

Regional Council recommendation.

MR. WILDE: Mr. Chairman, Federal Subsistence Board, the Council recommends --
Yukon-Kusksokwim Delta Regional Advisory Council recommends support with a modification, support the proposal as modified by the Yukon-Kusksokwim Subsistence Regional Advisory Council to add Chevak to the c&t request for the fall season only. The Community of Chevak is inadvertently left out of the proposal analysis as pointed out by the Yukon-Kusksokwim Delta Subsistence Regional Advisory Council, providing information, and several Chevak family hunts in the proposed area with the hunters from Hooper Bay and Scammon Bay during the fall hunt. So the Council move and a second, and the motion to support and modify this proposal.

CHAIRMAN DEMIENIEFF: Thank you. Ron?

MR. SAM: Thank you, Mr. Chair. I am surprised that this came up. We had a teleconference with Staff Committee and our general consensus at that time, we expected this proposal to be deferred, and there was consensus between Y-K Delta, Western Interior and Holy Cross, GASH area residents who serves on a council. We do have a problem with this issue. There is some constitutionality issues, because one of the points that came out at our Aniak meeting was the fact that how do you grant c&t rights to the whole village when only one resident goes out there and utilize this area. And the other problem was that their proposal stated that it was
since time immemorial, that moose finally came in that area
in the last 100 years or so. So there's no real c&t
utilization, unless one or two people that had relatives
from GASH area, that know where the moose were. So with
that, and the teleconference we had with Staff Committee,
I would like to commend Staff Committee, too, for having us
on line and considering our recommendations. And I would
ask that the Federal Subsistence Board defer this proposal,
because at that time we requested a special meeting between
Western Interior and Y-K Delta.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Okay. Thank you, very much. Grace.

MS. CROSS: Seward Penn did not take up
this proposal after we talked to a RAC member from St.
Michael. He had talked to people at St. Michael and
Stebbins, and they had determined that the area that is
referred to is beyond their traditional hunting grounds.
Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Staff
Committee.

MR. BOS: Thank you, Mr. Chair. The Staff
Committee recommendation can be found on page 360. As
you've heard, the Yukon-Kuskokwim council recommended
adoption with a modification to add Chevak, the Community
of Chevak, to the c&t determination, and the Western
Interior Council recommended -- or was opposed to the
proposal.

The Staff Committee is recommending
deferral, because -- well, primarily to encourage continued
dialogue between the Yukon-Kuskokwim Delta and Western
Interior Councils, and in addition with the -- with more
input from affected subsistence users in order to obtain
agreement on appropriate customary and traditional use
determination for moose in this area by residents of
adjoining units. Although both Councils have agreed on the
portion of 21(E) that is used by Unit 18 residents, there
is still disagreement regarding which communities in Unit
18 have had a customary and traditional pattern of use of
moose in that area.

In addition, the question of moose -- of
use of moose in the area some residents of Unit 19 has been
raised and should be considered.
Residents of Unit 21(E) are concerned about the potential adverse affects of the proposal on their ability to obtain the moose that they heavily rely upon. By the inclusion of not only the communities listed in the proposal, but also with the potential expansion of Federal eligibility to many additional out-of-unit residents that may result from future proposals, local residents and some Council members also may not fully understand the basis for customary and traditional use determinations, nor the practical effects of such determinations when considered in conjunction with the over-lapping state regulations.

The Staff Committee believes that adoption of the Yukon-Kuskokwim Delta Council recommendation or rejection of the proposal as recommended by the Western Interior Council at this time would be counterproductive to the development of a long-term solution to this issue. Staff committee recommends that the Councils renew their efforts to find common ground, and that such efforts be supported by the program. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments?

MR. HAYNES: Mr. Chairman, the Department supports the Interagency Staff Committee recommendation to defer action on this proposal. We support the approach taken in this analysis to focus on the southern part of Unit 21(E) rather than on the entire subunit as was done last year. However, evidence presented for some of the communities proposed for inclusion in the c&t finding either is very limited or indicates very low levels of moose hunting in the area. The analysis does not explain the rationale for concluding that the pattern of use in communities with very low levels of hunting in the area constitutes a customary and traditional use when compared to other communities whose level of use in the southern part of Unit 21(E) is much higher.

The Staff Committee justification for deferring action on this proposal indicates that additional communities, some of which are in Unite 19, should be included in the c&t analysis. The list of communities proposed for inclusion keeps growing, and underscores the importance of a c&t analysis that carefully examines and describes the different moose hunting pattern by communities in the area. Only those communities whose moose hunting patterns in the southern part of Unit 21(E) generally exhibit the eight factors that exemplify a customary and traditional pattern of use should be
recommended for inclusion in the finding. We doubt that all communities now being considered or proposed for inclusion will meet that test, even though a few individuals in some communities may have along-term pattern of moose hunting in the area.

Given the sensitivity of this issue, and the importance of developing a c&d finding that is clearly supported by the evidence, the Department believes the appropriate course is to defer action and encourage continued discussion by the affected Regional Advisory Councils.

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

MR. WILDE: Mr. Chairman, I'm going to talk not with Regional Council, with my experience as has been hunting in that area. We have been try to work with people in that area, because of our elders' leadership. They had -- we had a law and regulation, it's not written in the book, but it's written in the heart, never fight over anything. Always share together with others. My people down there, the people that I represent, they want to work with the people of Russian Mission and those others that who share that area for a long time. For as myself, I had -- I never really lost sleeping, but I think a lot about those people that in the Holy Cross area. I do have some relatives and all, and elders who believe in sharing subsistence in Holy Cross. One time that an old man, elderly man came back in early, 55 years ago, first time I go up there. One of the Demientieff, met him at a gas station, he told me, Harry, why don't you come -- how come you quit hunting around here? Well, I told him that I'm sorry, the reason I quit hunting is the people whom I represent, they could not able to hunt up here. So I think there will be some people from Kuskokwim next round they will be asking the same thing. So it's something that have to be done. We need to do something in order to start not ignore each other or not smiling at each other or looking at each other. We need help from the Board I think how we could deal with this problem. Thank you.

CHAIRMAN DEMIENTIEFF: Ron.

MR. SAM: Thank you, Mr. Chair. We had our meeting down at Aniak. We specifically asked that we hold our meeting at Aniak to address this issue. And most of all the residents of Aniak that did testify before us were totally opposed to this proposal. And the reason that we
asked for a special meeting between Y-K Delta and Western Interior, which I thought was granted by Staff Committee, was simply because that these working groups and what took places, one or two members from each Council plus State advisory committee members, just cannot resolve this issue. So during that teleconference, Harry asked that I call them. So I called him at that time and we agreed that the only way to resolve this issue is to have a special meeting to address this issue between Western Interior and Y-K Delta, and I would ask again that you defer this proposal until we have our special meeting. Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Not only before us, you know, this issue has been raging for years even before we were -- before State lost management. I mean, I remember dealing with this issue I don't know how many years ago when people first started going up there, and people first started -- I mean, I guess although some people may have, you know, have a long term -- some individuals may have a long-term pattern of use, more people didn't start going up there until came the high horsepower boats, you know, and that's when it really be -- that's when the issue came up, because then other people started going up there. And then there was, you know, conflicts and, you know, there was a little bit of, oh, I don't know how to say it, trespassing type issues that came up on people's allotments and things like that. And to the credit of the people from the lower Yukon, you know, they cleaned that up. They found out where and where they shouldn't be. And, you know, so there's been some cooperation through the years.

But I -- do you think that we need the whole Regional Council to resolve this? I mean, a special meeting?

One of the things we did when I first came into the program, and I have real fond memories of, is we had some particular thorny issues on the Kenai Peninsula. And so we went to every community. We -- you know, I went I think all but one of those hearings. And sat down and took that, took the record before it came back to -- you know, it came back to the Board for an action.

But there has to be someway to resolve the issue. And I'm wondering, and I'm asking Harry and I'm asking Ron, you know, to think if we can get before we go -- if we go to a joint meeting, that would be fine, and we could do that in the same location as a product of our normal business. You guys can agree where the two regional
councils, you can meet together and then you guys could do
your other normal business at the same time, so it's kind,
you know, it's kind of a cost-saving measure. You know,
you could meet together for this issue and then go in your
separate places. Maybe it might have to be here in
Anchorage or somewhere where we can get -- you know, then
you can go to your own meeting, do your normal business,
and, you know, Y-K can go do their normal business as a
normal practice.

But I think what I'm proposing is that we
get a representative from each council, along with our
staff, and maybe we could find a representative from the
Board, you know, going to different meetings, to just go to
every one of those communities and have a hearing. Let's
build a public record, you know, because there must be a
way to resolve it. Like I said, I know at least 20 years
this has been going on. And it had to do -- well, a large
part of it had to do as the Yukon fishery developed and the
big motors came in, you know. But if we could do that, and
so that each Council and the Board and our Staff have a --
you know, it doesn't have to be a big team, can go on a
fact-finding mission to all the communities that are
affected, and simply build the background for a joint
meeting between the two Councils. You know, I don't know
if that's an acceptable solution or plan of action for you,
but, you know, that's something that you would seriously
have to -- or, you know, we need to find some way to move
this issue, because it's been raging. And there's not --
it's not going to be an easy situation to resolve. It's
been going on for a long time. But anyway, that's just
something to think about and maybe we'll talk about that.

MR. CESAR: Mr. Chairman, I think we need
to make a motion one way or another on this so that we can
discuss it at the Board level. It seems to me we're
going into the mechanics of a deferral, and the resulting
action of that deferral. I think we need to bring the
motion to the table, so I'll make the motion that we accept
this Interagency Staff Committee recommendation to defer
action on this to allow the affected Regional Advisory
Councils to deal with it. And so if I can get a second on
that?

MR. BISSON: Second.

MR. CESAR: Then I would like to -- my
observation is that the mechanics of how that meeting take
place and where they take place and what villages need to
come after a discussion with the two Board chairs, and they send forward a plan for how that's going to play out.

CHAIRMAN DEMIENIEFF: Yeah, I guess that I'd certainly be willing to work with you both on coming up with some kind of a way, but all I'm telling you is that on the Kenai it worked, and we came up with a plan to deal with it. But we had to go to every community, you know, that's affected by the thing, and it was actually -- it was mostly the Board and the -- and our Staff. We did it on our own, but that's not what I'm proposing since, and I'm, you know, talking about that, so, yeah, I do intend to support the motion to defer, and maybe we can get together on a break, Harry, you and Ron and I, and talk about this and try to come up with some way to work it out administratively. Ron.

MR. SAM: Thank you, Mr. Chair. After that teleconference with Staff Committee, I did call Harry personally, and we did agree on having a special meeting. However, if a special meeting cannot be granted to resolve this issue, I would then ask that both Alex Nick and Vince Mathews, our coordinators, to pursue the avenue of having a joint meeting, joint fall meeting here in Anchorage, because what's within our personal call -- I mean, within the personal call between Harry and I, we both agreed that it could be here in Anchorage to find an impartial place, that I think that this issue is strong enough that neither one of our Councils would bend to -- or to satisfy the other. We -- as far as Western Interior is concerned, we are not budging on this issue until we have a joint meeting. Thank you, Mr. Chair.

CHAIRMAN DEMIENIEFF: Yeah, and I think, you know, really -- the real reason that I'm talking about having our normal meeting is because if we have a special meeting with both entire councils, it's going to drive the cost up, and I -- you know, you -- we can get together and talk about location. It doesn't necessarily have to be here in Anchorage. It could be any place that could accommodate, because, you know, because that's quite a big group of people, you know, but, you know, we'll get together and talk, but, you know, let's talk also about getting the hearings, you know, in those villages. Now, we could do that with a small team. We don't necessarily have to have, you know, we don't necessarily have to have a big group, as long as both Councils are represented. We'll try to get a representative from the Board to go to meetings, and our Staff, you know. That would be a small team that we could probably afford to, you know, move around to those
communities. But let's build a good record so that when you guys meet, you have all the information before you that you need to come up with some kind of a recommendation, because it's just been going on too long. We need to find some way.

So anyway, is there any further discussion on the motion? Yes.

MR. BISSON: Mr. Chairman, I just wanted to say that I strongly agree with this motion. While the Councils remain so sharp, the divisions between the Councils on this issue, I think that we need to provide them the time and the opportunity to try to sit down and work it out, and I personally like the idea of having some fact finding, fact gathering meetings out in the communities, and then bringing folks together to deal with those facts, and then try to come up with a compromise or a solution to the problem. I think that's the right way to go.

CHAIRMAN DEMIENTIEFF: Ron.

MR. SAM: I think the reason that we won't budge as Western Interior is that how do you grant a whole village or a whole slew of village c&t rights while only one or two individuals out of that whole area use -- utilize this area. And that is the constitutionality that I was talking about, that -- which is totally bothers Western Interior Council members.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIEB: Mr. Chair, I would certainly encourage that work or meetings be done between now and the fall meeting, and hope that Chevak is going to be included amongst the list of villages, because that was pretty strongly stated, and I understand I think it was inadvertently left out, but hope that will be looked at.

And certainly ron has a point that we've all struggled with in how to do c&t's, and this might be an opportunity to work with communities to either explain it and/or get feedback on perhaps how to improve our methods. Thank you.

CHAIRMAN DEMIENTIEFF: Okay.

UNIDENTIFIED VOICE: Question.

CHAIRMAN DEMIENTIEFF: The question's been
called for. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay. Harry and Ron, we'll get together on a break here.

Go ahead, Greg, I'm sorry.

MR. BOS: Thank you, Mr. Chair. I just want to point out that the communities listed in the proposal were just Yukon River, lower Yukon River communities primarily, and there are a number of communities in the Kuskokwim drainage that feel they should also be granted c&t in Unit 21(E), so when we develop a joint meeting, and the participation of that, we should include those people as well.

I'd also like to perhaps respond to what I think Harry Wilde was saying about Federal lands being closed to moose hunting. Federal lands in 21(E) being closed to moose hunting to people from his area. Under State regulations, all residents of Units 18 and other adjoining units are able to hunt in 21(E) on Federal lands under the Federal regulations. It is true that there's some difference between the Federal and the State regulations. The Federal season opens 15 days earlier than the State regulation in August. But lower Yukon River communities as well as Kuskokwim drainage communities are able to hunt in 21(E) on federal lands beginning September 5. Thank you.

CHAIRMAN DEMIENTIEFF: Okay. I think we're -- it's 10:00 o'clock now. I think we're going to take a little short break here.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: We'll call the meeting back to order. Well, you guys, I hope you enjoyed your nice long break, but we were trying to -- we were working out some agreements between Western and Y-K on how we could facilitate our process, so that's what took so long. But, anyway, at least you guys got a nice long
break. A good chance to visit.

But things being as they are, we've got to get back to work here. We've got Proposal No. 38 before us. Staff analysis.

MR. DeMATTEO: Mr. Chair, the analysis for Proposal 38 is under tab G, on page 444. Proposal 38 was submitted by the Western Interior Regional Council, and this proposal would increase the existing Unit 24 wolf hunting harvest limit from five to 10 wolves.

The existing Federal and State harvest limits for wolves in Unit 24 are five wolves during the August 10 through April 30 seasons, and this proposal would not change the existing season, just the harvest limit. The proposal's intent -- or the proponent's intent is to increase opportunity for qualified users who want to harvest additional wolves within the unit.

Rural residents of Units 6, 9, and Unimak Island of Unit 10, residents of 11 through 13, the residents of Chikaloon, and Units 16 through 26 have a positive and customary and traditional use determination for wolves in Unit 24.

For National Park Service lands, only residents of the resident zone communities of Allakaket, Atlatna, Ambler, Anaktuvuk Pass, Bettles, and Evansville, Hughes, Kobuk, Nuiqsut, Shungnak and Wiseman may hunt and trap within the Gates of the Arctic National Park.

Results from recent aerial wolf surveys conducted within the area back in 2000 reveal that the population estimate for wolves is -- appears to be healthy. The estimated annual total take of wolves within the unit is approximately 140 wolves harvested each year. Through preliminary discussions with area trappers, hunters, Alaska Department of Fish and Game and Fish and Wildlife Service staffs, the wolf population trend in Unit 24 appears to be stable, and in some areas within the unit, it also appears to be increasing.

If this proposal were adopted, additional harvest of wolves is not likely in most of Unit 24, because rural subsistence users who hunt wolves in Unit 24 may currently do so under trapping regulations. Most area hunters have a trapping license, and so are able to harvest an unlimited number of wolves during the shorter trapping season. Most wolves are harvested during the trapping
season due to the better fur conditions and better transportation conditions.

This additional opportunity will have the greatest impact in the Gates of the Arctic National Park where hunting regulations are the primary means to harvest wolves with a firearm. This additional opportunity within the park may slightly increase wolf harvest within the park boundary, but it is not likely to have much if any impact on the over-all wolf population in 24.

The number of hunters eligible to hunt within the park is also limited by the existing National Park Service eligibility regulations that define the resident zone communities.

Adopting this proposal would create a difference between Federal and State regulations. However, a proposal could be submitted to the Alaska Board of Game for consideration to realign the regulations.

At the March 2003 meeting of the Western Interior Council, the proponent amended the proposal, and it can be found at the bottom of page 446. The amended proposal for wolf hunting in Unit 24 would change the existing harvest limit from five to 15 wolves, however, no more than five wolves may be taken prior to November 1st, and again the season would remain the same. Also, the proposed regulatory action as amended would also mesh with the existing Unit 26 regulations for wolf hunting.

Mr. Chair, I'll close with the note that there's been a fair amount of cooperative effort in this amendment, as stated at the bottom of 446, between the Federal agencies, the Department of Fish and Game, and also the proponent. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Written public comments.

MR. MATTHEW: Yes, Mr. Chairman, there were three written public comments, two in opposition and one in support.

The one in support came from Gates of the Arctic National Park Subsistence Resource Commission. They had an early draft of this proposal, and when they reviewed it in November, they supported the proposal, because it would allow a higher level of incidental take than
currently provided, and would be consistent with the
existing regulations in the neighboring unit to the north,
Unit 26.

The two that are in opposition, I believe
they'll be testifying later, one is from the Defenders of
Wildlife. They oppose the proposal. The current wolf and
wolverine hunting regulations are adequate to provide for
subsistence needs in this unit where most fur bearers are
taken by trapping with no bag limit. State objectives here
are for sustained harvest of no more than 30 percent of the
wolf population, and these levels are probably reached or
exceeded.

The other letter of opposition was from the
Alaska Wildlife Alliance. They oppose it. Biologists have
not determined that the presence of wolves in Unit 24 is
having a major detrimental impact on ungulate populations.
Allowing for a harvest of 10 wolves per individual is
extremely liberal and would be out of line with State
regulations for the rest of the unit, which is for five
wolves.

Those are all the written public comments
that I'm aware of, Mr. Chair.

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

MR. SAM: Yes, thank you, Mr. Chairman. We
did introduce it, because there is no limit as far as
trapping is concerned, and you did pass that Bristol Bay
request for 20 in -- 20 per year. We feel that -- we feel
that up to 15 wolves will not adversely affect the
population. And for the most part, most of our harvest
will be incidental, as if we go to the Gates of the Arctic
hunt sheep, and then we could harvest a few of those.
Again it would be incidental, and very few people will take
advantage of this quota. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Harry.

MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
Delta Regional Council recommends support Western Interior
Regional Council recommendation.

CHAIRMAN DEMIENTIEFF: Thank you. Grace.

MS. CROSS: Seward Peninsula supported this
increase of harvest. We feel that there is -- it won't have any adverse impact on the wolf population, because most of the hunters in that area can already harvest an unlimited number of wolves under trapping regulations, and there's concern for that at this point. Thank you.

CHAIRMAN DEMIENTIEFF: Yes. And it's in the written record, but I'll just note publicly, since North Slope doesn't have a representative here, but they also -- their recommendation is to support as well.

Okay. Staff Committee.

MR. BOS: Thank you, Mr. Chair. The Staff committee recommendation can be found on page 442, and that is to adopt Proposal 38 as modified by the Western Interior Regional Advisory Council, which would increase the harvest limit on wolves by hunting to 15 per season, with a provision that no more than five may be taken prior to November 1. This is different than the recommendations of the other councils, that is the Seward Peninsula, North Slope, and Yukon-Kuskokwim Delta Councils which recommended supporting the original proposal for an increase to 10 wolves for the entire season.

Increasing the wolf hunting harvest limit for Unit 24 to 15 wolves during the period November 1 to April 30 would provide additional opportunity for subsistence users to harvest wolves with a firearm on National Park lands in Unit 24 when pelts are prime. The number of hunters eligible to hunt within park lands is limited by the National Park Service eligibility regulations, so the additional opportunity provided by the proposed change in the regulations should have little impact on the health of the wolf population.

Although the Yukon -- as I've mentioned, the Yukon-Kuskokwim Delta, Seward Peninsula and North Slope Councils supported the original proposals -- the original proposal to increase the harvest limit to 10 wolves for the entire season, Staff Committee recommends adoption of the modification recommended by the Western Interior Council, which is home region for the majority of the subsistence users affected by the proposal. Allowing the harvest of 15 wolves on National Park Service lands with a firearm under hunting regulations during the trapping season, and that's valuable, would have greater benefits to subsistence users than a 10-wolf limit.
That concludes the Staff Committee
recommendation, Mr. Chair. Thank you.

MS. CROSS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you. Yes.

MS. CROSS: Seward Pen was not aware of the
amended proposal, so I'm sure that we could have supported
that, too. Thank you.

CHAIRMAN DEMIENTIEFF: Department comments?

MR. HAYNES: Mr. Chairman, the Department
supports the proposal as modified by the Western Interior
Regional Advisory Council to authorize a harvest limit by
hunting of 15 wolves per year in Unit 24, no more than five
of which can be taken before November 1st.

This modification addresses the
Department's concern that additional wolf hunting
opportunity be provided when wolf pelt primeness is less
likely to be an issue. The wolf population in Unit 24 is
considered to be stable or increasing, and any additional
harvest that might occur under the modified regulation is
expected to be biologically sustainable.

I would also add that there would be one
difference in the existing Unit 26 regulations and the
proposed Unit 24 regulation in that in Unit 26 there is no
provision to limit the harvest prior to November 1st. The
over-all bag limit would be consistent with Unit 26, but
there is this provision in the Staff Committee
recommendation to allow a maximum of five wolves to be
harvested before November 1st.

CHAIRMAN DEMIENTIEFF: Thank you, very
much. Any additional Regional Council comment? Walter.

MR. SAMPSON: Thank you, Mr. Chairman,
members of the Board. Based on the reports that's been
given as well as ADF&G, it sounds like there's a little
impact on the population of the wolves, and also based on
what the Regional Advisory Councils for those Regional
Councils supporting it, certainly we will support that as
well.

CHAIRMAN DEMIENTIEFF: Thank you.

Additional comment. If not, we'll move on to Board -- oh,
Ron.
MR. SAM: Thank you, Mr. Chair, just for your information, the caribou migrated through our area, so the wolves weren't eating dogs this year.

CHAIRMAN DEMIENTIEFF: Niles, you had something?

MR. CESAR: Yes, Mr. Chairman. To discuss it at the Board level, I think it would be appropriate for me to make a motion to accept the Staff Committee recommendation on Proposal 38 as modified.

MR. BISSON: Second it.

CHAIRMAN DEMIENTIEFF: It's been moved and seconded. Discussion.

MR. CESAR: Mr. Chairman, I -- like -- well, let me start again. I believe that allowing or providing for additional subsistence on this wolf population is appropriate. It allows the subsistence users to have more access, and I believe that I do not see a conservation issue, and I think that we have the support of the majority of the Regional Advisory Councils, or all of them that are affected, and so it's my intent to vote for this motion.

CHAIRMAN DEMIENTIEFF: Any other discussion?

(No discussion)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing votes.)

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay.

I'm going to take these next, because we have some items that are moved off the consent agenda, I'm going to take them in numerical order, beginning with Proposal 42. Procedurally as we begin with these items that public members had requested to be pulled off the
consent agenda, what we're going to do and how we're going
to deal with them is that we're going to give the public
that wants to testify on this issue, on the issues, issue
by issue, and then if they convince -- and really we're
struggling with this a little bit. That's why we've been
huddling up here with legal counsel and all, and we're
okay with this. We're going to give the people who want to
testify the opportunity to testify on the issue, and then
the Board will decide simply whether or not we want to take
those matters up. So that will be the way we'll deal with
this. So that will take a Board action once we give the
people the opportunity to testify. And so that's
procedurally how we're going to deal with it, and, you
know, if the Board decides that we're going to go through
it, we'll go through the whole process. But this is how
we're going to deal with it, and like I said, we've been
huddling up with our regulation people and our attorney and
he says -- they say that, you know, this would be an
acceptable way to do it. But we do want to be fair and
give people the opportunity to testify on these issues,
and, you know, the public does need to be heard, so we're
going to give them the opportunity.

So with that, with regard to Proposal 42,
we'll call on Jack Hession first. And I understand, Jack,
that you want to testify on all, 42, 43....

MR. HESSON: Yes, sir, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. HESSON: And....

CHAIRMAN DEMIENTIEFF: Is that correct?

MR. HESSON: Yes, sir, it is. Actually I
spoke yesterday about 49.

CHAIRMAN DEMIENTIEFF: Oh, yeah.

MR. HESSON: And today I'd just like to
talk about 42, 43, and 50. I'll be brief, because I
appreciate the opportunity here to comment on items that
were originally on the consent agenda.

Forty-two would extend the black bear
baiting season in the Yukon Flats National Wildlife Refuge.
It would open another window, August 1st to September 25th.
It would extend it. It is now between April 15th and June
the 30th. In other words, roughly a two-month additional
period, leaving July as the sole month in the summer for
non-baiting of black bears.

As you may know, we are strongly opposed to
bear baiting as a practice on all Federal lands. In fact,
all lands in Alaska for that matter, but especially on
national parks, national preserves, national wildlife
refuges, and other highly important national interest
lands.

I did a little research on this issue, and
here's what I learned, Mr. Chairman. All 16 refuges in
Alaska are open to black bear baiting under State
regulations, but in the Lower 48 there are 14 refuges in 10
lower -- 10 states in the Lower 48, in which baiting is not
allowed. I don't know whether these states either allow or
disallow it, but in any event in the case of 14 refuges,
this practice is simply not allowed. That being -- reflect
the national opinion that this practice is not compatible
with national wildlife refuge standards. Currently there's
a bill before Congress called Don't Feed the Bears Act,
which would ban the practice on all Federal lands.

Here in Alaska, the Fish and Wildlife
Service has determined that hunting in general is
compatible with refuge purposes, but the Regional Office
has not done a compatibility determination for bear baiting
as a hunting method. However, there is some guidance here.
The Refuge Manual, U.S. Fish and Wildlife Service Refuge
Manual, is instructive on hunting in general. Let me quote
from the Refuge manual, hunting, quote, shall be planned,
supervised, conducted and evaluated in a manner that
promotes positive hunting values and hunter ethic such as
fair chase, sportsmanship, and quality experience, unquote.
Clearly under that definition, black bear baiting is
totally contrary to existing Fish and Wildlife Service
policy. And for that reason we oppose it, and we oppose
Proposal 42.

Forty-three is another copy of a State
regulation. It would extend the season for brown bear in
the southern Arctic National Wildlife Refuge, and along the
north side of the Yukon River in Yukon-Charley National
Rivers -- National Preserve, excuse me. Again, this is in
conflict with the interest of, particularly in the
preserve, with the interest of non-consumptive users, and
I don't see any justification for it.

I spoke yesterday about Proposal 49,
beaver, including the effect it would have on existing
National Park Service regulations that ban the use of firearms to take beaver.

And in the case of Proposal 50, the coyote season -- sorry, the -- yes, the coyote season be lengthened and the bag limit increased from two to 10. In the case of -- interesting enough, in the case of a National Park Service unit, the existing requirement that only two coyotes may be taken prior to I think it's sometime in September here. My notes are incomplete. That would be dropped and these -- and the bag limit could be -- would apply throughout the season. Again a conflict here with the interests of individual citizens, Alaskans and others interested in a national park-slash-preserve viewing experience.

And in conclusion, Mr. Chairman, yesterday and today I've been critical of some of these proposals, but I want to emphasize that the Sierra Club and I believe many of my colleagues in the conservation movement, are not either opposed to subsistence in any way or are so critical of this process that we would give up on it, let me put it that way. Just to remind the Board, that during the consideration of the Alaska Lands Act, we were in alliance with many of the local rural residents of Alaska, and, of course, Title VIII is a fundamental part of the Alaska Lands Act. In fact, I'll conclude on the note that without the support of local rural residents for the protection of habitat and the species that depend on that habitat, I don't think the Alaska Lands Act would be the success, the overwhelming success that it has turned out to be.

And on that note, I would urge you to consider these comments as helpful in accomplishing the intent of Congress in both Title VIII and over-all in the Act itself. Again, Mr. Chairman, thank you very much for allowing me to comment on these original consent agenda items.

CHAIRMAN DEMIENTIEFF: Yes. Jack, I just let me see, I'm sure I speak for the Board when I take your last closing comments. We take your last closing comments to heart. I mean, the fact that you're here, that you're spending the time to study the process, and to contribute to the process speaks volumes to us, and that goes for every member of the public as well as those of you that are representing organizations because while the RACs are the backbone of our system, it's the public participation, because very many of our proposals come from public people, just general public. So we appreciate you
taking the time to be here and to contribute your advice to us.

Thank you.

MR. HESSION: Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Karen, do you want to do both of yours at once?

MS. DEATHERAGE: Yeah.

CHAIRMAN DEMIENTIEFF: Okay.

MS. DEATHERAGE: Yeah, that would be great.

CHAIRMAN DEMIENTIEFF: Okay.

MS. DEATHERAGE: Make sure I have the thing on. Okay. My name is Karen Deatherage, and I'm here to represent Defenders of Wildlife. And like the Sierra Club, Defenders of Wildlife, and the conservation community are appreciative of the opportunity to be here and participate in this process. We have 450,000 members in North America. We operate two offices in Alaska. This is the first time I have personally participated in the Federal Subsistence Board process.

On Proposal 42, Defenders of Wildlife is also opposed to bear baiting, particularly on Federal lands. We believe that Americans are opposed to this process, and we're seeing -- or this methodology. We're actually seeing something come out of that as Jack was saying with Congressional action to ban bear baiting on public lands throughout the United States. We also have learned in a recent poll that Alaskans as a whole, or the majority of Alaskans are opposed to bear baiting. Defenders is very active in trying to reduce conflicts between bears and wolves, or predators, and the public, and we're very concerned about expanding bear baiting because of this. We've seen -- we believe that bear baiting habituates bears to human food. We've seen this on the Kenai, and it's been very problematic in the refuge there, because brown bears are -- the DLPs for brown bears there are so high that no hunting actually exists at this time. And brown bears are not allowed to be baited at stations, but they do come to these stations that are set up for black bears and become habituated to human food.
We also believe that there's user conflicts. I was at the Board of Game meeting, and there were a number of people that visit national parks and refuges that believe the quality of their experience there is diminished when they come across bear baiting stations on the trails. So there's some concern, growing concern there.

We also -- Defenders of Wildlife has been very active in the State of Alaska on fair chase methods, and we do not believe that this is constitutes fair chase, and we believe it's unsportsmanlike.

So for those reasons, we oppose the extension of bear baiting that is requested in this proposal.

Proposal 43, which extends the seasons for brown bear hunting, and it's listed in the proposal that the intent to do this is to be in alignment with the State on their recent extension. I sat through several days, it seemed like weeks, of deliberation at the Board of Game meeting, and I can assure you that the intent for the vast majority of the extensions of the seasons and the increased bag limits is for the intensive game management philosophy that the State is currently operating under, I-dot-E-dot, predator control. And I urge this Board to not try to continually align with the State with these season and bag limits, because that is the intent of the Board of Game, and I don't believe that's the intent of the -- of this Board, to engage in any type of predator control on Federal lands. And I see this as a thing that's going to be continued, because I think with the current Board of Game philosophy, that we're going to see more and more proposals passed that are going to try to put a major dent in the predator populations on state lands, and if we -- you know, if this Board comes back and says, well, we want to be able to give subsistence hunters as much opportunity at State, then they're only following into that philosophy, so I'd like you to take that into consideration when you look at these proposals to increase and align with the State.

So thank you.
MR. GOLTZ: Okay. The use of the consent agenda is basically an administrative tool, and it's purpose is to facilitate the resolution of questions where everybody agrees, and it's really a recognition that Federal law does not require us to drone on at taxpayer expense on every single issue.

When the Board acts on a consent agenda, it does so on the written record. You do it on your Board book. If any one member decides that that record should be supplemented, you can do it in one of three ways. Either you can submit additional written materials, you can accept testimony from the public as to why it should be removed from the consent agenda, or you can remove it from the consent agenda and then take testimony on the particular issue.

And yesterday what we did is remove these items from the consent agenda. Since only -- it takes only one member to remove, it's going to take unanimous consent to go back onto the consent agenda.

CHAIRMAN DEMIENTIEFF: Thank you. And I think as Tom and I were talking, at our next work session, it's going to be an item that we -- because we have a procedures manual, and I think we need to formally adopt it. But certainly it's clear to me that if we do get unanimous consent to move those items back onto the consent agenda, then they'll go back on. But procedurally we will do -- they will craft verbiage for us to, you know, look at and adopt as our formal policy, because, like I say, it's the first time it's ever happened, and, you know, so we need to have an established policy. And I think while is clear to me that this is entirely legal process if we decide to move them back on. If we don't decide to move them back on, then we will go through the normal process for consideration. So with that, we'll take a motion with regard to Proposal 42. We'll do them individually.

MR. EDWARDS: You're looking for a motion to....

CHAIRMAN DEMIENTIEFF: Put them back on the consent agenda.

MR. EDWARDS: Mr. Chairman, I would so move that Proposal 42 be taken off the consent agenda and further discussed by the Board.

CHAIRMAN DEMIENTIEFF: You want it off?
It's already off.

MR. EDWARDS: It's off?

CHAIRMAN DEMIENTIEFF: Yeah.

MR. EDWARDS: Then we're going to-- that means we're going to discuss it, right?

CHAIRMAN DEMIENTIEFF: Right.

MR. EDWARDS: That's what I want.

CHAIRMAN DEMIENTIEFF: Okay. And 43, we'll take -- is there any action on 43?

MR. CESAR: Mr. Chairman, I move that we take Proposal 43, which is currently off the consent agenda, and place it back on the consent agenda.

CHAIRMAN DEMIENTIEFF: Did I hear you make that motion asking unanimous consent?

MR. CESAR: Well, yeah, and asking unanimous consent. I was waiting for a second, so.....

CHAIRMAN DEMIENTIEFF: Okay. Is there a second.

MR. BISSON: Second it.

CHAIRMAN DEMIENTIEFF: Okay. Is there any objection from Board members with regard to Proposal 43?

(No objections)


MR. CESAR: Mr. Chairman, I move that we take Proposal 49, which is currently off the consent agenda, and place it back on the consent agenda and ask for unanimous consent.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion.

MS. GOTTLIEB: Second it.
CHAIRMAN DEMIENTIEFF: Is there any objection to the motion.

(No objections)

CHAIRMAN DEMIENTIEFF: Hearing none, so ordered. It's back on consent.

Proposal Number 50.

MR. CESAR: Mr. Chairman, I move that we take Proposal 50, which is currently off the consent agenda, and that we move it back onto the consent agenda, and I ask unanimous consent.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion.

MS. GOTTLIEB: I'll second.

CHAIRMAN DEMIENTIEFF: Is there any objection.

(No objections)

CHAIRMAN DEMIENTIEFF: Without objection, so ordered. Okay.

Let me see. Let me just ask Jack and Karen, your testimony with regard to 42 is already on the record. Do you feel compelled for me to call you back up?

MR. HESSON: No, sir, thank you very much.

MS. DEATHERAGE: No thank you.

CHAIRMAN DEMIENTIEFF: Okay. Your testimony with regard to 42 is on the record.

MS. DEATHERAGE: Thank you.

CHAIRMAN DEMIENTIEFF: Okay. So it will be included. Okay. With that we'll go to Staff analysis on Proposal 42.

MR. DeMATTEO: Mr. Chair, the analysis for Proposal 42 can be found under tab H on page 462. Proposal 42 was submitted by the Eastern Interior Regional Council, and this requests the black bear regulations in Unit 25(D) be aligned with State regulations. This would add a
community harvest permit process and would allow black bears to be baited from August 1st through September 25 within Unit 25(D).

On page 462 the proposed regulations for Unit 25(D) black bear would add the language in regulation that three bears by community permit would be allowed to be harvested between July 1st and June 30th, and also would add the language to the use of bait to hunt bears between April 15th and June 30th, would add the language to that, would state and between August 1st and September 25, that baiting would be allowed for taking of black bears.

Residents of Unit 25(D) have a positive customary and traditional use determination to harvest black bear, Unit 25(D).

In March of 2002, the Alaska Board of Game addressed proposals from the Yukon Flats Moose Management Planning Committee requesting that a community harvest permit hunt and a fall baiting season be established for black bears in Unit 25(D). Both proposals were implemented by the Alaska Board of Game.

Within State regulations, the regulations that define the community harvest permit system, states that community harvest permits may be issued to groups of people for hunting big game in specific hunt areas designated by the Board of Game. Permits are issued only where the Board of Game has established a community harvest hunt area, and are available only to Alaska residents. This type of permit accommodates local hunting practices and creates a group bag limit rather than an individual bag limit. Hunters who sign up for community harvest permit during a given regulatory year can also hunt for the same species under the other regulatory -- regulations during the same regulatory year covered by the community harvest permit, except at specific circumstances. Other people can hunt in a community harvest area, except that they will have an individual bag limit. At present there are two designated community harvest areas involving the communities of Chalkyitsik and the Yukon Flats in Alaska.

The designated hunter approach may also have applications for black bears, Unit 25(D). The designated hunters approach enables one hunter to harvest for one or more other Federally qualified subsistence users who have the appropriate license, but who do not wish to harvest for themselves or wish assistance with harvesting their subsistence resources.
The designated hunter option facilitates the customary and traditional use of wildlife for subsistence bartering and for continuation of traditional ceremonies.

The community harvest permit approach and fall baiting season for black bear in Unit 25(D) were originally proposed by the -- to the Alaska Board of Game by the Yukon Flats Moose Management Planning Committee to provide increased hunting opportunity and increased harvest of black bear.

Currently the black bear population within Unit 25(D) is abundant.

Unit 25(D) includes the communities of Stevens Village, Beaver, Birch Creek, Venetie, Fort Yukon, Circle and Chalkyitsik.

The rationale and the intent for providing a community harvest permit for black bear is to allow communities and other groups to continue traditional harvesting practices in which a relatively small number of hunters harvest a relatively larger -- large portion of the resources used by some groups of people.

The proposed regulation would recognize the opportunity for groups to designate a hunt administrator in Unit 25(D). Under this system, individuals could combine their individual harvest limits so that some hunters can take a larger number of bear. This would also establish a method to report black bears harvested under the community harvest permit. The Alaska Department of Fish and Game observed that a community harvest permit system would accommodate local hunting patterns and improve harvest reporting and also provide opportunity for increased local involvement in harvest management.

The community harvest permit system would allow people to combine bag limits so that most active hunters can each take more than three black bear. People could continue to hunt under the present harvest limit of three bears per hunter, but a group of people would have the option of applying for a community harvest permit.
This community harvest permit approach and fall baiting for black bear could result in a small increase in the black bears harvested within Unit 25(D). Proposal 42 is consistent with the recommendations of the Yukon Flats Moose Management Plan. This plan emphasizes that participation of local communities and management and the need to improve harvest reporting.

The Community of Beaver has applied for and has received the initial paperwork for a community harvest permit for black bear. This process is still in development. It would be helpful to formally recognize the State's implementation of the new community harvest permit system for black bear on Federal lands in Unit 25(D). A state-managed community harvest permit system would be most efficient administratively, would reduce confusion and would facilitate communication and understanding. We've seen other examples of this that work quite well, and that the dual management of the 40-Mile Caribou Herd, and also the moose population of the lower Koyukuk River.

Mr. Chair, I just want to finish with this proposal, yes, in affect would align with State regulations, but the intent of the proposal does meet the traditional wishes of people of these communities where they could pull their resources together so to speak, and a few hunters could harvest for others. And that in itself is a traditional practice.

And that's all I have, thank you.

CHAIRMAN DEMENTIEFF: Thank you. Written public comments?

MR. MIKE: Mr. Chair, there's one written public comment received. The Sierra Club is opposed to bear baiting on all Alaska lands, Federal, State and private. If the proposal were adopted over objections of the public, the Fish and Wildlife Service would be obliged to examine it for compatibility with refuge purposes and values.

Thank you, Mr. Chair.

CHAIRMAN DEMENTIEFF: There are no additional requests for public testimony. Regional Council recommendation. Yes.

MR. SAM: Thank you, Mr. Chair. Western Interior speaks in support of this proposal. As far as the
bear baiting is concerned, I believe that we do have one or
two areas designated within the Kanuti Wildlife Refuge as
a site which is grand -- I believe was granted through
grandfather rights before the refuge was formed or named.
And as far as not allowing these practices within the
refuge or national park system, it's just that a lot of
these parks and wildlife refuges were formed after --
without us realizing that we'll be right in the middle of
refuges, and -- or it was in the park system, so -- which
turned out to be -- to work in our favor, but I think that
that's -- a lot of these bear baiting practices were
granted by -- through grandfather rights with the State
system.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. And it
is in the written record, although we don't have a
representative for the Eastern Interior here today, but I
will note for this record that the Eastern Interior
Regional Council supports the proposal and it's documented
on the written record.

Staff Committee.

MR. GOLTZ: Yeah.

CHAIRMAN DEMIENTIEFF: Keith.

MR. GOLTZ: Before we get too tangled up in
this compatibility issue, and, Gary, you may want to
address this, too, 15 of the 16 refuges have subsistence as
their purpose, so a traditional subsistence use is a
purpose of the refuge and therefore is inherently
compatible. I wouldn't spend too much time on that
question.

CHAIRMAN DEMIENTIEFF: Thank you. Staff
Committee recommendation.

MR. BRELSFORD: Yes, Mr. Chairman, thank
you. The Staff Committee recommendation is to adopt the
proposal consistent with the recommendation of the Eastern
Subsistence Regional Advisory Council. The
proposed regulation is identified on page 460 in the Board
book. The rationale for the Staff Committee recommendation
is that the intent of the Eastern Interior Council proposal
is to align State and Federal regulations. Community
harvest permits and the fall baiting season for black bear
should not have a significant impact on the black bear
Recognizing the State-authorized black bear community harvest permit system would provide additional opportunity under Federal regulations. Participants in the State community harvest permit system could take bears for another participant in this community harvest permit system.

Let me indicate that participants in a community harvest actually share the community wide quota. They are no limited to one individual bag limit as is mistakenly said here. So it is a collective bag limit for the entire community, and individuals may harvest towards that total.

Concluding then, the intention is to support the State's implementation of the new community harvest permit system for black bear on Federal lands in Unit 25(D). State administration of this permit would be the most efficient, and would eliminate confusion. That concludes our recommendation.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Department comments.

MR. HAYNES: Thank you, Mr. Chairman. The Department supports the Interagency Staff Committee recommendation. The justification clarifies that the intent of this proposal was to align the Federal and State black bear regulations in Unit 25(D), and it -- the proposal in modified form addresses comments the Department made on the original proposal.

I would add that this is a proposal that was initiated locally by people on the Yukon Flats who are trying through various means to get more involved in resource management. And they're very concerned about the resources there. They're looking at ways of accommodating traditional practices, providing more opportunities that are consistent with those practices, and I think they've made a good faith effort through the Eastern Interior Regional Advisory Council to move in a positive direction.

Thank you.

CHAIRMAN DEMIENTIEFF: Any other Regional Council comment? Ron.
MR. SAM: Yes, Thank you, Mr. chair. Just for the record, that was my personal comments and personal feelings. It just wasn't discussed by Western Interior. Just my personal observations.

CHAIRMAN DEMIENTIEFF: Thank you. Ralph and then Walter.

MR. LOHSE: I'd like to echo what Ronald said over there. This is not from the Southcentral Regional Council. This is my own as Council Chair's comments and observations.

What I see is we're dealing with a paradox here like we do in many, many other times. And that paradox is we're dealing with regulations that were written for hunting and as it's practiced in the Lower 48. The Refuge Manual that was just used as an example referred to terms like sportsmanlike, ethics, fair chase, quality of experience. These are sporting terms, they're not subsistence terms. Subsistence terms we've talked about with efficiency, the least effort expended for the most that's brought back. And I'm not speaking in favor or bear baiting or what my personal opinion of bear baiting is, but it is a very efficient way for a person to get a bear for food.

The current regulations in bear baiting prohibit them hear buildings and near trails, which is some of the objections that have been brought up, so if it was done legally, these would not happen near trails or near houses.

But the thing that we have to remember is the park regulations and the refuge regulations were written for parks and regulations in the Lower 48. I just received this right here. It says set up The Promise. Subsistence in Alaska's National Parks. And that's the thing that has to be remembered is that when we're dealing with refuges that were set up here and parks in Alaska, we're dealing with a promise that subsistence will continue. And if this is a valid subsistence practice, and if this has no conservation impacts on the animals involved, we have a responsibility for the subsistence community to allow it. Whether we personally feel that this is an ethical way or a way that we would do it or not.

Thank you.
CHAIRMAN DEMIENTIEFF: Walter.

MR. SAMPSON: Thank you, Mr. Chairman. I also want to echo that these are my individual feelings that I've been commenting on. As far as the proposal itself is concerned, until Title VIII there are provisions that allows for continued subsistence. And with the information that's been provided to all of us, there's no problems in regards to conservation issues, and I would encourage the board to pass the proposal.

CHAIRMAN DEMIENTIEFF: We're ready for a Board -- have we got a motion?

MR. EDWARDS: Mr. Chair, maybe before I -- it's unfortunate that Gerald's not here, but I guess I would like to ask a question maybe of each Chair. I was under the impression that particularly among the native community that bear baiting, and when I use the term bear baiting, I'm not referring to let's say shooting over a caribou that had been killed or a moose had been killed, and waiting for a bear to come, but the actual placement of, you know, food and stuff to attract bears. It was my understanding that that was not a normal practice, and, in fact, in many areas it would be frowned upon. I do notice that in our book here there is a testimony by Mr. Fleener that, in fact, it is a traditional practice, but, you know, my sense is, or my understanding was it was a traditional practice by non-natives who went out to the rural community and saw this as an easy way to take bears. And so I would just be curious if we could go around and have each chair talk about whether this is or is not a traditional practice, particularly among the native community.

CHAIRMAN DEMIENTIEFF: I'll start that edification for you. Yes, it is a traditional practice. And I recall distinctly the first time that bear baiting came up in -- at the State Board of Game, I was a staff for the Department at the time, and I recall to this day, because I think Sidney Huntington who put the comment out on the record. He said, yeah, he said, I don't know. This bear baiting, I don't know why we got to put this in regulations. Indian bait bears. We use smoke houses and fish racks and things like that. Brings them right in. So it is -- that's -- a lot of times you don't have to go anywhere to do it. It's just modified to this.....

MR. EDWARDS: I guess I was trying to clarify. I'm not sure that a fish rack is considered a form of baiting under the State terminology. I think what
we're referring to here is not taking advantage of those types of things, but the actual effort of placing things that would not normally be there with the purpose of attracting a bear.

CHAIRMAN DEMIENTIEFF: Yeah, I guess, and then the other thing is that they, you know, -- you get a moose kill and those kind of things, and you commonly go and check those as you're hunting them, and it just -- those are common things that people do. I mean, it's a form of bear baiting. It's not what bear baiting is right now to outsider, but it -- you know, those things work. They really do work anyway. So with that we'll just go around. Maybe, Walter, you.....

MR. SAMPSON: Thank you, Mr. Chairman. I certainly am glad to bring this to the table. The issue in regards to bear baiting, that's a way of life. And I say that, because in areas where hunting occurs, where vegetation is thick, and as far bullets are concerned, you know, people back then didn't have very much, so they conserve. And in order to conserve their bullets, one way of dealing with that, rather than going in and looking for a bear inside a thick wood area, they bait the bear to where they can catch or shoot the bear. Safety for -- is one issue. And, two, that's the easiest means and practice that Inupiats have to get their food. So it is part of the practice that Inupiats have within the Northwest Region. So it is certainly something that we use. Just because somebody else propose it, doesn't mean that those primary uses were never used by the Inupiats. There -- they were there many years before the practices of other uses were in place.

CHAIRMAN DEMIENTIEFF: Grace, do you have a comment?

MS. CROSS: Yes, I do. It is a traditional practice for bear baiting. And one of the reasons is because unlike sports people, sports hunters, we don't have that much equipment or money to go out and, you know, get four-wheelers or to somehow chase the bear, so we have to let the bear come to us at times. And he is right. We do -- what we leave like we're out moose hunting, or what is left there, you go and check on those. If there's a bear, then you have the opportunity to get the bear, we do get the bear. There are other fur bearing animals that we do bait also, but I'm not going to into that. It will start a whole new ball game. But anyway it is -- it's a common practice.
Thank you.

CHAIRMAN DEMIENTIEFF: Ron, did you have additional comment?

MR. SAM: Thank you, Mr. Chair. While we do not traditionally practice it, there is a strong argument within our area that if these registered guides are out there making money off of this, using this practice, why can't we? And it's a practice that we kind of frown upon, but getting back to what you mentioned about Sidney, any time you harvest a moose or a caribou, you are more or less a bear bait. It's more -- you take them just because it's protection of your life and property.

Thank you, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Harry, do you have any comment with regard to Gary's question? Pete, do you? Pete, do you have any comment with regard to Gary's question?

MR. ABRAHAM: No.

CHAIRMAN DEMIENTIEFF: Della.

MS. TRUMBLE: I would have to say, yes, it is, because of the efficiency and the effectiveness. But I also in listening to this discussion find another form of bear baiting so to speak that happens I know in a lot of our communities, and that is to put fish in the back of your car or truck so that bears do come into the community and they're out by your house so you can watch.

CHAIRMAN DEMIENTIEFF: Ralph, do you have additional comment?

MR. LOHSE: Yeah, I have a couple comments, and I'm just thinking of the people from both the Coast and from the Interior, and I'll try to -- you know, I can't speak for the native population and say that this was a traditional thing 100 years ago or 50 years ago, or 200 years ago, but I definitely do have native friends in both Cordova and in the interior that do bait bears. The idea of conserving bullets, I know a lot of the old timers that I used to talk to, they hunted their bears in the dens. They didn't even bother to use a bullet. They just crawled in the den and killed the bear right here, you know, so we don't kind of do that today.
Subsistence is efficiency. It's efficiency in using the resources you've got. It's efficiency in using the natural resources that are around you. Subsistence changes. We've talked about that in the past, that maybe we didn't have moose in an area before, but there's moose now. That the subsistence user is opportunistic. He uses what's there and he uses it in the most efficient manner. And if moose move into the area where you didn't have moose, that's -- we've decided that there's a customary and traditional for moose in Cordova, when they didn't have moose until 50 years ago, you know. So subsistence changes. Subsistence users learn. They learn from their elders, they learn from the people around them. And they change, and traditions change and practices change, but the one thing, the one thing that defines it is to use the natural resource in the most efficient manner, to spend the least energy that's necessary to put the resource on the table. And that's why a gillnet's better than a rod and reel. And that's why we use a rifle instead of a spear. Because we've changed.

CHAIRMAN DEMIENTIEFF: John, do you have a comment?

MR. LITTLEFIELD: Thank you, Mr. Chair. I will concur with all the other comments. It's -- baiting is defined, by the way, in the book as any means or material, excluding a scent lure, that is placed to attract an animal by its sense of smell, so your smokehouse is by the definition bait. And it's quite effective. I support any customary and traditional methods that are used under methods and means as -- I don't think I support poisons and explosives, but just about anything else that is efficient we've learned to use and we've adapted, and that's how we take our gear. We use a rod and reel because it's easier than hand-held line. So baiting is an effective method. It's also customary long-term and I support it.

MR. EDWARDS: Mr. Chairman, I certainly want to thank the Chairs for helping further my education with regards to traditional practices.

Kind of before I turn off the mike here, I did want to respond to some of the comments with regard to national wildlife refuge and probably sort of echo what Ralph said, you know, and I would agree that it was accurately portrayed what our policy on refuges is for hunting, but, you know, my sense is that it's hunting in the general sense, and it's a national policy, and given that these are the only 16 refuges out of our 540 that have
subsistence take on, I think it was clear that those --
that policy really was more focusing on sport hunting.  
And certainly up here the terminology fair
chase I think is an interesting term to try to -- it's
probably in the eyes of the beholder. Some would argue
that using decoys to bring ducks in, or a call to attract
a gobbler, a turkey to its certain death are not forms of
fair chase. And we certainly have other ways up. Ralph
mentioned taking of bears while they're in their dens. By
many standards, that wouldn't be considered fair chase or
us allowing the take of migratory birds using firearms
while they're on the ground would probably not be
considered by many as forms of fair chase, but certainly
they are a means of subsistence.

I think we do have to be care as we look at
those terms, particularly as they apply to our refuges in
Alaska.

And I guess in closing, we do have -- we do
allow bear baiting on all 16 refuges. ON the Kenai Refuge
which probably has more bear baiting than any, not all the
refuge is open to bear baiting, and it is all done by
permit only. And I know in recent conversations with our
refuge manager there, Robin West, does feel that it's
compatible with the primary purposes of that refuge.

CHAIRMAN DEMIENTIEFF: Is there a motion.

MR. CESAR: Mr. Chairman, I move that we
accept the Staff Committee's recommendation, which is to --
I move that we accept the Staff Committee recommendation.

CHAIRMAN DEMIENTIEFF: Is there a second.

MS. GOTTLIEB: Second.

CHAIRMAN DEMIENTIEFF: And I was just
thinking of another form of bear baiting. I mean -- and in
the early days at home, when she brought up spears, Indians
used Indians to bait bears, and I'm serious. They didn't
throw the spear at the bear. They would bait them, but the
bear against -- I mean the spear against the tree and bait
them and dare them to come at them, and then that's how
they'd them. So there's lots of different bear baiting
going on.

But, you know, on the other hand I don't
really necessarily support where bear baiting has evolved
to. I mean, I don't support some of the forms of bear
baiting that goes on. Personally I'm talking about. But
I do know it is a long-established tradition among rural
subsistence users to bear bait. Maybe just some of the
forms that it's evolved to are not so very good, or I don't
agree with, but that's my personal opinion. But I do
intend to support the proposal for all of the reasons that
were stated prior to the motion.

Further discussion.

MS. GOTTLIEB: Mr. Chair, I think this was
another good example of a locally crafted suggestion and
solution and I think it was really valuable for each of the
Chairs to provide us with some background on this practice,
which is not well understood, and I think that was very
helpful, so thanks for taking the time to do that, too.

CHAIRMAN DEMIENTIEFF: Further discussion.

(No discussion)

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same
sign.

(No opposing votes.)

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay.

Just we're going to complete our work in
Eastern Interior with Proposal 47 this morning. And then
we're going to take a lunch break. We'll decide at that
time, then we're going to open up the afternoon session.
Something about, yeah, Unit 2 deer. I don't know. And --
but we'll complete the work in Southeast, and then after
that we'll go back to the one we deferred until today, the
Proposal No. 12. And then we'll go on with the rest of our
agenda after that. So that's our afternoon plan.

Okay. So Proposal 47.

MS. McCLENAHAN: Thank you, Mr. Chairman,
I'm Pat McClenahan, Staff anthropologist. I'll be
presenting this analysis, which can be found at Tab H,
beginning on page 516.
This proposal was submitted by the Eastern Interior Subsistence Regional Advisory Council, and it requests establishing a customary and traditional use determination for the rural residents of Unit 20(E), Unit 12 north of Wrangell-St. Elias Preserve, Unit 20(D), Circle and Central for moose in Unit 20(E). Existing and proposed regulations can be found on page 516.

Currently there's no customary and traditional use determination for Federally qualified users for moose in Unit 20(E). This has been the case since the beginning of the Federal Subsistence Program, and publication of the first regulations in 1990. All rural residents presently are qualified to hunt moose in Unit 20(E). Appendix A provides information about the history of subpart D regulations for moose in this unit.

Appendix B provides a brief history of moose populations in Units 12, 20(D) and 20(E), from the 1950s to the present. This record of fluctuations in the moose population may help to explain the patterns of use reflected in part in the harvest record discussed in factor one.

The State currently also has opportunities for both residents and nonresidents to hunt moose in Unit 20(E) during several open seasons, and by a variety of permits.

Federal public lands in Unit 20(E) comprise 24 percent of the total land and include 40-Mile river corridor administered by the Bureau of Land Management, and a portion of the Yukon-Charley Rivers National Preserve, which is administered by the Park Service. Maps 1 and 2 provide you with the location and extent of these lands.

The upper Tanana, Hahn and Gwitch'in, as well as the Ahtna, are the traditional cultures represented in the proposed communities.

Beginning with the era of the fur trade followed by the discovery of gold, the military era and road building, Europeans and then Euro-Americans came into the area.

A summary of the proposal communities, time depth, population, ethnic composition, and customary and traditional use determinations can be found in Table 1 on page 520. The varied cultural and social components of the communities in this proposal along with the factors such as
regulatory restrictions, limited access, and competing user
groups influence the nature and level of subsistence uses.

With respect to factor 1, for the
Athabascan groups in the region, the two subsistence
resources utilized most were large land mammals and fish.
Historically for many caribou was the most important large
game animal particularly when they were migrating or
forming up in large herds. As caribou declined and moose
entered the area, moose became the most important
terrestrial mammal subsistence resource, and it remains so
today. There is less specific historic information about
the subsistence use of moose for the non-Alaska native
residents of this region.

With regard to factor 4, ADF&G household
surveys are available for the Unit 12 communities and Dot
Lake. Limited harvest data are available for Circle.
Household surveys have not been done in Big Delta, Delta
Junction, Gulkana, Dry Creek, Healy Lake and Central. The
ADF&G harvest ticket data base is the only other source of
information about participa -- past participation in the
harvest of Unit 20(E) moose for many of these communities.

Table 2 provides information from the ADF&G
harvest records that the communities of Chicken, Eagle,
Northway, Tanacross, Tetlin, Tok, Delta Junction, Dot Lake,
Central and Circle hunt or have hunted in Unit 20(E). The
records for Northway, Dot Lake, Tok, Chicken and Eagle go
back to 1983. And those for those other communities are
more recent. This probably is not a complete record of
use, however. The harvest records and reports from
National Park Service sources give no indication that the
residents of Unit 11 hunt moose in Unit 20(E).

Steve Braund reported the upper Tanana
individuals now living in Tanana, Dot Lake, Healy Lake,
Delta Junction and Fairbanks provided him with the
information that their lifetime subsistence use of moose
extends into Unit 20(E).

Establishment of a customary and
traditional use determination for the proposal communities
will identify the Federally qualified subsistence users of
moose on Federal lands in 20(E). Those currently -- I'm
sorry there currently are no restrictions to moose hunting
on Federal lands in that unit. If this proposal is set in
place, the unit will remain open to Alaska residents with
the appropriate permit. That concludes my remarks.

CHAIRMAN DEMIENTIEFF: Thank you. Written public comments?

MR. MIKE: Thank you, Mr. Chair. There were two written public comments received, one in support of the proposal and one opposing.

The Sierra Club of Alaska supports this proposals, and it's consistent with Congressional intent of ANILCA to limit subsistence to those local rural residents who qualify as customary and traditional subsistence users.

Wrangell-St. Elias National Park Subsistence Resource Commission opposes this proposal. It does not directly affect the Wrangell-St. Elias National Park and Preserve; however, it could potentially limit the hunting opportunity of residents of the Park's resident zone communities should the need to hunt in this area arise in the future. Wrangell-St. Elias National Park Subsistence Resource Commission opposes the proposal as written, noting that there appears to be no compelling reason to limit subsistence opportunity. Thank you, Mr. Chair.

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

Again, the representative is not here; however, their actions is written on the record, and they support with modification to add Mentasta Lake and to include only Dot Lake and Healy Lake for Unit 20(D).

Staff Committee.

MR. BRELSFORD: Thank you, Mr. Chairman. On this proposal, I'll be reading from a corrected Staff Committee recommendation page. It's in the orange color. It is page number 514. And for folks who don't have that, I will make clear what the difference is from the pages originally in the book.

So the Staff Committee recommendation is to adopt this proposal with modification as recommended by the Eastern Interior Subsistence Advisory Council with, however, an additional modification to add Delta Junction. So again we are consistent in part with the recommendation of the Eastern Interior Subsistence Council, but differ in
including the community of Delta Junction in the proposed regulation.

As a result, the proposed regulation would read: For moose, the customary and traditional determination in Unit 20(E) would be residents of Unit 20(E), Unit 12 north of Wrangell-St. Elias National Preserve, Unit 20(D), the entirety, as well as Mentasta Lake, Circle and Central.

Our rationale was this: This proposal establishes a Federal customary and traditional use determination for moose in Unit 20(E). Under until the present proposal, there was no determination and all rural residents were eligible to hunt under the Federal subsistence regulations. A wide array of information has been reviewed in developing the proposed developing determination, including historic and ethnographic reports, ADF&G Subsistence Division technical papers for many communities, ADF&G harvest ticket data, and public testimony before the Eastern Interior Council. These data sources have been critically considered, both for the limitations on sample size, or on systematic under-reporting and for their combined information.

For example, harvest ticket data for the upper Tanana communities of Dot Lake and Healy Lake are very likely to under-report actual practices, and these data suggest very sporadic use and low levels of harvest in Unit 20(E). However, testimony and personal knowledge of the Eastern Interior Regional Council members shows that this is an on-going area of use though at relatively low levels.

For Mentasta Lake, the testimony of a Southcentral Regional Advisory Council member from Mentasta Lake was convincing in bringing the Council to recommend inclusion of this community. The resulting determination is also similar to existing determinations for caribou in Unit 20(E) which reflects the fact that many of the same hunting strategies are used for both species.

The Staff Committee proposed regulation rejects that portion of the Eastern Interior Regional Advisory Council recommendation that would have excluded the Unit 20(D) communities of Delta Junction and surrounding settlements. The Staff Committee found that harvest ticket data show a qualifying pattern of use by Delta Junction area residents with levels of use comparable to other qualifying communities in Unit 20(D).
In this respect the contrary portion of the Eastern Interior Council recommendation is rejected as lacking support by substantial evidence.

That concludes our recommendation, and I thank you.

CHAIRMAN DEMIENTIEFF: Thank you very much.

Department.

MR. HAYNES: Mr. Chairman, the Department supports the proposal as modified by the Eastern Interior Regional Council to include Mentasta Lake in the proposed c&t determination, and to exclude Unit 20(D) except for the communities of Healy Lake and Dot Lake. This modified proposal approved by unanimous vote of the Regional Council is supported by the available evidence, but the finding requested in the original proposal or in the proposal as modified by the Interagency Staff Committee, is at best inconclusive.

In making customary and traditional use determinations, Federal regulations require that a community or area must generally exhibit eight factors that exemplify a customary and traditional pattern of use. We do not believe this standard has been met for the Delta Junction area were a very small percentage of the local population, some of whom were military personnel stationed at Fort Greely, reported hunting and harvesting moose in Unit 20(E) during the period 1983 to 2000.

We went a little further and looked at the available harvest ticket documentation between 1975 and 2002, and found that a total of 88 people from Delta reported hunting moose in Unit 20(E). At least 12 of those people were stationed at Fort Greely and were therefore nonresidents of Alaska, resulting in only 76 eligible subsistence users during 28 years of hunting, which is fewer than three people per year who harvested, and less than one-tenth of one percent of the area's population. During that period 1975 to 2002, 15 moose were harvested by those 88 hunters, 13 by Federally -- who would -- people who would be Federally-qualified users.

Discussion of hunting and harvesting moose in Unit 20(E), that is by use of Delta Junction use of Unit 20(E) is missing from the discussion of the eight factors. For these reasons, we have concluded that the evidence presented in the Staff analysis is insufficient to support a finding that the greater Delta Junction area, which now
is about 3500 people, has a customary and traditional use
of moose in Unit 20(E). And if a decision is made to
support the inclusion of the Delta Junction area, we would
request that there be some additional justification put on
the record so that we can understand how this extremely low
level of use represents a customary and traditional use
pattern by a community or an area. Thank you.

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

As we advance to Board, let me just begin
the discussion. I whole heartily concur with the State's
recommendation with regard to Delta. Delta and Greely, you
know, they're putting in that missile site down there.
There's -- that's a whole thing, you know. My
recommendation to the Board, and that's all I can do is
recommend since I can't make a -- I can vote, but I can't,
you know, make a motion, is that we use the Eastern Council
RAC recommendation as the operative of when we get to the
motion stage, because that work has been completed. And I
-- that is a big concern I think is Greely and that impact
it's going to have. And so what I would recommend that we
do is deal with that separately, you know, when it comes
up, if somebody proposes it. Because this works already
been done and I agree with the work that's been done, and
I agree with the Regional Council recommendation. You
know, that's really clear to me anyway that that work's
been done, and this -- and those are bona fide things
anyway.

MR. EDWARDS: Mr. Chairman, but it's my
understanding that all folks in 20(D) do have C&T for
caribou in 20(E), so why would this be any different?

CHAIRMAN DEMIENTIEFF: Well, yeah, I mean,
you know, that work's been done with regard to
caribou. But we have to do it with regard to moose. You
just -- you don't get it carte Blanche. Terry, I'm sorry.

MR. HAYNES: Mr. Chairman, Gary, the
Federal c&t findings for caribou date back to -- when the
State made c&t findings for caribou, they were made on a
herd basis. The Federal Board converted those findings to
findings on a Game Management Unit basis. The 40-Mile
Caribou Herd historically uses part of Unit 20(D) and
because of that history of the herd being in 20(D), that
was one factor that led to Delta Junction being found to
have a customary and traditional use. The use -- if there
is a customary and traditional use by Delta Junction
residents of caribou in Unit 20(E), it's a winter pattern
doing use. It's not during the fall season, so we would be
talking about a very different pattern of use of a wildlife
resource in Unit 20(E) at a different time of year.

MR. EDWARDS: But realistically, because of
the highway, isn't that where most of the hunting occurs in
20(E), and accessibility of 20(D)? I mean, you would just
assume that folks are going to take advantage of the
highway in order to hunt.

MR. HAYNES: Mr. Chairman, that's an
incredibly small percentage of the Delta Junction
population has a history of hunting in Unit 20(E), and we
have a hard time understanding how that meets the test of
becoming -- being a community pattern of use. We don't --
we acknowledge that a small number of people hunt moose in
20(E), just as a small number of people from other
communities drive 100 to 200 miles to hunt in another area.
The question is whether that constitutes a customary and
traditional pattern of use as defined by your rules.

MR. BISSON: Mr. Chairman, I agree with
where you are at this point. I'm not comforTable in voting
to add Delta Junction without some additional background,
some additional work being done to examine that case. I'm
very comforTable with the RAC recommendation, but to add
Delta Junction at this point given some of the conflicts,
some of the uncertainty I think would not be a wise thing
for us to do. And I don't know whether we simply vote on
the Regional Committee's recommendations or whether we
approve the Staff recommendation and defer the decision on
Delta until somebody comes and makes a case. Either way it
accomplishes the same thing, which is to defer a decision
on Delta Junction at this point.

CHAIRMAN DEMIENTIEFF: We can -- Keith.

MR. GOLTZ: Yeah, before we go too far down
this road, I have some comments on the law and the dramatic
differences between the Federal law and the State law. But
I think Taylor has some facts he'd like to present probably
first.

MR. BRELSFORD: Mr. Chairman, if I may.
The Staff Committee was confronted with a dilemma regarding
low levels of use among several communities, some of which
we are anxious to include by consensus, and another is in
dispute. So if you'll look with me at Table 2 on page 523,
I'd like to draw your attention to one of these
comparisons. Looking three-quarters of the way down the
page, down the Table, you'll see the line for Delta
Junction, and in the next to right-hand column, you'll see
that Delta Junction residents took less than one percent of
their moose harvest in Unit 20(E). When we look further
down, second to the bottom line, for the Community of
Central, which is actually located in Unit 25, by consensus
one of the communities most likely to hunt in Unit 20(E),
the percentage on record of harvest in the unit under
question by the Community of Central is also less than one
percent. This was one of the fact issues that troubled us.

There was a suggestion that perhaps not all
eight factors had been examined in regard to the Delta
Junction use patterns, and I'd like to direct your
attention to page 527. In the middle of the page we've got
a couple of paragraphs treating a cluster of communities in
Unit 20(D). The second paragraph, beginning with the
reference to Steve Braund (ph) and Associates, final
sentence, these individuals now live in Tanana, Dot Lake,
Healy Lake, Delta Junction and Fairbanks. Braund
documented that their life-time subsistence use of moose
extends into Unit 20(E). It's another instance in which we
were trying to make complete use of available data, and we
found ourselves persuaded that parity required inclusion of
Delta rather than exclusion. I believe really the policy
matters are properly before the Board for discussion, but
I did want to insure that on some of these analytic fact
elements we had been complete in this deliberation. Thank
you.

MS. GOTTLIEB: Mr. Chair? I'm sorry,
Keith.

MR. GOLTZ: I'd like to jump in, because I
do have a huge investment in this issue. I just submitted
a 279-page brief to the Federal District Court, and one of
the things I told the court is that we are not doing what
it looks like we're prepared to do. So let me back up a
little bit, and I invite Lance to jump in on here if I
misstate the State system.

But the way I understand the State law and
regulations is this. In order to make a subsistence
allocation, you first do a c&t determination. Without that
determination, there is no allocation.

That's dramatically different from the
system. Under the Federal system, the one we're operating
under now in this unit, we start with the proposition that
all rural residents are eligible to hunt throughout the State. So if we have a no determination, for example, to take an extreme, a rural resident of Southeast Alaska could go up to Barrow and hunt. There's no legal restriction against that. It doesn't happen. It's not a use pattern that we encourage, it's not a use pattern that we see. But our regulations do allow for it.

The next step under the Federal regulations is to make a c&t determination. We have done that throughout the State in many cases. But in over 90 percent of our hunts, we either don't have a determination, or we don't use it. We don't use our c&t determinations unless we're placing a restriction on non-subsistence users.

Our first cut when we do do one is to determine uses of an area, not users. We determine whether or not a resource has been used in a particular area for subsistence purposes. That determination is distinct from the allocation. The determination itself does not make an allocation. The allocation is made later. To parallel the State, it would be in the Tier II, we call it the 804.

In the 804 process, we are in fact favoring certain users. And to be blunt about it, that's usually going to be natives, because they've been there longer, but that's where we made the cut between recent military personnel and long-term subsistence users. It's when we make our allocation, it's when we make our 804 determination.

And one of the examples I used in other contexts is that if the people of Aniak should decide all to move to Bethel, and the Norwegian Brotherhood should decide to put up a new hall in Aniak. Those people would qualify in Tier I as long as they're rural residents. They qualify in a use area. They probably would not qualify as users, and if we were in an 804 situation, they would be last in line. But that's a distinction we have made with some force to the Federal District Court.

And it's why it's important to understand that the State system is not the Federal system, and the c&t is not central to our administration. We use it very rarely.

CHAIRMAN DEMIENTIEFF: Well, let me just back up here a second. In looking at Delta and Greely, I'm not opposed by any stretch, you know, but I think we want to have, you know, the Regional Council take a look at that
1 issue separately. I mean, you know, it's not ruling them out by any means, but I think it should just be looked at closer.

4 MR. GOLTZ: I'm not even opposed to ruling them out, but it seems to me that it should be done at the proper time, when we make 804 allocations. Right now everybody in the State can hunt in that area. Another one of our arguments, to put a little -- every rural resident of the State can hunt.

11 The way we explained it to the Federal District Court is that the c&t determination is actually a restriction on subsistence users. Now, I know my friend Bill Thomas recognizes this, and some of the others do, too. And some of them have raised the question, since it is, since it narrows the base, why are we doing them at all? And I can't -- I suppose we're doing them for two reasons: One, because the state has quite forcefully said they want us to do them. And the second is that it does possibly provide some predictability for when we get around to restricted allocations. But we can make the allocations. In 90 percent of the case, we do make the allocations without any relationship to the c&t. We simply allocate.

26 In those cases, what we have been doing in the 804 situation routinely is that we will say we're going to exclude non-qualified subsistence users and by that we mean people without c&t. We've done that in I think 28 hunts. Twenty-something. I don't remember. It's not a common practice. It's not a common practice. It may be one we'd want to insert in this case at a later time. But I think we have to be very, very careful that we don't be exclusive at the c&t level.

35 To put -- another example I've used, if somebody from New York comes in and puts in his year, he still needs a State license, but he's rural. He qualifies. This is a rural statute. How do we protect the long-term users? We do that through the allocation. The long-term users, that's where he gets his priority.

42 CHAIRMAN DEMIENTIEFF: Is anybody prepared to make a motion here? I'm hungry.

46 MR. EDWARDS: Mr. Chairman, could maybe Taylor restate what the actual Staff Committee recommendation is, given sort of the confusion as to what was written and what it is now.
Mr. Chairman, yes, I'm happy to do that. The Staff Committee recommends a c&t finding that would include the residents of Unit 20(E), residents of Unit 12 north of Wrangell-St. Elias Preserve, residents of Unit 20(D), Mentasta Lake, Circle and Central. The one difference with the recommendation of the Eastern Interior regional Council concerns Unit 20(D). The Staff committee would include all of the communities in that subunit, including Delta Junction. The Regional Council would include only two named communities, those being Dot Lake and Healy Lake in Unit 20(D). So the key distinction has to do with the status of Delta Junction in between the two recommendations. Thank you.

Mr. Chairman, the Regional Advisory Committee did indeed have a full discussion on the status of Delta Junction, and their judgment cut the other way. But they had exactly the same information.

Mr. Chairman, did the Regional Committee consider Delta Junction? Did they have this same information in front of them, and they came forward without it?

Mr. Chairman, Ms. Gottlieb, that is correct.
MS. GOTTLIEB: But for the initial determination of all rural residents, there was not a c&t applied to all rural residents?

MR. BRELSFORD: If I may, Mr. Chairman, this was a no determination status. It represents a lack of positive finding. There were no facts -- no basis for any determinations, so in the absence of a specific determination, it is the policy of the Board that all rural residents would remain able to use the resources in that area.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: So then now that we've done an analysis, there is some disagreement about the analysis itself, and my worry relating to Delta Junction is the possible large increases in population relating to the military. So that's where my discomfort would be, and perhaps that's where the State is also coming from, and maybe this Board can think of a way to address that in future evaluations or analysis.

MR. EDWARDS: Mr. Chairman, from our perspective, I would prefer to recess for lunch and take this up after lunch.

CHAIRMAN DEMIENTIEFF: I'm not that hungry. You know, we're close. We've got a choice, you know. I just don't see why we can't make a decision, you know. We're not excluding anybody, you know, I think we're being entirely -- I'd be more comforTable even if we had a Delta resident propose.....

MS. GOTTLIEB: Right.

CHAIRMAN DEMIENTIEFF: .....you know, something, some kind of review, you know, for it. And quite frankly, you know, I'm willing to visit. And I really would be more comforTable if we did involve the appropriate Regional Council with regard to their decision. You know, we're not excluding. We have already established that on record. They're still eligible to go, because there is no shortage. Okay. So we're not excluding anybody. But when and how, you know, we include, or, you know, consider the inclusion of Delta, then, you know, we just -- we visit that as an isolated issue. We're not excluding them from anything. We're (sic) not being
excluded from any harvest. There's just issues out there, and we need to look at them closer. But we do have a solid Eastern Regional Council recommendation.

MR. EDWARDS: Well, I.....

CHAIRMAN DEMIENTIEFF: Yeah.

MR. EDWARDS: Is it in fact that we're not excluding anybody, but if we're not including them, aren't we excluding them? I mean, maybe I'm missing something.

CHAIRMAN DEMIENTIEFF: If there was a resource shortage, yes. But there isn't, so they're still eligible to go. Under State regs.

MR. EDWARDS: But if we accept the Eastern Interior's proposal, that will not be the case, right?

MR. BRELSFORD: If I may, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Sure.

MR. BRELSFORD: The current status of federal lands in this area is that they are not closed, and that people qualifying under State harvest regulations would be able to hunt on both State and Federal lands. So from that standpoint, the configuration of Federal c&t determination in and of itself would not preclude State-qualified users from hunting.

MR. EDWARDS: But it would preclude them during a subsistence hunt.

MR. BRELSFORD: It would preclude their hunting under Federal subsistence regulations. They would be able to hunt in the same lands under the terms of State regulations.

CHAIRMAN DEMIENTIEFF: Wini.

DR. KESSLER: Thank you, Mr. Chair. I'd like to pose a question to Mr. Goltz just to make sure I'm straight on this. It's fairly complicated. Is there a situation that we would have legal difficulties about excluding Delta Junction because in fact some of the c&t has been found to apply to some of the people there? But that said, we -- if we are to include Delta Junction because of that reason, we do have options in further actions down the road to make sure that that opportunity is
restricted to the ones that are truly -- show those patterns of use, and it would exclude the ones that, you know, are problematical?

MR. GOLTZ: Right. Long-term.....

DR. KESSLER: Yeah.

MR. GOLTZ: .....patterns of use would be an important factor, and maybe the primary factor in 804.

DR. KESSLER: Right.

MR. GOLTZ: I think one of the problems we're having is that we've never truly implemented 804, so we're a little bit unfamiliar. But that -- and that's because we've been dealing primarily with abundance. If -- when we -- the resource gets more and more scarce, the 804 process will be more and more implemented. I would like to see work done on it now before that happens. But the structure of the statute is that the ones who have -- I'm simplifying now, but basically it's the ones who have been there longest, and who have been most dependent on the resource, would be the last ones to be restricted. But we do that under our Tier II, under the -- well, we -- what the State calls Tier II, what we call 804. That's where we make that cut.

MR. BISSON: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BISSON: I move that we adopt the Regional Council recommendation as they modified it.

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

MS. GOTTLIEB: Second.

CHAIRMAN DEMIENTIEFF: Discussion.

MR. EDWARDS: Mr. Chairman, I'm -- I will vote against the motion. I'm very concerned that we are using data to exclude some communities while at the same time, at least my understanding, what I was told, is that we're also using that same data to include some people, and it doesn't seem to add up. I guess I'm also a little troubled that we seem to be using as part of this rationale the concern of the increase in the military people who are
there, men and women in uniform, and whom my guess is
didn't volunteer to go to Delta Junction, and I just -- I
think we're headed down the wrong road, so I'm prepared to
vote no.

CHAIRMAN DEMIENTIEFF: Again, I, you know,
believe there are qualified people there, but I think we do
have to find a way to, you know, to deal with it separate,
and it just needs further consideration from my point of
view. Like I said before, I'm not opposed, but I think we
have to take a careful look at, you know, where we're going
with that. And I know we've done it in the past in the
State system where, you know, where we've been real careful
about those determinations, and we've done it here where
we've been real careful about those determinations, and
like I said, it doesn't exclude them, it doesn't prevent
those qualified rural hunters under the current
arrangements to -- you know, it doesn't prevent them from
being able to harvest a resource, but I just would prefer
to take a look at it. I'd prefer to take a look at it in
conjunction with the Eastern Regional Council to find out,
you know, why it is that they were not including Delta at
this time, that I don't know what the concerns are. Wini,
go ahead.

DR. KESSLER: Thank you, Mr. Chair. Having
received the clarification from Mr. Goltz, I'm -- I feel
compelled, I mean I have to vote a no as well. Again, what
I'm hearing on the legal advice here is that it is legally
problematical to exclude Delta Junction at this time,
because of the determination that there are the positive
findings for some of the people there. He's also offered
assurance that we have options available to us should
shortages develop to make sure that the people with the
long-term use are the ones that in fact have the access to
these resources. So I'm feeling obliged to vote that way.

CHAIRMAN DEMIENTIEFF: Niles.

MR. CESAR: Is that -- oh, I'm sorry, go
ahead.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. CESAR: Ms. Gottlieb, please.

MS. GOTTLIEB: Thank you, Niles. We just
had a lengthy discussion between the two councils in the
Y-K area and with Ron where we couldn't agree on
communities that would be included and we came up with a
solution there of further discussion. So I wonder if we --
for the sake of that consistency that we pursue discussions
on Delta Junction as you say with the Council and with
others that might be interested as well, and see if we can
sort this out a little bit more.

CHAIRMAN DEMIENTIEFF: Niles.

MR. CESAR: Mr. Chairman, I'm concerned
also that we are moving in my estimation on a subject that
isn't fully vetted, and that we don't really have the
information necessary to make informed decisions, and we're
placing ourselves in a position of having to vote for
something or not vote for something, when I think maybe
what we should have done, and still can do, is to remand it
back to the Regional Council for further evaluation and
have it come forward.

CHAIRMAN DEMIENTIEFF: That's exactly what
I was going to, you know.....

MR. CESAR: And I.....

CHAIRMAN DEMIENTIEFF: ......make that
recommendation is to remand the Delta Junction part of it
back, the work's been done on the other part, back to the
Council. I mean, I was going to close with that, that was
my intention, if the.....

MR. CESAR: Well.....

CHAIRMAN DEMIENTIEFF: .....motion does
prevail.

MR. CESAR: Well, and I guess I'm speaking
against the motion. I guess my preference would be to
remand it, all of it back to the Council, and I think that
the way you do that is the maker withdraws his motion and
the section withdraws, and then substitute a motion to
defer, and I guess that would be my preference.

MR. EDWARDS: Mr. Chairman, I guess I would
agree with that. I think it's very unfortunate that our
Chair from the Eastern Council's not here to maybe address
some of these questions, to articulate, you know, whether
folks from Delta Junction were involved in this decision or
not. I don't know the answers to any of those. I don't
know why he's not here, but I do think it becomes
problematic.
CHAIRMAN DEMIENTIEFF: Actually, you know, in looking at it, since there is no shortage, and we're not going to disenfranchise any users this year, I think Niles' suggestion is actually better. Let's let them -- we're always sending things back to the Councils, bring us a complete thought, and that may be just exactly what we need to do here, because we need to know exactly why they didn't include Delta, and so I think Niles' suggestion is real good.

MR. CESAR: Mr. Chairman, if I might, the reason I think that it requires the maker to withdraw and the second to withdraw, is because it's an active motion on the floor and we have to deal with it one way or another, unless we remove it.

CHAIRMAN DEMIENTIEFF: That's one way to get it done.

MR. BISSON: Mr. Chairman, before -- and I was the maker of the motion. Before I withdraw it, I guess I, you know, for the record, you know, I think it points out the significance of, you know, when the Council makes a recommendation and questions like this comes before the Board, and we don't have people here to help us sort through it, it puts the Board in a very difficult position to support the Council. I'm inclined to still make the decision, but for the sake of resolving the issue today and knowing that either way nobody loses anything at this point, because those hunters still have a chance to go out and use the resource, and we have time to resolve it prior to the next season if in fact there were a scarcity next year, I guess I would be more than willing to go ahead and take my motion back.

MS. GOTTLIEB: And as the second, I will second that withdrawal.

CHAIRMAN DEMIENTIEFF: Okay. We now have no motion before us. Is there a motion that you're prepared to make now on it?

MR. CESAR: I'm prepared to move that we defer this motion and remand it back to the Regional Advisory Council so it can be fully vetted and brought back during their fall -- well, brought back at a later time.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion?
MR. EDWARDS: Second.

CHAIRMAN DEMIENTIEFF: Okay. In the transmittal letter we will make it explicit that we want Delta looked at. Okay. That's the outstanding issue. Okay?

MS. GOTTLIEB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: And we can do that in the transmittal.

MS. GOTTLIEB: Uh-huh.

CHAIRMAN DEMIENTIEFF: Yes, Judy.

MS. GOTTLIEB: And I think it will also be important to emphasize that Staff will work with the State on the specific concerns about the data relating to that community.....

CHAIRMAN DEMIENTIEFF: Uh-huh.

MS. GOTTLIEB: .....and if necessary talk with Southcentral RAC as well.

CHAIRMAN DEMIENTIEFF: Sure. Okay. Any more discussion?

(No discussion)

CHAIRMAN DEMIENTIEFF: All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes.)

CHAIRMAN DEMIENTIEFF: Motion carries.

Okay. I apologize for keeping people here well into the lunch. We'll probably -- it will probably be closer to quarter to two by the time we actually get back here, because it's -- now it's after 12:30, but I did want to clear the plate for that Unit 2 thing. I don't know, so we'll back. It will probably be quarter to two.

MR. BOYD: Quarter of two.
CHAIRMAN DEMIENTIEFF: Yeah, 20 -- or, yeah, 15 to two.

(Off record)

(Often record)

(General conversation)

CHAIRMAN DEMIENTIEFF: Okay. We'll call the meeting back to order. At this time we're moving into Southeast, and it's WP03-05. Who's going to do the staff analysis?

MR. JOHNSON: Mr. Chairman, due to the complexity of this proposal, we're going to have three presenters, if that's okay.

CHAIRMAN DEMIENTIEFF: I didn't think it was very complex.

MR. JOHNSON: Thank you, Mr. Chairman, Regional Council Chairs, and members of the Federal Subsistence Board and Staff. My name is David R.K. Johnson. I'm the Federal Subsistence Program coordinator for the Forest Service on the Tongass National Forest. I will be introducing WP03-05 with some of the background and context for this proposal, and some of the issues surrounding Unit 2 deer management. Jim Brainard, wildlife biologist on the Petersburg Ranger District, is the lead author, and he will be providing the complete analysis. Dr. Robert Schroeder will provide clarification and explanation on the portion of the analysis identified in the appendix. We will try to answer any questions you may have following the presentation. Information concerning this proposal can be found under Tab J, beginning on page 615.

Wildlife Proposal WP03-05 was submitted by the Craig Community Association and the Klawock Cooperative Association, both of which are Federally-recognized tribes located on Prince of Wales in Unit 2.

The proposal requests that Federal public lands in Unit 2 be closed to deer hunting except by Federally-qualified users during the period August 1 to September 1, and to reduce harvest limits from four bucks to two bucks for non-Federally-qualified users. Similar proposals associated with Unit 2 deer have come before this
Board almost every year since 1997.

If you'll look at the map, you'll see that Unit 2 is comprised of Prince of Wales and smaller adjacent islands in the Alexander Archipelago. It is approximately two million acres in size with most of the area comprised of national forest lands. Most of the non-Federal lands are comprised of Alaska native regional and village corporation lands, and the acreage on that is approximately 280,000 acres.

In Unit 2 there have been numerous alterations in deer habitat from timber harvest and road building on both national forest lands and native corporation lands. If you'll look at the following picture that you see on your screen, the red-colored portions of the map represent roads, the yellow portion represents timber harvest areas, and also the white portion is the mountainous area, and the green represents the forested area.

Unit 2 also has a healthy population of two major deer predators wolves and black bears.

Proponents of this proposal state they are unable to get the deer they need due to increased competition from nonrural hunters and an over-all decline in the deer population in Unit 2.

The key points of this proposal are: One, it would restrict non-subsistence hunters season and bag limit. Secondly, it would improve subsistence hunting opportunity. Three, it would reduce competition from nonrural hunters during the period of August through the 1st of September, and it would also reduce nonrural deer harvest potential.

At the March 2003 Southeast Regional Advisory Council meeting at Saxman, the Regional Advisory Council was presented with an amended proposal from Craig Community Association that would divide Unit 2 into two subunits. 2(A) would consist of the core wildlife analysis areas where most of the harvest occurs in Unit 2, and is located in the central one-third of Prince of Wales. 2(B) would be the remainder of Prince of Wales, including the adjacent islands. The remaining portion of the proposal did not change, which again was to close to non-Federally-qualified users during the month of August to September 1st, and reduce bag limit from four bucks to two.
The Regional Council did not accept the CCA amendment to divide Unit 2 into two subunits, but accepted the original with a modification by the Regional Council to restrict nonrural hunters only during the first 10 days of the season, August 1 through 10.

Following the Regional Council action, the Federal Staff conducted more intensive analyses on the information that was presented to the Regional Council. This was not new information, but information that was requested by Staff Committee in a different format, taken from other hunter harvest reports provided by ADF&G Wildlife Conservation Division. And this is found in the appendix, pages 644 to 662 in your books.

This additional presentation of the existing data provides valuation information on where Unit 2 deer harvest is occurring the season by both Federally-qualified and non-Federally-qualified users. This helped considerably in identifying the boundaries for this potential subunit division boundary presented in the Craig Community Association amendment.

We also examined the possible effects of a bag limit reduction on Ketchikan hunters, and possible benefits to subsistence hunters, pages 665 to 667.

This year we also relied on four primary sources of data: deer pellet survey data, hunter harvest data from ADF&G mail-back harvest reports, house-to-house survey data, and tribal government and community input, and also observations by Forest Service field biologists with personal knowledge of Prince of Wales deer issues. We're fortunate that we actually have three wildlife biologists here that have actually worked on Prince of Wales Island either currently or in the past.

A number of people, Mr. Chairman, deserve special thanks for the considerable amount of energy that they've contributed to Unit 2 deer issues and analyses this year and throughout the past years. I especially want to thank the Council members of the Southeast RAC that have been involved in numerous teleconferences and e-mails associated with Unit 2 deer. Also to the Staff Committee that scheduled an additional day this year to review just Unit 2 deer and the analysis that was being presented. I especially want to thank also Dr. Terry Haynes and Dr. Kim Titus and their staffs with ADF&G Wildlife Conservation Division for working very closely with Forest Service Staff on various management issues and options for Unit 2 deer,
sharing data and making construction suggestions. And
lastly to Mike Turek, Subsistence Division for further
review of information in the analysis taken from the Unit
2 deer study, Deer Hunting Patterns, Resource Populations
and Management Issues on Prince of Wales, commonly referred
to as the Blue Book.

This concludes my introduction and
background, Mr. Chairman. Mr. Brainard will now present
the analysis with some additional clarifications provided
by Dr. Schroeder.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. BRAINARD: Mr. Chairman, Board members,
RAC Chairs, my name is Jim Brainard. I'm the lead author
on Proposal WP03-05. I'm currently a Forest Service
wildlife biologist working in the Petersburg Ranger
District, but I have also worked on Prince of Wales at the
Throne Bay Ranger District.

My portion of this presentation will cover
the material found on page 623 to 641 in your book.

Primary deer winter habitat depends on the
quality and quantity of four old growth forests which
becomes critical during severe winters with heavy snowfall
when other habitats incapable of intercepting this snow,
such as clear cuts, fail to provide forage. Overall the
ability of this habitat is thought to be the most limiting
for deer in Southeast Alaska.

Habitat capability models shows that the
long term habitat capability for deer in Unit 2 is
decreasing due to harvest of productive old growth forests,
reduced value of clear cuts, and further reduction in
habitat sustainability of second-growth sands. Figure 2 on
page 629 shows how habitat values have changed below the
1500-foot elevation by wildlife analysis areas since 1954.

Figure 3 on page 630 shows how much habitat
has been harvested in each of these wildlife analysis
areas. Two of these areas have less than 60 percent of the
productive old growth and two have less than 70 percent of
the habitat remaining. All the rest of them on Unit 2 have
at least greater than 70 percent remaining. Unitwide,
there's approximately 88 percent of the 1954 productive old
growth still there.

Much of the 280,000 acres of private land
have been logged. Continued timber harvest activities and
associated road development in coming years are expected to
cause a further habitat degradation as well as
fragmentation and isolation of deer winter habitat. This
may concentrate in fewer and smaller winter areas and make
them more susceptible to predation by wolves. Wolf
predation studies on Prince of Wales estimates that one
wolf will take 26 deer per year in this habitat.

Since the early 1980s the Alaska Department
of Fish and Game and the Forest Service have collected deer
pellet group data from selected field transects throughout
Southeast Alaska. This long-term monitoring effort was
designed to provide an indication of over-all deer
population trends in the region. More direct deer
population estimation techniques are difficult to apply
because of the bio-geographic characteristics of this
forest type.

Figure 4 on page 632 presents data from the
13 study areas on Prince of Wales where four or more years
of data had been collected. In general, pellet group
densities have decreased in Unit 2, and are low when
compared to other areas of Southeast Alaska where wolves
are not present and where timber harvest has been less.

Deer populations on Prince of Wales is
likely to decline over time due to the changes in habitat
capability. While we have no accurate population counts of
deer in Unit 2, at the present time deer pellet counts data
suggests that deer density are low, and that the -- on the
low end of a 20-year range. The Department of Fish and
Game believes, quote, that data no long -- that data do not
support the notion that deer in Game Unit 2 are in severe
decline and that serious conservation concerns exists, end
of quote.

Table 2, on page 633, presents the number
of deer harvested over the past 18 years based on voluntary
returns of hunter information by hunters. Harvests have
been variable over this period with two years that were
low, and that was 1984 and again in 1998. There is no
clear trend in this data showing general increase or
decrease in the number of deer taken in Unit 2. Hunter
success rates have remained fairly constant over this
period of time. Unit 2 residents appear to be more
successful than non-unit residents. Hunter check stations
were manned in 1999 and again in 2002. Most deer hunters
reported that they took very young deer and they took them
close to the road system.
During the 2001 season, Alaska Department of Fish and Game reported that deer harvest in Unit 2 was about seven percent higher than the long-term average, but lower than the 2000 season.

Deer harvested from the central portion of Prince of Wales have decreased by 10 percent, while the northern Prince of Wales deer harvest has increased by 45 percent.

Ketchikan hunters were evenly distributed in the central and northern portions of the island. Ketchikan's share of the animals harvested was 29 percent, about three percent higher than the past three-year average.

Southern Prince of Wales has reported a slight drop in the harvest of the last two consecutive years.

In the past 18 years, the average number of hunters have decreased around 10 percent. Between 30 and 40 percent of all hunters are nonresident -- nonrural subsistence users residing in Unit 1(A) and 3 comprise about six percent of the total hunters annually harvesting deer from Unit 2.

The majority of deer harvested from Unit 2 occurs in the more heavily roaded portions of Prince of Wales. Ten wildlife analysis areas have been identified as the most heavily used in Unit 2. These are referred to as the core use areas, and Dr. Schroeder will cover them in more detail.

During the 2001 season, 342 antlerless deer permits were issued for Unit 2. Eighty percent of these reports were returned, and 67 females were harvested. Similar results were recorded for 2002, 326 permits were issued and 94 percent were returned. A similar number of female deer were harvested.

The trend's ambiguous for Unit 2 deer harvest. The total number of data -- of deer taken at the 2001 season, and the number taken for subsistence purposes shows no clear trend. The number of deer taken per hunter has decreased slightly in recent years, but it does not seem significant when compared to the other years.

Household surveys were conducted on Prince of Wales communities and in Ketchikan in 1998, '99 and
Households of each community were chosen randomly for interview. Overwhelmingly respondents in all study communities reported over the past five years that it was more difficult and took much more time and effort to harvest deer than they -- the deer that they need. Sixty-seven percent of the Ketchikan households agreed with this statement. For survey years 1998 and 2000, greater than 70 percent of Craig and 75 percent of Klawock households believed that the deer population was declining.

Respondents from all Prince of Wales communities believe that Ketchikan and non-island residents were having a negative impact on their household hunting success. Fifty-two percent of Craig, 69 percent of Hydaburg and 62 percent of Klawock residents said their community's needs were not be met. All households on Prince of Wales told the interviewers that they had a high or very high reliance on deer. Respondents believe it is taking more time and effort to harvest deer on Prince of Wales, and that the island's deer population is in decline.

No new surveys have been conducted since 2000. Most deer are harvested during the month of August and November. These two months account for 57 percent of the total harvest. Unit 2 residents take about 50 percent of their deer during this time. Residents of Coffman Cove, Whale Pass and Thorne Bay hunt from mid August to late October. Craig and Klawock residents prefer to hunt in October and November. Hydaburg residents hunt later in the season. Residents of Ketchikan prefer to hunt in August, followed by mid October through late November. The majority of deer harvested in Unit 2 occur in the heavily roaded core area of Prince of Wales. The majority of Ketchikan hunters ferry their vehicles to Hollis and the use the road system for their harvest activities. The average duration of Ketchikan hunters on a trip is 4.8 days.

Dr. Schroeder will now continue the discussion of the core area and Proposal 5's appendix.

DR. SCHROEDER: Mr. Chairman, Board members, Regional Council Chairs, I'll be briefly going through material that begins on page 644 of your Board books. This material was provided -- mainly provided to the Regional Council in oral form or by reference. It was worked up in this format for the Staff Committee deliberations which took place April 17 to 22.
There are basically six items here which add to the discussion, we hope.

The first item is a table and chart showing Ketchikan's deer harvest over time. On the flip side, on page 646 are two graphs. These graphs are somewhat interesting. On is we can see that over all Ketchikan's experienced a decline in deer harvest since data were collected. These data are from the mail-out surveys, by the way. Over the last five years the absolute number of deer that Ketchikan's been getting from Prince of Wales has been on the upswing, and in the lower portion of -- the lower graph, the percentage graph, we can see that Ketchikan's dependence on Prince of Wales deer as opposed to deer harvested in other areas has gone up from somewhere around 40 percent in 1997 to over 60 percent of the deer taken by Ketchikan residents come from Prince of Wales in year 2001.

The second set of information is the detailed harvest data from the Division of Wildlife Conservation mail-out surveys, as well as from the Division of Subsistence household surveys that have been conducted in 12 Prince of Wales Island communities. Basically these two data sources don't correspond really well. The strength of the mail-out survey is that it's done every year. The strength of the Division of Subsistence household surveys are that they have a really high level of accuracy. But we don't find that these harvest estimates provide us -- that they don't provide us with very good trend data for individual communities on Prince of Wales, mainly because of internal variability.

I would point to data for Craig, which is found on 649, and point to two things there. The solid bars represent the Division of Subsistence household surveys. These show an apparent decline in deer harvest in that community from 1997 to 1999, corroborating what the Craig Community Association maintains in their proposal.

I'd also point out that we have a very poor correspondence between the Division of Subsistence household survey data, and the mail-out survey data which for these communities is much less or very much less.

I'd also refer to similar data on page 654 for Klawock. Klawock shows a small decline, probably not significantly significant over the '97 to '99 time period. And again we see a great deal of variability in the mail-out survey, which does not appear to track harvest for
If we were to look at page 652, it presents data for Hydaburg. Hydaburg basically doesn't participate in the mail-out survey, so our data points for Hydaburg would come from simply two years of Division of Subsistence household surveys.

The next item identifies the core wildlife analysis area following the Craig Community Association amended -- suggested amendment to their proposal. Staff looked at what sort of harvest, what the core area would be, and what levels of deer harvest take place there. Looking at page 662, the central bars represent the wildlife analysis areas that comprise the core area in the Craig Community Association proposal. These lump up deer harvest over a five-year period. So, for example, one of our wildlife analysis areas is 1422. From that wildlife analysis area, about 3500 deer were taken during that five-year time period.

The core area, wildlife analysis areas provide most of the subsistence deer harvest on the island. They comprise an area close to island communities where the road network is dense, and where logging activity on native corporation and Federal land has been particularly intense. We also note that most of the controversy concerning competition between subsistence and non-subsistence hunters is focused on this area.

The next item is a copy of the suggested amendments submitted by Craig Community Association. They changed the boundaries of their original proposal, which was -- which is before the board, called for a unit-wide restrictions on non-subsistence harvesters of deer, and throughout Unit 2. The amended proposal focuses on the core area.

The fifth item on 664 and the following memo, try to look at what the possible effect of a bag limit or a harvest limit reduction might be both on the hunters who would be restricted from harvesting, and the possible effects on subsistence users. These data are based on files provided by Division of Wildlife Conservation from the mail-out data again. Now, we believe that the mail-out data is a pretty accurate source of information for Ketchikan hunters, because there's a significant number of people who respond from that community.
In summary, overall a Unit 2 wide, two deer bag limit restriction on Ketchikan hunters would potentially add about nine percent to the subsistence take, if we make the very large assumption that the deer that were not harvested by Ketchikan hunters would be taken by subsistence hunters. If a bag limit restriction applied only to the core area and Ketchikan hunters didn't change their behavior in some other way, this would potentially add about six percent to the subsistence take.

Looking at the effect on Ketchikan hunters, the Unit 2 wide harvest limit of two deer would potentially affect about seven percent of Ketchikan hunters. Those were the approximate number of Ketchikan hunters who have -- who in the last year harvested more than two deer, or harvested a third, fourth or Nth deer on Prince of Wales Island. And it could result in an 17 percent decrease in Ketchikan hunters' over-all deer harvest.

If a harvest limit was restricted only to the core area, this would potentially affect an estimated four percent of Ketchikan hunters. Again, that estimate comes from the number of hunters 2001 who harvested a third, fourth or Nth deer from the core area, and it could result in an 11 percent decrease in Ketchikan hunters' over-all deer harvest.

I'd just emphasize again that these are best estimates based on mail-out survey data.

The detail follows in a three-page note on page 665, 66 and 67.

Our final item is information on improved access to Prince of Wales Island, a graph of the increased ferry traffic to the island. The point here is that during 2002 the Inter-Island Ferry Authority greatly upped service to Prince of Wales, and had about double the number of trips that it had in the previous year, so we have a very significant improvement in the ability of Ketchikan residents or for that matter Prince of Wales residents to get on and off the island.

Mr. Chairman, that concludes our presentation.

CHAIRMAN DEMIENTIEFF: Summary of written public comments.

DR. SCHROEDER: Mr. Chairman, we've
We have a comment from Jeffrey Trimmer in Craig who has been a designated subsistence hunter, and who believes that the deer population is very low. This is someone who’s out there a lot, and says that he hikes and hunts, and it takes all season to get one buck. He supports many people.

We have letters from the president of the Klawock Cooperative Association, and president of Craig Community Association, strongly supporting this proposal, believing that if there is a decline in the subsistence resource, then there should be a conservation effort put forth. And what they’re seeking, obviously, is to put a limit on the season and amount of deer that nonrural hunters take out of GMU 2.

Another letter from Craig, referring to subsistence use of deer on the island, stating that over the last several years I have not been able to meet my family’s needs. I cannot gather for my elders as I used to be able to. We used to be considered a rich country for what we have, and some say we still are, but we still can be if we draw the line. Enough is enough.

Support from Klawock and Craig residents, three members, writing on behalf of Klawock Cooperative Association, noting that the deer population is in decline for several years because of many factors. They point to over-harvest of deer by off-island hunters, logging, increased population pressure, human population, and increased access. They support this proposal.

A letter from John Morris of Craig. The deer population is not what it used to be. In other words, the deer are harder to get year-after-year. He also points to the ferry service Ketchikan, and depletion of deer. He believes that rural residents depending on deer for food are finding it harder to get their food.

Ken Holmes of Ketchikan opposes this. If the deer or game population is low, then make rules for all, not the chosen few. We are all to be treated equal and as one with no discrimination.

Clyde Berry from Ketchikan opposes this proposal. As you know from last year, we hunters from Ketchikan are not going to sit still and let a few selfish
Prince of Wales residents take away our rights to hunt on public land.

Someone -- Mr. Schultz from Ward Cove points to his long-term use of Prince of Wales for deer hunting. He doesn't believe that people living in a national forest should have preference over others of the same nation.

Arthur Wilson of Ward Cove opposes. He's a long-term hunter. He believes it would be unfair and discriminatory to allow residents of Prince of Wales to have different rules and regulations under which to harvest game.

We have seven comments that simply say, I oppose, mainly from Ketchikan residents.

A comment from Steve McLaren, let's keep subsistence what it should be. It should be used for subsistence only, and it should not penalize sport hunting and fishing. Don't change the regulations on POW. This would only be insult to injury after passing the new subsistence regulations for steelhead on Prince of Wales.

From David Smith, I believe Ketchikan, please vote these down. Allow all Alaskans to take their sons and daughters out and have a fair shot at game.

And, Mr. Chairman, that concludes the written comments we received.

CHAIRMAN DEMIENTIEFF: Thank you very much. We have two requests for oral testimony at this time. I'd call on Bill Thomas first.

MR. THOMAS: One moment, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Okay.

(Pause)

MR. THOMAS: I'm trying to use an old trick of stalling until I get my breath.

Good afternoon, Mr. Chairman, distinguished members of the Board, distinguished members of the Advisory Council, distinguished members of the Department of Fish and Game, Staff, respected members of the public and the media. It's a lot of work for me to get up here after
My name is Bill Thomas, Sr. from Ketchikan. I'm here today representing the organized villages of Craig, Klawock and Kasaan on Prince of Wales Island. I'm not an eligible user as per provisions of Title VIII of ANILCA; however, I was born and raised in Game Management Unit 2, and I'm quite qualified to present comments regarding the welfare and status of wildlife with emphasized respect to the deer population, and the neglect of management it continues to experience. And I thank you for this opportunity to comment.

I have to make reference to the information that our good Staff just presented to you, and it brought to my attention that this all the data, this is stuff you're really looking for, but it's pretty hard to cook. It's useless to freeze. And there's no need to can it. So it really -- with reference to subsistence, the data here is really moot. Moot.

I noticed in the Ketchikan Daily News that people are being encouraged to present choreographed impression with the Federal Subsistence Board that the deer population on Prince of Wales Island is healthy stock in terms of numbers. Such information is being printed in newspapers with hypothetical data. Although a activists in opposition are very versed and effective in working with prepared scripts for the sake of making the impression that larger numbers are actually participating. If nothing else, it's an effective tactic to delay action on a proposal. Delaying action is the same as no action. And we spent a day and a half doing exactly that. When confused and you don't want to be politically incorrect, delay action.

These concerns according to Title VIII should have been first presented to the appropriate RAC. This being Federal management responsibility and a major part of this management responsibility is by listening to and giving serious credence and responsibility placed with the expertise, experience and observations of the Southeast Regional Advisory Council. This is not only how Title VIII is written, it is why Title VIII is written.

To my knowledge, Title VIII doesn't recognize a Staff Committee. Title VIII is a protective umbrella designed to meet the needs of the subsistence community as
defined in Section 801. This came following years of
demonstrated hostile attitude from State of Alaska focused
on the subsistence community regarding responsible
subsistence management and to ensure a continued access to
subsistence gathering. They even went so far as to allow
fish and wildlife stocks to become so low that harvesting
was closed to the subsistence community. Major systems and
stock levels are still in peril as a result.

The real evidence suggests that the deer
population on Prince of Wales is more in peril than
healthy. I urge you to cooperate with the findings and
recommendations of the Southeast Regional Advisory Council
as specifically prescribed in Section .805 of Title VIII on
this proposal.

It's a shame that the word, evidence, is
ambiguous and this protocol as many words chosen to manage
important responsibilities of our inherent right to natural
resources. It's the foundation of our right to liberty, to
life, and pursuit of happiness.

Just last week I was driving from Craig to
the interisland ferry terminal which is the only road that
accesses the ferry terminal on the east side of Prince of
Wales Island. It runs almost through the center of Prince
of Wales from west to east. As I was driving I came across
a wolf just leaving the pavement on the roadway going up
into a muskeg, that was a first for me. It looked like it
had a pretty good breakfast. It was a big wolf. By the
same token I never saw a deer as in the past travels, when
it was typical to see one or more deer on the same road.
Some local residents shared the concern with me regarding
the ever increasing difficulty in harvesting subsistence
need for deer. To answer your reference for the continued
one doe per season, let me advise you that the subsistence
community know biology very well and harvest accordingly.
Subsistence users do not waste resources. As long as
antlered deer are available that's the preference of the
subsistence community.

The doe request was a contingency for
gatherers with limited opportunity and access. I ask you
to consider the observations of the residents of Prince of
Wales Island.

Members of the Staff Committee have never
spent time there, thus their data does not have a chance of
accuracy. Might I remind this body that you were given
this responsibility as the result of the State of Alaska
not being in compliance, through the U.S. Congressional mandate with respect to priority preference to those identified rural areas. My observations suggest if this body continues to be manipulated by the State of Alaska for the sake of politics, my senses suggest to me a possibility that you also can be deemed out of compliance.

Please work with and not against the efforts of the vast qualified information brought to you from communities throughout Alaska by the way of Regional Advisory Councils. A preponderance of your knowledge regarding critical importance and health of stocks came from those RACs. Still, you continue to adjust that knowledge, making it less significant of importance. I urge you to please refer to the instructions of Sections .801 and .805, and use the good information they give you.

Many cultures recognize access as a use to natural resources as their inherent right and it is right for them to do so. The indigenous peoples of Alaska with reference to consumption to fish and wildlife and seasonal vegetation have used these foods as their mainstay in their way of life. The dietary needs do not disappear merely by changing your location of residence. Their information for the most part is a result of integrating the gathering and the use of natural resources as if their life depends on it. In most cases it does.

I now have to make some comment regarding another -- we not only have a Staff Committee, we got a majority and a minority. You know, it's growing. It's kind of like not being used to eating muk-tuk.

Okay, just to read to you some of their -- from the Staff Committee majority, okay, this is taken out of context, it's a quote: However, the unmet needs have not been qualified and it's not clear that harvest of deer by non-subsistence hunters is responsible and a significant degree for the inability of subsistence users to take all the deer they need. Now, what does that say, you know? Who's going to determine what significant degree is?

The Staff Committee majority believes that regrowth in logged areas and associated difficult conditions is the primary reason for recent declines and hunter success. That could be true based on what I heard from the people that manage trees. But there's no clear-cut that they know. There's a difference between believing and knowing.
It says, because there's not substantial evidence to indicate that such additional measures are necessary to insure the needs are met. Who is going to determine substantial evidence to make a determination? Who can and how much they can harvest?

The Staff Committee majority believes an effective long-lasting solution for the management of deer on Prince of Wales Island can be best achieved through a planning process already requested by the Board involving the Southeast Regional Council, the management agencies and effective stakeholders. This program has been in place for over 10 years. The problem's been there for 30 years. And, you know, we've had management in Alaska, management is nothing -- well, maybe it is new, the title isn't new.

There should be data to provide us with the evidence now of what happened. Okay, I'm not sure what the -- what a planning process would be. You know, when -- if you got a bucket that's leaking through the bottom, you don't put a committee together to plan why the bucket's going empty, you find some way to stop that from going down any further. That doesn't take a plan, you act on it. We got so many people now involved in what we call management and there's no management occurring, no, we're making a lot of rules and regulations, we're coming up with a lot of requirements for more rules and regulations, but there's really no management occurring.

So I would really, the proposal that's before you is a good proposal. The people that are responsible for that proposal are learned people. They do something about whether you guys manage anything or not, if they find that the population is in peril enough they will react on their own to ensure the good viability and survivability of that resource. They're not going to hunt 36 of fish to the last one's gone, like other user groups do. The data that you're collecting now, that you're asking to be collected to manage subsistence is more appropriately applied to other user groups that take a larger percentage of the resources that we're talking about.

So with that, thank you for your indulgence, and I do urge you to support the recommendation brought forth to you by the Southeast Regional Advisory Council.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you, Bill. Appreciate it. Any questions.

MR. MORRIS: Good afternoon, Chairman, Subsistence Board, Chairmans of the RAC, and all representing agencies, as well as the public. That was quite a statement and kind of a tough act to follow but it's all true.

There is a concerning problem on Prince of Wales Island with the deer hunting for subsistence users. It's been an ongoing problem. I'm learning the process, this is the process we have to go through that is set up by the U.S. Government, we put proposals together and hopefully they'll be heard and hopefully acted upon. And I believe it's an unfortunate process but it's the process we have to go through.

I represent the Craig Community Association and also the residents of Prince of Wales that share my concerns. You know, we asked for something to be done last year and prior to that and nothing's ever been done. It's not like that we want to be selfish and take other people's opportunity away, it's not about that. It's about us, as residents, us as users of that resource that depend on that resource, we're finding it harder and harder every year to meet our needs. I consider myself probably one of the best hunters down there, you know, I limit out every year except for last couple years, it's hard, it's really hard. And what we ask isn't much, I believe. I mean there's windows in there that I feel is sufficient for us to probably have an impact to get started on meeting our needs down there.

If you could take those considerations, if you'd take those proposals and consider them as that that would be great. Not as anything else.

So it's harder. It's getting hard. With the extensive road system that we have down there with the amount of private land owners we have with the Native Corporations, Prince of Wales is a unique -- I believe a unique area. It's not set aside as a national Park like Admiralty Island or parts of Baranof, there's some portions of Prince of Wales that are, and I believe it's wide open, the island is being extensively developed as well the western islands off of Prince of Wales. And I believe it gives you guys the opportunity to actually do something, you know. Like Bill Thomas says, there's layers and layers
of management that we jump through, you know, our proposals
get modified, our proposals get thrown out, our proposals
get deferred, whatever, you know, it's like our concerns.
So it -- I'm losing track here, I'm sorry.

I guess I just want our concerns to be
heard because it's not only Prince of Wales concerns, I
hear proposals, I hear concerns from other regions of the
state that should be looked at as well, you know. But
where I'm from is a place that in the next 10 years, it's
going to be depleted with the wildlife resource, if not
depleted it's going to be pretty had, pretty extinct.
There's proposals right now, there's big land exchange
negotiations going on behind -- I mean with the Federal
government and that will open up more lands for road
systems. I know Native shareholders are supposed to hunt
on Native corporation lands, but that's not it. I mean the
land holdings are so vast it's hard to -- it's hard to
regulate. And those -- those areas are wide open for deer,
easy access right off the road system, bingo, there it is.

So I just would like for you guys to
hopefully act on this and use ANILCA, Title VIII, whatever
way possible to address this concern, and I'll keep coming
back and coming back until it is. Guaranteed. I mean I'm
not trying to -- but this is the process we have to go
through so, thank you, that's all I have.

CHAIRMAN DEMIENTIEFF: Thank you, very
much. Appreciate your testimony and taking the time and
expense to travel up here to present for us, it's really
appreciated.

MR. LITTLEFIELD: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. LITTLEFIELD: Thank you, Mr. Chair.

John, I have a question for you. First of all, thanks for
your testimony, it's good to see you here. You're going to
see a proposal that's brought up -- probably brought up
that resembles your amended proposal. And when we were in
Saxman, the proposal that the RAC put forward was very
similar to your first proposal with the exception that we
drop the date back to the 10th. And I guess if you were
given your druthers, and I think you've answered this
before, could you state for the Board what your preference
would be. Would you prefer to have the proposal that was
supported by the Regional Advisory Council as your first
choice or second choice when compared to the suggested
MR. MORRIS: Let me try and understand that, John. Thanks, Mr. Chairman. You're saying that if I -- which one would I favor, the modified proposal by the RAC or the original proposal that was submitted by the CCA?

MR. LITTLEFIELD: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, go ahead, John.

MR. LITTLEFIELD: Mr. Chair. John. Do you have a Board book with you, on Page 615, the original proposal that was presented to us by the Craig and Klawock called for four deer August 1st to December 31st. And then that the Federal public lands would be closed to the taking of deer from the 1st of August through September 1st. Subsequent to that the Regional Advisory Council adopted that with an amendment to change the second date, September 1st to August 10th.

MR. MORRIS: Uh-huh, August 10th, right.

MR. LITTLEFIELD: And that's what we discussed at the Regional Advisory Council.

MR. MORRIS: Right.

MR. LITTLEFIELD: Now, you're going to see the Interagency Staff Committee recommendation kind of parallelling your suggested amendment by cutting the island into units.

MR. MORRIS: Uh-huh.

MR. LITTLEFIELD: And also having only partial closures and not using the reduction to two bucks that you guys had suggested. Which is your preferred method of all of those, one, two or three, if you could comment?

MR. MORRIS: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. MORRIS: I prefer the original proposal. I guess I prefer all of them as long as they're addressing the concern, the needs, if our needs are being met. I guess it would be if you guys acted upon one of these proposals, whether it be modified or the original, I
wouldn't have any objections but I would favor the original proposal with the actual one month.

CHAIRMAN DEMIENTIEFF: No further questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you, very much, again. John, are you ready for the Regional Council recommendation.

MR. BISSON: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BISSON: If I could. My office received a phone call from a Ketchikan resident who was not able to come up and with your permission I'd like to ask Taylor Brelsford to go ahead and summarize this person's input to the Board.

CHAIRMAN DEMIENTIEFF: Go ahead, that's fine.

MR. BRELSFORD: Thank you, Mr. Chairman. This telephone call was from Mr. D.J.O'Brien. And I tried to listen to the subsequent letters to see whether his letter had actually been received and I don't believe those comments were summarized by Dr. Schroeder.

The three points that he makes are these -- first of all his view is that there is no basis in the deer population on Prince of Wales Island for any restriction on non-island hunters. Secondly, that the doe harvest is a major conservation problem and that should be the first technique for improving population management. And thirdly, that the core area proposed in the recent revisions to proposals is still a major problem for Ketchikan hunters. That if Ketchikan hunters are restricted and have to travel outside of that core area, those are some of the less productive harvest areas.

So those were the three points made by Mr. D.J.O'Brien from Ketchikan. Thank you for the second to add that to the record.

CHAIRMAN DEMIENTIEFF: Thank you.

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

MS. GOTTLIEB: For the record I received a similar phone call from Mr. O'Brien.

DR. KESSLER: Mr. Chair.

CHAIRMEN DEMIENTIEFF: Yes.

DR. KESSLER: For the record, I received a phone call as well, and our office received a letter, and I thought the letter would be available for the reading but if it wasn't I have a copy of it.

We could either read the -- the letter basically has the same points that Taylor conveyed but if you'd like to read it I do have it.

CHAIRMEN DEMIENTIEFF: We'll go ahead and get that letter and get it in the record, even if we need to -- or whatever we need to do.

MR. EDWARDS: Well, if Niles agrees to make it unanimous, we also received a -- we actually received two letters and a phone call. I did try to call Mr. O'Brien back and was unable to get a hold of him.

CHAIRMEN DEMIENTIEFF: How come I got left out?

MR. BOYD: For the record, the Chair also received a letter.

(Laughter)

CHAIRMEN DEMIENTIEFF: Well, why didn't the Chair get it?

(Laughter)

CHAIRMEN DEMIENTIEFF: I want to put in a complaint here.

We got the Regional Council recommendation.

MR. LITTLEFIELD: Thank you, Mr. Chair.

For the record I didn't receive anything.

(Laughter)
MR. LITTLEFIELD: Testimony is going to be rather long today. First I'd like to make sure that all the Board as well as the audience is aware that there were two pages missing from the book which is labeled Southeast proposals that's on the table outside as well as in your Board book. And those are two pages after 675, which we have one and two. I don't know if those are available on the outside table but I'd like to make sure that they are. Does everybody have those -- they're Pages 1 and 2 and they say omitted Pages A and B, insert after Page 675, and if you don't have a copy of those, maybe I could ask our regional coordinator to give you those because it's pertinent to the discussion on this.

Mr. Chair, with your indulgence I'd like to start first with some testimony that I gave to the Interagency Staff Committee, which I would like to thank for asking me to participate in the discussions U-2 deer. I had a prepared statement that I read into their record and I'd like to kind of paraphrase that for your benefit if you haven't seen that.

For the record I stand completely behind Southeast Alaska Regional Advisory Council Proposal WP03-05 as adopted in Ketchikan on 2/27/03. The language that we adopted was, quote, Federal public lands are closed to the taking of deer from August 1st to August 10th. Harvest limit for deer on Federal public lands for hunters who are not Federally-qualified subsistence users is two bucks. And you can -- this language is on the executive summary Page 615 of your Board book. The Interagency Staff Committee majority recommendation, this is another one that came up, it's on Page 617, and then the minority opinion is going to be on 618, which recommends adopting the Regional Advisory Council. So there's a bunch of them here and I just want to make sure everybody's talking about the right one.

As you well know the Southeast Alaska Regional Advisory Council and the other Regional Councils were delegated the following authority under ANILCA, Title VIII, Section .805(a)(3)(a), "the review and evaluation of proposals for regulations, policies, management plans and other matters relating to subsistence uses of fish and wildlife within the region."

Paragraphs B, C and D also grant additional authority to the Regional Councils, but I'm only going to talk about A for now.
The language in Section A appears to very clearly vest the authority to review and evaluate proposals for regulation, policies to the Regional Advisory Councils. Proposals that have not been reviewed are evaluated by the Regional Advisory Councils would not appear to meet the requirements of Title VIII. The Regional Advisory Councils, of course, do not ultimately approve the proposals for regulations but per Section .805 of ANILCA they do need to review them and evaluate them first.

We have questioned why our previous recommendations have been revised, amended or otherwise changed by the Staff Committee before they were presented to the Board for consideration. We've also protested that Staff Committee and ADF&G get to add additional information and the Regional Advisory Committee does not prior to being presented to the Board. The Regional Advisory Committee is given one chance to review a proposal during their regularly scheduled meetings and only evidence presented prior to our deliberations is considered.

SERAC desires that the recommendations on proposals be submitted to the Federal Subsistence Board exactly as they were adopted. In other words, we would prefer that those come to you exactly as we adopt them. Any changes in language adopted by the Regional Advisory Council should be clearly separated and identified as Staff Committee proposals that have not undergone SERAC review and therefore are not supported by the RAC. The SERAC desires that all future Staff recommendations on proposals be presented to the RAC in a timely manner for proper review and evaluation by the RAC at its regularly scheduled meeting as required by Section .805 and also in the regulations at Section 11(c)(3).

If the Staff Committee cannot present all their suggestions at that time, they should defer that action until the next regularly scheduled meeting. Regulations can be revised and fine-tuned every year if they need be. There is no need to try to foresee every possible situation that may arise.

How did the Regional Advisory Committee make its decision to support Proposal 5? The Regional Advisory Committee has been using the following four rationale when deliberating proposals to make the record clear to the Federal Subsistence Board how we got to our conclusion, and the transcripts will show that we use these in every case where there was something dealing with fish, at least, as far as I know we have, and those rationale
1. Conservation concerns. In other
words, is the action that we're
going to take as a Regional
Advisory Council in accordance
with the principles of
conservation and wildlife
management.

2. Substantial evidence. What
supports the Council action.
Since data is rarely conclusive,
would a reasonable person reach
the same conclusion given the same
evidence.

3. The effect on subsistence users.
Does our recommendation help meet
subsistence users needs and does
it support customary and
traditional uses.

4. The effect on other users. Does
the action affect other users. Do
the recommendations have the least
amount of effect on other users
while still following ANILCA
provisions.

As a rule we use those on everything except
housekeeping matters. In other words, there was a couple
OSM proposals we did not do that. But in every other case
we've taken each of those points and developed the
rationale and stated those in the transcripts.

On Proposal 5, under conservation the
record is clear that most of the ologists consider the deer
in U-2 to be stable or in a slight decline, and each of
them was asked that. Just as clear as the belief by the
ologists that the U-2 deer will definitely be declining in
the future as prime deer habitat continues to disappear on
POW. Nearly everyone agreed that deer were harder to find
or see, but couldn't agree on why. It can't be said that
because deer are harder to find and see that it's due
solely to a decline in the deer. Therefore, SERAC made its
decision on the rest of the merits of the proposal without
considering this to be a serious conservation concern.

Substantial evidence. Prior to the
Regional Advisory Council deliberations in Saxman, I had asked Mr. Jim Ustasiewski, the Office of General Council, Department of Agriculture from Juneau to explain to the Council what substantial evidence meant and what we were supposed to do in our deliberations. His response was that substantial evidence is referenced in ANILCA had not been tested by the courts, but that in other settings the courts have said, "that substantial evidence means considering all of the circumstances, all of the facts, enough evidence to support a reasonable person in making that conclusion so substantial evidence then is tied to this idea of reasonableness."

The Regional Advisory Council supports that definition and we use that. For Proposal No. 5 the preponderance of testimony from the affected subsistence users, the data from the household surveys, the pellet studies and all the other evidence that was read to you by the Staff just a minute ago, when taken together should be interpreted by a reasonable person as substantial evidence that the user's needs are not being met. And further that they have not been able to meet their needs in a customary and traditional manner.

The effect on subsistence users. The effect on subsistence users is positive if we take this action. It's a small step but it's necessary -- we find that it's necessary to give meaningful preference to subsistence. Nearly everyone on the Board as well as people who are involved in this, realize that this is only an incremental step in trying to meet the subsistence user's needs. But we have before you John Morris from the Council asking us to do something and they have for years, and I think we were accused -- the Regional Advisory Council was accused at that meeting of not doing anything in behalf of the people of Hydaburg, we have been doing those -- we've been submitting these proposals to the Federal Subsistence Board but they feel like nothing's getting done, and the unmet need is there.

We did not quantify what that need is but clearly SERAC believes it is unmet at this time and has been for years. No one expects that adopting Proposal 5 by itself will resolve all the problems with U-2 deer.

Proposal No. 4 was on the consent agenda and it was fully the understanding of the Council that these taken together would help, but neither by themselves was sufficient to provide the meaningful preference that's required to meet these needs.
The effect on other users. The effect on users will be negative although we believe that it will be a small negative. Non-subsistence users certainly have alternative areas available to harvest deer and under State regulations that's all that's required anyway. We found, at this time in Unit 2 it is necessary to apply restrictions to non-subsistence users in order to meet the subsistence user's needs. At some time it may become necessary to completely close Federal public lands to non-subsistence users but we did not feel at this time that a complete closure was necessary nor did anyone ask us to do that.

So Mr. Chair, members of the Board I urge you to support the SERAC proposal. SERAC has done the legally required review and evaluation of this proposal and if it does not solve the problem completely, it can be addressed yearly until we've got all these needs met. Something needs to be done right now to address the unmet needs of the subsistence users of deer in Unit 2. We have taken those steps we believe are necessary and the remainder, of course, is in your hands.

Several of these -- I've been asked by several people to review the Craig Community Association proposal and when we were in Saxman, we did not do that because it was presented to us on the 25th of February, opening day of the meeting and our book had already been printed and nowhere in there was there any discussion about chopping the island into subunits. We felt that it was possible that someone could use that to -- I ask the Federal Subsistence Board to not take action on that because we did not have timely public comment and furthermore, during the testimony at least twice that I can recall, residents of Hydaburg testified that they were not in favor of cutting the island up. We asked several times for Staff to present a map to us explaining exactly how this island was going to be cut up because everybody was drawing maps, say, oh, go to this map or whatever, and it was just like asking you ladies and gentlemen to resolve all of this data in your head in the next five minutes, you can't do it. Cutting the island, Prince of Wales, into pieces requires local input as well as a lot of thought, you just don't just willy-nilly say let's follow this road and keep to the right and you're okay. It needs to have the people of Hydaburg involved in this. And that's why we did not bring it up and that's why it's not before you, the Craig Community Association amendment.

On Page 672 is the Regional Council
recommendations in support of this proposal. In other words, this previous testimony that I just gave was I support all of this and there are five pages including the two that were missing. I don't want to go through and read all of these to you but basically I'm going to try to paraphrase them if I can.

That we supported the proposal with one modification, we changed that date of September 1st to August 10th. And, John Morris testified that he wanted September 1st, we heard lots of testimony that those dates were really critical as you got up, right close to the September 1st and the Council determined that, and I believe the Craig Community Association, the proponents were adequately made aware of what we intended to do and didn't have a problem with it, we felt it was better to drop that date back to the 10th. It gave a -- I think I can give you a percentage here later and I will toward the end of it.

And then on deer population, we did ask every single ologist to give their best professional opinion of what was happening to the deer, every one of them, State, Federal and reluctantly some of them did give it. Now no one knows why it's declining but everybody believes there is some kind of a slight decline on the island. They don't know whether the trees are too thick and you can't see the deer but they're harder to see, they're harder to find and they're harder to hunt. And the data does have a slight decline. But like I said, we know we're going to have a big decline in the future. The first bad winter we're going to have super problems on Prince of Wales as well as throughout Southeast Alaska because in the Tongass Management Plan, identifies, I believe, around 20 communities that are not going to have the habitat necessary to support the harvest that they currently have. So this is a problem that's just going to be on the tip of the iceberg that we're going to be viewing.

The Council decided, we concluded that there was substantial evidence that the deer population was in decline and this decline was likely to continue as habitat changes proceeded.

In other words, I described what we used for substantial evidence and when we took all of that information together, this is how we made that decision.

Under subsistence needs. Part of that Staff went over, there was quite a lot of information
presented to us. I don't know if you've got all of that.
There was a blue book which was probably about an inch and
a half thick, there were various other subsistence needs,
and asking you to digest all that right now would be rather
hard. I'm hoping you've had this in advance and could look
at all of that. All of that information, when you take it
in the whole, all the deer poop counts and whatever else,
any other way you want to look at it, people saying are you
getting what you want, all led us to believe that
subsistence users weren't getting what they needed.

And on the Page 1 of 1, of the omitted
to the Council also concluded there was substantial
evidence that non-subsistence hunting was an important
factor in limiting subsistence users ability to meet their
subsistence needs for deer. In other words, we're talking
about the effect of the people from off of the island. And
we determined that there was substantial evidence that they
were likely to have an even greater effect in the future
and were already having an adverse effect on them.

And the Council also believes that to
provide a meaningful preference for subsistence users, that
the non-subsistence hunting pressure needs to be reduced.
And our proposal attempted to do that.

What you look at what meaningful preference
is, we first have a need -- we know that the needs were not
being met. We have an unmet need and we need to provide a
preference and that preference should be meaningful. The
closure that we recommended, 10 days, would provide only
about a three percent or 74 deer if they took all of them,
is the subsistence users got to use all of them. The bag
limit, two buck bag limit, when applied to the whole unit,
of area two, which is the whole island would yield about
another nine percent. And these figures came from Dr.
Schroeder's information. So we'd get about a 12 percent if
we would use the SERAC proposal, what we have recommended.

We are going to, if the consent agenda is
passed and adopted, and four is accepted, we are going to
get some kind of an increase on that, but that's basically
changing the hunting period of people. It's probably not
going to affect greatly how many deer are taken. It's
going to affect, by giving them a meaningful preference, an
earlier opening, they're going to have a little better
chance of getting those deer.

So roughly 12 percent will be in the SERAC
proposal.
When you look at what Staff Committee has recommended for 8/1 to 8/10, their core closure yields about 1.75 percent, or 42 deer that we believe is going to come, that’s not meaningful folks in my opinion, 42 deer. We’re not taking a giant step out of this either at 283 deer that SERAC is recommending that will be available, but it is a step in the right direction.

And I guess I'll leave it there and answer any questions that you have. Mr. Chair.

CHAIRMAN DEMIENTIEFF: Any questions at this time. Well, if there are questions that do come up during the deliberation we'll be, you know, you're at the table so we'll be able to ask you.

Staff Committee.

MR. THOMPSON: Well, Mr. Chairman, for the record, I'm Ken Thompson. The Forest Service representative to the Staff Committee and I'll be presenting Staff Committee recommendations to you for the remainder of the Southeast Alaska proposals.

For this one, the Staff Committee did not reach consensus on a recommendation for Proposal 5. The majority of the members recommending modifying the proposal to close a core area of Unit 2, which you've heard about to non-Federally qualified subsistence users August 1 to August 10.

The minority of the Staff Committee recommended adopting the recommendations of the Southeast Regional Advisory Council, which would be to close Federal public lands in all of Unit 2 to non-subsistence deer hunting during the first 10 days of August and to restrict the non-subsistence bag limit to two bucks throughout the general hunt season.

The Staff Committee minority believes a meaningful subsistence priority can only be achieved by applying the additional restrictive measures recommended by the Council. The minority further believes that although the majority of the Staff Committee's recommendation would result in some potential benefit to rural users, their recommended action would not adequately address the declines in deer harvest for Unit 2, nor provide a meaningful opportunity for subsistence users on Prince of Wales Island. Under criteria established in ANILCA, Section .805(c), the Staff Committee minority believes
insufficient justification has been provided to reject the
Southeast Alaska Regional Advisory Council recommendation.
The minority believes the evidence established in the
Council's justification to support their proposal is, in
fact, substantial. The Council recommendation does not
violate principles of fish and wildlife conservation, nor
is it detrimental to the satisfaction of subsistence needs.

The Council's proposal is supported by
ANILCA, Section .802 which authorizes the Secretary to
provide a subsistence priority and to restrict the taking
of fish and wildlife to continued such uses. The minority
believes substantial evidence exists to demonstrate that
most of Prince of Wales Island subsistence users are unable
to harvest enough deer to meet their subsistence needs with
a number of factors contributing to the problem. The deer
population on Prince of Wales is in decline and is expected
to continue declining in the future due to the effects of
large scale logging. Dense regrowth has made it much more
difficult and less productive to hunt in logged areas.
Competition from non-subsistence hunters appears to have
increased while harvest from some Prince of Wales Island
communities has declined in recent years. Economic
downturns have forced many island residents to rely more
and more on deer meat for their food.

Based on analysis of Department of Fish and
Game's year 2001 deer harvest data, a 10 day harvest
closure for non-rural hunters within the described core
geographic area of Unit 2 would potentially reduce non-
subsistence harvest by about 40 deer. I think the number
you've heard is 42 by the calculations. Making those 40
deer available to subsistence users to hunt adds to the
base of deer which they would, it would not necessarily
guarantee they would get 40 more deer. This would likely
not provide the meaningful subsistence preference. In
contrast, the Council's recommendation would potentially
add about 250 more deer being available for subsistence
users to hunt.

The Southeast Regional Council considered
the requirements of ANILCA, Section .815 and the effects of
their proposal on the number of deer harvested by non-
subsistence hunters. Data on deer harvested in Unit 2
indicate that less than seven percent of the non-Federally
qualified hunters harvest more than two deer per year.
With 65 percent harvesting no deer in 2001. 93 percent of
urban residents who hunt in Unit 2 would harvest the same
number of deer under regulations proposed by the Council as
they do under current regulations.
The minority Staff Committee supports the Council's recommendation to institute a more effective reporting system that will provide better data on Unit 2 harvest.

That's the minority Staff Committee's recommendation and justification.

Now, for the majority, again, the majority of the Staff Committee four members out of six recommendation -- or recommends is to modify the proposal differently than the modification recommended by the Regional Council. The modified recommended regulation by the majority would read as follows:

Unit 2 deer. Four deer by Federal registration permit only, August 1 through December 31. However, no more than one deer may be antlerless deer, antlerless deer may be taken only during the period of October 15 through December 31. Federal public lands on Prince of Wales Island north of the Hollis to Craig Highway including Kasaan Peninsula and south and east of a line consisting of the creek flowing to the head of Sarheen Cove, north along the Prince of Wales road and east along the Naneklek Road are closed to hunting of deer from August 1st to August 10, except by Federally-qualified subsistence users.

With this additional data from last year and more thorough analysis of this information, the majority of the Staff Committee finds the long-term trend of declining habitat condition and deer population in Unit 2 combined with the apparent increase in hunter participation and competition has resulted in a small decline in subsistence opportunity, especially in the most road accessible portions of Prince of Wales Island.

The unmet needs of subsistence users have not been quantified and it is not clear the harvest of deer by non-subsistence hunters is responsible in a significant degree for the inability of subsistence users to take all the deer they need.

The Staff Committee majority believes that dense regrowth in logged areas and associated difficult hunting conditions is the primary reason for declines,
recent declines in hunter success.

The majority supports an incremental, at least, an initial incremental restriction on non-subsistence deer hunters in the road accessible portions of Prince of Wales Island where most subsistence hunting occurs. A restriction in this core area of Unit 2 during the first 10 days of the general hunt, that's August 1st through the 10th, will result in fewer deer being harvested by non-subsistence hunters, potentially providing more deer for subsistence users to harvest and hunting conditions which are less competitive. If combined with the earlier July 24th opening for the Federal deer season considered in Proposal 4, which is now on the consent agenda, a total of 17 days would be available exclusively to Federally-qualified users in the core area at the beginning of the hunting season.

In addition, existing Federal regulations provide for harvest of antlerless deer during a part of the season. Together, these regulations provide a meaningful preference for Federally-qualified subsistence users. These modified regulations would be consistent with recognized principles of wildlife conservation.

Staff Committee majority does not recommend applying the restriction to non-subsistence users in the entirety of Unit 2 nor restricting non-subsistence bag limits to two deer as recommended by the Southeast Regional Council because there is not substantial evidence to indicate that such additional measure are, in fact, necessary to ensure subsistence needs are met.

The Staff Committee majority believes an effective long-lasting solution for the management of deer on Prince of Wales can best be achieved through a local cooperative planning process, preparations for which are now underway. Such a planning effort can address the questions of subsistence needs. The extent to which those needs are not being met. And management strategies to satisfy those needs. The local planning process is expected to develop management strategies that provide for subsistence uses without unnecessarily restricting non-subsistence users. Imposing unnecessary restrictions at this time beyond those which the majority of the Staff Committee recommends could prejudice the starting basis for the planning process.

Lastly, the Staff Committee believes an improved harvest reporting system through Federal
permitting will be essential to provide information on hunt and harvest statistics necessary for effective deer management.

Thank you, Mr. Chairman, that's it.

CHAIRMAN DEMIENTIEFF: Thank you.

Department. For everybody's information, we're going to get the Department report in and then we're going to take a break before we begin deliberations.

MR. TITUS: Thank you, very much, Mr. Chairman. Good afternoon everyone. My name is Kim Titus, I'm the regional supervisor for the Division of Wildlife Conservation for Southeast Alaska. I'd like to read into the record the Department's position on this proposal.

Our position is neutral. The majority of the Interagency Staff Committee recommendation proposes establishing a 1 August to 10 August deer hunting season only for Federally-qualified subsistence users on Federal public lands in a defined core area in central Unit 2 on Prince of Wales Island. This action would add 10 days to the beginning of the season to those eight additional days provided in the other sister proposal only for Federally-qualified subsistence users throughout this area of Unit 2. Thus, if both proposals are adopted, Federally-qualified subsistence users would have exclusive access to Federal public lands for two and a half weeks of additional hunting opportunity.

The Department certainly understands that this proposed approach is in part response to public testimony presented to the Southeast Regional Advisory Council about perceptions of deer populations and their availability for harvest. The Department's household survey data from Prince of Wales Island communities feel that local hunters are spending more time hunting and they are seeing fewer deer. Department biologists, including myself previously informed the Regional Council that in some areas of Prince of Wales Island deer populations are declining and in other areas their numbers are probably stable and in other areas the population may be increasing. We need to certainly think about the fact that like most wildlife populations this deer population is dynamic and the island shouldn't be thought of as one uniformed landscape for deer. It certainly is not. Thus, however, there is a weak overall declining trend at this time, as you've heard.
Significant habitat changes due to the regrowth from logging are expected to contribute to further declines in deer populations into the future. However, the proposed restrictions on non-Federally qualified users are not well substantiated by conclusive data on the population status of deer at this time.

We believe that the deer population can sustain a harvest of male deer by all hunters throughout the 2003 hunting season. We certainly urge the Forest Service to join the Department in designing and conducting more rigorous and scientifically credible population monitoring programs that can help deer management on Prince of Wales Island, and we certainly want to work with the Southeast RAC and those users on Prince of Wales Island to continue to gather their impressions and their experience with working with deer on that island.

Because we expect deer populations to decline over time and we have some examples of that, in fact, from other islands in Southeast Alaska where deer populations are exceedingly low and in fact there's little or no hunting on those islands by any user groups at this time. So we have that type of experience. And as a result we believe a public planning process involving all interest groups to develop and implement a long-term harvest alternative is essential. These issues are going to do nothing but become more acute over time.

As an interim measure the Department does not object to the majority Staff Committee Interagency Staff Committee recommendation to provide additional time for Federally-qualified users at the beginning of the season. However, the Department is concerned that the general public and many Prince of Wales Island deer hunters are unaware of the Staff Committee recommendation that defines a core hunting area with differing regulations. And Mr. Littlefield brought this out relative to some of the dialogue that occurred at the RAC meeting and the public process associated with that. We strongly urge further commitment and timely progress in implementing a public outreach and planning process as directed by the Federal Subsistence Board last year. We, again, offer our cooperation to ensure initiation of this planning effort as soon as possible, and that was put forward in a way just a few days ago from a letter from our Commissioner's office to the Forest Supervisor and copied to many of you here.

Finally, the Department shares the goal of improving harvest data for deer in Unit 2 and urges the
Forest Service to carefully evaluate options that will ensure public support as well as good data quality for the proposed harvest management tracking system. We certainly offer to discuss these topics further with the Forest Service as we have done so in the past few years and with the RAC and the participation we've had in those arena's to find a workable solution that accommodates the Federally-qualified users along with those hunters for which we're responsible which includes all Alaskans and non-Alaskans whenever possible.

Thank you.

CHAIRMAN DEMIENTIEFF: Okay, thank you. With that we're going to take a little break before we begin deliberations and, of course, will be available -- we will allow, because of the high level of interest, you know, everybody participate at the table here.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Okay, we'll call the meeting back to order. At this point we will go to Board deliberation on the proposal. I don't know if somebody's willing to offer a motion at this point in time or if you want to discuss it first.

Wini.

DR. KESSLER: I'm prepared to offer a motion and if seconded then we could continue discussion.

CHAIRMAN DEMIENTIEFF: Right, yeah, then we'd deliberate.

DR. KESSLER: Okay. I'm going to make a motion to -- in favor of the modified proposal put forward by the Staff Committee. And because this differs in significant ways from the Council's recommendation, I do wish to offer an explanation of the Forest Service's recommendation here.

May I do that now or should I wait for a second?

CHAIRMAN DEMIENTIEFF: I'll come right back to you as soon as we get a second.
DR. KESSLER: Okay.

CHAIRMAN DEMIENTIEFF: Is there a second.

MR. BISSON: Second it.

CHAIRMAN DEMIENTIEFF: Okay. Go ahead, Wini.

DR. KESSLER: Thank you, Mr. Chair.

There's a substantial body of evidence here that subsistence users on Prince of Wales Island are finding it more difficult than before to harvest the deer that they need for their subsistence use. Through hunter survey information. Through numerous testimonies. Through the extensive work done by the Council. All of these things tell us that many subsistence hunters are seeing fewer deer and they are less able to efficiently harvest these animals and, therefore, meet their subsistence needs.

Along with these are reports of increased activity in the most accessible portions of the island, the roaded portions primarily. And intense competition from non-local hunters in these, what's being called the core areas.

These observations are certainly easy to understand given the significant changes that have occurred and continue to occur in the road accessible portions of Prince of Wales Island. Such things as the growth and human density, the paving of the road system, and other developments, the daily ferry service that's now available and so on.

In view of the substantial evidence that intensified competition in key hunting areas, we find that it's necessary and warranted to afford a meaningful preference to Federally-qualified subsistence users.

The changes recommended by Staff Committee we feel offer this meaningful preference. And, of course, that is additive to the opportunities afforded by Proposal 4, which is on the consent agenda which adds a week at the end of July for the exclusive access by subsistence users.

Our basis for supporting this recommendation over that of the Southeast Advisory Council involved a lack of substantial evidence that the proposed restriction put forward in that proposal, it is necessary and warranted. The proposal, that proposal, the Council's
A proposal would impose a unit-wide restriction of non-Federally qualified users during the month of August and a halving of the bag limit. Such a restriction would be justifiable if there were substantial evidence that a shortage exists in the supply of deer across Unit 2 and that that shortage is preventing Federally-qualified subsistence users from meeting their needs. We don't have substantial evidence that that, in fact, is the case. The population data we do have indicates that the deer population is decreasing in some parts of the unit, but it's stable or increasing in other portions, with overall suggestions of a slight decline.

When you look at the total body of harvest-related data, hunter surveys and so on, this overall is inclusive as well, although we have extensive testimony and evidence from subsistence users that they are less able to harvest the deer they need. We have substantial evidence that this difficulty is caused by competition in the core area. We do not have substantial evidence that a unit-wide shortage of deer is a significant factor at this time.

And that said, our understanding about deer habitat relationships and vegetation change occurring on Prince of Wales post logging succession, those types of things, leads us to expect an eventual decline in deer productivity in the future. This is something that has been consistent with our models and our research for some time.

We will strive to address this trend in two ways. By developing more effective methods to monitor the population, especially in the core areas. And second, by trying to implement a cooperative process by which subsistence users and other affected people can examine the total picture of the situation, the biological monitoring needs, the increasing access, the habitat supply as well as allocation issues, and together work toward solutions.

That's the basis for this recommendation.

Thank you.

Chairman Demientieff: Thank you.

Discussion.

Mr. Edwards: Mr. Chairman, I'll start out. In many ways I find this kind of a very discouraging discussion we have because it seems to me what the reality
is that we're sort of headed down a road of trying to divide up and ever decreasing pie. Much like the physician who finds himself treating the symptoms and not the disease and we have a patient who we are simply trying to bandage up who is terminally ill, and unfortunately we ultimately get to the place where there's nothing left, maybe, to divide up.

Yesterday, when Mr. Littlefield gave his opening remarks and he talked about the Council's support for adding Ketchikan as a rural community, it instantly triggered my mind to this proposal and in knowing that that was the case, what we would be doing today would be sitting here having this same discussion but we wouldn't be talking about restricting urban residents but we would talk about restricting subsistence users and pitting basically neighbor against neighbor. So that's not a very good situation, really, under any light.

I'm not saying that I have a solution for it and I'm certainly pleased that the State has offered, you know, to work particularly directly with the Forest Service and hopefully with others to try to address this issue, not only in the short-term, but hopefully maybe even in the long-term.

CHAIRMAN DEMIENTIEFF: Yeah, I, too, wanted to speak to that and I'd just like to challenge the Forest Service to spearhead an effort in cooperation with the State. I mean we asked for that last year to get together with the stakeholders, and try to craft, you know, as we mention over and over again, it's a significant part of our management tools. It is one of the big tools. So whatever happens here with regard to Board action or inaction, whatever, we need to have that done. And it's just got to be done and the process has got to be started right away.

Because what we found out in other areas, in other issues just as thorny as this one, that you get all those people together and then they find out they're not that far apart and then you craft a solution that works. So that has to happen and it has to happen right away.

With regard to the motion, it's one I cannot support. You know, we've got heavy documentation that, you know, subsistence users are having trouble. Everybody, you know, agrees with that. We've got a biological problem. And I just don't think the Staff Committee recommendation goes far enough.

I think we can, here, we've got a range of
options that we can, maybe, work out a solution. Obviously
if the Staff Committee recommendation has a vote, but we've
got other great suggestions from the Regional Council, from
the community people, the minority report certainly, you
know, in supporting the Regional Council, and there's been
a lot of work going on. And I know all of you have, too,
since we've been here. And I think -- because I think we
need to take a stronger action I intend to vote against the
motion, and I'm willing to sit here and see if we can't
work some kind of a situation out and I don't think it
would take that much to do it that goes as far as meeting
some of the, you know, a little bit more difficult -- I
mean a little bit more consensus, you know, and it could be
done, I think, fairly quickly.

So I'm going to intend to vote against the
motion and hope that we can take this, you know, a little
bit farther using perhaps another one of the vehicles.

Anyway, that's it. Niles.

MR. CESAR: Yes, Mr. Chairman, I intend
to vote against the motion for those very reasons as
well as the position of the RAC, which I thought was very
well articulated.

Although my first reaction is the minority
Staff Committee report, I'm not tied to that and I think
that we have options and there has been three or four that
have floated by me in the last few minutes, several, of
which I think would get us about to the same place with
maybe not as being as intrusive as the minority Staff
Committee report.

So would urge, Mr. Chairman, to have a vote
of the -- let's have an up or down vote on this so we can
get moving.

MR. BISSON: Mr. Chairman, before we go
to a vote, I guess I am open to having further discussions but
I would like to see us make a decision today. Any option
that moves towards deferment, I think, is going to leave me
try to get us to make some kind of decision today.

And, you know, my concern with two of the
46 proposals has to do with setting the limit on numbers of
animals for the State -- basically the people that hunt
under the State authorities and, you know, I have not heard
any legal discussion about that particular issue and I'm
concerned about how -- what we decide here could result in
additional legal ramifications, that, if perhaps we can
have a discussion about a compromise solution maybe we can
avoid that and still get the advantages in place for the
subsistence hunters so that they can be successful.

... And it seems to me that in combination
with, you know, Proposal 4, a 17 day advantage at the start
of the hunting season is a significant move in the right
direction. Whether it goes far enough or not is something
we can talk about. But I think that that is a substantial
response to their concerns. It didn't exist before we
started talking about it.

MR. EDWARDS: Mr. Chairman, I share many of
Henry's concerns. I'm, too, concerned about us trying to
micro-manage the non-subsistence hunter. Whether we do or
do not have the legal authority, I just question whether
that's our role. I think that's the State's role. If they
want to propose those kinds of regulations in response to
things that we might do, and then we can reflect upon
those, I think that's certainly fine. But I don't think we
want to go down the road where we're trying to micro-manage
determine how best to manage non-subsistence hunters,
other than our authorities that we have to close areas that
we have used certainly in the past.

CHAIRMAN DEMIENIIEFF: Yeah, I think Henry
I -- you know if that's all we do, you know, we're
scheduled to come back tomorrow anyway. If that's all we
do today I want to craft some kind of a decision, you know,
but we're scheduled for tomorrow morning anyway and it will
be rather a light morning. So that's what my hope is, too,
that we can craft something.

MR. GOLTZ: It's at the Board's pleasure
whether you actually want a discussion of the, what you've
called micro-managing of the State's system or if you want
to just accept Gary's view that it doesn't really matter
what our legal authorities are, it's not wise to do so
anyway. If you accept that view we don't need any more
lawyers, if you do I can call a couple lawyers up here.

MR. BISSON: We can use fewer lawyers, I
would agree with that statement.

MR. GOLTZ: And I volunteer.

CHAIRMAN DEMIENIIEFF: I think I haven't
I heard any legal issues raised with regard to the vehicle that we're using right now. I think that role would come in, you know, an attorney's role would come in as we try to -- if it fails and we try to come up with a compromise, then certainly we're going to need advice of Counsel at that time.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I guess based on several of the statements that we've heard previous to this, yes, something needs to be done, we certainly agree, and I think we're agreeing we want to do something today. These concerns have been heard over many, many years and they were heard again today, and I guess from my own viewpoint, thinking back to last August where we had pretty lively discussion on this, I think there has been substantial progress in that. I think Forest Service has really dug in and done quite a lot more analysis, the State has been a very active participant and worked jointly with the Forest Service to get us a lot better data than we had last year.

Last year there was not agreement on whether there was a decline or not, this year I'm hearing, and I do believe that there is agreement and that there is a slight decline going on and it's much more clear that people are having, not only a harder time obtaining their harvest, but I guess more importantly for this Board that the opportunity that we're providing has not been adequate.

And so I believe that what Proposal 4 offers, even though it is during sockeye season, it will offer some time, some additional time for subsistence users. I believe this proposal can offer more time. And I think the State has extended a pretty big offer to work with us much more than before, specifically not -- excuse me, Bill, not on a planning process but on a harvest monitoring or harvest monitoring plan, and I think that will be useful also.

So I think we have made progress and we do have opportunities to provide subsistence preference here specifically on the timing.

CHAIRMAN DEMIENTIEFF: Okay. We've discussed it -- let's just go with a roll call vote, Tom.

MR. BOYD: Mr. Edwards.
MR. EDWARDS: Before I vote I'm trying to understand the implications of voting one way or the other. I'm assuming that if you get three yes votes then there's no more discussion.

CHAIRMAN DEMIENTIEFF: If you get four yes votes, it takes a majority to have the motion pass. If it's three/three then it's a tie, and the motion fails and then we go to another vehicle and try to craft a solution, so that's what it is.

MR. BISSON: But if the question is what's the intent, well, my intent if this fails is to propose a different solution, not to let it sit out there.

MR. EDWARDS: I guess I just want to make it clear that my vote now doesn't necessarily mean that I'm necessarily opposed to what's being said or not opposed to it but would like the opportunity to further discuss it.

MR. CESAR: No, I didn't make a motion.

MR. EDWARDS: Wini made the motion?

DR. KESSLER: I made the motion.

MR. EDWARDS: And her motion was to accept the majority Staff recommendation?

DR. KESSLER: That's correct, yes.

CHAIRMAN DEMIENTIEFF: Right.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Excuse me, Gary. I wonder if we might hear some of these other options before we vote on this, is that possible for discussion sake?

MR. CESAR: Well, you know it presents a bit of a problem, I suppose. I mean I've been told I'm the third best parliamentarian and, you know, maybe I should check with the other two that are ahead of me, I don't know.

CHAIRMAN DEMIENTIEFF: You know, basically what will happen is if we do then we'd have to sit down --
I mean if it does fail we'd have to -- and probably use the Regional Council because that has failed, use the Regional Council recommendation or the minority recommendation and build off of that. You know, it's going to take a little while so, you know, let's not kid ourselves.

MR. BISSON: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BISSON: I would ask that we consider asking the person who offered the motion to withdraw it just as we did this morning in a similar situation and give us time to talk about these other activities and, you know, rather than vote and shoot it down and lose the option to select this particular motion. If it were withdrawn then we could discuss the full range of opportunities and if we could reach agreement we could pick a motion we could all agree on. If we vote this down, is it the assumption that we couldn't reconsider her motion if we can't reach agreement on a compromise?

CHAIRMAN DEMIENTIEFF: Well, yeah, I don't know how this is going to work out. I wouldn't want that to happen. I mean let's just vote this up or down and see where we're at. If we get the votes to pass this motion then we'll just move on to the rest of our agenda. If we don't then we'll just find another way to get the concerns out there.

MR. EDWARDS: With that said, Mr. Chairman, I vote no.

MR. BOYD: Ms. Kessler.

DR. KESSLER: I vote yes. I believe that this provides meaningful preference and responds directly to what the evidence suggests is the cause of the problem.

MR. BOYD: Mr. Bisson.

MR. BISSON: I vote no only because I feel we need to make the effort to come up with a compromise solution that will work.

MR. BOYD: Ms. Gottlieb.

MS. GOTTLIEB: I'll vote no. I think this is a good compromise and does provide some good opportunities but I'm willing to listen to some other
discussions knowing our system is not perfect.

MR. BOYD: Mr. Cesar.

MR. CESAR: No.

MR. BOYD: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yeah, I vote no because I think what is going to happen, and one of the real motivating factors for me is whatever we cobble together here is going to bring the stakeholders to the table, all the players because there'll be some kind of a change. If we can get an action -- if we don't, if we just vote to defer again it's going to send a strong signal that we are making this happen, this stakeholder and agency effort -- is going to start right away. And that's the reason I'm voting no.

Okay, motion fails, five to one.

MR. CESAR: Mr. Chairman, if it's possible I'd like to offer a new motion. And doing this with the intent of bringing it to the floor and modifying it. I think we have the minority Staff Committee report there and it's not my intent to support that report in its present form fully. But I want to bring it to the floor so that we would have a vehicle so we could amend it and maybe possibly we could work with that.

So that's my motion, to accept the minority Staff Committee motion recommendation.

CHAIRMAN DEMIENTIEFF: Is there a second to that motion?

MS. GOTTLIEB: Second.

CHAIRMAN DEMIENTIEFF: Okay.

MR. CESAR: Mr. Chairman, if I may, I would like to propose an amendment to the minority Staff Committee proposal. And for the changes, the first change I would suggest is that we close the core section of Unit 2 to non-Federally qualified subsistence hunters from the period from August 1st to October 1st, and that we eliminate any bag restrictions.

So that, in effect, the effect of the amendment and then the motion would be that in Unit 2, the
core area would be closed to non-Federal subsistence
hunters until October 31st at which time it would reopen
and the bag limit would remain at four.

CHAIRMEN DEMIENTIEFF: You started out with
October 1st.

MR. CESAR: No, October 31st, I misspoke if
I said October 1st.

CHAIRMEN DEMIENTIEFF: Okay.

MR. CESAR: Let me clarify that again. The
core area would be closed to non-Federally qualified or
non-subsistence hunters from the beginning of the season
until October 31st at which time it would be open for
everybody and the bag limit would continue to be four.
That's my best shot at it.

MR. EDWARDS: Mr. Chairman, I'll support it
so we can continue discussion, I second that.

CHAIRMEN DEMIENTIEFF: Yeah. Niles, and
then after October 31st, for non-subsistence hunters it
would open up again and they would be allowed to take four
deer at that time?

MR. CESAR: There would be no adjustment of
the bag limits in either case.

CHAIRMEN DEMIENTIEFF: You got to use your
mike there.

MR. EDWARDS: Mr. Chairman.

CHAIRMEN DEMIENTIEFF: Yes.

MR. EDWARDS: For purposes of discussion,
I guess I'll address this question to the Staff. Earlier
in our deliberations here we talked about what might or
might not happen depending upon these various scenarios,
whether we closed the core area, whether we closed it for
10 days or we closed the entire unit for 10 days or whether
we closed it for the whole month or whether we go to
restrict the non-residents to two days. And I guess I'm
just trying to understand the confidence that we have in
any of those predictions.

Certainly, you know, my belief is is that
just because there are more deer, less deer taken by one
A group doesn't necessarily mean that there is a corresponding one-to-one increase by another group. I was talking to some folks at break, and if I recall, you know, several studies done on Easter in deer hunts have actually found that a decrease in hunters does not necessarily result in a percentage increase of the remaining hunters just because hunting deer in that heavy vegetation and often times having more hunters in the field can actually increase that.

Now, I've never been to Prince of Wales Island so I don't know if there's any comparison to that. But I'm just trying to understand what level of confidence do we have in any of this that we are saying, I mean I think you would intuitively say, if you reduce deer that are going to be taken by one group, certainly there might be more opportunity by another group but it doesn't necessarily mean that there is going to be an increased harvest.

So I just -- maybe you could elaborate under all these kind of scenarios that we've been throwing around as to what likely might take place.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. JOHNSON: Mr. Chairman. Gary, we haven't actually modeled what that actual effect might be. All we can say is what the opportunity would be based on the numbers again found in the section 665 through Pages 666, 667. And because we speak to where the deer are being taken, by whom and when, and so all we can say is these number of deer would be made available depending on what kind of scenario you go with. Whether it's the core area or all of Unit 2.

MR. EDWARDS: And just as a follow up. Based upon your experience, is there any effect between the number of hunters in the field and deer taken or is this a unique situation because if you can't hunt on the roads then most of it isn't really accessible so you really don't get a lot of movement if you have more hunters in the field?

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Could I ask, Niles, the RAC was asking for a closure during August and now we're into
October 31, so I was wondering where that came from?

MR. CESAR: What I think what I was trying to craft was an ability to raise the numbers for the subsistence hunters who believe that their time is being infringed upon and if we looked at that period between the 1st and the 10th of August, there was some indication that we were talking about 42 deer. And that was a number that in my estimation did not make a significant difference and that if I then projected that out to going to the end of October, that we're taking the pressure off of a lot of the initial buck hunt that you would normally see coming off island onto the island and that the rut would primarily have passed and a number of the bucks, at least, in theory and I'm no ologist, sorry, I shouldn't have said that, I confused myself here, that in my estimation that the bucks would be going off and would not be as close in and available. So that would reduce that pressure also. and I didn't want to tinker with the bag limit.

That was my rationale.

MR. BISSON: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BISSON: I guess I'm at a loss because from my perception there's a huge difference between the original proposal, which is a one month closure and what Niles is proposing, which is a three month closure, which has not been reviewed by the RAC, has not been reviewed by anybody. You know, that's substantially different from anything we've discussed. And that's a fairly significant change. You know, I would question whether we could or should go that far given the scope of the original proposal.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. JOHNSON: Mr. Chairman, I just wanted to respond to Gary's question before we lose that. First harvest reporting is a key part of this proposal that would need to be followed through with. And secondly we would want to work with the State on modeling what kinds of numbers we would be looking at that Gary raised the question about.

CHAIRMAN DEMIENTIEFF: Wini.

DR. KESSLER: My understanding of why the
regional proposal focused on the month of August was that
the data show on the, you know, when most of the hunters
are getting their deer, is the month of August and
November, okay. So it makes perfect sense, I think, from
that standpoint, if you're trying to reduce competition in
this core area you would focus in on August. The other two
months wouldn't really add much because the main pressure
is in August and November.

So it's making sense to me that we would
look at August but not that we would look at September and
October.

MR. CESAR: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. CESAR: Yeah, I think you're right. I
think that's what the data show. All I was trying to do
was relieve the pressure on one end and allow more
opportunity on the other end. Now, I would suggest that
tinkering with the actual bag limit has more significance
than adjusting the date. And the date is -- there is no
science behind the date that I pulled, I agree, I was just
trying to move it toward some compromise, which would be a
significant benefit to the subsistence person, but also
address the notion of competition on the highways. So if
there is, you know, it is simply my suggestion and feel
free, Wini.

DR. KESSLER: Can I offer an ologist
response that hopefully will be helpful. I think the
assumption that you're making is that for every deer not
taken by a non-subsistence hunter would be available for a
subsistence hunter to take. And that would assume then,
that would be based on a limited supply available to these
hunters. The problem we had with trying to justify a bag
reduction was that we do not have the evidence that that
shortage of supply exists. That Deer A, not taken by
Hunter A is going to be taken by Hunter B, we don't have
that. But we have a tremendous amount of evidence that the
ability of subsistence users to be successful is being
impaired by increased competition, particularly in the
areas where they have traditionally enjoyed the most
success and the most efficient harvest.

And so moving from an ologist more to, you
know, I guess logic here, common sense it seems much more
fruitful and logical to focus in on eliminating that
competition in those areas and those time periods that are
most critical to subsistence users meeting their needs.

MR. CESAR: So, Mr. Chairman, if I might then, are you then proposing a more restrictive -- or a shorter closure, some alternate closure or are you suggesting that the 10 day closure would satisfy the subsistence needs?

DR. KESSLER: Was that a question for me, Mr. Chair?

MR. CESAR: Yes.

DR. KESSLER: Okay, thank you. No, I'm not -- I think what I'm focusing on here is the month of August and that was part of the original proposal. It was a part of the -- sorry, it wasn't part of the original proposal, but it's come up -- it has, it was a part, okay, and it was a part that couldn't be justified in the sense of it responded directly to what seems to be the problem here, the cause of the problem, which is this intense competition.

The other side of the proposal having to do with bag limits supposed that there was a population cause and we didn't have evidence for that.

The data show that it is the entire month of August in which subsistence users are heavily taking, you know, meeting their needs during that month. So if you were to consider the month of August that would be sensible, I think, and justifiable.

MR. CESAR: Well, everything I suggest is sensible.

(Laughter)

MR. CESAR: I don't think you'd find anybody that would disagree with that or else I'd shoot them. I'm not tied to a date, obviously. I mean I just wanted to get it on the floor because I thought that was a way that we could deal with it by -- if it's August, I guess my initial reaction is that the subsistence user wanted a longer period than simply August. See, what they say in here is coupled with other things so and so if you uncouple this, then you have to look at it and say, okay, we're not doing this but maybe we should, in fact, lengthen it, September.
I mean I don't know. I'm just laying it out there. I want to find something that we can vote on so we can have some progress to demonstrate to the RAC that we actually took this serious.

CHAIRMAN DEMIENTIEFF: That we're responding to the conservation concerns, you know, for whatever period we do, we're providing an enhanced opportunity for the subsistence users and it gives us a point to start from. We have to keep in mind that we get our working group together, that, you know, this is a one year step basically.

Now, I don't know about the length. I could understand maybe August and September. And that's the way I thought it was going to go but somehow he wanted to go to Halloween. But that's an interim step, it's a conservation step and it provides a good opportunity for subsistence users and it, you know, sends a message that we're willing to work with them and it sends a message to the people, non-subsistence users that we need to work together. We can't be sitting around beating up on each other. I think it's a good solution, but if you wanted to shorten it up.

MR. EDWARDS: Mr. Chairman, correct me if I'm wrong, but I believe the actions that we took on a consensus on the proposal before this actually has the season starting at July 24th, which means then if you go to the August 10th, what that means actually is that there will be 17 days of non-competitive days available to hunt, whether it's in the core area or the whole island. So I think we need to look at it in the context of what we've already passed. We're not talking about an October 1st, we're actually starting on July 24th, unless I'm misunderstanding something.

MR. BISSON: Mr. Chairman, you know, to follow that up, if you went from July 24th until the 1st of September, you'd actually have a 38 day non-competitive season and the difference, I think, as Niles brought up, the concept of going -- using the core concept which was raised by the Staff Committee as opposed to what the original presenters came up with. And the question I would have is if you combine that, if you had a closure until the 1st of September in the core area and you did not reduce the buck limit, which means that you would have a situation where non-Federal hunters could hunt outside the core area during this time period, so they would have a summer opportunity to do some hunting, and then the subsistence
users would have 38 days to hunt non-competitively in the areas that are most important to them.

It seems to me that would be a pretty reasonable compromise.

CHAIRMAN DEMIENITIEFF: And also I think the advantage of that, too, one of the things is it does resolve the issue for this year basically. And then we mandate the working group, when State and Forest Service get that together, that working group, to address the conservation concerns down the line.

MR. BISSON: In light of that, you know, without voting on this present motion, I think to effectuate something like that, all you would have to do is go back to the Interagency Staff Committee recommendation and extend their dates from August 1st to September 1st. That's the only thing you would have to do, the only adjustment you would have to make in any of these to conform with what I just described.

CHAIRMAN DEMIENITIEFF: Well, actually the only thing we'd have to do is either amend the amendment to shorten it up and it would effectually do the same thing because he's not changing the bag limits, you see, so we've already got a vehicle, because he specified he wasn't changing the bag limits.

MR. EDWARDS: Mr. Chairman, I don't want to speak for the RAC and they certainly don't want me to speak for them probably, but the one thing that I was very pleased to see in their deliberations was an attempt not to impact, particularly, the youth in Ketchikan, who, apparently this is kind of the only window that they might be able to hunt. And I think that was one of the things that they considered in their August 10th date. And I think that was a big step on their behalf. And so I guess I'd like to hear from the RAC about how that potentially would impact something that they were actually trying to avoid.

CHAIRMAN DEMIENITIEFF: John, do you have comment?

MR. LITTLEFIELD: Thank you, Mr. Chair. Yes, we did discuss that at great length. There was quite a bit of testimony about -- or not testimony, but discussion, not too much testimony from Ketchikan residents but discussion in the RAC about the effect on other users.
We did have a couple people testify that that was a very important time for them to take their families out and bond and whatever, so we did consider that in our -- that the whole month of September may not be -- excuse me, the whole month of August may not be obtainable.

If I could comment a little bit on some of these other things that have come up. I've heard the legal part that was asked. We did ask our legal counsel at the meeting, as well as Tom Boyd to come forward and discuss the legal ramifications and whether it was within your authority to set the limit at two bucks, three bucks, four bucks, whatever, and we were advised that it was within your authority to do that because you could close or take anything in between that. Now, that may be different at this meeting and you may get different advice, but that was our advice and why we went forward with our decision.

I heard a couple things here under discussion, meaningful opportunity and substantial progress. I don't think those appear anywhere in ANILCA. Those are not -- its meaningful preference, I think, which I believe is strengthened by the court case, what that meaningful preference is.

So when we went through all of those, I have to remind you that we specifically avoided the core area. We never talked about that because of the problems of Hydaburg and the amendment and the motion that's on the floor now talks about core area, it doesn't specifically say what it is but it's talking about in the core area. So the RAC, of course, would have problems with that because we believe that's an issue best discussed between Hydaburg, Port Protection, Port Baker and Craig and Kasaan, they need to get together and decide what those units are, not us, and not you. I don't believe that. You can do that but I don't think you should do that.

What you're talking about has merit. We could go on this -- if we left it at four bucks, you could go along and say you can't hunt until November 15th -- time up? Okay.

Okay, we can say you can't hunt until November 15th and all the Ketchikan users would come on the ferry on the 15th and just go hog wild and get all the same amount of deer in the remaining season. So you have to look at all of these things, that's why I think our limit was a little better. Nobody gets a third of a deer, a fourth of a deer. Many of the people will not be affected
by what we did. There's only a few of the really good
hunters that get over two deer. So we weighed all of those
things.

I would urge you to be careful on the core
area because we have conflicting views within the unit and
we have not got consensus from the communities. So that's
kind of a sticking point for us.

CHAIRMAN DEMIENTIEFF: I think, John, I
think the thing is that it's an interim measure, it's not -
this is not a no solution. We have to keep that in mind.
We have a problem. Subsistence people have a problem
getting their resource and, you know, we're not even
addressing the conservation concern, but we're leaving that
for the working group, and we're not proposing this as a
final solution. We're counting on all you guys when you
get together to craft out a long-term solution, that's what
we're counting on. But we're trying to be responsive to
the subsistence user, and that's basically the first step
that we're trying to do.

Okay.

We have a lot of other issues out there but
I'm counting on the working group to be able to, you know,
to work that out.

MR. LITTLEFIELD: Thank you, Mr. Chair. By
that rationale, I see nothing wrong with accepting the
Regional Advisory Council proposal as an interim one year
proposal and refer this to the working group which we've
asked for since Hoonah. The Regional Advisory Council at
our Hoonah meeting in 2002 recommended that this take place
under the auspices of the RAC, that we get this
subcommittee formed, a FACA subcommittee and proceed and
take care of this. We're still here today.

CHAIRMAN DEMIENTIEFF: Thank you. Terry.

MR. HAYNES: Mr. Chairman, before you come
to a vote on this issue we'd like to have the opportunity
to offer some comments, so whenever the appropriate time
would be.

CHAIRMAN DEMIENTIEFF: Go ahead, right now
is good.

MR. HAYNES: Thank you, Mr. Chairman. I'll
make a couple of comments and then both Kim and Lance may
have additional comments to make.

We have concerns about a new proposal being on the table right now that, particularly one that, even though you might characterize it as an interim proposal, we are concerned that once it becomes a regulation and then if the decision -- or conclusion is made later on that the action you take today isn't really necessary, that it may go too far, if a proposal is submitted to reduce the time of this closure that can be construed as a restriction on subsistence uses. It's very difficult in the Federal process to have an interim measure that is very restrictive and then attempt to retract that measure to something less restrictive because there may be people who consider it a restriction on subsistence uses.

So we have a concern about that.

And we also have a concern about what the effects of too restrictive of an approach here may have on this scoping process. Certainly it will be a wake up call to the public. But unless there's a perception that the whole gamut of options may be available to address deer management issues on Prince of Wales Island, there could be some skepticism among some users to participate fully in the process.

With that, I'll let Kim offer some additional comments.

MR. TITUS: Thank you very much. This is Kim Titus. One of the telling things for me about the potential impact or change is, first of all, I don't think we know what it will be relative to how those Ketchikan hunters will change their patterns. They can do two things. One, they're going to hunt somewhere else, which to me one of the more telling graphs is on Page 640 of your book. It shows the patterns upwards of basically 70 percent of the deer harvest, depending on how you count the numbers would be changed in terms of those hunting patterns if August, September and October were closed in Unit 2 or core Unit 2.

I guess one of the other aspects that, so, you know, we don't think it's unnecessary -- it's not necessary to restrict three months of non-Federally qualified users hunting time.

One of the other aspects is if this core area concept moves forward, the Board should recognize that
there are other roaded areas, especially on north Prince of Wales Island and I would suspect that the communities of Wale Pass and perhaps Coffman Cove and whether they're in and out of this core area, they would have a lot of negative feedback on this because, in fact, if the core area were adopted, the Ketchikan hunters would go conduct their alpine hunts in other places. So I think the movement patterns of Ketchikan hunters relative to this kind of a regulation are basically completely unknown. We don't know what those hunters are going to do.

So those are my comments relative to this.

MR. EDWARDS: Can I ask him a question?

CHAIRMAN DEMIENTIEFF: Did you have a comment?

MR. EDWARDS: Can I ask him a question?

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. EDWARDS: Ken, it almost sounds like what you're saying by your last statement was that if you're going to do a closure it made more sense to do the whole unit as opposed to a subset of it?

MR. TITUS: I'm not sure how you deal with that. I would not -- I would not support the whole unit because there are other islands such as Heceta Island that have pretty good deer populations that I don't see any reason to restrict, that are one of the outside islands. So I don't have any good reason why you should restrict non-Federally qualified users from hunting other parts of Unit 2. So it's more complex as Mr. Littlefield has said about getting community and more understanding of the hunting patterns and what the Federally and non-Federally qualified users desire relative to these kind of mix and match regulation setting process.

CHAIRMAN DEMIENTIEFF: The other option as pointed out, is that we can sunset this regulation, that it expires at the end of the season. I'm just looking for an interim measure, that's all.

Ralph, I think then -- oh, Lance -- let's the State finish up first, okay, Ralph?

MR. LOHSE: Yes.
MR. NELSON: Mr. Chairman, thank you. I
don't want to waste much of your time especially because it
sounds like you're not headed toward a bag limit imposition
for non-Federal hunting. That would cause us legal
problems and probably result in a lot of wrangling. But it
would also, and maybe more importantly it would cause us
all kinds of administrative problems in how we administer
our State subsistence statute and that the Board has found
-- made a finding that four deer are legally required,
reasonably necessary to meet State subsistence uses, and
that would put us in the position of effectively being
unable to deliver reasonable opportunity under the State
subsistence statute and create a real crisis for us in a
situation like this.

And we probably won't agree about, you
know, what exactly the extent of your legal authority is.
We have reasons for and concerns about that. I'm not
hearing -- I'm not seeing any legal authority issues in
what you're proposing right now. And I don't mean to
create a controversy when there isn't one, but in the back
of my mind, of course, there's all the alternatives, if you
go to a bag limit that creates a real severe problem for us
because we think it gets into -- it's much more intrusive
into the State's traditional authority as established by
the Supreme court cases to manage fish and game in their
state and also the court case that says if you're going to
preempt then it has to be real clear and expressed
statement, and so we think we have some argument there.

And I'm pleased that right now, anyway,
you're not headed toward bag limits.

I understand at the same time the sentiment
behind the bag limit and by the Southeast RAC and others
who would suggest that because I think the intent there is
a good one and they don't want to restrict non-Federal
subsistence hunters any more than they have to and they
probably view a reduced bag limit as less of an imposition
than a closure like you're talking about here.

Administratively and legally, though, that
causes us real problems.

Even an extended closure like the one you
were talking about, if you're talking about a three month
closure, that would present the same kind of problems for
us with providing reasonable opportunity for State
subsistence hunters as we're required to by statute if you
take, you know, three-quarters of the season basically and
take that away, then the State Board of Game will be left
with the dilemma of are we providing reasonable opportunity
given the Federal restrictions and it would be -- it would
create a real problem and administrative headache for us.

Thank you.

CHAIRMAN DEMIENTIEFF: Ralph, did you have
something?

MR. LOHSE: Yeah, I'd like to say
something, both as a RAC Chair and as a deer hunter. And
I'll start as a RAC Chair.

It's kind of interesting to me because I
see what the Southeastern RAC did on this one and I really
think they did their homework and I think they did it well.
They presented a proposal that was very moderate, extremely
moderate, in fact, much more moderate than -- and now I'm
speaking as a deer hunter, much more moderate than some of
the modifications that I've heard. As a deer hunter, what
the Fish and Game said is true, if one area is closed,
you're going to go to another area. If it's closed for a
certain amount of time you're going to put more effort in
after that time is over.

The least effect that the Southeastern RAC
proposed was their effect of a bag limit reduction, and yet
that's the most politically volatile one. That will
probably have very little effect on the amount of deer that
are taken because there are very few people who are going
to -- from outside the area who are going to take more than
two deer, your own records show that.

But a closure of time, I don't know what
it's like down in Southeastern, I know when we hunt in the
Prince William Sound area, we're pretty possessive. If
somebody else has got a boat in the same bay or even on the
other side of the mountain we go someplace else. The thing
as a subsistence hunter, what everybody seems to want more
than anything else is the opportunity to go out and go
hunting and be out there by themselves. I know with the
people that I hunt, if another party happens to come into
the valley we move over to a different valley, we're not
going to hunt the same valley as somebody else. And maybe
it's a little bit more crowded down there.

But, to me, you know, their proposal, they
were asking for 10 days and they were asking for a bag
limit reduction that didn't make any difference. They were
asking for 10 days out of the season on the whole area,
which basically then administratively you don't have to sit
and worry about lines or anything like that.

I think they did their homework well. And
if you don't want to do the bag limit, the first part of
their proposal is much more moderate than a lot of the
other parts that I've heard so far.

And I'll just shut my mouth now.

CHAIRMAN DEMIENTIEFF: Any more discussion
on the amendment.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: I think these discussions,
I mean once again, point to the need, not only for more
specific data and updating the information that we do have,
the household surveys, the harvest assessments, the harvest
trends and hunting patterns. But also, I mean we would
appreciate, the Board would like, I think, regular perhaps
reporting on this soon to be hopefully formed joint
committee that will explore s
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basically then administratively you don't have to sit and worry
about lines or anything like that.

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CHAIRMAN DEMIENTIEFF: on the amendment.

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once again, point to the need, not only for more specific data
and updating the information that we do have,
the household surveys, the harvest assessments, the harvest
trends and hunting patterns. But also, I mean we would
appreciate, the Board would like, I think, regular perhaps
reporting on this soon to be hopefully formed joint committee
that will explore some of these problems more thoroughly, Forest
Service, State, RAC and also keep updating or evaluating how this
issue is going. So I think a schedule would be very helpful for
all of us.

CHAIRMAN DEMIENTIEFF: I guess I'm getting more
and more inclined to just go along with the Regional Council
recommendation with the idea that we put a one year -- that we
sunset it.

MS. GOTTLIEB: Their recommendation on time
limits.

CHAIRMAN DEMIENTIEFF: Yeah, I mean go
against the amendment and just put a -- amend the Regional
Council recommendation to sunset it while the planning
process works. Because I can see the logic in that.

MR. BISSON: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. BISSON: You know, I guess as the RAC Chair
from Southcentral just stated, you know, I think it's a
reasonable position that the Southeast Council has taken,
and the most significant part of it is 10 days in August, you combine that with the seven days or whatever it was in July, and that provides them a significant advantage.

But relative to the, you know, the two bucks limit, I mean if they're not taking four now, if they're only taking two, then what's the purpose of reducing it? You know, that somebody might take four bucks in the future? I mean why do we have to restrict it to two bucks, if nobody's taking more than two bucks now anyway, what's the problem?

And so my inclination would be to support the Southeast Regional Council recommendation without the two buck restriction, which is, again, another modification.

CHAIRMAN DEMIENTIEFF: take Okay, well, let's a vote on this.....

MR. CESAR: Let's hear from our lawyer.

CHAIRMAN DEMIENTIEFF: Keith.

MR. GOLTZ: I think if we're going to talk about the two buck restriction we ought to sharpen the legal dialogue a little bit and I should pull up the Office of General Counsel, this is Forest Service lands and they're the ones who spoke to the RAC and maybe we can sharpen our dialogue with the State, too.

CHAIRMAN DEMIENTIEFF: Okay, I think we're going to -- while there's a little bit of work that needs to be done, I think we're going to take it up in the morning, the vote, because it's obvious we're running out of time here today and people are tired. I've got a couple other things that we've got to do right now in the last few minutes before 5:00. Ralph is leaving. So if nobody objects to that we'll just take up the issue in the morning.

Is that fine?

(No comments)

CHAIRMAN DEMIENTIEFF: Okay. Well, we're going to alter the agenda here again. We've got 03-12 and Ralph has to go fishing so we need to go ahead and resolve that right now. We've already gone through the process so whoever, Judy or.....
MS. GOTTLIEB: I can take it.

CHAIRMAN DEMIENTIEFF: Go ahead.

MS. GOTTLIEB: Mr. Chair, and to the Chair of Southcentral, just wanted to let you know that your vice-Chair did a really good job yesterday in presenting the RAC's discussions and recommendations. And it had been my request that we take the time and table that proposal until today so that our Park Staff would have time to call our SRC members just to double check with them. As this Board relies on the RACs, we, in the Park Service also rely on our members of our Subsistence Resource Commissions.

So I move today that we defer Proposal 12. We passed Proposal 1 yesterday which accomplishes much of what the proponent, which was the Wrangells SRC requested in the original proposal.

In yesterday's discussion we explored and perhaps found some drafting errors that would have disenfranchised some of the users, specifically some of the 13.44 permit holders and some of those who use National Park ServicePreserves. These need much more careful review so that appropriate fixes can be worked out.

The proponent, because of Proposal 1 and the new State regs will have lawful opportunity to take wildlife out of season for funerary and mortuary ceremonies like everyone else in the state, that is, they will not be denied opportunity. So if we defer action on this it's not a denial. It makes sense.

So if you'll let us have the SRC discuss the issue in the fall and they will, of course, be in touch with the Southcentral RAC how they may like to further that proposal, so we may hear about it again in December if they so desire.

So my motion is to defer Proposal 12.

CHAIRMAN DEMIENTIEFF: Is there a second.

MR. BISSON: I'll second.

CHAIRMAN DEMIENTIEFF: It's been moved and seconded. Ralph, do you guys have comment on that, you guys had a chance to.....

MR. LOHSE: I do have a few comments on it.
I'll try to keep them brief, which is pretty hard for me to do.

I went back and I reread all of the testimony that we had on one and 12. And while I don't think that our Council will object to this, I know this is not in line with what we had in mind. Our Council felt that a statewide proposal was a one shoe fits all and as one of our Council members said, you know, we don't want to put our religion on somebody else but we also don't want theirs on us.

The big problem we had as a Council was a cultural thing, and the cultural thing, and I think it needs to be brought out and explained again. And that was the idea that in a society of the Athabascans up where I live you don't say ahead of time what you're going to go out and do, you don't say that you're going to go out and kill an animal, animals give themselves to you. And consequently the -- a big objection to this whole one was that you had to say ahead of time the species and the number of animals that you were going to take. That was the biggest objection that we had.

As a Council member, I find it, I won't say -- well, I'll just say I find it questionable that instead of going to poll the rest of the Council we went to poll the proposers of the proposal, and I kind of thought that the Council was the step right before the Board. And to me the question would be, is the Council comfortable with deferring, not are the proposers comfortable with deferring.

Now, personally I have no objection to deferring. I have no objection to passing and I have no objection to failing on this one here. I feel that the proposal that's on the table with No. 1 will meet the needs but I see that even in that proposal, you recognized that one shoe doesn't fit all. You took the Koyukons and the Gwitch'ins and you gave them a special proposal but you didn't give it to the Athabascans in the Copper River Basin. And maybe it was because we weren't here to put that forward that strongly, that's what we had attempted to do in No. 12. The one issue that we pointed out in No. 12 and the issue that we were stressing was the idea that you don't -- you know, in that culture, like one of them said in our testimony, it's taboo. You don't say ahead of time, I'm going to go out and get two moose for a funerary potlatch, or I'm going to go out and shoot four caribou. You say, I'm going to go hunting. And what gives itself to
you is what you bring. And from that standpoint you recognize that one shoe doesn't fit all.

I think it's imperative then that you take that principle farther and do like we suggested, which is to say, make region-specific proposals that recognize the differences in the culture in the different regions. And with that, we'd have no objection at all. And from that standpoint I'll leave it up to you what you want to do on this one here. It's your ball game now.

CHAIRMAN DEMIENTIEFF: Yeah, well, we can go back. That's the whole idea of deferring so we can go back to the Councils and get some further input and cooperation and commissions.

MR. EDWARDS: Question.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

Ralph, you know, I know you're going to be leaving, we got some letters of appreciation and stuff that we're going to be awarding but we're going to do it tomorrow for your work on the Customary Trade Task Force, but there's a whole-most of them aren't here and it's going to get mailed to them anyway, so just so you know you can expect that. So thank you for your help.

We're going to close today with Walter, who's also going to be leaving and he's got a couple of non-agenda items, so just a presentation he needs to make, so we'll listen to that.

Go ahead, Walter.

MR. SAMPSON: Thank you, Mr. Chairman. Members of the Board. This certainly has been a good learning process for me sitting in a first Federal Board meeting like this and I'm hoping sometime down the road I'll continue to be a part of the process. Very interesting.
And several items I'd like to address.

First of all during the last spring RAC meeting in Kotzebue several issues were raised. First of all, the caribou migration pattern within the Northwest region which basically runs through the monument from the south heading north or caribou herd moving from the north heading south. The migration pattern is certainly being altered by other user groups. What I'm talking about is transporters dropping off hunters up into some of the areas such as the hills where caribou migrates down. What they're doing is dropping hunters off into different sections of the hills so they're altering to where the caribous are heading, further east, away from areas where the local folks are doing their hunting.

That's one concern.

The other is the transporters also affecting the moose population within the Buckland drainage area. Buckland/Candle area. It's something that certainly concerns the user groups within Buckland, as well as Deering. It's something that I think this Board needs to be looking at and needs to be concerned about.

And the other issue is in regards to the radio-collaring of caribou especially within the Seward/Penn area. What's happening is that there is people that are using the radio-collared caribou to find the herd and using that as a mechanism to hunt caribou. And I think it's something that we all need to be concerned about. This can also be viewed as a first day airborne. I think it's something that we all need to look into and find out exactly what's happening.

Lastly, the Park Service had started a process to develop what you call a commercial services plan which will help user conflict issues with the hopes that the Federal agencies and the State will do the same to help the resources within the area. Willie Goodwin is working on that and he can expound on that. Willie if you may, take the podium, please and expound on that a little bit more if you want to.

CHAIRMAN DEMIENTIEFF: what time is it?

MR. SAMPSON: It will take just a few minutes, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Go ahead, Willie,
we'll go ahead.

MR. SAMPSON: He can also expound on our that will resolution be before you. Thank you, Mr. Chairman.

MR. GOODWIN: Mr. Chairman. Members of the Board. My name is Willie Goodwin and I'm the special assistant to the Superintendent of Western Arctic Park lands. And one of the tasks that I was hired to do was to develop a commercial services plan within the Park lands in Northwest Alaska. It will address all of the user groups that come into the Parks and hopefully come up with a solution that will address their concerns, also the concerns of the local area residents that affect subsistence activities.

So right now we're doing the scoping with the villages in the region, not all of them but we're getting to most of the areas where the Parks are located, and I intend to have a hearing here in Anchorage, in Nome and to get views from those areas. We certainly want to hear from the other user groups that concentrate out of Anchorage, the hunters, the sporthunters, et cetera, so hopefully the plan will address all of these issues and come up with a solution that will benefit all of the users in the Park in our area.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. SAMPSON: Thank you, Mr. Chairman, for listening. The last is there will be a resolution that will be introduced in regards to the Western Arctic Caribou Herd Cooperative Management Plan. I hope that this Board will support that resolution. It's something that, I think, we need to look at in dealing with sometime down the road. Any cooperative management plans that are being introduced, certainly something that we can look at because those are also something that can help through the process of managing our resources throughout Federal lands as well.

And Mr. Chairman, I would like to be here tomorrow, however, I have a family emergency that I have to tend to. I've been sitting here for the last two days even though I had a family emergency, it's time that I leave, so I'm going to have to head out and take care of things.

So I want to thank you for allowing me to
speak before you.

Thank you.

CHAIRMAN DEMIENTIEFF: Yeah, Walter, thank you for your fine contributions. We shall, at this time, recess until 8:30 in the morning.

MR. LOHSE: Mr. Chair, I would sure like to thank you for your patience with me for coming late and leaving early and Copper River salmon will be available on Saturday.

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

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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:

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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;

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COMPUTER MATRIX COURT REPORTERS,
IC 310 K Street, Suite 200 Anchorage,
Alaska 99501
Phone 243-0668|Fax 243-1473
e-mail -jpk@gci.net