

1 SOUTHCENTRAL FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6 VOLUME I

7  
8 Anchorage, Alaska  
9 March 10, 2009  
10 1:00 o'clock p.m.

11  
12  
13 COUNCIL MEMBERS PRESENT:

14  
15 Ralph Lohse, Chairman  
16 Tom Carpenter  
17 Fred Elvsaas  
18 Greg Encelewski  
19 Robert Henrichs  
20 Donald Kompkoff  
21 Chuck Lamb  
22 James Showalter  
23 Gloria Stickwan  
24 Tricia Waggoner

25  
26  
27 Regional Council Coordinator, Donald Mike

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P R O C E E D I N G S

(Anchorage, Alaska - 3/10/2009)

(On record)

CHAIRMAN LOHSE: I'd like to call this March 10th, 11th meeting of the Southcentral Alaska Subsistence Regional Advisory Council into session. At this point we'll have a roll call to establish a quorum.

MR. MIKE: Thank you, Mr. Chair.  
Donald Mike, OSM.

Robert Henrichs.

(No comments)

MR. MIKE: I understand Mr. Henrichs will be here later, Mr. Chairman.

Bill Stockwell.

(No comments)

MR. MIKE: Mr. Chair, Bill Stockwell requested that he be excused.

Mr. Doug Blossom.

(No comments)

MR. MIKE: Mr. Blossom also requested to be excused.

Mr. Greg Encelewski.

MR. ENCELEWSKI: Present.

MR. MIKE: Ms. Tricia Waggoner.

MS. WAGGONER: Present.

MR. MIKE: Mr. Chuck Lamb.

MR. LAMB: Present.

MR. MIKE: Ms. Gloria Stickwan.

1 MS. STICKWAN: Here.  
2  
3 MR. MIKE: Mr. Donald Kompkoff.  
4  
5 MR. KOMPKOFF: Yes, right here.  
6  
7 MR. MIKE: Mr. James Showalter.  
8  
9 MR. SHOWALTER: Here.  
10  
11 MR. MIKE: Mr. Ralph Lohse.  
12  
13 CHAIRMAN LOHSE: Present.  
14  
15 MR. MIKE: Mr. Tom Carpenter.  
16  
17 MR. CARPENTER: Present.  
18  
19 MR. MIKE: Mr. Fred Elvsaas.  
20  
21 MR. ELVSAAS: Here.  
22  
23 MR. MIKE: Mr. Chair, you have nine  
24 Council members present, you have a quorum and we have  
25 one vacant seat on the roster.  
26  
27 Thank you.  
28  
29 CHAIRMAN LOHSE: Thank you. Thank you,  
30 Donald.  
31  
32 Thank you all for coming to this spring  
33 meeting. Even if we don't have a big agenda, we have  
34 some reports to hear, we have some things to take care  
35 of. I'd like to welcome everybody in our audience.  
36 Most of us -- it seems like everybody out in the  
37 audience I know from previous meetings. If the rest of  
38 the Council feels the same way we'll dispense with the  
39 usual going around the table introducing ourselves and  
40 introducing them.  
41  
42 We do have a new member here, Donald  
43 Kompkoff, I'd like to welcome him and for those of you  
44 who are out in the audience, recognize our new member  
45 there.  
46  
47 If nobody in the Council objects to  
48 going around the table introducing ourselves and asking  
49 the audience to introduce themselves, we'll dispense  
50 with it today.

1 (No comments)  
2  
3 CHAIRMAN LOHSE: Donald.  
4  
5 MR. MIKE: Just some Staff changes  
6 within the OSM. I just want to recognize that we have  
7 our new Deputy Assistant Regional Director with OSM,  
8 and that's Ms. Polly Wheeler, thank you.  
9  
10 CHAIRMAN LOHSE: She is the new repeat?  
11  
12 MR. MIKE: She is the Deputy Assistant  
13 Regional Director.  
14  
15 CHAIRMAN LOHSE: She's the new Deputy  
16 Assistant Regional Director, well, congratulations  
17 Polly.  
18  
19 DR. WHEELER: Thank you.  
20  
21 CHAIRMAN LOHSE: Okay, with that,  
22 anybody in the audience have anything that they'd like  
23 to say at this point in time, or any Council members,  
24 in the way of introductions or welcome.  
25  
26 (No comments)  
27  
28 CHAIRMAN LOHSE: I'd like to  
29 acknowledge one of our past people who's worked with us  
30 a lot and that's Judy, glad to have you sitting there  
31 in the audience. And I sure thank all of you guys that  
32 have worked so hard in the past on all the meetings  
33 that we've had. It seems like looking out at a bunch  
34 of old friends, actually.  
35  
36 So with that we're going to go on to  
37 the first order of business that we have to take care  
38 of, which is the election of officers. And we need a  
39 motion for a Chair and since I am the Chair I will  
40 stand down and let the Vice Chair handle the meeting at  
41 this point in time.  
42  
43 MR. CARPENTER: Thank you, Mr.  
44 Chairman. The floor is open for nominations for  
45 position of Chairman for the Southcentral Regional  
46 Council.  
47  
48 Greg.  
49  
50 MR. ENCELEWSKI: Yeah, Mr. Vice

1 Chairman, I nominate Ralph Lohse for Chair.

2

3 MR. CARPENTER: It has been moved to  
4 nominate Ralph Lohse, is there a second.

5

6 MR. ELVSAAS: Second.

7

8 MR. CARPENTER: It's been moved and  
9 seconded, is there any objection.

10

11 (No comments)

12

13 MR. CARPENTER: Any other nominations.

14

15 (No comments)

16

17 MR. ELVSAAS: Question.

18

19 MR. CARPENTER: Question's been called,  
20 all those in favor signify by saying aye.

21

22 IN UNISON: Aye.

23

24 CHAIRMAN LOHSE: Opposed.

25

26 (No opposing votes)

27

28 MR. CARPENTER: Well, Ralph, you're the  
29 Chair again and I would relinquish the gavel back to  
30 you.

31

32 (Laughter)

33

34 CHAIRMAN LOHSE: Thank you, Tom. Well,  
35 I'm just going to make a little comment at this point  
36 because the Chair I don't usually say too much, as  
37 everybody around here knows.

38

39 (Laughter)

40

41 CHAIRMAN LOHSE: I've got my name in  
42 for reappointment to this Council. My Council term  
43 runs up in September so there's no guarantee I'll be a  
44 Chair in the future depending on the winds of politics  
45 and all of that. But I would like to say that, at this  
46 point in time, when I look at the fact that if I'm  
47 reappointed for another term I'll be 70 at the end of  
48 that term, and I look around and I see that all of us  
49 aren't getting any younger and I think of the  
50 importance that subsistence has a potential to play in

1 the lives of rural Alaskans as this economic crises,  
2 disaster, or whatever you want to call it, grows in  
3 intensity and grows in impact on Alaska, I'm hoping  
4 that in the next few years, as that deepens, some of  
5 the younger generation will recognize the need to step  
6 forward and take part in this process.

7  
8 Up to this point in time most of the  
9 younger generation -- we're dealing mostly with people  
10 who have a long enough history they remember when  
11 subsistence was important to them, when subsistence  
12 made a difference in what they ate or what they did and  
13 we have a younger generation that hasn't gone through  
14 that, but as we go into this economic crises maybe it  
15 will become more real to them and maybe they'll be able  
16 to take a larger part. And I'm hoping that each one of  
17 us can do our best to encourage some of this next  
18 generation to see the importance of subsistence in the  
19 lives of rural Alaska.

20  
21 And the other thing we're going to need  
22 to do is as a Council and as subsistence users in  
23 Alaska, we're going to have to be on our guard to keep,  
24 and this is not a criticism, but to keep the different  
25 Federal bureaucracies that are in charge of the land in  
26 Alaska, aware of the importance of subsistence to rural  
27 residents, so that they put the least amount of  
28 impediments or problems in the way of the rural  
29 subsistence user and his normal use of Federal land.  
30 And be that, whether it's firewood up north or firewood  
31 here in the Southcentral, whether that's meat, whether  
32 that's fish, whether that's berries, whether that's  
33 plant products for handicrafts, all of those kind of  
34 things, it really behooves the different Federal  
35 agencies to do their best to -- because of ANILCA, and  
36 ANILCA makes Alaska different than the way they  
37 regulate their things than the rest of the United  
38 States, it behooves them to work extra hard to not put  
39 anything in the way that obstructs that use, especially  
40 as we go into a time when that use may become more  
41 important to the rural residents of Alaska.

42  
43 And with that I'll quit my speech and  
44 we'll go on to elect a vice president [sic]. So I'll  
45 take nominations for vice president [sic] at this point  
46 in time.

47  
48 MR. KOMPKOFF: I nominate Tom  
49 Carpenter.  
50

1                   CHAIRMAN LOHSE: Tom Carpenter's been  
2 nominated. Do I hear a second.  
3  
4                   MR. LAMB: Second.  
5  
6                   CHAIRMAN LOHSE: It's been moved and  
7 seconded for Tom Carpenter, do we have any other  
8 nominations.  
9  
10                  (No comments)  
11  
12                  CHAIRMAN LOHSE: Nobody wants to step  
13 forward so hearing none, a motion that nomination cease  
14 is in order.  
15  
16                  MR. ELVSAAS: I so move.  
17  
18                  CHAIRMAN LOHSE: So moved. The  
19 question can be called. Anybody call the question.  
20  
21                  MR. ENCELEWSKI: I'll call the  
22 question.  
23  
24                  CHAIRMAN LOHSE: Question's been  
25 called. All in favor of Tom Carpenter as vice  
26 president, signify by saying aye.  
27  
28                  IN UNISON: Aye.  
29  
30                  CHAIRMAN LOHSE: All opposed signify by  
31 saying nay.  
32  
33                  (No opposing votes)  
34  
35                  CHAIRMAN LOHSE: Motion carries  
36 unanimously.  
37  
38                  Now, we need a nomination for  
39 Secretary.  
40  
41                  MR. CARPENTER: Mr. Chairman, I  
42 nominate Gloria Stickwan.  
43  
44                  MR. SHOWALTER: Second.  
45  
46                  CHAIRMAN LOHSE: It's been moved and  
47 nominated for Gloria Stickwan. Do we have any other  
48 nominations.  
49  
50                  MR. CARPENTER: Question.

1                           CHAIRMAN LOHSE: The question's been  
2 called. All in favor of Gloria Stickwan signify by  
3 saying aye.  
4  
5                           IN UNISON: Aye.  
6  
7                           CHAIRMAN LOHSE: All opposed signify by  
8 saying nay.  
9  
10                          (No opposing votes)  
11  
12                          CHAIRMAN LOHSE: Motion carries  
13 unanimously. Gloria you are the Secretary. Tom you're  
14 the Vice Chair. And I'm at least Chair for one more  
15 year or until fall if they don't reappoint me.  
16  
17                          (Laughter)  
18  
19                          CHAIRMAN LOHSE: Okay, with that, we'll  
20 go on to review and the adoption of the agenda. We  
21 have a very simple agenda for this meeting, there's  
22 been a couple requests for small changes, Donald will  
23 bring them to our attention, it's a pretty light agenda  
24 unless one of you has something you'd like to add to  
25 it.  
26  
27                          A motion for adoption of the agenda and  
28 discussion of it is in order.  
29  
30                          MR. CARPENTER: Mr. Chairman, I move we  
31 adopt the March 10th through 11th Southcentral Regional  
32 Advisory Council agenda.  
33  
34                          CHAIRMAN LOHSE: Do I hear a second.  
35  
36                          MR. SHOWALTER: Second.  
37  
38                          CHAIRMAN LOHSE: Second. Discussion or  
39 any changes or amendments. Donald.  
40  
41                          MR. MIKE: Thank you, Mr. Chair. I  
42 just wanted to bring to the Council's attention on the  
43 agenda, if you look at the agenda on No. 11, there are  
44 two No. 11's so for the first No. 11 we could call that  
45 11A and the second one under agency organization  
46 reports, we could call that 11B.  
47  
48                          CHAIRMAN LOHSE: Okay.  
49  
50                          MR. MIKE: And as far as the agency

1 reports, we have a marine mammals presentation on sea  
2 otter management and we could make that time certain  
3 for tomorrow morning at 9:00 a.m.

4  
5 And under other business, Regional  
6 Advisory Council recognition.

7  
8 Thank you, Mr. Chair.

9  
10 CHAIRMAN LOHSE: We can recognize those  
11 changes, I think, without an amendment, unless anybody  
12 feels that it's required.

13  
14 Donald.

15  
16 MR. KOMPKOFF: Yes, when you had the  
17 teleconference, Chenega missed out on the -- on giving,  
18 you know, we were opposing -- Chenega Corporation or  
19 Chenega IRA Council has opposed the land sale over at  
20 Shipyard Bay and Deep Bay and I think -- I got a letter  
21 here that I'd like to read after -- when it's time.

22  
23 CHAIRMAN LOHSE: Can we put that under  
24 Council member reports, No. 8.

25  
26 MR. KOMPKOFF: Thank you.

27  
28 CHAIRMAN LOHSE: Okay, Donald, we'll  
29 have that under Council member reports.

30  
31 MR. KOMPKOFF: Thank you.

32  
33 (Pause)

34  
35 CHAIRMAN LOHSE: Okay, any others.  
36 Chuck.

37  
38 MR. LAMB: Yeah, I'm not sure if this  
39 is the time to bring it up but I forgot to bring the  
40 paper with me, but the Park Service is changing some  
41 rules for subsistence use in the Park for antlers and  
42 shed horns and stuff and I think that it'd be good if  
43 the Council would support this and send a comment to  
44 the Park Service. I think it's for all the Parks in  
45 the state.

46  
47 CHAIRMAN LOHSE: Will that come under  
48 -- will the Park Service, do we have any Park Service  
49 reports that that would come -- National Park Service  
50 -- Barbara.

1 MS. CELLARIUS: We can talk about that  
2 during the agency report.  
3  
4 CHAIRMAN LOHSE: Okay, so we'll make  
5 sure and add that in there, that we'd like some on shed  
6 antlers and pick ups, in other words.  
7  
8 Okay, anybody else have anything that  
9 they'd like to make sure is included in the agenda.  
10  
11 (No comments)  
12  
13 CHAIRMAN LOHSE: Hearing none, a motion  
14 to accept to adopt the agenda is in order -- I mean a  
15 question on adopting the agenda is in order.  
16  
17 MR. CARPENTER: Question.  
18  
19 CHAIRMAN LOHSE: Question's been  
20 called, all in favor signify by saying aye.  
21  
22 IN UNISON: Aye.  
23  
24 CHAIRMAN LOHSE: All opposed signify by  
25 saying nay.  
26  
27 (No opposing votes)  
28  
29 CHAIRMAN LOHSE: The motion carries.  
30  
31 The next thing we go on to is the  
32 review and adoption of the minutes from our last  
33 meeting, which you've all had a chance to take a look  
34 at. Do I have any corrections, additions, changes or  
35 anything that anybody would like to comment on on the  
36 minutes from the last meeting.  
37  
38 (No comments)  
39  
40 CHAIRMAN LOHSE: I'll give you all a  
41 couple minutes and if you see something you missed  
42 before let me know.  
43  
44 (Pause)  
45  
46 CHAIRMAN LOHSE: Donald.  
47  
48 MR. KOMPKOFF: I didn't get one of  
49 those -- I left it at home.  
50

1                   CHAIRMAN LOHSE: Yeah, we have one on  
2 the back table we'll run back and get one real quick.  
3  
4                   (Pause)  
5  
6                   CHAIRMAN LOHSE: Okay, hearing none, a  
7 motion to adopt the minutes is in order.  
8  
9                   MR. HENRICHS: I'll make the motion to  
10 adopt the minutes.  
11  
12                  CHAIRMAN LOHSE: It's been moved that  
13 we adopt the minutes. Do I hear a second.  
14  
15                  MR. CARPENTER: Second.  
16  
17                  CHAIRMAN LOHSE: It's been moved and  
18 seconded. Again, any call for changes or corrections.  
19  
20                  (No comments)  
21  
22                  CHAIRMAN LOHSE: Hearing none, the  
23 question's in order.  
24  
25                  MR. LAMB: Question.  
26  
27                  CHAIRMAN LOHSE: Question's been  
28 called. All in favor of adopting the minutes of our --  
29 you know something I don't even remember the meeting,  
30 the date on that, I'm going to have to look it up  
31 myself, but on our last meeting, October 7th to 9th,  
32 Glennallen, Alaska, all in favor signify by saying aye.  
33  
34                  IN UNISON: Aye.  
35  
36                  CHAIRMAN LOHSE: All opposed signify by  
37 saying nay.  
38  
39                  (No opposing votes)  
40  
41                  CHAIRMAN LOHSE: Motion carries. With  
42 that we go on to the Chair's report. And if you take a  
43 look on Page 12 you'll see the actions of the Board and  
44 in regard to the recommendations we made at our last  
45 meeting and you'll see that, again, our recommendation  
46 to give Ninilchik C&T on the Kenai River was turned  
47 down. That's basically the biggest disagreement, not  
48 disagreement, but the biggest way that the board varied  
49 from our recommendations. There was some minor changes  
50 on some other things but I'm sure this will come before

1 us again.

2

3 I want to thank you guys for all the  
4 work that we've put into this and we'll see what  
5 happens in the future.

6

7 But other than that I feel like -- and  
8 I won't even say other than that, that's a bad way to  
9 put it, but despite that, I felt like the Board did a  
10 good job of working on the proposals that were before  
11 them. And I'll compliment them on the hard work that  
12 they put in even when I do disagree with them.

13

14 So we're at a time right now when we're  
15 seeing change taking place. We'll have to see how that  
16 affects us in the future. I don't have anything  
17 drastic to report to you. I don't have anything --  
18 there was no -- on some of our concerns there's been no  
19 major movement on them, predator control, a few things  
20 like -- oh, I used the wrong word, but things like  
21 that, and we're entering an era where I think we're  
22 going to have to -- like I said before, we're going to  
23 have to make sure, as times get tougher that we really  
24 do hold our different Federal agencies to ANILCA and to  
25 the least obstruction to the rural residents when it  
26 comes to using the subsistence resources that are going  
27 to become more and more important to rural residents of  
28 Alaska.

29

30 With that we'll go on to Council  
31 reports. If anybody as a Council has something that  
32 they'd like to bring to our attention or report some  
33 action or some meeting they've attended that they think  
34 applies directly to us. It's open for any other member  
35 of the Council.

36

37 MR. KOMPKOFF: Yes.

38

39 CHAIRMAN LOHSE: Donald.

40

41 MR. KOMPKOFF: The Council, Chenega  
42 Council, wrote a letter to Donald Mike and it reads :

43

44 On Behalf of the Chenega IRA Council, I  
45 am writing to oppose the Hawkins Island  
46 DNR proposed lands sale. The people of  
47 Chenega would suffer a hardship from  
48 the loss of the wilderness area. We  
49 use the land as the traditional  
50 subsistence harvest area for deer and

1 bear hunting, seal and land otter,  
2 mink, trapping, clam digging, berry  
3 picking and wood gathering of hemlock  
4 and spruce.

5  
6 This proposal is a threat to our  
7 subsistence lifestyle and endangers the  
8 sea animals, sealife and birds that  
9 habitat in the area.

10  
11 In addition to this we have a concern  
12 that there might be an old village site  
13 with graves and artifacts requiring  
14 that the State conduct an archeologist  
15 survey in that area.

16  
17 This is the case of many wilderness  
18 areas in Prince William Sound near  
19 Chenega land that the State might be  
20 considering developing into private  
21 lands.

22  
23 We ask that the Prince William Sound  
24 area plan be updated with a provision  
25 that retains Hawkins Island as a  
26 current status as a wilderness  
27 subsistence harvest area.

28  
29 Sincerely.

30  
31 Michael Vigil (ph), Administrator.  
32 Chenega IRA Council.

33  
34 Thanks.

35  
36 CHAIRMAN LOHSE: Thank you, Donald.  
37 Thank you for reading that in. You do know what our  
38 action was as a Council, don't you, that we.....

39  
40 MR. KOMPKOFF: Yes.

41  
42 CHAIRMAN LOHSE: .....as a Council we  
43 opposed this and wrote a letter on it and we'd have  
44 sure liked to have your input ahead of time so we could  
45 have included that.

46  
47 The indication we got was that it's  
48 going to be reviewed pretty strongly and probably not  
49 be -- they probably will not go forward with it. So  
50 that's the indication we have at this point in time.

1 Any other Council member have anything  
2 that they would like to add.

3

4 (No comments)

5

6 CHAIRMAN LOHSE: Donald.

7

8 MR. MIKE: Thank you, Mr. Chair. As  
9 far as Mr. Kompkoff's letter he read into the record, I  
10 can contact the State and I can see if they're taking  
11 public comment and see if they can take that document  
12 as part of the Regional Advisory Council's record.

13

14 Thank you, Mr. Chair.

15

16 CHAIRMAN LOHSE: Thank you, Donald,  
17 would you please do that?

18

19 MR. MIKE: Yes.

20

21 CHAIRMAN LOHSE: Okay. A couple things  
22 -- as somebody who lives in Southcentral, a couple  
23 things I think we're going to need to keep an eye on is  
24 this -- some of the new regulations that were passed by  
25 the State in the State Board of Game meetings and how  
26 we're going to interact them with the State land that's  
27 there and Federal subsistence. Some of the  
28 regulations, just the overview that Tom was giving me  
29 on them, sounds like we have to be very, very careful  
30 as Federal representatives of the subsistence community  
31 up there to make sure that the State regulations have  
32 the least impact possible on the Federal subsistence  
33 users up in that area. So that's something we're going  
34 to have to keep an eye on in the future, Gloria, I'm  
35 pretty sure.

36

37 So with that, that would be something  
38 I'd ask the Council members to keep in the back of  
39 their mind, and if you hear anything from subsistence  
40 users up in that area or subsistence users that the new  
41 State regulations apply to and how they affect the  
42 subsistence users, that you could maybe bring it to our  
43 meeting next time.

44

45 With that administrative business,  
46 Donald, do you have something for us.

47

48 MR. MIKE: Thank you, Mr. Chair. I  
49 think I already addressed the administrative stuff  
50 during the agenda review.

1 Thank you.

2

3 CHAIRMAN LOHSE: Thank you, Donald. Do  
4 we have any request for public testimony. Do we have  
5 green slips out for them to fill out, Donald, or do we  
6 even need them -- oh, he already did -- or.....

7

8 MR. MIKE: I'll fill it out for him,  
9 Mr. Chair. Thank you.

10

11 CHAIRMAN LOHSE: You can do it  
12 afterwards, just so we have a record, Mark.

13

14 MR. KING: Mark King. I'm on the Eyak  
15 Tribal Council, Cordova. Life long resident of that  
16 area. I've been newly appointed to the ATLC, it's the  
17 Alaska Tribal Leaders for the Chugach National Forest  
18 Service, and anyway I just want to bring to people's  
19 attention that there's, not only on a State level,  
20 national level, that they want to regulate the amount  
21 of berries you can pick, fungus you can harvest, spruce  
22 roots you can dig, firewood, Christmas trees,  
23 mushrooms, you name it. And it's a national program so  
24 they want to include Alaska into it. And I gave Tom a  
25 copy of the paperwork that I had on it.

26

27 But, anyway, I'd like to see this  
28 Council form an opinion on -- you know, you're talking  
29 about ANILCA Ralph and I just don't -- in the times  
30 that we're in right now, I don't want to see being  
31 hassled by the Forest Service on doing things in the  
32 Forest that we've traditionally done all of our lives,  
33 you know, I heard that -- I'm not sure if it's true or  
34 not, but I heard that they cited somebody for cutting a  
35 Christmas tree without a firewood permit. But we  
36 depend on, you know, all these resources that are in  
37 the Forest and we used to joke about, you know, make  
38 jokes about geez, do you have your berry picking  
39 permit, you know, and now it seems like it's coming to  
40 that, you know.

41

42 And anyway I just hope that we get some  
43 support from this Council and maybe we can make a  
44 change in Alaska so we don't have to go by the  
45 guidelines in the Lower 48 to do that.

46

47 That's about all I have.

48

49 CHAIRMAN LOHSE: Thank you, Mark.  
50 Thanks for bringing that to our attention.

1                                   And that was some of the things that I  
2 was trying to bring out in my earlier talk and that's  
3 the fact I think we're going to have to be very aware  
4 and very careful that regulations that are applied to  
5 the Lower 48, which aren't modified by ANILCA, are  
6 applied in a way in Alaska that does the least possible  
7 obstruction to subsistence use.

8  
9                                   And I think we're going to have to be  
10 very aware and very up on top of it because there's a  
11 tendency just like we've seen with, you know, some of  
12 the pollution regulations and things like that, that  
13 one size fits all, and the same thing that applies to a  
14 park in Montana or Wyoming does not apply, you know, to  
15 the same situation up here in Alaska, that I can see,  
16 and i think ANILCA modifies it to the point where we  
17 need -- as representatives we need to be right on top  
18 of it.

19  
20                                   And thanks again for bringing that to  
21 our attention, Mark.

22  
23                                   Any other public testimony.

24  
25                                   (No comments)

26  
27                                   CHAIRMAN LOHSE: Okay, at this point  
28 I'm going to call for anybody that would like to submit  
29 a proposal to change Federal subsistence wildlife  
30 regulation which we will then consider come fall. And  
31 if you, yourself, don't have a proposal to put in, as  
32 Council members, if you know somebody that wants to put  
33 a proposal or feels a proposal is necessary it's kind  
34 of your obligation to help them to submit it, not to  
35 support it, but to help them submit it or help them  
36 contact the right people so that they can submit it.  
37 This process is only going to work as much as we can  
38 get people who aren't sitting here to participate in.  
39 And this Council has never been a proactive Council  
40 where we suggest regulation changes, we've allowed the  
41 people that are directly impacted, the people that --  
42 the subsistence users themselves to put the proposals  
43 in and then we've worked on the proposals.

44  
45                                   So even if none of you have a proposal  
46 to put in yourself, it behooves you to encourage people  
47 in your area to put proposals in and to make sure that  
48 they get access to the right forms or help them with  
49 doing it, or contact the right people -- contact Donald  
50 so that he can get them help.

1                   Anybody have a proposal they'd like to  
2 submit at this time.

3

4                   Tom.

5

6                   MR. CARPENTER: Thank you, Mr.  
7 Chairman. I don't have a proposal per se, but I was  
8 reading earlier today the subsistence regulations for  
9 wildlife and I guess maybe I had a question as to the  
10 way something's written in the book that could  
11 ultimately -- a proposal could be derived and it's  
12 basically under general provisions and it's the sealing  
13 of beaver, lynx, marten, otter, wolf and wolverine and  
14 I don't know if maybe this is a misprint, if there's a  
15 regulation specialist here that could answer the  
16 question, but under the sealing of those furbearers  
17 Unit 6 is not included. And I was curious, under State  
18 regulation all those furbearers must be sealed in Unit  
19 6. Do you have any idea why that was left out or is it  
20 just an omission.

21

22                   I'm on Page 19 in the wildlife  
23 regulations.

24

25                   MR. KRON: Mr. Chairman. Mr.  
26 Carpenter. Neither Polly, nor I know the specific  
27 answer. I'll do some checking and hope to be able to  
28 get back to you later on in the meeting, if that's all  
29 right.

30

31                   MR. CARPENTER: That's fine. And it's  
32 nothing real crucial. I was just -- I like to glance  
33 through the regulations for, you know, especially for  
34 the area that I live in just because, you know, I like  
35 to keep a head's up on things, and I just noticed that  
36 and if you could find out the answer that'd be great.

37

38                   Thanks.

39

40                   MR. KRON: Mr. Chairman. Mr.  
41 Carpenter. Again, I'll do some checking. It could be,  
42 in a case like this, that the State modified the regs  
43 subsequent to the regs being brought in by the Federal  
44 government, so it may have been a recent change, in  
45 which case you could address it via a proposal. But  
46 I'll chat with you during the next break and then I'll  
47 do some checking and we'll find out for you.

48

49                   Thank you, Mr. Chair.

50

1                   CHAIRMAN LOHSE: Thank you. And,  
2 Polly, while you're sitting up there, could you tell us  
3 what the deadline for proposals is.  
4  
5                   DR. WHEELER: The deadline for  
6 proposals is April 30th.....  
7  
8                   CHAIRMAN LOHSE: April 30th.  
9  
10                  DR. WHEELER: .....2009.  
11  
12                  CHAIRMAN LOHSE: Okay.  
13  
14                  DR. WHEELER: But we'll take them  
15 before.  
16  
17                  CHAIRMAN LOHSE: Yeah, but no later.  
18  
19                  (Laughter)  
20  
21                  CHAIRMAN LOHSE: While we've got Polly  
22 up there, any questions from anybody on the Council on  
23 proposals.  
24  
25                  (No comments)  
26  
27                  CHAIRMAN LOHSE: Thank you, Polly.  
28 Okay, now we're going to the crux of this meeting it  
29 seems like.  
30  
31                  Polly.  
32  
33                  DR. WHEELER: I did want to just point  
34 out, Mr. Chair, if I could, on Page 16 in your Council  
35 books, there's a description, there's some slight  
36 changes to how proposals and comments on proposed rules  
37 can be accepted by the Federal government. This is one  
38 of those things that would go in the category of  
39 housekeeping and bureaucracy at their worst.  
40  
41                  (Laughter)  
42  
43                  DR. WHEELER: But it is important, from  
44 the standpoint -- from the public standpoint, I mean if  
45 this Council were to submit proposals, obviously  
46 through this process, they would be submitted, but if  
47 you know any members of the public that are going to be  
48 submitting proposals, the regulations have changed  
49 somewhat.  
50

1                   As you probably aware that Congress is  
2 dictating more and more that government business is  
3 done electronically rather than on paper, although I  
4 would say that we still burn a lot of paper. That said  
5 their goal is to make things be more electronic so we  
6 were actually -- they had initially made the  
7 regulations that all proposals had to be accepted  
8 electronically. We were able to work with the people  
9 back East -- or back in D.C., to tweak it a little bit,  
10 but there are three methods by which we can accept  
11 proposals and they're in the middle of the page  
12 bulletized, and it's just so that if you know anybody  
13 that might be submitting proposals, make sure that they  
14 -- they can use U.S. Mail, or hand-delivery to our  
15 office on 1011 East Tudor Road, they can use the  
16 Federal erulemaking portal which I can't say anything  
17 more about that since I've never used it myself. I  
18 would hand-deliver or mail because you know it's going  
19 to get there, so you can hand-deliver to one of us at a  
20 meeting or you can use the U.S. Mail.

21

22                   I just wanted to make that  
23 clarification, Mr. Chair.

24

25                   CHAIRMAN LOHSE: So it's not necessary  
26 to use electronics?

27

28                   DR. WHEELER: Not yet. But we don't  
29 know how long we're going to be able to hold that off.

30

31                   CHAIRMAN LOHSE: Tom.

32

33                   MR. CARPENTER: Yeah, I mean I just had  
34 one question, Polly. I mean I understand the  
35 government's trying to become more efficient and who be  
36 it me to tell them not to do that, right, but when  
37 you're talking about subsistence, I mean you're talking  
38 about some people that don't have access to the  
39 information highway and I would hope that if this rule  
40 change were to come up or this were going to be a  
41 permanent rule change, I don't know if the Regional  
42 Councils have the ability to comment on that before the  
43 change is made but I think it's important, especially  
44 for the super rural people of the state, that they  
45 still be able to participate in the process, you know,  
46 if they don't have electronic means, and so I'm not  
47 sure what you -- if you think it's going to be a  
48 permanent change in the future.

49

50                   I just want to make sure that we have

1 the ability to comment on that.

2

3 DR. WHEELER: Through the Chair, I  
4 concur with you. I mean I think this has been a  
5 problem. When we saw this regulation change come out,  
6 it was like wait a minute this doesn't make sense for  
7 the rural users and we're on it, we're tracking it.  
8 We've raised flags with our people back in D.C., and  
9 they recognize that having -- making government more  
10 accessible to all doesn't mean putting it only on the  
11 internet. It means making that -- in my view, that's  
12 one of the options, but it's not the only option.

13

14 So to the extent that we can influence  
15 it, we will.

16

17 I will find out before the end of this  
18 meeting, if it would help to write a letter to our  
19 Division of policy and directives, people to you as  
20 support. The other avenue might be to let our  
21 Congressional Delegation know that this is presenting a  
22 potential hardship for subsistence users but we'll stay  
23 on it and we'll keep you apprised.

24

25 CHAIRMAN LOHSE: Thank you, Polly.  
26 That's exactly what I was going to ask.

27

28 DR. WHEELER: And that's a personal  
29 commitment, not government speak.

30

31 (Laughter)

32

33 CHAIRMAN LOHSE: That's exactly what I  
34 was going to ask you that if you could just keep us  
35 apprised and if you -- I don't know whether in your  
36 position you can do that but if you think that it would  
37 help for us, as a Council, to take an action on it.  
38 You can't recommend the action but you can bring it to  
39 our attention.

40

41 DR. WHEELER: 10-4.

42

43 CHAIRMAN LOHSE: Any other questions  
44 for Polly.

45

46 (No comments)

47

48 CHAIRMAN LOHSE: Thank you.

49

50 MS. STICKWAN: Is it too late for

1 proposals?

2

3 CHAIRMAN LOHSE: No, it's not too late,  
4 we're still on proposals.

5

6 MS. STICKWAN: I didn't see the final  
7 proposal for the Board of Game, the final -- from what  
8 I heard at the meeting, if it wasn't changed, Unit 11  
9 now is under the board of Game for rural users, the  
10 moose season is longer than the Federal now, the  
11 Federal is a shorter season now than the Board of  
12 Game's proposal for Unit 11. If that wasn't changed at  
13 the Board of Game meeting, they changed it to August  
14 10th to September 20th for Unit 11 and it's more  
15 restrictive now under the Federal than the State.

16

17 DR. WHEELER: I haven't seen the final  
18 -- I mean the Board of Game just ended last night and I  
19 haven't seen the final proposals on that. I don't want  
20 to sound like a broken record, I will check on that,  
21 hopefully before the end of this meeting. If that,  
22 indeed is the case, I guess what I'm hearing is that if  
23 that indeed is the case you're offering a proposal that  
24 would parallel the State season -- if the State season  
25 has been changed, and I don't know what the State  
26 season is, you're suggesting that a proposal be  
27 submitted that mimics or parallels the State season; is  
28 that.....

29

30 CHAIRMAN LOHSE: Yeah.

31

32 DR. WHEELER: .....my understanding --  
33 okay. So I think, Donald, you heard that, so if we can  
34 check on that and then work on a proposal if that's the  
35 case.

36

37 CHAIRMAN LOHSE: Donald.

38

39 MR. MIKE: Yes, Mr. Chair, thank you.  
40 That is correct. Our office wildlife biologist,  
41 usually reviews the Board of actions -- Board of Game  
42 actions and then if there's any changes on the State  
43 regulations that is more liberal than the Federal  
44 regulations our wildlife biologist staff will normally  
45 align with the State and make it the same.

46

47 So, thank you, and we'll have Staff --  
48 wildlife Staff -- wildlife biologist Staff look at it,  
49 too, but most likely OSM will provide that proposal.

50

1                                   CHAIRMAN LOHSE: Polly.  
2  
3                                   DR. WHEELER: And we did have a person,  
4 Chuck Ardizzone is Chief of the Wildlife Division and  
5 he was at the Board of Game for the duration of the  
6 meeting, but I think he went home to sleep because they  
7 just ended last night and he's worked 11 days straight.  
8  
9                                   (Laughter)  
10  
11                                  DR. WHEELER: So I think once he gets  
12 back in the office we'll get on that and see where the  
13 regulations diverge.  
14  
15                                  CHAIRMAN LOHSE: Okay, do we have any  
16 more comments on No. 11A, the proposed call for  
17 proposal.  
18  
19                                  (No comments)  
20  
21                                  CHAIRMAN LOHSE: Any more questions.  
22  
23                                  (No comments)  
24  
25                                  CHAIRMAN LOHSE: If we don't, I think  
26 we'll stand down for 10 minutes and then we'll go on to  
27 agency and organization reports after a 10 minute  
28 break.  
29  
30                                  (Off record)  
31  
32                                  (On record)  
33  
34                                  CHAIRMAN LOHSE: We are now going on to  
35 No. 11B, agency and organization reports and so we're  
36 going to start off with Bureau of Land Management, the  
37 Anchorage office. Do we have somebody here to present  
38 the report.  
39  
40                                  MR. SHARP: Yeah, Mr. Chair. I think  
41 Geoff Byersdorf would normally be here, he just got  
42 back from doing moose surveys there and so I don't  
43 think there's going to be an Anchorage Field Office  
44 report.  
45  
46                                  CHAIRMAN LOHSE: Do you have any  
47 indication of how his moose surveys turned out?  
48  
49                                  MR. SHARP: (Shakes head negatively)  
50

1                   CHAIRMAN LOHSE: Okay, with that then  
2 we go on to the Glennallen Field Office.

3  
4                   MR. CEBRIAN: Mr. Chair. Merben  
5 Cebrian, Glennallen Field Office, BLM.

6  
7                   And I am passing around some bullet  
8 points on what I'm going to be talking about real  
9 quick, just so we can all follow.

10  
11                   So, Mr. Chair, just a quick rundown.  
12 Item No. 1 current harvest status for moose in Unit 13,  
13 RM313 and RM314, we had a total of 58 take as of the  
14 end of the season September 30, '08. And just as a  
15 comparison, I put down there, the average BLM harvest  
16 between 2000 and '07, the average of 50 moose.

17  
18                   And the second point there, caribou  
19 harvest, it's still ongoing, harvest closes -- or the  
20 hunt closes on the 31st. Total take for both RC513 and  
21 RC514 is 264. This is bulls and cows. I did not  
22 separate bulls and cows for this one, unfortunately.  
23 However, this level of harvest was achieved early in  
24 the season, at least by the end of October, there were  
25 roughly 250. 260. And just as a point of comparison, a  
26 percent average -- average harvest -- percent harvest,  
27 between 2003 and '07 is 68 percent of the harvest was  
28 achieved at that point. And then the average BLM  
29 harvest between 2000 and 2007 is 421 caribou.

30  
31                   That's pretty much all I have to say  
32 about subsistence hunting in Unit 13.

33  
34                   Now, there are several other points  
35 here that I would like to raise.

36  
37                   The first one here is the potential  
38 land status changes. I can't say much about this except  
39 for these two bullet points here.

40  
41                   It's State priority 1, 2, 3 selections  
42 may be removed from BLM, and then BLM land acquisitions  
43 would include maybe along the Denali Highway. I guess  
44 this is a point of contention because if our land mass  
45 changes there's going to be, I think, some dynamic  
46 changes in hunt success. I think that's about all I  
47 can say about that.

48  
49                   And then potential impacts of land  
50 status changes are, I think permit applications might

1 slightly increase, maybe due to interest from some  
2 folks that may not have been applying. And there might  
3 be some increase from folks from Cantwell.

4

5 As far as the Denali Highway is  
6 concerned, there are at least three dozen existing  
7 trails outside of the Tangle Lakes archeological  
8 district, and these might affect hunting as well,  
9 specifically for caribou.

10

11 So like I said earlier, hunting success  
12 likely to increase, especially along the Denali  
13 Highway. And then law enforcement workload would  
14 likely increase too.

15

16 The BLM conducted a subsistence meeting  
17 on the 4th of February, and in that meeting, attended  
18 by teleconference from OSM, Park Service, Fish and  
19 Wildlife Service, there are some issues, especially  
20 from law enforcement folks that the rural residency  
21 needs some clearer definition. Rural not as much, but  
22 resident, they're wanting to make more clarification  
23 with the word, resident.

24

25 And then some alignment between the  
26 State requirements and the State requirements were  
27 requested, you know, hunter education is not required  
28 for the Federal part but some request was put out to  
29 align that with the State as well.

30

31 And then the hunters under age of 10  
32 have their own bag limit in the Federal side and  
33 questions were asked whether we should take that up as  
34 a point for consideration.

35

36 And then lastly this just recently  
37 passed, that Board of Game agreed to put the community  
38 harvest in Unit 13, I think in lieu of Tier II.

39

40 That's all I have.

41

42 CHAIRMAN LOHSE: Any questions. Tom.

43

44 MR. CARPENTER: Yeah, I had a couple  
45 questions. The first one is in regards to the  
46 potential land changes.

47

48 MR. CEBRIAN: Yes, sir.

49

50 MR. CARPENTER: I'm assuming that

1 you're talking about the pipeline corridor.

2

3 MR. CEBRIAN: No, sir -- partly, yes.  
4 There would be some removal, I think, along the  
5 pipeline corridor on the Richardson Highway, uh-huh.

6

7 MR. CARPENTER: Well, because -- well,  
8 I don't remember how long ago it was but we had a  
9 special meeting that was called in Copper Center, Ralph  
10 and I flew up from Cordova and there was four or five  
11 Board members there. I think Gloria was there, maybe  
12 Dean Wilson. And the people that lived in that area  
13 were real concerned with the State selecting that  
14 pipeline corridor, it would significantly reduce the  
15 amount of Federal land that was available for  
16 subsistence in that area, and that's been four --  
17 three, four or five years ago. Is this still not  
18 settled?

19

20 MR. CEBRIAN: No, unfortunately not.  
21 It's still under negotiations. And we operated, I  
22 think, under the assumption of a neutral, no gain or no  
23 loss, in terms of subsistence, but with the potential  
24 of acquiring lands along the Denali Highway. There's a  
25 bit of a change.

26

27 But the area you're talking about, I  
28 think is PL0-5150 because that's priority 1 for the  
29 State, it's still being negotiated I think.

30

31 MR. CARPENTER: Okay. Well, I mean in  
32 my opinion, and I hope that it works out to the best  
33 for everybody that lives in that area, I would hope  
34 that BLM, when this -- if they could keep us a little  
35 bit more apprised of the situation and negotiations  
36 that are taking place, because I think it's real  
37 important to the subsistence community in that area, as  
38 to what actually the final outcome of that is.

39

40 And, myself, as a Board member here,  
41 would like this Council to have the ability to comment  
42 again, if necessary, of keeping subsistence a high  
43 priority in that area.

44

45 The other question I had was in regards  
46 to, oh, the idea of hunter education not being required  
47 under the Federal system and hunters under the age of  
48 10, you said that those conditions were brought up.  
49 Were those brought up by agency people, by people that  
50 live in that area that they wanted change, who brought

1 that up?

2

3 MR. CEBRIAN: Our law enforcement, BLM  
4 law enforcement from Glennallen. As it turns out, we  
5 have some delicate issues about residents or folks  
6 claiming residency based on some circumstances where  
7 the house or the cabin might just be seasonally  
8 occupied and it becomes a quagmire for our law  
9 enforcement folks, is my understanding.

10

11 MR. CARPENTER: Okay, thanks.

12

13 CHAIRMAN LOHSE: I have a couple  
14 questions. I wrote some notes down while you were  
15 talking and let me see if I can just get a couple  
16 things clarified.

17

18 It looks like we took a few more moose  
19 than the average, is that because we had an increase in  
20 hunter pressure or increase in moose population?

21

22 MR. CEBRIAN: I think we have the same  
23 number of permits issued so as far as hunter success, I  
24 think it's fairly evenly distributed through the years.

25

26 CHAIRMAN LOHSE: Do you think that the  
27 hunters that had permits this year put -- because of  
28 situations and everything, put more effort in or is 58  
29 close enough to 50 that you don't class it as an  
30 increase even?

31

32 MR. CEBRIAN: I don't think this is a  
33 significant increase, sir.

34

35 CHAIRMAN LOHSE: Okay. And I noticed  
36 that you ended up taking about 60 percent as opposed 68  
37 percent, but you've still got the rest of the season to  
38 go on caribou.

39

40 On this land selection thing, what is  
41 the status of -- I mean are there any comment periods  
42 left open or is the comment period pretty well done on  
43 this land exchange?

44

45 MR. CEBRIAN: I think the Federal  
46 government has been tasked to speedup the conveyance of  
47 land up to, I think, 2010. And at this point -- I was  
48 given a chance to commit on the subsistence take,  
49 potentially, for these particular areas of land, but at  
50 this point it's beyond me.

1                   CHAIRMAN LOHSE: Okay.  
2  
3                   MR. CEBRIAN: I think it's above the  
4 managerial level, it might even be at the State level  
5 at this point.  
6  
7                   CHAIRMAN LOHSE: Okay. And this  
8 basically sounds to me like it's going to be more of an  
9 exchange than it is a conveyance, if the BLM is going  
10 to be getting land farther out the Denali towards  
11 Cantwell, would they be getting that from the State or  
12 would they be getting that from -- is that held under  
13 some other Federal.....  
14  
15                  MR. CEBRIAN: The State selections at  
16 that -- the State selections along the highway, they go  
17 from one to 14, yes.  
18  
19                  CHAIRMAN LOHSE: Okay.  
20  
21                  MR. CEBRIAN: I think these areas that  
22 I'm thinking that we are are going to get are from  
23 selections four to 14.  
24  
25                  CHAIRMAN LOHSE: Okay. So these are  
26 prior State selections that the Federal government  
27 wasn't administering because they were under -- I'll  
28 use the word, contention.....  
29  
30                  MR. CEBRIAN: Yes, sir.  
31  
32                  CHAIRMAN LOHSE: .....but if they get  
33 this other, from one to three, then these selections  
34 would convey over to the Federal government to the BLM.  
35  
36                  MR. CEBRIAN: That's the thinking.  
37  
38                  CHAIRMAN LOHSE: Okay. Now, you said  
39 that there's -- that that area contains 13 trails that  
40 are currently outside of the archeological and that  
41 hunter success is liable to increase, but is that  
42 hunter success going to increase because of an increase  
43 in access for people with mechanical means. I mean  
44 that's been always the beauty about the hunt that took  
45 place along the Richardson, is people who don't own  
46 fourwheelers and snowmachines and just all they have is  
47 their own car, had access to hunting in that area. If  
48 we opened up 13 trails, part of the problem with the  
49 subsistence community is a lot of the subsistence  
50 community doesn't own fourwheelers and so you could

1 have an increase in take but it wouldn't be by the  
2 local subsistence users or by the subsistence users  
3 who've made use of the highway itself.

4

5 MR. CEBRIAN: Mr. Chair. I think I said  
6 three dozen trails.

7

8 CHAIRMAN LOHSE: Three dozen trails.

9

10 MR. CEBRIAN: Yes, sir.

11

12 CHAIRMAN LOHSE: 36 trails.

13

14 MR. CEBRIAN: Yes, sir, at least. So  
15 it's also a combination of -- there's a  
16 multipliticative combination here because Tier II used  
17 to be just one caribou.

18

19 CHAIRMAN LOHSE: Right.

20

21 MR. CEBRIAN: Federal subsistence is  
22 two caribou. So in that sense, for success, you're  
23 doubling immediately what people will be harvesting if  
24 this comes to pass.

25

26 CHAIRMAN LOHSE: Uh-huh.

27

28 MR. CEBRIAN: And then the other aspect  
29 like you mentioned is the trails, if people can't  
30 access those trails and there's no restrictions imposed  
31 on those, quote, existing trails, then I can see that  
32 there would be an impact.

33

34 CHAIRMAN LOHSE: And it would be an  
35 impact in a different portion of the caribou range, it  
36 would be an impact more of the summering calving range  
37 than it would be in the migration corridor like we've  
38 had in the past.

39

40 MR. CEBRIAN: It's closer to the  
41 calving because they calve over on the Talkeetnas and  
42 then they come around this way, yes, sir.

43

44 CHAIRMAN LOHSE: Okay. And then I had  
45 one other question, and that's a hunter the age of 10  
46 have their own bag limit. Is that currently in place  
47 or is that a proposal that that would be something that  
48 somebody would recommend?

49

50 MR. CEBRIAN: I think we would have to

1 recommend that because that's not in place right now.

2

3 CHAIRMAN LOHSE: Okay. Gloria.

4

5 MS. STICKWAN: I would like to get a  
6 map of this proposed land exchange if you have one or  
7 if you could mail one to us.

8

9 MR. CEBRIAN: Okay.

10

11 MS. STICKWAN: And also I too want to  
12 be -- you know I would like to know when this land  
13 exchange is going to be and if we could comment on it  
14 again before it happens. I had some questions too  
15 about the hunt of 10 year olds having their own bag  
16 limit. Is that a recommendation from -- who is that  
17 recommendation from?

18

19 MR. CEBRIAN: Which one?

20

21 MS. STICKWAN: Number 6.

22

23 MR. CEBRIAN: Oh, this was just a point  
24 brought up by the law enforcement folks for BLM. Under  
25 the Federal regs, hunters under the age of 10 have  
26 their own bag limits. Under the State regs, hunters  
27 under the age of 10 take the bag limit of their parent,  
28 I think is how it's -- on Page 13 of the State regs, at  
29 the bottom, it says big game bag limit for youth under  
30 10, so the State regs say that a hunter who is younger  
31 than 10 may not have their own bag limit, and they  
32 would take the big game under the direct immediate  
33 supervision of a licensed hunter at least 16 years of  
34 age.

35

36 This particular statement does not  
37 exist for the Federal regs.

38

39 MS. STICKWAN: What page are you on?

40

41 MR. CEBRIAN: On the State regs, on

42 Page 13.

43

44 CHAIRMAN LOHSE: Yeah.

45

46 MR. CEBRIAN: It's just another point  
47 of making, I think make the -- the law enforcement  
48 folks want to make things more even, more and more  
49 consistent.

50

1                           CHAIRMAN LOHSE:  Gloria.  
2  
3                           MS. STICKWAN:  My understanding is that  
4 a community hunt is that it could go back if the moose  
5 or caribou is -- population is reduced, it'll go back  
6 to Tier II, it's not.....  
7  
8                           MR. CEBRIAN:  I haven't talked -- I  
9 tried to get a hold of Bob Toby, he hasn't responded to  
10 my calls.....  
11  
12                          MS. STICKWAN:  That's what I  
13 understand.  
14  
15                          MR. CEBRIAN:  .....or emails yet --  
16 thank you.  
17  
18                          Regarding the map, though, I'm not sure  
19 if I could release any maps yet of the lands that we  
20 think we will get.  There is a map of State selections  
21 of one to 14.  I think I could provide you with that.  
22  
23                          CHAIRMAN LOHSE:  Thank you.  I think --  
24 I'm hoping any how that the BLM and the State are  
25 keeping local tribal governments appraised of what's  
26 going on up there so they at least could comment from a  
27 government to government standpoint on it, where we  
28 might not be able to comment on it as subsistence  
29 users.  
30  
31                          And the other thing that I would hope  
32 is that if there is an increase in access, somehow or  
33 another we tried to work to keep that access to the  
34 same kind of proportion that we had before in the  
35 subsistence community.  We really do need to make sure  
36 that we maintain access for that part of the  
37 subsistence community that does not use mechanical, you  
38 know, mechanical equipment to take their game instead  
39 of all of a sudden having it all allocated to those  
40 that can afford big fourwheelers and stuff like that.  
41  
42                          But that's something down the future  
43 that we'll have to work on.  
44  
45                          MR. CEBRIAN:  Uh-huh.  
46  
47                          CHAIRMAN LOHSE:  Any other questions or  
48 comments for him.  
49  
50                          (No comments)

1 CHAIRMAN LOHSE: Thank you for your  
2 report.

3  
4 Okay, Polly.

5  
6 DR. WHEELER: Thank you, Mr. Chair. I  
7 am going to go through the next four items under B --  
8 or 11, or whatever.

9  
10 But anyway, the first item of business  
11 that I'm going to talk about is the memorandum of  
12 understanding and you can find that on Pages 17 to 23  
13 in your books. Just to give you some background on  
14 that. In December of 2008, which Ralph you know  
15 because you were at that -- this was discussed at the  
16 January Board meeting, in 2008 the MOU was signed by --  
17 an MOU is memorandum of understanding, it was signed by  
18 all parties, which included the Chairs of the Alaska  
19 Board of Fisheries, the Alaska Board of Game, the  
20 Commissioner or Fish and Game, and the Chair of the  
21 Federal Subsistence Board and its members, consisting  
22 of the Alaska regional and State directors of the  
23 Bureau of Land Management, Bureau of Indian Affairs,  
24 National Park Service, U.S. Fish and Wildlife Service,  
25 and USDA Forest Service.

26  
27 The purpose of the MOU is to provide a  
28 foundation and direction for coordinated InterAgency  
29 fish and wildlife management affecting subsistence uses  
30 on Federal public lands while allowing the State and  
31 Federal agencies to continue to act in accordance with  
32 their respective statutory responsibilities and  
33 authorities.

34  
35 The MOU helps to address the necessity  
36 of having some degree of communication and coordination  
37 between State and Federal governments in order to aid  
38 and effective management of fish and wildlife resources  
39 in Alaska. Several sections of Title VIII and I can  
40 give you the specific sections, but several sections of  
41 Title VIII expressly require the Secretaries and that  
42 would be the Secretaries of Interior and Agriculture to  
43 communicate and/or consult with State representatives  
44 on certain issues relating to subsistence uses by rural  
45 Alaskans. The body of memorandum of understanding  
46 contains several references to State law, which did  
47 prompt some observers to express concern in that  
48 signing the memorandum of understanding, the Board  
49 undermined its obligation under Title VIII to provide  
50 for a subsistence priority for rural Alaskans on

1 Federal public lands.

2

3                         However, the Board's authority, charge  
4 and obligation to rural residents comes only from Title  
5 VIII of ANILCA and any other applicable Federal  
6 statutes. The MOU will not and cannot change that.

7

8                         Board members are well aware that they  
9 have no authority to undermine or ignore the legal  
10 obligations imposed on them by ANILCA and all  
11 signatories agree that no MOU can change Federal law or  
12 impose State legal requirements on a Federal decision-  
13 making body and, none of the parties to the MOU intend  
14 or desire for it to have any impact on the decision-  
15 making authority of the Federal Subsistence Board or  
16 its obligations to rural residents.

17

18                         Board members and State representatives  
19 agreed that once the MOU was signed and an initial  
20 trial period had passed, the signatories will engage in  
21 another review process, the goal of which will be to  
22 update and edit the document to address any concerns,  
23 ambiguities or problems that arise, including any  
24 language which may be potentially subject to  
25 misinterpretation.

26

27                         So, Mr. Chair, that's just a few  
28 talking points. Some of that was taken actually from  
29 some of our legal counsel. Some concerns, concerns  
30 were, as you well know, probably most of you know, AFN  
31 did write a letter encouraging the Board not to sign  
32 the -- or Board members not to sign the MOU. Central  
33 Council of Tlingit-Haida also sent a letter right  
34 around the -- shortly after AFN sent a letter, both of  
35 those letters have been responded to in a letter from  
36 the Chair of the Federal Subsistence Board assuring  
37 them that, again, ANILCA is the guiding statute and  
38 that is what is being followed and the MOU sort of just  
39 outlines how two management entities are going to work  
40 together with the recognition that, yes, there's  
41 Federal subsistence management but there's also these  
42 other management authorities on State land and it's a  
43 complicated mix and it was thought that the MOU could  
44 help address some of that.

45

46                         So, Mr. Chair, that's all I have on the  
47 MOU but I'm available for comments or questions if you  
48 have any.

49

50                         CHAIRMAN LOHSE: Thank you, Polly.

1 I'll be honest, from what I read in it I thought they  
2 did a very good job at it, when I read it at the Board  
3 meeting. I know that everything's agreed on by  
4 everybody and some people would like some areas to be  
5 stronger stated than they are, but in the spirit of, I  
6 won't say compromise, because neither one of them are  
7 compromising their position, they're just saying that  
8 we need -- because we're dealing with regulations and  
9 game and people, we need to work together and I felt it  
10 was pretty good.

11  
12 Now, I'm not expecting the rest of the  
13 Council to feel the same way that I am and so I will  
14 take comments from anybody else on the Council that  
15 would like to make comments.

16  
17 Greg.

18  
19 MR. ENCELEWSKI: Mr. Chairman. Polly.  
20 I would just like to make a comment for the record. I,  
21 too, was opposed to this when I first saw it and I read  
22 it with pretty good interest and deep interest. My  
23 concern is that we don't diminish, exact concerns that  
24 you already addressed. I do see that they provide for  
25 a 60 day written notice for getting out of the  
26 agreement, but it says that only one party can't do it,  
27 it has to be both, and it could expire after X amount  
28 of years.

29  
30 My concern is not -- I totally agree  
31 with the joint sharing of information, utilizing that  
32 stuff, my concern is that it diminishes the Federal  
33 ANILCA mandate to cover subsistence, that's my concern.  
34 And I read this, reread it, I didn't have anyone  
35 legally read it for me, but it is a concern. It could  
36 be an item that could sway, I'm afraid, and, you know,  
37 that's why we're in this dual management process,  
38 because of not getting the right -- whatever.

39  
40 CHAIRMAN LOHSE: Thank you, Greg. Any  
41 other comments.

42  
43 (No comments)

44  
45 CHAIRMAN LOHSE: Polly, at this point  
46 in time this is presented to us for our information,  
47 isn't it, it already has been signed by the Board and  
48 this is a, I'll use the word, done deal.

49  
50 MR. ENCELEWSKI: Yep.

1                   CHAIRMAN LOHSE: But this was basically  
2 presented for our information and we have seen it in  
3 the past. This is the end result. So like I said  
4 before, Greg, I know there's questions in some areas  
5 and some people would like some parts stronger than  
6 they are but I think that they worked pretty hard at  
7 coming up with something that's useable. If it turns  
8 out not to be usable, I hope that the Federal Board and  
9 the people working in it will say that this isn't  
10 working and we need to change it at that point in time  
11 if it doesn't accomplish what ANILCA has asked for.  
12 And that's some of the things that are coming -- some  
13 of the things that are going to be coming, I think in  
14 the near future.

15  
16                   Polly.

17  
18                   DR. WHEELER: And I would add that I  
19 hear -- through the Chair, I hear your concerns, Greg,  
20 and I've heard them before.

21  
22                   MR. ENCELEWSKI: Yeah.

23  
24                   DR. WHEELER: And I guess I would say  
25 that, Chairman Lohse, you're correct, in that it's a  
26 signed -- the memorandum of understanding is signed,  
27 but I also I think as Council members if you see parts  
28 of it that aren't working, it's incumbent upon you to  
29 talk to the Board in your capacity as Board Chair  
30 [sic], if some of the Council members see some things  
31 that don't seem to be working right or, in your view,  
32 are diminishing their responsibilities under ANILCA,  
33 then that's where the Federal Board comes in, you have  
34 an avenue to talk to the Federal Board and the Federal  
35 Board Chair, the Board meets once or twice a year, and  
36 then I would say that that would be an opportunity to  
37 bring those concerns up and at least hear it. What  
38 they do with it, I can't speak for them, but that's a  
39 way to get that concern across.

40  
41                   CHAIRMAN LOHSE: Thank you, Polly. And  
42 I was thinking that that would be a thing for us to  
43 track. And if we saw an area that we felt was being  
44 slighted or not doing the best job because of the  
45 memorandum of agreement, that would be a perfect thing  
46 to put in our annual report and put down in writing and  
47 bring to their attention so they can either correct it  
48 or explain why they're doing it.

49  
50                   DR. WHEELER: I concur.

1                                   CHAIRMAN LOHSE:  Yes.  
2  
3                                   DR. WHEELER:  And encourage you to keep  
4 an eye on that.  
5  
6                                   CHAIRMAN LOHSE:  Any other comments on  
7 this part of Polly's -- Mr. Henrichs.  
8  
9                                   MR. HENRICHS:  I'm just curious, did  
10 the Federal Board consult with any of the tribes before  
11 they went into this because I'm a tribal leader and  
12 they never said nothing to me.  It seems like we're  
13 going about it backwards.  
14  
15                                  CHAIRMAN LOHSE:  Greg.  
16  
17                                  MR. ENCELEWSKI:  Yeah, through the  
18 Chair, Ralph, and Robert.  I, too, am a tribal leader  
19 president and I got a notice from them, it was kind of  
20 after the fact, after the signing I think I got it, and  
21 maybe they sent one earlier but -- that's why I bring  
22 it up as a concern, but thanks.  
23  
24                                  CHAIRMAN LOHSE:  Polly, if you could  
25 get us some information on that in the future, I don't  
26 -- like I said before, I don't know if there's anything  
27 -- but it's something to bring to their attention, that  
28 when they do something like this, you know, it does  
29 need to at least -- notification ahead of time needs to  
30 go off to the right parties.  
31  
32                                  DR. WHEELER:  Yeah, and I would say  
33 that the Office of Subsistence Management, the Federal  
34 Subsistence Management Program, this is an ongoing  
35 issue that probably isn't going to go away and it may  
36 be heightened under this new administration but the  
37 issue of ANILCA as Indian legislation and requiring  
38 tribal consultation, the Program's position has been  
39 that it's not Indian -- and I would say the Program's  
40 position, through the solicitor, through the Department  
41 of Justice has been that it's not Indian legislation  
42 but we do go out of our way to inform anybody as to  
43 what's going on.  We have a mailing list that's many,  
44 many hundreds if not thousands of entities, including  
45 all recognized tribes in Alaska where we send these  
46 notices out.  Now, you know as well as I do that just  
47 sending something out doesn't necessarily mean that  
48 people read it but we do make an effort to send  
49 information out, we have it available on our website.  
50 This MOU wasn't a secret.  It was out there.  And the

1 fact that they were engaged in negotiation, did we make  
2 a specific effort to notify tribes specifically, I  
3 would say tribes were one of the entities that were  
4 included in the notification process, it that helps.

5  
6 If you have any suggestions for how we  
7 could do a better job of letting people know what's  
8 going on then that's what we're here for. Let us know.

9  
10 Thank you.

11  
12 CHAIRMAN LOHSE: Thank you, Polly. Any  
13 other comments.

14  
15 (No comments)

16  
17 CHAIRMAN LOHSE: Thank you. You want  
18 to go on to the two year cycle.

19  
20 DR. WHEELER: That one's easy.  
21 Nothing's easy, I guess, really, or at least when you  
22 think the easy ones are -- they become harder than you  
23 think.

24  
25 The two year cycle. I had talked about  
26 it a little bit this morning, for those of you that  
27 were at the training session.

28  
29 We have gone to a -- I apologize, I'm  
30 flipping through my book here, on Page 24 of your books  
31 there's a chart that shows you what the regulatory  
32 cycle is looking like. As you probably remember  
33 typically in years past we've had a wildlife cycle and  
34 a fisheries cycle every year. We've had some budget  
35 cuts, and if not cuts our budget's been flatlined and  
36 so we're absorbing additional costs because of that  
37 cost of living and whatever else, so we decided that we  
38 would try out going to an every other year cycle, so we  
39 do wildlife one year, fisheries the next year.

40  
41 I would say that that is still a trial,  
42 we're under trial right now, we're kind of seeing how  
43 it's working out.

44  
45 I had mentioned this morning that to-  
46 date we've received 20 wildlife special actions so it  
47 may be that this every other year cycle isn't as  
48 responsive as it needs to be and I can speak,  
49 personally, it's not any less work, we've had 20  
50 wildlife special actions, we had 12 fisheries

1 proposals, so we're getting more special actions out of  
2 cycle than we did fisheries proposals in cycle. So I  
3 would say that this schedule on Page 24 is looking out.  
4 There may be changes. It's probably too early to  
5 revisit if we made a mistake by going to an every other  
6 year cycle, but I would say that five years from now I  
7 couldn't commit that we would be on an every other year  
8 cycle so we're trying to be flexible to the extent  
9 possible.

10

11 Later on when we talk about your winter  
12 2010 meeting, this is going to come up because we're  
13 going to try and get together -- I'm going to get Staff  
14 together this summer to kind of look at this schedule  
15 and see how we can tweak it one way or the other,  
16 what's working, what isn't working. So recognize that  
17 this schedule is as good as we can get right now. This  
18 is what it looks like. When and if changes occur we  
19 will let you know.

20

21 CHAIRMAN LOHSE: Tom.

22

23 MR. CARPENTER: Thank you, Polly. Mr.  
24 Chairman. So the main reason for doing this was  
25 because of funding, originally, U.S. Fish and Wildlife  
26 Service didn't have the -- or the subsistence office  
27 didn't have enough money to fund these regulatory  
28 processes annually but with all these changes that are  
29 taking place are you really saving any money?

30

31 DR. WHEELER: Through the Chair.  
32 That's an excellent question, and it's one that I've  
33 been asking of late. I'm not seeing it. Because we're  
34 still doing two Regional Advisory Council meetings a  
35 year, which I support, and I think we need to continue  
36 doing that, so we're doing the two meetings a year,  
37 we're doing a Federal Board or two meetings a year, so  
38 what are we really saving in the end? And I think  
39 there's some people that are -- you know, that are  
40 saying, well, let's just give it time and see how it  
41 plays out and you don't want to make a change and then  
42 change too quickly, but I think we need to keep a  
43 careful eye on this, are we being penny-wise and pound-  
44 foolish, and what are we really saving in the end and  
45 where's the burden -- how efficient are we being as a  
46 government entity.

47

48 The idea was to save money and time, we  
49 need to look at it in a year or two and say, have we  
50 really saved money and time and maybe we need to go

1 back to the old twice a year cycle or, you know, doing  
2 fish and wildlife each year.

3

4 MR. CARPENTER: Thanks.

5

6 CHAIRMAN LOHSE: Thank you, Polly. The  
7 only comments I've heard from people have been in favor  
8 of two meetings a year, not having to wait two years,  
9 but it has worked for the Board of Game and Board of  
10 Fish, I guess, but that doesn't seem to be the opinion  
11 of the people out in the field, or not in the field,  
12 but the people -- the users, I guess is a better way of  
13 putting it.

14

15 Any comments from anybody else on the  
16 two year cycle?

17

18 (No comments)

19

20 CHAIRMAN LOHSE: Okay, tracking of  
21 handicrafts made of brown bear claws.

22

23 DR. WHEELER: Thank you, Mr. Chair.  
24 Again, on Page 25 there's a briefing, a summary around  
25 the issue of tracking of handicrafts made with brown  
26 bear claws. You probably all remember a year ago or so  
27 the State had submitted a proposal to be considered by  
28 the Regional Advisory Council and then the Federal  
29 Subsistence Board to refine Federal regulations around  
30 using bear claws -- brown bear claws in handicrafts for  
31 sale. The State's position was that the existing  
32 Federal regulations allowed for unconstrained  
33 commercial sale of handicrafts made from brown bear  
34 parts and created market incentives for poaching.

35

36 At the April/May Federal Board meeting,  
37 the Commissioner of Fish and Game had offered to the  
38 Federal Board that they start a work group, defer that  
39 proposal to the next Board cycle, next wildlife cycle  
40 pending a formation of a work group. This work group  
41 would look at how to track these brown bear claws that  
42 are used in handicrafts.

43

44 We had a sort of an initial scoping  
45 meeting between Federal and State Staff in early  
46 January or mid-January, kind of looking at the issue,  
47 came up with -- and I can tell you there are strong  
48 differences of opinion around the table about how much  
49 of an issue this really was and what kind of a burden  
50 we were putting on subsistence users. There was also

1 the thought that, well, if people are engaged in legal  
2 activities we don't really want to -- we don't want to  
3 burden them to the point where what they're doing is  
4 just, you know, they're just going to say forget it.  
5 So we're trying to come up with something, some  
6 mechanism to track brown bear claws that are made into  
7 handicrafts that's enforceable and culturally sensitive  
8 commencent with the need to provide conservation of  
9 this wildlife resource.

10  
11                   There had been some talk about putting  
12 microchips in claws and I think after some discussion,  
13 that got heated at times, we settled on looking at  
14 paper -- using paper as a way to track things, nothing  
15 like paper and, you know, maybe having some sort of a  
16 permit and having that track it.

17  
18                   But these were just ideas that were  
19 being thrown around, really, with this initial work  
20 group.

21  
22                   We decided that we would have -- when  
23 the Federal Board said, okay, we'll defer this proposal  
24 pending the formation of a work group, the Federal  
25 Board was very clear that they wanted to have Regional  
26 Advisory Council involvement in this work group. So  
27 I'm here to ask this Council, if this Council, A, wants  
28 to be involved in this work group? The thought is that  
29 it's going to involve a meeting or two, hopefully it  
30 will be sometime this spring or summer. It may not  
31 involve in person attendance, it could be by phone.  
32 The actual process hasn't been worked out yet, but the  
33 idea is to be as -- it's not going to be an intensive  
34 time commitment, I hope; famous last words. But I  
35 guess the question for this Council is, A, if it wants  
36 to be involved, and, B, if you want to select a  
37 representative to be part of this work group. Again,  
38 it will be a State/Federal work group, it's housed at  
39 the State because of FACA issues. The initial draft  
40 charge for the work group has been developed but in  
41 order for further work to occur we need to have  
42 Regional Advisory Council involvement. I will say that  
43 this has been presented to, I think, four of the  
44 Councils and so far two of the Councils have said that  
45 they want to participate and offered a person's name  
46 and two have opted not to participate.

47  
48                   So that's where we're at now, Mr.  
49 Chair.  
50

1                   CHAIRMAN LOHSE: Thank you, Polly. A  
2 couple comments on that and then I'll let somebody else  
3 make comments on that.

4  
5                   I definitely think -- as the Chair I  
6 definitely think that this Council will take part in  
7 the work group. As to who's going to do it, I don't  
8 know at this point in time. But if I have to appoint  
9 somebody I'm going to appoint somebody to take part in  
10 this work group.

11  
12                   And the thing that we've heard time and  
13 time and time again from the State is how valuable bear  
14 claws are. I think one of the things that we need to  
15 have before we have before we have a work group, the  
16 State just sold 400 bear hides, plus or minus a few, at  
17 the local Fury Rondy. A pile of those were brown bear  
18 hides. From a friend of mine who was there bidding on  
19 some of the hides that were there, if these bear claws  
20 are so valuable, then the State gave bear claws away.  
21 I mean that's basically what it boils down to. It  
22 sounds to me like anybody that wanted bear claws to do  
23 for handicrafts could have bought them from the State  
24 at the State auction wouldn't have had to pay very much  
25 for them either. So, you know, we've heard prices on  
26 these bear claws that I have argued against since the  
27 start of this thing because they're not worth this  
28 much. And some whole bears went for less than what a  
29 bear claws did. State comment on that.

30  
31                   MR. PAPPAS: Thank you. George Pappas,  
32 Department of Fish and Game.

33  
34                   With the sale of those DLP bears, at  
35 the -- it's a one time deal, it goes to you, you can't  
36 take the claws apart and make handicrafts and resell  
37 them on an individual basis. I just want to make that  
38 point clear, it's not the same issue.

39  
40                   Yes, it does get sold once, you do own  
41 it, but the folks can't then make handicrafts and  
42 resell them or retail them one at a time, et cetera.

43  
44                   Thank you, Mr. Chair.

45  
46                   CHAIRMAN LOHSE: No, but the person  
47 just bought 20 bear claws when he bought the bear hide.

48  
49                   What I would really like to do is I  
50 would like to see at one of our next meetings, I would

1 like to see what these -- how many bear hides they sold  
2 and what they sold them for, and even if they can't be  
3 made into handicrafts you still bought that many  
4 valuable bear claws; if they're that valuable.

5  
6 MR. PAPPAS: I understand, Mr. Chair.  
7 I'll see if I can't get the list of prices or I'll see  
8 if I can't come up with that information for you for  
9 your next RAC meeting.

10  
11 Mr. Chair.

12  
13 CHAIRMAN LOHSE: Thank you.

14  
15 MR. PAPPAS: One other comment, just to  
16 add to what Polly said. Interesting at the Northwest  
17 Arctic RAC meeting in Nome. That RAC is against.....

18  
19 DR. WHEELER: Seward Penn RAC meeting.

20  
21 MR. PAPPAS: Or excuse me Seward Penn  
22 RAC, thank you. Was against this issue but they  
23 reversed their position and actually appointed someone  
24 to attend to be part of this process, was interesting.

25  
26 Thanks, Mr. Chair.

27  
28 CHAIRMAN LOHSE: Thank you. Well, this  
29 has been an issue in our area. Mr. Henrichs.

30  
31 MR. HENRICHS: Yeah, wasn't there a lot  
32 of them for sale because they cancelled the one last  
33 year because of some legal ruling or something, so it  
34 was kind of a one shot deal.

35  
36 CHAIRMAN LOHSE: Yep. Any other  
37 comments.

38  
39 (No comments)

40  
41 CHAIRMAN LOHSE: Does anybody want to  
42 take part in this work group?

43  
44 MR. LAMB: I.....

45  
46 CHAIRMAN LOHSE: Trish, would you do it  
47 as a member of our Council.....

48  
49 MR. LAMB: .....would.

50

1                   CHAIRMAN LOHSE:   .....and Chuck -- can  
2 we have more than one appointee?  
3  
4                   DR. WHEELER:   What you may want to do  
5 is do one and then an alternate.  I mean you could  
6 offer two names and then we'll see what we can do.  If  
7 we do it by teleconference then it would seem to me  
8 that -- at this point we've been asking for one Council  
9 recommendation -- or one Council person, but you can  
10 give us the two names and we can follow up.  
11  
12                  CHAIRMAN LOHSE:   Okay.  Which one of  
13 you like -- would either one of you be willing to be  
14 the second person out of the two names or would both of  
15 you have strong feelings to be first?  
16  
17                  MR. LAMB:   I could be the second, I  
18 don't care.  
19  
20                  CHAIRMAN LOHSE:   Here.  
21  
22                  DR. WHEELER:   There you go.  
23  
24                  (Laughter)  
25  
26                  CHAIRMAN LOHSE:   Let's do it  
27 scientifically.  
28  
29                  (Laughter)  
30  
31                  CHAIRMAN LOHSE:   Trish, you call.  
32  
33                  MS. WAGGONER:   Tail.  
34  
35                  CHAIRMAN LOHSE:   Now, I got to tell  
36 whether it was heads or tails, that was tails.  
37  
38                  MR. ENCELEWSKI:   Let me see that coin.  
39  
40                  (Laughter)  
41  
42                  CHAIRMAN LOHSE:   Trish you're number 1,  
43 Chuck you're our standby.  
44  
45                  I appreciate that, thank you.  
46  
47                  DR. WHEELER:   And we'll keep you posted  
48 on that, too.  
49  
50                  CHAIRMAN LOHSE:   Thank you, Polly.

1 DR. WHEELER: Sure.  
2  
3 CHAIRMAN LOHSE: As you can tell this  
4 is something that has an interest in our area.  
5  
6 DR. WHEELER: And I think you've had a  
7 proposal before you almost every -- or in the last few  
8 years you've had a proposal before you every time so  
9 it's an issue that likely is going to be around, maybe  
10 we can resolve some of the State's concerns or the  
11 Federal Board member's concerns or not; I don't know,  
12 we'll see.  
13  
14 CHAIRMAN LOHSE: I hope subsistence  
15 users don't get to the point where they have to put  
16 microchips in their subsistence products. That'd be  
17 like having subsistence users have to use email in  
18 order to put a proposal in.  
19  
20 Thank you, Polly.  
21  
22 DR. WHEELER: That would go in the  
23 arena of burdensome.  
24  
25 CHAIRMAN LOHSE: I would class it that  
26 way myself.  
27  
28 Okay, we'll go on to -- any other  
29 comments or questions on this tracking of bear claws?  
30  
31 (No comments)  
32  
33 CHAIRMAN LOHSE: And you'll keep them  
34 informed then, Polly?  
35  
36 DR. WHEELER: (Nods affirmatively)  
37  
38 CHAIRMAN LOHSE: Chistochina court case  
39 summary, Polly.  
40  
41 DR. WHEELER: Thank you, Mr. Chair.  
42 This is the final item that I need to speak to on  
43 behalf of OSM. On Page 26 in your books there's a  
44 briefing document put together by one of our attorneys  
45 from the Office of the Regional Solicitor that gives  
46 you a summary of the Chistochina lawsuit.  
47  
48 I would say that this was put together  
49 by Keith Goltz, it was to Mike Fleagle, the Chairman.  
50 At the time, December 3rd of '08, it was an internal

1 attorney communication and it was not to be released  
2 but with the concurrence of the Federal Board Chair and  
3 the solicitor's office they agreed to put it in --  
4 that's why it's in the book, because it was pretty  
5 informative.

6  
7 I can give you a little bit of  
8 background. Many of you are intimately aware with this  
9 case, but because it's been about five years since it  
10 all started I'll just give you a little bit of  
11 background and tell you where we're at right now.

12  
13 Again, a summary of the Ninth Circuit  
14 Court of Appeals Decision on the Chistochina case is in  
15 your books on Page 26 to 30. Going all the way back to  
16 2004, the Cheesh'na Tribal Council of the village of  
17 Chistochina submitted a proposal requesting a customary  
18 and traditional use determination for moose throughout  
19 Unit 12. Both this Council and the Eastern Interior  
20 Regional Advisory Council recommended that  
21 Chistochina's customary and traditional use of moose  
22 throughout Unit 12 be recognized. Fish and Game  
23 expressed reservations about the request. The Federal  
24 Board, at its meeting supported the recommendations  
25 from both of those Councils and recognized  
26 Chistochina's customary and traditional use of moose  
27 throughout Unit 12. The State of Alaska filed a  
28 lawsuit in U.S. District Court which challenged the  
29 Board's decision. In 2007, the district court found in  
30 favor of the Federal Subsistence Board decision. Their  
31 finding was subsequently appealed by the State to the  
32 Ninth Circuit Court of Appeals, and last fall, in  
33 September of 2008, the Ninth Circuit Court of Appeals  
34 validated the Federal Board's decision regarding the  
35 Chistochina customary and traditional use on pretty  
36 much every point.

37  
38 There's been a lot of talk about how  
39 the Federal Program's process regarding customary and  
40 traditional use has changed as a result of the lawsuit  
41 and it's been the solicitor's office opinion and the  
42 Federal Board's position and the Federal Subsistence  
43 Management Program's position that because the way that  
44 the Board makes their findings through the analysis of  
45 the eight factors that look at a customary and  
46 traditional pattern of use, because the Court decision  
47 affirmed that process, we will continue to do the  
48 customary and traditional use analysis as we have using  
49 the eight factors as sort of an, in whole, not as a  
50 rigid checklist, but in whole looking at the eight

1 factors to see if they distinguish a pattern of use.

2

3 So, Mr. Chair, that's the -- I doubt  
4 that will be the final word on that topic, but that's  
5 all I have for you today on that topic.

6

7 CHAIRMAN LOHSE: Has this decision been  
8 appealed?

9

10 DR. WHEELER: I'm not a lawyer, but my  
11 understanding would be that it would have to be  
12 appealed to the Supreme Court and I don't think that it  
13 has and I don't know what the timeframe is within which  
14 it would have to be appealed to the Supreme Court, but  
15 I haven't heard that there's any indication that it  
16 will be.

17

18 And I'll qualify what I just said by  
19 saying, again, I'm not a lawyer so if I got the process  
20 wrong it's my own error and I apologize.

21

22 CHAIRMAN LOHSE: Thank you, Polly. Any  
23 questions for Polly.

24

25 MR. CARPENTER: I got one question.

26

27 CHAIRMAN LOHSE: Tom.

28

29 MR. CARPENTER: In regards to the eight  
30 criteria, obviously the State uses the eight criteria  
31 differently than the Federal Staff uses the eight  
32 criteria. Did the Court of Appeals or did the State  
33 Supreme Court, did they ever rule on how much or is it  
34 up to the interpretation of the Federal Board members,  
35 how much information they use with those eight  
36 criteria, did they put any limiting factors on it?

37

38 DR. WHEELER: Through the Chair.  
39 Customary and traditional use criteria, factors, State  
40 law, Federal law, it gets complicated after awhile as  
41 you well know. And the State uses eight criteria,  
42 those were sort of modified -- when the Federal  
43 Subsistence Program came in, they took the eight  
44 criteria and kind of modified them and tweaked them a  
45 little bit and called them factors. An ongoing issue  
46 for some on the Federal Board has been how much use is  
47 enough use, how much, you know, do you have to have  
48 used something for 30 years or 40 years, what's the  
49 benchmark, what's the threshold -- it's the position of  
50 the Federal Subsistence Program that ANILCA was enacted

1 to protect and continue subsistence uses. A logical,  
2 if you said something has to be done for absolutely 30  
3 years, then over time that practice would die out, that  
4 wasn't the intention of ANILCA, or regulated out, I  
5 guess, so that wasn't the intention of ANILCA, so the  
6 position really is that ANILCA's enac -- the point of  
7 ANILCA is to protect and continue subsistence uses.  
8 The eight factors are there to describe customary and  
9 traditional uses. As unsatisfying as that might be for  
10 some; no, there aren't benchmarks; no, there aren't  
11 thresholds. What the courts did is they affirmed how  
12 the Federal Board -- they recognized that the Federal  
13 Board has some leeway in how they look at customary and  
14 traditional use and they affirmed how they've done that  
15 over time and the decisions that they've made with  
16 regard to customary and traditional use.

17

18 MR. CARPENTER: Okay, thanks.

19

20 CHAIRMAN LOHSE: Thank you, Polly.

21

22 I had a request from Wilson Justin to  
23 speak on this issue, Polly, and since it was on your  
24 part of the agenda, you have no objection to that, do  
25 you?

26

27 DR. WHEELER: Come on down.

28

29 CHAIRMAN LOHSE: And if there's no  
30 objection from any other Council member.

31

32 (No objections)

33

34 MR. JUSTIN: Thank you, Mr. Chairman.  
35 My name is Wilson Justin. And I am the vice president  
36 and health director for Mt. Sanford Tribal Consortium,  
37 which consists of the villages of Mentasta and  
38 Chistochina, and Chistochina is now referred to in  
39 these proceedings as Cheesh'na, which is part of the  
40 original name of the organization and the tribal  
41 council there.

42

43 I wanted to express a couple of points  
44 on the case on behalf of the tribal council of  
45 Cheesh'na. But before I do that I should explain the  
46 context of how I'm involved in this particular matter  
47 of this case.

48

49 Now, at Mt. Sanford Tribal Consortium  
50 as health director, I'm charged with the unfunded

1 mandate of subsistence advocacy for our area, our  
2 region and our tribes, but I'm not charged with any  
3 specific interaction. However, at Cheesh'na, I'm  
4 specifically named as the subsistence advocate for the  
5 tribal council of Cheesh'na. And at Cheesh'na I was  
6 asked many times, and often times to take direct action  
7 on behalf of the tribe on any manner or issue that  
8 comes before any agency in terms of protection or  
9 utilizing the subsistence provisions of ANILCA to  
10 ensure that Cheesh'na residents and tribal members have  
11 full enjoyment of the subsistence opportunities, which  
12 I've done. That's why I was quoted in the original  
13 decision on the case itself from a series of  
14 testimonies that occurred back in, I think it was 2003.  
15 I wanted to reflect on a couple of things regarding  
16 that testimony.

17  
18                                   1. When I provided testimony on behalf  
19 of Cheesh'na in terms of their proposal to expand into  
20 Unit 12. It was clear from the questions that was  
21 asked of me that there was a number of points that  
22 needed to be, at some point in time, expanded upon.  
23 This is regarding the term evidence of use. Now, I  
24 kind of laid a trap for the State in my testimony and I  
25 did that deliberately because I well understood rules  
26 of procedures and process in terms of courts of law.  
27 What I did in my testimony was to speak to evidence in  
28 a way that was very ambiguous because I was talking  
29 about evidence of use in terms of modern practices and  
30 I knew, as all my family did, that the evidence that we  
31 had once in Unit 12 was destroyed by other competing  
32 users in the '50s and '60s and '70s. Many of our  
33 hunting caches had been burned down. If they weren't  
34 burned down, they were taken apart for firewood. Many  
35 of the locations where we had tent frames for hunting,  
36 particularly on lakes like Echo Lakes and other lakes  
37 in the northern part where we had muskrat camps and  
38 fishing camps, those were deliberately taken away and  
39 no longer left in place so that we could never  
40 conclusively show evidence of use and occupancy. And  
41 this was what I was referring to in my statements,  
42 because I wanted to be on record very plain and very  
43 clear, that this modern day trap of asking for use of  
44 evidence is very harmful to subsistence users at all  
45 levels in the state of Alaska, because it's just not in  
46 Chistochina's case that this occurred. Anywhere in the  
47 state of Alaska where there's competing uses in the  
48 back country this occurred. I suspect if you went over  
49 into Chitina, upper reaches, I suspect if you went over  
50 to Susitna, doesn't matter where you go you would find

1 that in many cases those of us who had family members  
2 who had tents, camp sites, caches and what have you,  
3 all of those evidence of use were disposed of in the  
4 '50s and '60s and '70s by competing users; and that's  
5 the point that I was trying to make in my testimony.

6  
7 And I wanted to ensure it was on record  
8 and I wanted to reiterate the point today at this  
9 level. Because I think in the future under all  
10 considerations because of this particular case, the  
11 question of use and evidence of use is going to come up  
12 more and more. I think the courts are going to start  
13 saying now let's talk about actual evidence, and I  
14 wanted to be very clear early on in my discussion with  
15 the Cheesh'na case that, yes, we had evidence at one  
16 time but we could not find it now if we went to look  
17 for it because it was simply destroyed.

18  
19 As far as practice, now, anybody who's  
20 a subsistence user or consumer knows that practice very  
21 rarely leaves evidence. The customary practice of  
22 taking games in the back country is opportunistic so  
23 you don't really develop evidence of that. You simply  
24 know where you go and know what you're doing.

25  
26 But that was the point that I wanted to  
27 make in regards to the Cheesh'na case because I am not  
28 sure that it's going to be appealed but I wanted this  
29 particular Council to know and understand what  
30 Cheesh'na's thinking was on these in regards to these  
31 issues.

32  
33 I have other comments that I wanted to  
34 bring up but I'll reserve those for the tribal comments  
35 later on.

36  
37 I want to end by saying I deeply  
38 appreciate this Council's support and this Council's  
39 general-- I would call it attitude toward people who  
40 come in to testify like myself. In other arenas I've  
41 been challenged many times in my statements and my  
42 presence. Here, I've always been welcome and that  
43 means a lot to me and that means a lot to the Cheesh'na  
44 Tribal Council, so thank you.

45  
46 CHAIRMAN LOHSE: Any questions for  
47 Wilson.

48  
49 (No comments)  
50

1                   CHAIRMAN LOHSE: Look forward to  
2 hearing you later under tribal.

3

4                   MR. JUSTIN: Thank you.

5

6                   CHAIRMAN LOHSE: Okay, Polly, do you  
7 have anything more for us?

8

9                   DR. WHEELER: I don't, Mr. Chair, I'm  
10 done. But I'll be here for the remainder of the  
11 meeting so if anything else comes up I'm happy to  
12 answer any questions.

13

14                   CHAIRMAN LOHSE: Okay. Well, that's 55  
15 minutes that we've sat here and that's as far as you  
16 could fill somebody up without giving them a chance to  
17 empty out for a little while. So we will take a 10  
18 minute break and we will go on to tribal and non-  
19 government organizations and then the U.S. Forest  
20 Service and the Alaska Department of Fish and Game.  
21 And I think that we have a pretty good chance of  
22 getting that far today, so that we can start with our  
23 marine mammal, sea otter management thing tomorrow  
24 morning and our National Park Service reports tomorrow.  
25 But at this point in time let's take a 10 minute break  
26 and fill up your coffee cup, unfill your coffee cup,  
27 whatever you want to do and stretch, get the blood  
28 circulating in your legs so you don't get clots.

29

30                   (Off record)

31

32                   (On record)

33

34                   CHAIRMAN LOHSE: I'll call the meeting  
35 back into session and we're basically dealing with  
36 tribal and non-government organizations at this point  
37 in time. We have the Native Village of Eyak down and I  
38 think Cheesh'na asked if they could speak also so at  
39 this point in time we'll have the Native Village of  
40 Eyak.

41

42                   MR. van den BROEK: Thank you, Mr.  
43 Chairman. Keith van den Broek, Native Village of  
44 Eyak. I'm going to keep this presentation fairly  
45 brief.

46

47                   I do want to mention I used to give  
48 PowerPoint presentations to the Council and sort of  
49 stopped doing them with the understanding that  
50 everybody had seen it all before so I just want to put

1 the call out there, that for some of the new Council  
2 members, if you do want to see my full presentation at  
3 the next meeting, just ask I'll be happy to do that for  
4 you.

5  
6 At the last meeting I promised that I  
7 would have some escapement numbers for you guys and I  
8 do have those finalized as of a couple days ago  
9 fortunately.

10  
11 So our chinook estimate for 2008 was at  
12 41,342, which is a good number considering the dismal  
13 commercial fishery season. That's a bit above average,  
14 that's right about where we want to see for the number  
15 of fish coming into the river. Can't say what happens  
16 to them after that but if we assume an in-river harvest  
17 around 10,000 then that puts the estimate right in the  
18 middle of the spawning escapement goal and hopefully  
19 say escapement was safely met.

20  
21 For the sockeye estimate we counted  
22 739,883. That compares with the Miles Lake estimate of  
23 717,799. That's about a three percent variation and  
24 then if we do go and subtract our chinook estimate from  
25 the Miles Lake count that's still only an eight percent  
26 variation and it puts the Miles Lake number still  
27 within the acceptable range of error with a 95 percent  
28 confidence interval. The lower range of our estimate  
29 is about 630,000 and that's right about where the Miles  
30 Lake count would be when we subtract the chinook.

31  
32 So we can say that the Miles Lake count  
33 was a lot more on par this year than it was in '07 when  
34 we started this, that year we had about a 45 percent  
35 variation so it looks like with -- with the lower  
36 number of fish going into the river it didn't exceed  
37 the capacity of the sonar like we saw initially. So  
38 it'll be interesting to see what happens in '09 since  
39 they're predicting a smaller number again, I expect  
40 it's going to be close again. Hopefully we can get  
41 some continued funding and see what happens with a  
42 large number again.

43  
44 Project reports are being finalized  
45 right now. They will be completed and disseminated by  
46 the end of the month, and as Council members I believe  
47 you all have access to those. They go up on the OSM  
48 website as well for the public to view.

49  
50 I'll just talk real briefly about

1 planning for the 2009 season. We are currently funded  
2 for the chinook and sockeye escapement again and the  
3 sockeye radiotelemetry study. We've begun and almost  
4 completed hiring the fisheries technicians and camp  
5 leads. That is complete except for one position that  
6 I've purposely left open in the hopes that we'll have  
7 some local applicants come in at the last minute and  
8 fill that one. At the moment all of our hired  
9 employees are outsiders, which is one of the typical  
10 problems we run into. It's hard to get locals to  
11 apply.

12  
13 We do have three confirmed technicians  
14 returning from the 2008 season which is great news.  
15 And I've got one expression of interest from somebody,  
16 one of our local residents actually, who might be  
17 coming in for the other one but I haven't confirmed  
18 anything on that.

19  
20 Just started advertising for two intern  
21 positions. With those we do give local and tribal  
22 member preference and we have always been able to fill  
23 them with local tribal members, which hopefully we'll  
24 be able to do the same again this year.

25  
26 One of the problems we experienced in  
27 2008 was a lot of bugs in the sampling program that we  
28 had developed for our hand-held computers so at the  
29 moment we've just hired an outside contractor to  
30 develop new software for us and it looks like we're on  
31 track for completion of that in early April so  
32 hopefully we'll have about a month to play with it and  
33 debug that fully before the season starts.

34  
35 I have started supply purchasing. All  
36 of my fish tags are on order and we're currently  
37 reviewing our inventories from camps to develop a needs  
38 list.

39  
40 That's all I've got unless there's any  
41 questions.

42  
43 CHAIRMAN LOHSE: How has our sockeye  
44 radiotelemetry worked out -- how'd it work out last  
45 year?

46  
47 MR. van den BROEK: It worked out  
48 fantastically and I don't have a report. I believe I  
49 gave a handout at the last meeting that summarized the  
50 results and it will be in the final report here in a

1 few weeks.

2

3 CHAIRMAN LOHSE: Do you have any extra  
4 towers sitting around?

5

6 MR. van den BROEK: No. We're trying  
7 to get some more towers. We'd like to expand that  
8 program. I don't know what's going to happen after  
9 this year.

10

11 CHAIRMAN LOHSE: It would be nice to  
12 have a tower right about where the hub is.

13

14 MR. van den BROEK: Actually we did try  
15 that. We put one up on the AHTNA Corporation building  
16 and unfortunately we had some other technical problems  
17 with some of our other towers so we had to pirate parts  
18 off of that one quite a bit. But for the couple weeks  
19 that it was running it did pick up tags. We were able  
20 to confirm some of our harvests.

21

22 CHAIRMAN LOHSE: Any other questions.

23

24 (No comments)

25

26 CHAIRMAN LOHSE: Okay, I'd just like to  
27 compliment you guys on the good work you've done on  
28 that so far, and it's just pretty good to have two  
29 different methods working that end up, oh, I'd say  
30 confirming each other. It gives a lot more confidence  
31 on all ends, you know, managers and consumers and users  
32 and -- competing users, it's just really good to have  
33 you guys doing it.

34

35 MR. van den BROEK: Thank you.

36

37 CHAIRMAN LOHSE: Okay. Wilson, you  
38 would like to speak now during this tribal part  
39 wouldn't you?

40

41 MR. JUSTIN: Yes, thank you.

42

43 CHAIRMAN LOHSE: I know you're not on  
44 the agenda but with the consent of the rest of the  
45 Council it comes under tribal and non-government  
46 organizations.

47

48 MR. JUSTIN: Thank you, Mr. Chairman.  
49 Wilson Justin. I'm going to speak a bit in general on  
50 some practices that Cheesh'na Tribal Council has not

1 really commented on in the past but has spoken about in  
2 terms of maybe it's time we look at it.

3

4 Well, first of all before we go any  
5 further I'd like to record and put on record Cheesh'na  
6 has a standing objection to the issue of electronic  
7 email submission of all kinds with the Federal  
8 government.

9

10 No. 1, we don't have any subsistence  
11 user or consumer currently who even owns a computer.  
12 As you know most of our consumer users are in their 50s  
13 and 60s and 70s and 80s. Half of our subsistence users  
14 are still trying to learn English. At this point in  
15 time would be extremely derogatory in my estimation to  
16 require anybody who wants to put a proposal into the  
17 system to put a proposal in by email transmission. So  
18 we want to make sure that Cheesh'na has a standing  
19 objection, and we believe that this could be handled  
20 very easily with a waiver.

21

22 The second part of our objection is  
23 that most tribal councils, particularly in the more  
24 rural arenas have very inefficient delivery of email.  
25 Some are satellite systems, some are hardline, but none  
26 of them have 100 percent efficiency, and that means a  
27 lot in terms of deadlines.

28

29 So we want to record our objections to  
30 the continued discussion and use and probably  
31 regulatory effect of the submissions process.

32

33 That being said I wanted to speak about  
34 climate change and habitat issues in our region and  
35 basically in our area.

36

37 We followed the discussion on bear  
38 claws for probably 10 years now and it comes up every  
39 year and constantly and continuously without any break  
40 and yet there are more severe, larger issues going on  
41 in the region in terms of change of habitat, climate  
42 change issues that relate directly to water  
43 temperatures, relocating fish streams that have dried  
44 up. There is things going on, for instance now we know  
45 that king salmon is going up the Batzulnetas Creek,  
46 which none of the elders, none of them can remember  
47 that occurring before. So there's serious events and  
48 activities occurring at the ground level all over our  
49 region. But so much time and energy is spent on  
50 talking about whether or not bear claws have immense

1 value or have some intrinsic value that we can't figure  
2 out here. And I think I would like to see this Council  
3 recommend to the Federal Subsistence Board that more  
4 equal time be put on issues like habitat and climate  
5 change, particularly in lakes and streams.

6  
7 I know that last summer Chistochina  
8 River, outside of thunderstorms was running partly  
9 clear most of the summer, which you would never, ever  
10 think could happen. But once the glaciers have melted  
11 off the only real water you get is basically ground  
12 water and rain. Now, that has a marked effect on how  
13 fisheries are to be managed. For instance if you look  
14 at the creeks across the Copper River on the east bank,  
15 most of them have dried up in the '70s but because  
16 nobody lives over there or fishes over there or spends  
17 time over there, it's not a major concern that that  
18 occurred. And I think we miss -- we tend to miss the  
19 boat when we only develop concern about things that we  
20 can see. And if nobody sees the creeks drying up over  
21 there and losing fishes, and I spoke about this in 1996  
22 in Cordova. I think the number I used at that time,  
23 that we knew, about 11 indigenous stocks of salmon in  
24 our region, and I believe that we had five left at that  
25 time. So the question should have been in 1996 and  
26 thereafter, with both the State and Federal, well, do  
27 we want to introduce new stocks or do we want to study  
28 the habitat to find out if we can reintroduce.

29  
30 Those questions were never considered  
31 and that's the same thing with caribou.

32  
33 But I just wanted to ensure that at  
34 this point and time that a clear message be given that  
35 there are some major global issues that need to be  
36 contended with and yet we still continue to talk about  
37 the keyhole stuff, bear claws and how many sheep can  
38 run down a mountain at what speed and those are not  
39 very, what you would call, subsistence friendly  
40 subjects. They may be friendly to people who make a  
41 living at selling that kind of stuff, but they're  
42 really not subsistence issues. And I would like to see  
43 more of your time and my time and the Federal  
44 Subsistence Board's time spent dealing with subsistence  
45 issues on both a regional and statewide basis.

46  
47 The second general comment I wanted to  
48 bring to your attention on behalf of Cheesh'na is that  
49 we understand the constraints in funding, we understand  
50 -- we go through the same thing that everybody else

1 does in terms of funding cycles and what have you. But  
2 I would like to see a larger effort in terms of some of  
3 the habitat studies that have been neglected be  
4 selectively put on the table and put out for proposals.  
5 One of the things that I would like to see in our  
6 region is the study of caribou migratory patterns. We  
7 know they change. We know they drifted north quite a  
8 ways. I can also attest to the fact that one of the  
9 primary reasons for change was change in their dietary  
10 habitat. The food that they live on simply grew --  
11 didn't grow anymore where they were going because of  
12 the undergrowth so they just shifted their pattern. But  
13 another reason that nobody's really studied is the  
14 tremendous amount of ATV activity that's still in place  
15 when they start coming through. And those are issues  
16 that I think really need to be dealt with in terms of  
17 subsistence programs.

18  
19 In other words, all I'm saying is for  
20 the past -- since ANILCA passed in 1980 to 2009, we've  
21 never really sat down and talked about practices and  
22 patterns and issues related to take, we've always  
23 talked about some of the legalities and I think in this  
24 day and age, particularly with the way the Cheesh'na  
25 Tribal Council court case came out we can actually  
26 start looking at practices and we can start looking at  
27 some of the ground level issues that relate to take and  
28 use as opposed to allocation. We've been at this  
29 allocation stuff as long as I remember and I started  
30 with subsistence in 1977; it's always been allocation  
31 and numbers, and I think we really need to look at the  
32 end users in terms of practice and take.

33  
34 I'll stop there. I wanted to make sure  
35 our long-term concerns were heard and entered on record  
36 for your edification and if there are questions I'm  
37 here.

38  
39 Thank you.

40  
41 CHAIRMAN LOHSE: Any questions for  
42 Wilson.

43  
44 (No comments)

45  
46 CHAIRMAN LOHSE: Wilson, just a  
47 question from my standpoint, what -- you know, what  
48 kind of position or what kind of impact could you see  
49 the Council having on things like streams drying up or  
50 fish moving to areas that they haven't been before? I

1 mean we can recognize them but where do we have the  
2 ability to impact them?

3

4 MR. JUSTIN: Well, the first thing I  
5 would do is I would include a place on your agenda for  
6 any interested public, any interested agencies to  
7 comment on any changes that they may think is pertinent  
8 to the issue of subsistence. Given that I would  
9 probably reserve most of my comments for that agenda  
10 item when I do appear. Because normally you have  
11 enough people appearing before you on any regulatory  
12 activity, you hear 360 degrees worth of opinions on  
13 these issues but you never hear anything about ground  
14 stuff. So the first place I would start and recommend  
15 is start making it an agenda item on your meeting.

16

17 And the second comment I would make is  
18 that I would send letters of invitation to tribal  
19 councils and say we do invite your written testimonies  
20 about climate change.

21

22 CHAIRMAN LOHSE: From the standpoint  
23 that it has an impact on subsistence users.....

24

25 MR. JUSTIN: Absolutely.

26

27 CHAIRMAN LOHSE: .....because we could  
28 approach it from that standpoint. To a large extent it  
29 would be mostly informational so that we could take it  
30 into account when we're looking at other things. But  
31 it would be out of our -- oh, I'd say our authorization  
32 for action that we have as a Council.

33

34 MR. JUSTIN: That's strictly an  
35 interpretation. And my interpretation of ANILCA and  
36 I'm a pretty doggone good back room lawyer. My  
37 interpretation of ANILCA is that one of your charges,  
38 whether it's implicit in the statutory language or  
39 implicit in the traditional and customary aspects of  
40 recordkeeping and observation is that in order to make  
41 good sound decisions you need all pertinent facts, and  
42 the only people who have pertinent facts for your  
43 disposal are those who are in the 60, 70, 80 yea old  
44 categories and the only way you're going to be able to  
45 get those facts is to invite them through tribal  
46 councils.

47

48 CHAIRMAN LOHSE: Thank you. Any  
49 questions for Wilson.

50

1 (No comments)

2

3 MR. JUSTIN: Thank you.

4

5 CHAIRMAN LOHSE: Can I have one more  
6 question, Wilson?

7

8 MR. JUSTIN: Why certainly.

9

10 CHAIRMAN LOHSE: Are you as, as a  
11 tribe, recording your observations and the observations  
12 of your elders so that it would be available to the  
13 scientific community if they were studying climate  
14 change and changes in environment and how it impacts?  
15 It's kind of interesting because one of the questions  
16 on my son's Alaska studies course he was taking from  
17 North Dakota, of course.....

18

19 (Laughter)

20

21 CHAIRMAN LOHSE: .....was how does the  
22 receding of the glaciers in Alaska caused by climate  
23 change affect the Alaska resident? Good general  
24 question and I mean basically a political slant to it,  
25 for lack of a better way of putting it. But, see,  
26 that's the kind of thing that what you have just been  
27 talking about and that's the kind of thing that if you  
28 have access to that kind of information from those  
29 elders, that should be recorded so that it is available  
30 to the scientific community so that they can see, these  
31 are the effects that this change has had actually on  
32 people.

33

34 My son had to come up with a whole  
35 bunch of things for that and some of them were tongue  
36 and cheek because most of us, you know, we don't get to  
37 watch the ice fall into the Copper River as often when  
38 we go out to Mike 52 and sit and watch the glacier, you  
39 know, I mean those are the kind of comments he could  
40 come up with or, you know, it opened up -- it opens up  
41 access to more placer ground for placer mining, you  
42 know, but in general most of us haven't sat down and  
43 looked into how does this receding of the glaciers have  
44 an effect, and you've just named a couple. If the  
45 glacier's on Mt. Sanford have receded then the streams  
46 from Mt. Stanford that ran into the Copper River don't  
47 have water anymore. If the water in the Chistochina  
48 River is clearing up because of a lack of glacier melt,  
49 which is what makes it cloudy in the summertime, does  
50 that then increase the predation on the fish that go up

1 the Chistochina River, does that change the scent of  
2 the water that's going into the Copper to attract those  
3 fish, and those are the kind of things that we could  
4 get from observations from somebody like what you're  
5 talking about, yourself, elders and stuff like that.  
6 And it's just like dealing with my father-in-law,  
7 there's a lot of stories he's got about Cordova that I  
8 would love to have written down, well, I'll never get  
9 him to write them down, the only thing we can possibly  
10 do is hide a tape recorder in our pocket when we go  
11 talk to him so that we can record some of these and you  
12 have the opportunity to do that and this information  
13 may become invaluable 20 years from now because 20  
14 years from now most of these people won't be there.

15  
16 MR. JUSTIN: I'll answer that at two  
17 levels.

18  
19 Number 1, yes, we have been -- Mt.  
20 Sanford Tribal Consortium has been very active in  
21 cultural preservation, story telling, language issues.  
22 We've actually produced a number of videos on  
23 environmental impacts.

24  
25 CHAIRMAN LOHSE: Okay.

26  
27 MR. JUSTIN: We've produced a lot of  
28 activities which has generally been unrecognized. But  
29 we've never really gotten -- we've never developed the  
30 capability to get to the nitty-gritty and I'll give you  
31 an example.

32  
33 Katie John talks quite often about the  
34 starvation periods between 1914 and about 1920 when the  
35 fish crashed in the Copper River. At the same time the  
36 mining industry from about 1906 to about 1912 had  
37 carried out a pretty big sheep hunting program, market  
38 sheep hunting in our area and the sheep had either been  
39 run out or cleared out so we had no salmon in the river  
40 and no sheep in the mountain and in the upper  
41 headwaters region sheep was a primary staple, more so  
42 than moose or caribou or bear. It was always sheep  
43 that we depended on as a secondary source from the  
44 salmon. So deprived of those two it was within living  
45 memory that we had extensive starvation and death in  
46 the region. By 1927, I think there was probably -- or  
47 1930 there was probably one-third of the population  
48 reduced from 1910 in that 20 year period because of  
49 starvation and predatory actions on sheep by the mining  
50 industry.

1                               That's the kind of stuff that I think  
2 has direct bearing on not only subsistence practices,  
3 use and takes.

4  
5                               One of the things that I run into with  
6 Federal agencies is the memory issue is only related to  
7 last week's regulatory activity, and, yet, subsistence  
8 is multi-generational. We often here agencies, State  
9 and Federal, talk about subsistence in terms of law and  
10 that it's now and forever, but the problem is you only  
11 have one or two seasons worth of observations that  
12 gives you the context for these laws. And what happens  
13 afterwards is the laws are only used in terms of agency  
14 activity, never subsistence users.

15  
16                               So I have a standing concern and so  
17 does all the tribal councils up there that from 2009 on  
18 all of the subsistence practice issues, concerns and  
19 activities is going to be broken down and definitely  
20 showcased as issues of law, not issues of take or use  
21 or locality.

22  
23                               So I guess I'm objecting to it, I'm not  
24 sure. But I wanted to make sure that it's a major  
25 concern and I wanted to be on record.

26  
27                               CHAIRMAN LOHSE: Thank you, Wilson.  
28 It's interesting that you said that because one of the  
29 things probably that has had the biggest impact on me  
30 on subsistence was visiting with Suzie in Chitina when  
31 I first came to Alaska and her comment on the Copper  
32 River was, you know, if fish were late, people died. I  
33 mean that was the simple way that she put it.

34  
35                               MR. JUSTIN: In her living memory we  
36 had two particular times when that occurred.

37  
38                               CHAIRMAN LOHSE: Yep. So thank you.  
39 Any other questions for Wilson.

40  
41                               (No comments)

42  
43                               MR. JUSTIN: Thank you.

44  
45                               CHAIRMAN LOHSE: Okay, with that do we  
46 have any other Native village or organization that  
47 wishes to come forward at this point in time.

48  
49                               (No comments)

50

1                   CHAIRMAN LOHSE: Okay, we're going to  
2 go on to the U.S. Forest Service and possibly some  
3 insight into new regulations and things like that,  
4 maybe, rumors of new regulations.

5  
6                   MR. CARPENTER: Did you skip this?  
7

8                   CHAIRMAN LOHSE: This is one that we're  
9 having at 9:00 o'clock tomorrow morning.

10  
11                  MR. CARPENTER: Okay.

12  
13                  MR. ZEMKE: Good afternoon, Mr. Chair  
14 and Council. My name is Steve Zemke, I'm subsistence  
15 coordinator for the Chugach National Forest. And after  
16 Wilson's wonderful, eloquent words -- do you have  
17 enough -- no, okay, I think there was some going around  
18 this side here -- okay, we're back to the  
19 bureaucratize, I guess.

20  
21                  But I've handed out two pieces of  
22 paper, of course, the Forest Service always deals with  
23 wood that's why I've got paper products here rather  
24 than PowerPoint. But anyway the first one is just  
25 basically a short summary of the subsistence harvest  
26 activities that have kind of been directly related to  
27 the Council activities on the Chugach National Forest.  
28 Then on the second larger document is a 12 page  
29 schedule of proposed action which would kind of detail  
30 specific agency actions that are looking at coming  
31 forward in the near future on the Chugach.

32  
33                  So I guess I'll start with the summary  
34 first. In Unit 6 which is Prince William Sound,  
35 there's basically kind of four different items there.  
36 The first one I'll deal with is the Unit 6 subsistence  
37 moose harvest season. And that's a draw permit hunt  
38 that has occurred on the Copper River Delta for several  
39 years now and currently the numbers of moose are in  
40 Unit 6C, which is where the draw permit hunt is, is  
41 about 430 animals. It's kind of been up a little bit or  
42 it was lower first and then it was up the last couple  
43 of years, and I think last year there was 125 -- or in  
44 2007 there was 125 permits issued and the high harvest  
45 to bring the population down to a more stable level.  
46 And then so this year after the survey it looked about  
47 -- the population was kind of at the target level. And  
48 so through consultation with ADF&G it was decided that  
49 there should be 75 permits authorized, 25 antlerless  
50 and 50 antlered or bull moose, and of those the 25

1 antlers -- antlerless would all be on Federal permit  
2 system and then the 50 was broken down, 75 percent  
3 would be on Federal lands and then 25 percent would be  
4 on State lands under a State permit.

5  
6 And as always the hunt is highly  
7 anticipated in Cordova and this year there was 909  
8 applications for the Federal permit and the hunt,  
9 again, was well attended. In the past when the numbers  
10 were lowered, when there was around 20 or 25 there  
11 seemed like there was always 100 percent harvest, but  
12 now that there's more animals on the permit system the  
13 level of harvest is a little lower. If you look at --  
14 the hunter success was 92 -- or 88 percent for the  
15 antlerless moose so they got 22 out of 25 and then 46  
16 of the 50 for the bull moose.

17  
18 So that's kind of the hunt statistics  
19 for this last year.

20  
21 Are there any questions on that?

22  
23 CHAIRMAN LOHSE: Do you have any idea  
24 what the participation level was? Did all permit  
25 holders participate in the hunt?

26  
27 MR. ZEMKE: You know I don't have that,  
28 though, we could probably try to generate those  
29 statistics. I assume it would be relatively high and  
30 probably Tom Carpenter could speak to it. There's a  
31 general expectation that if you have a permit you're  
32 supposed to hunt with it and you get a phone call if  
33 you don't -- or if there's a moose available and they  
34 recommend maybe you should go out and consider the  
35 opportunity to harvest the moose at that time. But  
36 right now I don't have specific numbers for that, Mr.  
37 Chair. Would you like me to see if I can't have those  
38 for the next meeting?

39  
40 CHAIRMAN LOHSE: No, I was just  
41 wondering if there was any indication that any of those  
42 permits were being taken with the idea of not taking a  
43 moose?

44  
45 MR. ZEMKE: I would say no when you  
46 look at harvest rates of 88 percent or 92 percent,  
47 those are probably on the very upper end of what you  
48 would anticipate a hunt to have -- harvest. I think  
49 there may be one or two cases where people got a permit  
50 but then may have left the community for some reason

1 and weren't available to harvest during that period of  
2 time and didn't take advantage of a designated hunter  
3 opportunity.

4

5 CHAIRMAN LOHSE: Tom.

6

7 MR. CARPENTER: Yeah, Steve, thanks. I  
8 just have a couple of questions and a couple of  
9 comments.

10

11 The last couple of years, you know,  
12 this moose population has been built up over the last,  
13 say, seven or eight years so that higher harvest levels  
14 could occur because they were always -- on the average  
15 they were usually around 20 -- 25 to 35 animals that  
16 were harvested. The last couple of years we had real  
17 high harvests. And there's been some conversation that  
18 has come up the last couple of years and a couple of  
19 the points were was that there's some concern that now  
20 that we're taking these higher levels -- we're  
21 harvesting at higher levels and the Delta has changed  
22 so much the last 25 or 35 years, 40 years, there hasn't  
23 ever been a carrying capacity study done and I think  
24 the last one was done in the early '80s and, you know,  
25 we're starting to push 30 years on a carrying capacity  
26 study. And at the time the Delta looked significantly  
27 different than it does now.

28

29 CHAIRMAN LOHSE: Yeah.

30

31 MR. CARPENTER: I mean some of the  
32 concern is, is that, you know, the Department's  
33 position is that they want to have the moose population  
34 around the 400 range with the 25 bull to 100 cow ratio  
35 or generally close to that, do we really know that that  
36 is the appropriate level that the Delta can sustain for  
37 adult moose in Unit 6C? We don't really know that  
38 anymore. In 1980 we might have known that but we don't  
39 really know that now.

40

41 And the position that we've talked  
42 about is, is if the carrying capacity is higher or is  
43 it lower than it was in 1980 and we feel that those  
44 numbers need to be discussed because the higher the  
45 level of harvest that we can continue to put out to  
46 provide for subsistence opportunity in Cordova the  
47 better we are. But until we know what the carrying  
48 capacity study is, we really just have to go with what  
49 the Department tells us, and that's 400 moose. So we  
50 think that that's something -- I'm not sure how that

1 can be done or if there's funding for things like that  
2 to be done. You know, I've talked with Milo and Dan a  
3 bit about it and, you know, I understand the last  
4 couple years the budgets have been kind of tight but we  
5 feel that that's a high priority in the future.

6

7 MR. ZEMKE: Thank you for the comments,  
8 Mr. Carpenter. Obviously I think we have similar  
9 concerns. There has been body fat analysis done and  
10 the moose are healthy and, you know, at what level the  
11 population could subsist at -- or the total carrying  
12 capacity is probably somewhat debatable, if you look at  
13 on the second portion of the project on the scheduled  
14 proposed action there is a project on the Copper River  
15 Delta, I think it's on Page 4, listed here, it's kind  
16 of the continuation of the hydroax program looking at  
17 about 900 acres and if, in deed -- the idea is we want  
18 to, through mutual consultation with ADF&G and then the  
19 Southcentral Council to raise the numbers then that  
20 would probably be one of the opportunities as you  
21 mentioned, you know, the change from the '64 earthquake  
22 and the encroachment of shrubby vegetation on prime  
23 moose habitat is probably a major -- is a concern for  
24 all of us and so the District is starting to take a  
25 more aggressive approach now to be able to provide for  
26 higher quality moose habitat and then increase the  
27 numbers on that.

28

29 I think right now, yeah, we're looking  
30 at a relatively conservative approach at managing the  
31 moose numbers to prevent kind of a spike in population  
32 that would severely over browse the, you know, the  
33 winter range and then create a problem in -- you know,  
34 long-term problem. And so, yeah, I guess I would  
35 encourage you to work cooperatively again.....

36

37 MR. CARPENTER: Right.

38

39 MR. ZEMKE: .....with Milo and I think  
40 we're in transition there will be a new wildlife -- we  
41 call them terrestrial program manager to be able to  
42 take a look at what we can do out on the Delta to be  
43 able to further increase moose numbers and they are to  
44 provide for that higher subsistence opportunity.

45

46 MR. CARPENTER: I was going to bring up  
47 the hydro project. We had had a meeting in town about  
48 that and that sounds like a project that's a worthwhile  
49 project and we hope that that actually happens.

50

1                                 Just one other concern that I'd like to  
2 bring, I don't know, not only to your attention, but  
3 maybe to the RAC's attention, is that, you know,  
4 currently the moose surveys are done by the Department  
5 of Fish and Game and we understand that there is some  
6 Federal money that goes in to help sustain the cost  
7 associated with doing those surveys since the hunt in  
8 6C is a subsistence hunt, and that's a good thing. But  
9 the concern we've had lately is that, you know, we do  
10 have the opportunity, at least in Unit 6 -- we do tend  
11 to get snow early, usually before the moose drop their  
12 horns. The last couple years the surveys haven't been  
13 completed until -- like this year it was done the week  
14 before the Board of Game meeting. Now, we understand  
15 this isn't your responsibility or the Forest Service's  
16 responsibility, but we think that it is partly your  
17 responsibility when being, you know, basically a co-  
18 manager of the hunt in Cordova, we're concerned about  
19 the cow to bull ratio and we're also concerned with the  
20 fact that, you know, when you have the ability to go  
21 out and do the surveys when the bulls still have their  
22 antlers that you should probably do that.

23  
24                                 And I guess if what -- what I'm trying  
25 to say is that if the Forest Service is contributing to  
26 this cost associated with doing these surveys, I guess  
27 I would like to see you get a better bang for your  
28 buck. That's just my comment.

29  
30                                 MR. ZEMKE: Thank you, Tom. I'll make  
31 sure that the District folks know about that when we're  
32 starting -- I think a portion of -- a problem, at  
33 least, with our Forest Service surveys is being able to  
34 get carded aircrafts since being able to fly a SuperCub  
35 for kind of low elevations, slow flights, availability  
36 of that airplane is pretty severely limited in Cordova,  
37 and so they may actually have to schedule it when it's  
38 available and it creates problems that way. But I'll  
39 talk with them, follow up.

40  
41                                 Are there any other questions.

42  
43                                 (No comments)

44  
45                                 MR. ZEMKE: I guess following in that  
46 vein, there was also kind of a moose harvest for the  
47 Native Village of Eyak. They have one permit for their  
48 annual sobriety potlatch and actually have the one  
49 permit, they harvested their moose this year and  
50 there's also actually -- were six designated hunters

1 for that and they were able to get their one moose.

2

3                   On to mountain goats, there was six  
4 Federal permits issued and then three mountain goats  
5 were reported harvested, which is a higher number of  
6 harvest in the past, and so I think our folks have been  
7 working with the villages to try to be able to get  
8 better reporting.

9

10                   And then finally in Unit 6 there's deer  
11 harvest. After 2007, which was kind of the winter of  
12 2006/2007 was a pretty severe winter, the numbers were  
13 down but this year the numbers appear to be kind of  
14 stabilized again. Unlike in 2007, and the bullet  
15 there, it says, no emergency harvested does, actually  
16 there was no emergency harvest closure for does like  
17 there was in 2007, so that's what that bullet should  
18 have said. And then most of the harvest was actually  
19 under State tags, which allow for five deer this year,  
20 whereas our Federal side we only have four. Most  
21 people took the opportunity to harvest then on the  
22 State side of things, though they could have harvested  
23 later under the Federal side if they preferred.

24

25                   And then moving on to Unit 7, kind of  
26 the eastern side of the Kenai Peninsula is this new  
27 moose harvest season that was instituted for the  
28 residents of Cooper Landing. It's kind of the first  
29 year. There were 33 harvest permits issued for the  
30 permit. There was no harvest reported of those 33  
31 permits. Only 10 of the permit holders actually  
32 reported hunting under that permit. 15 of those that  
33 got a permit reported not hunting, and they turned  
34 their permit in. And currently there are eight permits  
35 where people hadn't turned their permits in and that's,  
36 I guess, would view that as a problem, for education  
37 primarily, we need to do a better job with our local  
38 users to know that they need to turn in their permits.

39

40                   And so that's all I've got on the kind  
41 of the subsistence harvest side of things.

42

43                   Are there any other questions on that  
44 portion.

45

46                   (No comments)

47

48                   MR. ZEMKE: Okay, seeing none and  
49 moving on there's a schedule of proposed action and,  
50 again, this is a 12 page document and basically it

1 details kind of the project name, project purpose,  
2 status, kind of decision, when it's -- and  
3 implementation is expected and then kind of the project  
4 contact if you have specific concerns about the  
5 project, who to talk to, both a phone number, for those  
6 who don't like email and then for those who actually  
7 can send electronic so they could probably email them  
8 also.

9  
10                   Looking at that basically I'll  
11 highlight a couple different projects. One is on Page  
12 4 the moose habitat improvement project on the Copper  
13 River Delta we had talked about. The hydroax, 900  
14 acres over the next 10 years with up to 200 acres in  
15 any one year and so that would be looking at kind of a  
16 long-term development of trying to increase moose  
17 habitat capability on the Cordova district and Copper  
18 River Delta.

19  
20                   Kind of the second project, maybe kind  
21 of deals with maybe wildlife habitat are what's called  
22 fuels treatment now, those are primarily for wild fire  
23 protection around communities but they probably have,  
24 as a secondary benefit, would include habitat  
25 improvement for moose, and those are kind of the --  
26 around the Kenai communities of Hope, Cooper Landing  
27 and Moose Pass, are the primary areas and they're  
28 detailed on Page 8 kind of what's called Avalanche  
29 Acres and the -- let's see the Bean Creek -- Avalanche  
30 Acres is kind of in between Cooper Landing and Moose  
31 Pass and then Bean Creek north is right kind of north  
32 and west of Cooper Landing. And then there's on Page  
33 10 a Hope project which is kind of fuel treatment  
34 around the community of Hope and then Page 11 there's  
35 Russian River, again, it would be a project primarily  
36 around Cooper Landing and those all deal with probably  
37 several hundred acres each around those, probably  
38 mostly thinning and pile and burn but may possibly some  
39 broadcast burning also.

40  
41                   And then there's also kind of two major  
42 potential stream restoration projects. One is on  
43 Dave's Creek, which is kind of a watershed restoration  
44 project on the upper Kenai River. It's a small creek  
45 that flows into Crescent Creek and then into Kenai Lake  
46 so it's kind of around the community of Cooper Landing.  
47 And then what we call Resurrection Creek, Phase II,  
48 major watershed that flows directly through the  
49 community of Hope. And it was heavily mined back in  
50 the early 1900s and it's a major watershed restoration

1 of putting the channel back into its natural kind of  
2 hydrologic state of meander bends and slowing the  
3 grading down adding large wood and larger boulder  
4 materials to provide for anadromous fish habitat, both  
5 probably coho and then also chinook salmon.

6

7 So those are kind of the major projects  
8 that we're probably looking at in the next year or two.  
9 Again, if you have specific interests or concerns, I  
10 can try to answer them here or if you have specific  
11 questions probably talking to the contact person would  
12 be an available opportunity.

13

14 Probably one of the other things to  
15 mention is that we are going through a major change of  
16 management on the Chugach National Forest, our Forest  
17 Supervisor Joe Meade's been here for five years, he's  
18 planning to be here for awhile, I'm not sure how much  
19 longer, I think he's considered a rising star so he  
20 might be plucked out of our midst sometime in the next  
21 year or two, but we do have three new district rangers.  
22 We had one retiree, one moved -- defected and went over  
23 to the BLM, and then another one moved down to a new  
24 position down in the Lower 49. So the Cordova Ranger  
25 District is Theresa Benson, she'll be the new ranger  
26 there. On the Glacier Ranger District, which is  
27 western Prince William Sound and kind of the very  
28 eastern side of Kenai Peninsula is Kate Walker; she's  
29 coming up from the Lower 48. And then on the Seward  
30 Ranger District is Travis Mosley, he was the acting  
31 ranger on the area for a few months last winter, but  
32 he's coming up from New Mexico.

33

34 So with that, that's all I have right  
35 now unless there's other questions.

36

37 Thank you.

38

39 CHAIRMAN LOHSE: Tom.

40

41 MR. CARPENTER: Yeah, Steve, just a  
42 couple other questions. I was looking on Page 4 and  
43 one of the projects is an outfitter guide non-  
44 consumptive use in eastern Prince William Sound, is  
45 that the carrying capacity study; is that what that's  
46 referring to or is that something different in regards  
47 to outfitter guides in Unit 6?

48

49 MR. ZEMKE: Yeah, the carrying capacity  
50 would set the sideboards for the use and currently we

1 have what's called the Prince William Sound framework  
2 project which was funded through Exxon Valdez Oil Spill  
3 Criminal Restitution Dollars to look at kind of where  
4 the use patterns are and then along, kind of concurrent  
5 with that was money that came from the recreation  
6 management portion to establish that carrying capacity  
7 out there. We'll probably use those two suites of  
8 information to be able to do a better job of being able  
9 to say what the available allocation should be. Part  
10 of the Prince William Sound framework project is to  
11 take a look at subsistence use patterns and we're  
12 trying to document those through a series of kind of  
13 community mapping projects this summer working with  
14 Native Village of Eyak, Tatitlek, Chenega and then  
15 other -- community of Cordova to try to be able to take  
16 a look at those use areas better than what we have  
17 right now. I think from our old Federal Subsistence  
18 Board use studies which were done back before 1980,  
19 obviously data that's almost 30 years old isn't  
20 probably what we should be managing with so, yeah,  
21 we're looking at trying to develop that.

22  
23 MR. CARPENTER: Well, I was under the  
24 impression and maybe I'm incorrect, that there has been  
25 an interim -- you know, the carrying capacity study had  
26 been completed and that there was an interim, I guess  
27 you would call it a managerial decision made that at  
28 least for next year the carrying capacity was going to  
29 be increased. And I guess I'm curious, if that's the  
30 case, I guess maybe I'm potentially a little bit  
31 concerned about what impact that could have on the  
32 subsistence activities in Prince William Sound and on  
33 the Delta and maybe you could enlighten me.

34  
35 MR. ZEMKE: There was kind of a  
36 moratorium put on long-term outfitter guide permits and  
37 so I think they were looking at increasing in the  
38 short-term, on those one year, or two year permits. I  
39 -- what we probably need to do is visit more closely  
40 with -- you can come in and visit with Bob Berhends and  
41 that and -- but there should be an EA written for those  
42 and an .810 evaluation should be able to document  
43 concerns that way. But right now I couldn't, off the  
44 top of my head say, here's what the status is.

45  
46 MR. CARPENTER: So there is time for  
47 public comment until there's permanent status?

48  
49 MR. ZEMKE: Yeah, I think so.

50

1 MR. CARPENTER: Okay. And maybe the  
2 only other question I had, you know, there's been some  
3 discussion in town about new nationalized permitting in  
4 regards to, I don't know what you want to call it,  
5 gathering, could you maybe tell us what's going on  
6 there?

7  
8 MR. ZEMKE: There is kind of a push to  
9 be able to get Forest Service handbook regulation in  
10 and it's kind of National Standards, but I think there  
11 has been tribal consultation done also, and I think  
12 they're right now, kind of factoring in all that  
13 information to be able to go ahead and look at putting  
14 together the handbook. I guess the other opportunity  
15 is that there would be regional supplement to that  
16 handbook that would maybe allow for specific Alaska  
17 direction. Currently we have similar -- have occurring  
18 types of activities, say, for wilderness activities  
19 there's a wilderness handbook but there's also a  
20 national -- a Region 10 handbook operations that would  
21 prescribe activities how -- as to how they different  
22 from the national aspect, and so those ANILCA  
23 determinations would be the primary determiner of how  
24 those would differ.

25  
26 MR. CARPENTER: Thank you.

27  
28 CHAIRMAN LOHSE: Just one question. If  
29 they are thinking of -- if it would come to the point  
30 where they would develop a regional handbook or  
31 regional discrepancies or regional, whatever you want  
32 to call them, things that recognize the difference in  
33 Alaska, and I know, like you said you've consulted with  
34 the tribes and things like that, but would they also be  
35 figuring on, prior to issuing something like that,  
36 consulting with the Regional Councils, which actually  
37 are Federal representations of the subsistence  
38 community?

39  
40 MR. ZEMKE: We're probably negligent on  
41 that part, we haven't and -- and it's probably to the  
42 point now that we could provide you with the  
43 information, you should take a look at it and if I can  
44 I'll print a copy off of it tonight and get it back to  
45 you tomorrow so that you guys can take a look at it. I  
46 think March 5th was kind of the general date they were  
47 looking at, but at the same time something as important  
48 as Regional Council input, I think you could probably  
49 write a letter and express concerns, if you do have  
50 any, over the policy.

1                   CHAIRMAN LOHSE: Sure appreciate that  
2 if you could get us a copy by tomorrow morning.  
3  
4                   Any other questions.  
5  
6                   (No comments)  
7  
8                   CHAIRMAN LOHSE: Thank you.  
9  
10                  MR. ZEMKE: Thank you.  
11  
12                  CHAIRMAN LOHSE: Okay. Shall we look  
13 at Wrangell-St. Elias National Park, Barbara, are you  
14 ready -- you're not.  
15  
16                  MR. CARPENTER: How about ADF&G.  
17  
18                  CHAIRMAN LOHSE: Oh, I missed ADF&G, my  
19 fault, sorry.  
20  
21                  MS. CELLARIUS: I was going to print  
22 out the handout on the horns and antlers and talk about  
23 that tomorrow along with everything else so I'm better  
24 tomorrow.  
25  
26                  CHAIRMAN LOHSE: Okay. How about if I  
27 -- it was my fault, I missed the Alaska Department of  
28 Fish and Game Field offices, do we have anything there  
29 to.....  
30  
31                  MR. PAPPAS: No, sir.  
32  
33                  CHAIRMAN LOHSE: No, sir. Well, with  
34 that we have a report at 9:00 o'clock tomorrow morning.  
35 The National Park Service has requested that we allow  
36 them until tomorrow to get your stuff for Wrangell-St.  
37 Elias. How about Denali, does Denali have anything to  
38 present -- would you prefer to present it today?  
39  
40                  MS. CRAVER: I can present it right  
41 now.  
42  
43                  CHAIRMAN LOHSE: Okay, that sounds good  
44 to us.  
45  
46                  MS. CRAVER: Good afternoon, Mr.  
47 Chairman and members of the Council. My name is Amy  
48 Craver and I manage the cultural resources and  
49 subsistence for Denali National Park and Preserve.  
50

1                               Currently our Southcentral RAC  
2 appointment is vacant. At our November meeting at the  
3 Subsistence Resource Commission meeting one of our  
4 founding SRC members resigned due to other commitments.  
5 There are few people who qualify for Southcentral RAC  
6 appointment. These appointees must be qualified  
7 subsistence users which means that they have to live  
8 within a three mile radius of the Cantwell post office.  
9 Additionally they must be a member of the local  
10 advisory committee.

11  
12                               Two candidates applied for this  
13 Southcentral RAC appointment, but were unqualified  
14 because they did not -- they lived outside the resident  
15 zone boundary. One qualified person, Marie Gore, has  
16 submitted her name for the Southcentral RAC appointment  
17 to the Denali SRC.

18  
19                               Marie is the sister of the commissioner  
20 who recently resigned, is a member of Denali's Local  
21 Advisory Committee, she regularly applies for Federal  
22 moose and caribou permits for GMU 13A and she's active  
23 in the community. Recently her son participated in an  
24 internship sponsored by the Park Service where two  
25 elders from Nikolai came to Cantwell and taught him how  
26 to make a traditional moose hide boat.

27  
28                               Marie describes her subsistence  
29 activities as follows:

30  
31                               I've lived in Cantwell all my life, 42  
32 years, and have eaten moose, caribou,  
33 berries, plants, every one of those  
34 years.

35  
36                               My family hunts, camps, harvests,  
37 stores together as an extended family  
38 from young to old. My dad is from  
39 Cantwell as was his mom and her mom and  
40 her mom before her.

41  
42                               Before Cantwell was a town it was a  
43 seasonal location for my family coming  
44 from the east following the caribou and  
45 migratory routes.

46  
47                               I am a member of the Denali Advisory  
48 Council and I have their support from  
49 the Denali AC for this Southcentral RAC  
50 appointment.

1 Thank you.  
2  
3 CHAIRMAN LOHSE: If I understand right  
4 this was the only qualified applicant we've got that  
5 meets the qualifications we need for the RAC  
6 appointment, right  
7  
8 MS. CRAVER: That is true.  
9  
10 CHAIRMAN LOHSE: Chuck.  
11  
12 MR. LAMB: Is this another one that was  
13 -- that Jeff Burney had gone for?  
14  
15 MS. CRAVER: Yes. Well, I have to  
16 apologize for Jeff Burney, I did not realize that he  
17 actually applied to the Southcentral RAC directly and I  
18 didn't even know about that appointment until the  
19 meeting so I would have been here but I didn't know  
20 anything about it. But, yes, so that appointment, that  
21 was Gilbert Dementi's position, and so Jeff took that  
22 place and he did attend our last SRC meeting, made a  
23 great contribution and then since then Vern Carlson has  
24 resigned because of other commitments and so now we've  
25 got his sister, Marie Gore.  
26  
27 MR. LAMB: Yeah, I know her.  
28  
29 MS. CRAVER: Yeah.  
30  
31 CHAIRMAN LOHSE: Okay, so this would be  
32 for Vern Carlson's seat then?  
33  
34 MS. CRAVER: Correct.  
35  
36 CHAIRMAN LOHSE: Okay. Well, if that's  
37 our only applicant that qualifies and if anybody knows  
38 her, a motion.....  
39  
40 MR. LAMB: I'd make a motion, I know  
41 her.  
42  
43 CHAIRMAN LOHSE: You'll make a motion  
44 to recommend her?  
45  
46 MR. LAMB: Yeah.  
47  
48 MS. STICKWAN: Second.  
49  
50 CHAIRMAN LOHSE: It's been seconded by

1 Gloria.  
2  
3 Any discussion.  
4  
5 (No comments)  
6  
7 CHAIRMAN LOHSE: Any discussion needed.  
8  
9 Chuck, you know her and feel that she'd  
10 represent.....  
11  
12 MR. LAMB: Yes, I know her family, I  
13 know her daddy-in-law, I know her husband, Bruce. We  
14 lived in that area for seven years and I know pretty  
15 much everybody around there. I think she could do it.  
16  
17 MR. CARPENTER: Question.  
18  
19 CHAIRMAN LOHSE: Okay, Tricia, you were  
20 going to say something.  
21  
22 MS. WAGGONER: Oh, I was just going to  
23 comment that living in the area I knew her as well and  
24 the family and so I definitely think that she could do  
25 a good job.  
26  
27 CHAIRMAN LOHSE: Okay. The question --  
28 Robert.  
29  
30 MR. HENRICHS: Yeah, it'd be nice if we  
31 got some of this information before the meeting in the  
32 future.  
33  
34 CHAIRMAN LOHSE: Okay, with that the  
35 question's been called. Tom called the question. Any  
36 other discussion, if somebody has discussion I'll allow  
37 it but otherwise we'll go on with the motion.  
38  
39 (No comments)  
40  
41 CHAIRMAN LOHSE: All in favor signify  
42 by saying aye.  
43  
44 IN UNISON: Aye.  
45  
46 CHAIRMAN LOHSE: All opposed signify by  
47 saying nay.  
48  
49 (No opposing votes)  
50

1                   CHAIRMAN LOHSE: Motion carries. One  
2 thing about these appointments they're pretty limited  
3 to the amount of people who can actually fill them  
4 because if you're limited to a three mile radius from  
5 Cantwell and have to belong to the Advisory Committee  
6 there, there aren't a real lot of people who can take  
7 that position so I'm glad we have somebody that sounds  
8 like they've been there, done that and done it to be  
9 representing us so thank you.

10

11                   Do you have anything further for us.

12

13                   MS. CRAVER: (Shakes head negatively)

14

15                   CHAIRMAN LOHSE: No report about any  
16 exciting things going on in Denali?

17

18                   MS. CRAVER: Well, one exciting project  
19 that we have that we're just starting up is documenting  
20 trapline activities in the north -- northern part of  
21 the Preserve on Minchumina residents and then we'll be  
22 partnering up with Wrangell-St. Elias next year to be  
23 doing similar studies. And that's basically just  
24 trying to get as much ethnographic information we can  
25 regarding trapping activities. And then we'll probably  
26 try to extend that out to the Cantwell area and then  
27 also in the Kantishna area because there is quite a bit  
28 of trapping in -- from the Minchumina residents in the  
29 Preserve, but we don't really understand sort of the  
30 nature of, you know, they pass along traplines, it's  
31 kind of informal. The Park Service doesn't recognize  
32 that but we need to sort of have an understanding from  
33 the community members how that really works, and  
34 there's sort of a concern from the Minchumina residents  
35 that, you know, potentially there could be more new  
36 people moving in. They understand where the  
37 established traplines are but if they were to cut new  
38 traplines that would require from the Park Service a  
39 new EA and, of course, as we know that can be a very  
40 long and drawn out process. So what we want to do is  
41 be able to acknowledge historic trapline trails,  
42 current trapline trails, so that if people want to come  
43 in and build new ones that we'll know that they're  
44 actually new and not historic.

45

46                   So we got that project going on.

47

48                   We've got a lot of people requesting  
49 firewood permits in the Cantwell area, and as a result  
50 I've consulted -- we've got a project going where we're

1 going to be working with a forestry consultant  
2 basically to tell us what a sustainable yield of  
3 harvest of firewood because right now don't really  
4 know. We're just sort of giving out permits one cord  
5 per family but it's just kind of random. So hopefully  
6 we'll be able to know by this time next year what a  
7 sustainable yield is for that area.

8  
9 Last fall we reinstated a permit moose  
10 hunt in 16B working with residents in Skwentna. We  
11 flew out to Skwentna for the hunting season, issued --  
12 it was actually kind of funny because I got several  
13 phone calls telling me that nobody would show up to the  
14 Skwentna Roadhouse because nobody wanted to get these  
15 permits but then we showed up and there were eight  
16 people that came in and got permits. And then it turns  
17 out the Preserve is quite a distance from Skwentna and  
18 I really know of only one person that really utilizes  
19 the Preserve for moose, but, nonetheless, eight people  
20 did fill out permits and there were no moose harvested  
21 in the Preserve.

22  
23 And then what else, I wasn't really  
24 prepared to give an update.

25  
26 Oh, one other thing. We did -- the  
27 final reg did go in to the Federal Register on November  
28 14th for the opening up the four ORV trails in the  
29 Cantwell traditional use area. And so we had quite a  
30 discussion at our last SRC meeting, just got talking  
31 about that, what the implications for that was for  
32 local subsistence hunters.

33  
34 And that's about it.

35  
36 Any questions.

37  
38 CHAIRMAN LOHSE: Do you have a lot of  
39 beetle kill in that area or are they basically just  
40 harvesting trees that are alive or trees that are just  
41 dying naturally?

42  
43 MS. CRAVER: They're harvesting mostly  
44 dead standing timber. And I haven't heard anybody  
45 talking about beetle kill but I don't have a lot of  
46 knowledge about that.

47  
48 CHAIRMAN LOHSE: Well, that's why I was  
49 wondering about sustainability because if you're  
50 harvesting dead standing timber, whether it's beetle

1 killed or otherwise, you're reducing the fire hazard in  
2 the area and I was just wondering why, you know, why it  
3 was limited to one -- you know, whether the intention  
4 was to try to limit it so that enough timber was dying  
5 every year so that you could have the same amount of  
6 permits every year or if the intention was to  
7 distribute it equitably amongst everybody that needs it  
8 or what the idea behind sustainability on dead standing  
9 timber would be. Because, you know, I don't -- I just  
10 know like in the Kenny Lake area, places like that,  
11 that firewood's in pretty short supply in a lot of  
12 places and one cord doesn't go very far.

13  
14 MS. CRAVER: Well, actually the reason  
15 we're doing that study is kind of all the reasons that  
16 you brought up. We don't really understand the nature  
17 of just ecologically, the impacts of -- I mean I've  
18 talked with several of our biologists and, you know,  
19 there's a lot of birds that are nesting in that dead  
20 standing timber, what is the implications of cutting  
21 that down, we've got sort of a concentration of people  
22 cutting firewood near Cantwell community, and we've got  
23 -- and I get several requests from individuals wanting  
24 -- saying that they need 10 cords of wood, so we can't  
25 be giving everybody 10 cords of wood for the season at  
26 this point because we just don't know. So part of it  
27 is to distribute the permits throughout the community.  
28 And then also to try to see if there's other areas  
29 where people might need to move into to cut sustainably  
30 in that area. We just don't really know much at all  
31 about that area in terms of wood harvest, so that's  
32 part of what's generating this study.

33  
34 CHAIRMAN LOHSE: Yeah, I mean the 10  
35 cords sounds more logical to me than one cord, you  
36 know, if you're up in that -- that's cold country and  
37 if you're up there and you're heating with wood, one  
38 cord of wood doesn't heat very long.

39  
40 MS. CRAVER: That's their argument as  
41 well.

42  
43 CHAIRMAN LOHSE: Yeah, well, it's not  
44 an argument it's the truth.

45  
46 (Laughter)

47  
48 MS. CRAVER: Well, but part of it is to  
49 at least provide some access, you know, to the  
50 resources and that's.....

1                   CHAIRMAN LOHSE: Yeah.  
2  
3                   MS. CRAVER: .....you know, we've got  
4 -- as AHTNA land is -- they're conveying more of that  
5 land around Cantwell, there's even -- and I think  
6 Gloria could correct me, I think that it now costs \$25  
7 a cord to cut wood on AHTNA land and so now we're  
8 getting even more pressure and I mean it's.....  
9  
10                  CHAIRMAN LOHSE: So there is alternate  
11 firewood available at a cost, which is reasonable?  
12  
13                  MS. CRAVER: Correct.  
14  
15                  CHAIRMAN LOHSE: Yeah, okay, well, that  
16 was.....  
17  
18                  MS. CRAVER: But they didn't have to  
19 pay before so this is something new, you know, at least  
20 so.....  
21  
22                  CHAIRMAN LOHSE: That's logical.  
23  
24                  (Laughter)  
25  
26                  CHAIRMAN LOHSE: Thank you. Gloria.  
27  
28                  MS. STICKWAN: I don't know what the  
29 current list of price for wood is, but I do want --  
30 would like to know in the future when you have  
31 meetings, is there some way that you could let the  
32 public know when the SRC meeting is, or to get an  
33 agenda out or something?  
34  
35                  MS. CRAVER: Well, I think I did send  
36 you an agenda but unfortunately that meeting was  
37 cancelled due to a lack of quorum. This was our last  
38 SRC meeting that we were going to have in February in  
39 Minchumina. Generally the process is that we publish  
40 the notice in the Federal Register 60 days before the  
41 meeting, and then I go -- and we have a subsistence  
42 mailing list, subsistence local users and I mail out  
43 the notices to everybody on that list and perhaps I  
44 just need to get you on it so you're just routinely  
45 included rather than -- because you're kind of --  
46 you're always asking and I try to give you an agenda  
47 but sometimes maybe it doesn't happen. But our next  
48 SRC meeting is April 30th in Healy and I'll be sure to  
49 give you an agenda. And then if the meeting does  
50 change, the date, we're required to publish the new

1 date in both the Anchorage Daily News and the News  
2 Miner as well as we contact everybody and then we put  
3 notices in all the businesses, the post office in  
4 Minchumina, and Nikolai and all over Cantwell.

5

6 CHAIRMAN LOHSE: Do you use the local  
7 radio station?

8

9 MS. CRAVER: You know we haven't used  
10 KUAC.

11

12 CHAIRMAN LOHSE: Because they have a  
13 public announcement, all of the local radio stations  
14 have a public announcement, free public announcement.

15

16 MS. CRAVER: Well, you know, actually  
17 that's not true because they -- I have had it announced  
18 in Talkeetna at KTNA.

19

20 CHAIRMAN LOHSE: Yeah.

21

22 MS. CRAVER: It generally is -- they  
23 somehow pick it up so it is in Talkeetna but not the  
24 Fairbanks, Healy and Cantwell people get the Fairbanks  
25 radio station.

26

27 CHAIRMAN LOHSE: Yeah. No, I was  
28 thinking what Gloria was talking about, you know, the  
29 Denali is also used by people from the -- the AHTNA  
30 people from the Copper Basin too so I was thinking, you  
31 know, KLAM, yeah, no, KCAM. I get the two of them  
32 mixed up but the local radio station that deals with  
33 the people that live in the Copper Basin.

34

35 MR. LAMB: There's one in Nenana that  
36 does it.

37

38 CHAIRMAN LOHSE: Yeah.

39

40 MR. LAMB: It has a public  
41 announcement.

42

43 MS. CRAVER: Oh, that's right there is  
44 one in Nenana.

45

46 CHAIRMAN LOHSE: Yeah.

47

48 MS. CRAVER: Yeah, okay, well, I'll do  
49 that.

50

1                   CHAIRMAN LOHSE: I know from living up  
2 there that the radio announcements are listened to.

3  
4                   MR. LAMB: It's the entertainment.

5  
6                   (Laughter)

7  
8                   CHAIRMAN LOHSE: Yeah, it's not only --  
9 yeah, you got to know what your neighbors are doing.

10  
11                  (Laughter)

12  
13                  MR. LAMB: That's how we communicated  
14 for years.

15  
16                  CHAIRMAN LOHSE: I know so did we, so  
17 anyhow, so that's something that still works in rural  
18 Alaska so it's worthwhile doing.

19  
20                  MS. CRAVER: That's a great idea and I  
21 will definitely follow up on it with our next meeting.  
22 Thanks, Gloria.

23  
24                  CHAIRMAN LOHSE: Thank you. Any other  
25 questions for Amy.

26  
27                  (No comments)

28  
29                  CHAIRMAN LOHSE: Thank you.

30  
31                  MS. CRAVER: Uh-huh.

32  
33                  CHAIRMAN LOHSE: Thank you for your  
34 spontaneous report. Those are the kind of things we  
35 like to hear.

36  
37                  Okay, with that I am going to suggest  
38 that we have left, the Fish and Wildlife sea otter  
39 management; we've got the Wrangell-St. Elias National  
40 Park which we want to have a little bit of information  
41 on the shed antlers and pick ups and basic, you know,  
42 use of that kind of stuff and then the rest of the  
43 business; we have a charter review; an annual report  
44 and future meeting. I would suggest -- it's almost  
45 4:30, that we adjourn for the day and we meet at 9:00  
46 o'clock tomorrow morning for our first report.

47  
48                  If anybody on the Council objects to  
49 that we can do otherwise, but if that's okay with the  
50 rest of the Council.

1 (Council nods affirmatively)

2

3 CHAIRMAN LOHSE: I will recess the  
4 meeting until tomorrow morning at 9:00 o'clock.

5

6 (PROCEEDINGS TO BE CONTINUED)

